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Contents

Federal Register
Vol. 61, No. 69
Tuesday, April 9, 1996

Agency for Toxic Substances and Disease Registry
NOTICES
Grants and cooperative agreements; availability, etc.:
Environmental health education for health professionals and communities, 15807–15809

Agricultural Marketing Service
RULES
Spearmint oil produced in Far West, 15695–15697
PROPOSED RULES
Specialty crops; import regulations:
Medjhool dates grown in California, 15734–15735

Agriculture Department
See Agricultural Marketing Service
See Food and Consumer Service
See Foreign Agricultural Service
See Forest Service
See Rural Housing Service

Air Force Department
NOTICES
Environmental statements; availability, etc.:
Base realignment and closure—
Reese AFB, TX, 15788
Meetings:
Scientific Advisory Board, 15788–15789

Army Department
NOTICES
Meetings:
Science Board, 15789

Assassination Records Review Board
NOTICES
Formal determinations on records release, 15760–15766

Census Bureau
RULES
Foreign trade statistics:
Softwood lumber from Canada; province of manufacture information collection for Customs entry records, 15697–15699

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
California, 15766
Nebraska, 15766

Coast Guard
RULES
Boating safety:
Inflatable personal flotation devices for recreational boaters; approval procedures
Correction, 15868
Lifesaving equipment:
Recreational inflatable personal flotation device standards
Correction, 15868

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Defense Department
See Air Force Department
See Army Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 15786–15787
Meetings:
Defense Environmental Response task force, 15787
Electron Devices Advisory Group, 15787
Historical Records Declassification Advisory Panel, 15787–15788
Science Board task forces, 15788–

Employment and Training Administration
NOTICES
Adjustment assistance:
Carolina Lace Corp., 15833
JPS Elastomerics Corp., 15833
Kentucky Apparel et al., 15833–15835
Takata Seat Belts, Inc., 15835
Zenith Distributing Corp., 15835
Adjustment assistance and NAFTA transitional adjustment assistance:
Pope & Talbot, Inc., et al., 15832–15833
NAFTA transitional adjustment assistance:
Takata Seat Belts, Inc., 15835

Energy Department
See Energy Efficiency and Renewable Energy Office
See Federal Energy Regulatory Commission
NOTICES
Grant and cooperative agreement awards:
Lake County, CA, 15789–15790
Meetings:
International Energy Agency Industry Advisory Board, 15790–15791

Energy Efficiency and Renewable Energy Office
PROPOSED RULES
Energy conservation:
Home energy rating system; voluntary guidelines, 15736–15738

Environmental Protection Agency
RULES
Air programs; State authority delegations:
Kentucky, 15721–15722
Air quality implementation plans; approval and promulgation; various States:
Arizona, 15717–15719
California, 15719–15721
Illinois, 15715–15717
Indiana, 15704–15706
Oklahoma, 15713–15715
Pennsylvania, 15709–15713
Wisconsin, 15706–15708

PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Arizona, 15745–15751, 15752
California, 15752–15753
Illinois, 15751
Indiana, 15744
Oklahoma, 15751
Pennsylvania, 15744–15745
Wisconsin, 15744
NOTICES
Agency information collection activities:
Proposed collection; comment request, 15801–15802
Grants, State and local assistance:
Grantee performance evaluation reports—
Missouri et al., 15802
Superfund; response and remedial actions, proposed settlements, etc.:
Bohaty Drum Site, OH, 15802–15803
Superfund program:
Prospective purchaser agreements—
D.C. Franche Site, IL, 15802

Executive Office of the President
See Presidential Documents
See Trade Representative, Office of United States

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 15803

Federal Aviation Administration
PROPOSED RULES
Airworthiness directives:
Aerospatiale, 15738–15740
Class E airspace, 15740–15743
NOTICES
Meetings:
Aviation Rulemaking Advisory Committee, 15860

Federal Communications Commission
RULES
Common carrier services:
International Section 214 authorization process and tariff requirements; streamlining, 15724–15733
PROPOSED RULES
Common carriers services:
Commercial mobile radio services—
Wireless telecommunications services; termination of inquiry into imposition of equal access requirements, 15753–15754
NOTICES
Meetings; Sunshine Act, 15803

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Delaware et al., 15723–15724
NOTICES
Agency information collection activities:
Proposed collection; comment request, 15803–15804
Disaster and emergency areas:
Maine, 15804
Oregon, 15804–15805
Texas, 15805
Virginia, 15805

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Duquesne Light Co. et al., 15799–15801
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 15791
ANR Pipeline Co., 15791–15792
Carnegie Interstate Pipeline Co., 15792
CNG Transmission Corp., 15792
Colorado Interstate Gas Co., 15792–15793
Columbia Gulf Transmission Co., 15793
Eastern Shore Natural Gas Co., 15793–15794
Equitrans, L.P., 15794
Iroquois Gas Transmission System, L.P., 15794
Mississippi River Transmission Corp., 15795
NorAm Gas Transmission Co., 15795
Northern Natural Gas Co., 15795–15796
Ozark Gas Transmission System, 15796
Panhandle Eastern Pipe Line Co., 15796
Southern Natural Gas Co., 15796–15797
Tennessee Gas Pipeline Co., 15797
Transcontinental Gas Pipe Line Corp., 15797–15799
Williston Basin Interstate Pipeline Co., 15799

Federal Maritime Commission
NOTICES
Agreements filed, etc., 15805–15806
Freight forwarder licenses:
Aces, Ltd., 15806
Rex Air & Ocean Freight, Inc., et al., 15806

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 15835–15836

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 15819–15820
Grants and cooperative agreements; availability, etc.:
Sport fish and wildlife restoration projects, 15820–15825

Food and Consumer Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 15758

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Feed and drinking water of animals—
Formaldehyde, 15703–15704
Sponsor name and address changes—
ALPHARMA, Inc., 15703
Chlorofluorocarbon propellants in self-pressurized containers; addition to list of essential uses, 15699–15700
Human drugs:
Cold, cough, allergy, bronchodilator, and antiasthmatic products (OTC)—
Diphenhydramine citrate or diphenhydramine hydrochloride-containing combination products, 15700–15703

Foreign Agricultural Service
NOTICES
Meetings:
Emerging Democracies Advisory Committee, 15759

Foreign-Trade Zones Board
NOTICES
Inactive foreign-trade zones; lapse of authority; correction, 15766
Applications, hearings, determinations, etc.:
Ohio, 15766

Forest Service
NOTICES
Environmental statements; availability, etc.:
Alta Ski Lifts, UT, 15759–15760
Meetings:
Northwest Sacramento Province Advisory Committee, 15760

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Food and Drug Administration
See Health Resources and Services Administration
See Substance Abuse and Mental Health Services Administration
NOTICES
Scientific misconduct findings; administrative actions:
Abbs, James H., Ph.D., 15806–15807

Health Resources and Services Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 15809–15810

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Early childhood development program; correction, 15815–15818
Organization, functions, and authority delegations:
Office of Housing, Deputy Assistant Secretary for Operations, 15818–15819

Indian Affairs Bureau
NOTICES
Indian tribes, acknowledgement of existence determinations, etc.:
Samish Tribal Organization, 15825–15826

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
PROPOSED RULES
Income taxes:
Foreign corporations; transfers of domestic stock or securities by U.S. persons; cross reference; hearing cancellation, 15743

International Trade Administration
NOTICES
Antidumping:
Aramid fiber formed of poly para-phenylene terephthalamide from—
Netherlands, 15766–15769
Ball bearings (other than tapered roller bearings) and parts thereof from—
Germany, 15769–15770
Beryllium metal and high beryllium alloys from—
Kazakhstan, 15770–15772
Cut-to-length carbon steel plate from—
Sweden, 15772–15782

International Trade Commission
NOTICES
Meetings; Sunshine Act, 15831

Labor Department
See Employment and Training Administration
See Mine Safety and Health Administration

Land Management Bureau
RULES
Visual Resource—Management (Reserved); CFR group removed, 15722–15723
PROPOSED RULES
Federal regulatory review:
Recreation management; comment request, 15753
Recreation programs; comment request, 15753
NOTICES
Alaska Native claims selection:
Justin, Calvin John, 15826
Tanalian, Inc., 15826–15827
Closure of public lands:
Nevada, 15827
Meetings:
Mojave-Southern Great Basin Resource Advisory Council, 15827
Utah Resource Advisory Council, 15827–15828
Realty actions; sales, leases, etc.:
Alaska, 15828
Colorado, 15828–15829

Mine Safety and Health Administration
PROPOSED RULES
Nationally recognized testing laboratories, testing and evaluation by; equivalent testing and evaluation requirements
Hearing, 15743

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

National Aeronautics and Space Administration
NOTICES
Meetings:
Space Science Advisory Committee, 15836

National Highway Traffic Safety Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 15860–15861
Grants and cooperative agreements; availability, etc.:
Vehicle and occupant protection systems research program, 15861–15864
Motor vehicle safety standards:
Nonconforming vehicles—
Importation eligibility; determinations, 15864–15866

National Institute of Standards and Technology
NOTICES
Information processing standards, Federal:
Federal Building Telecommunications Wiring Standard, 15783–15785

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Atlantic sea scallop; correction, 15733
PROPOSED RULES
Whaling provisions; Federal regulatory review, 15754–15757
NOTICES
Marine mammals:
Incidental taking; authorization letters, etc.—
Massachusetts Institute of Technology, Department of Engineering, 15785–15786
Meetings:
Modernization Transition Committee, 15786

National Park Service
NOTICES
National Register of Historic Places:
Pending nominations, 15829–15830

Nuclear Regulatory Commission
NOTICES
Committees; establishment, renewal, termination, etc.:
Medical Uses of Isotopes Advisory Committee, 15838–15839
Meetings:
Reactor Safeguards Advisory Committee, 15839
Meetings; Sunshine Act, 15839
Applications, hearings, determinations, etc.:
Eastern Testing & Inspection, Inc., 15836–15838

Office of United States Trade Representative
See Trade Representative, Office of United States

Pension Benefit Guaranty Corporation
NOTICES
Agency information collection activities:
Proposed collection; comment request, 15839–15840

Presidential Documents
PROCLAMATIONS
Special observances:
Former Prisoner of War Recognition Day, National (Proc. 6879), 15871
EXECUTIVE ORDERS
Government agencies and employees:
Designation of officers of the Department of Commerce to act as Secretary; amendment (EO 12998), 15873

Prospective Payment Assessment Commission
NOTICES
Meetings, 15840

Public Health Service
See Agency for Toxic Substances and Disease Registry
See Food and Drug Administration
See Health Resources and Services Administration
See Substance Abuse and Mental Health Services Administration

Rural Housing Service
PROPOSED RULES
Single family housing; reengineering and reinvention of direct section 502 and 504 programs [Editorial Note: This document, published at 61 FR 15395 in the Federal Register of April 8, 1996, was inadvertently listed under Rural Utilities Service in that issue's Table of Contents.]

Securities and Exchange Commission
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 15840
Meetings:
Securities law uniformity; annual conference, 15847–15853
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 15853–15855
National Association of Securities Dealers, Inc., 15855–15856
Philadelphia Stock Exchange, Inc., 15856–15858
Applications, hearings, determinations, etc.:
EVEREN Unit Investment Trusts, Series 44, et al., 15841–15843
Global Income Plus Fund, Inc., 15843–15844
MAS Funds, 15844–15846
Norwest Advantage Funds et al., 15846–15847

Social Security Administration
NOTICES
Meetings:
Representative Payment Advisory Committee, 15858
Social Security Advisory Council, 15858–15859

Substance Abuse and Mental Health Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Knowledge development and application cooperative agreements, 15810–15815

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 15830–15831

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Trade Representative, Office of United States
NOTICES
Tariff-rate quota amount determinations:
Raw cane sugar, 15859–15860

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

Treasury Department
See Internal Revenue Service

United States Information Agency
NOTICES
Agency information collection activities:
Proposed collection; comment request, 15866–15867

Separate Parts In This Issue

Part II
The President, 15871–15873

Reader Aids

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

Electronic Bulletin Board

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
6879.....15871
Executive Orders:
11880 (Amended by EO 12998).....15873
12998.....15873

7 CFR
985.....15695
Proposed Rules:
999.....15734

10 CFR
Proposed Rules:
437.....15736

14 CFR
Proposed Rules:
39.....15738
71 (2 documents) 15740, 15742

15 CFR
30.....15697

21 CFR
2.....15699
341.....15700
510.....15703
573.....15703

26 CFR
Proposed Rules:
1.....15743

30 CFR
Proposed Rules:
6.....15743
18.....15743
19.....15743
20.....15743
21.....15743
22.....15743
23.....15743
26.....15743
27.....15743
29.....15743
33.....15743
35.....15743

40 CFR
52 (7 documents) 15704, 15706, 15709, 15713, 15715, 15717, 15719
60.....15721
Proposed Rules:
52 (8 documents) 15744 15745, 15751, 15752

43 CFR
Group 8400.....15722
Proposed Rules:
8000.....15753
8300.....15753

44 CFR
64.....15723

46 CFR
159.....15868
160 (2 documents) 15868

47 CFR
1.....15724
61.....15724
63.....15724
Proposed Rules:
20.....15753

50 CFR
650.....15733
Proposed Rules:
230.....15754

Rules and Regulations

Federal Register
Vol. 61, No. 69
Tuesday, April 9, 1996

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[FV96–985–1IFR]

Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) Spearmint Oil for the 1995–96 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule increases the quantity of Class 1 (Scotch) spearmint oil produced in the Far West that handlers may purchase from, or handle for, producers during the 1995–96 marketing year. This rule was recommended by the Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West. The Committee recommended this rule to avoid extreme fluctuations in supplies and prices and thus help to maintain stability in the Far West spearmint oil market.

DATES: Effective on April 9, 1996 through May 31, 1996; comments received by May 9, 1996 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525, South Building, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204–2807; telephone: (503) 326–2724; or Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–8139.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 985 (7 CFR Part 985), regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of California, Nevada, Montana, and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This rule increases the quantity of Scotch spearmint oil produced in the Far West that may be purchased from or handled for producers by handlers during the 1995–96 marketing year, which ends on May 31, 1996. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are eight spearmint oil handlers subject to regulation under the order and approximately 260 producers of spearmint oil in the regulated production area. Of the 260 producers, approximately 160 (Scotch) spearmint oil allotment base, and approximately 145 producers hold Class 3 (Native) spearmint oil allotment base. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A minority of handlers and producers of Far West spearmint oil may be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity and whose income from farming operations are not exclusively dependent on the production of spearmint oil. The U.S. production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered by the order). Spearmint oil is also produced in the Midwest. The production area covered by the order normally accounts for

approximately 75 percent of the annual U.S. production of spearmint oil.

This rule increases the quantity of Scotch spearmint oil that handlers may purchase from, or handle for, producers during the 1995–96 marketing year, which ends on May 31, 1996. This rule increases the salable quantity from 908,531 pounds to 997,317 pounds and the allotment percentage from 51 percent to 56 percent for Scotch spearmint oil for the 1995–96 marketing year.

The salable quantity is the total quantity of each class of oil that handlers may purchase from, or handle for, producers during a marketing year. The salable quantity calculated by the Committee is based on the estimated trade demand. The total salable quantity is divided by the total industry allotment base to determine an allotment percentage. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's individual allotment base for the applicable class of spearmint oil.

The initial salable quantity and allotment percentages for Scotch and Native spearmint oils for the 1995–96 marketing year were recommended by the Committee at its October 5, 1994, meeting. The Committee recommended salable quantities of 908,531 pounds and 906,449 pounds, and allotment percentages of 51 percent and 46 percent, respectively, for Scotch and Native spearmint oils. A proposed rule was published in the December 15, 1994, issue of the Federal Register (59 FR 64624). Comments on the proposed rule were solicited from interested persons until January 17, 1995. No comments were received. Accordingly, based upon analysis of available information, a final rule establishing the salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1995–96 marketing year was published in the February 15, 1995, issue of the Federal Register (60 FR 8524). The Committee met again on February 22, 1995, to recommend an increase in the salable quantity and allotment percentage for Native spearmint oil. An interim final rule increasing the salable quantity and allotment percentage for Native spearmint oil by 98,527 and 5 percent, respectively, was published in the Federal Register on April 14, 1995 (60 FR 18950). Comments were solicited on the interim final rule until May 15, 1995. No comments were received. Accordingly, based upon analysis of available information, a final rule establishing as the salable quantity and allotment percentage for Native spearmint oil for the 1995–96 marketing year was published in the June 12, 1995, issue of the Federal Register (60 FR 30785).

Pursuant to authority contained in sections 985.50, 985.51, and 985.52 of the order, at its February 27, 1996, meeting, the Committee unanimously recommended that the allotment percentage for Scotch spearmint oil for the 1995–96 marketing year be increased by 5 percent from 51 percent to 56 percent. The 1995–96 marketing year salable quantity of 908,531 pounds would therefore be increased by 89,046 pounds to 997,317 pounds.

However, some Scotch spearmint oil producers did not produce all of their individual salable quantities for the 1995–96 marketing year, or fill their deficiencies from the prior year's production. The marketing order authorizes such producers to have their deficiencies filled by other producers who have production in excess of their salable quantities. This is optional for producers, but must be done before November 1 of each marketing year. Although the Scotch spearmint oil salable quantity for 1995–96 was established at 908,531 pounds, only 887,093 pounds were actually made available. Unfilled deficiencies totaled 21,178 pounds.

In addition, for the Scotch spearmint oil the total industry allotment base of 1,781,433 pounds was revised to 1,780,923 pounds to reflect loss of base due to non-production of their total annual allotments. This adjustment resulted in a 510 pound loss of total industry base, which is reflected in the calculations for the revised salable quantity.

This interim final rule makes an additional amount of Scotch spearmint oil available by increasing the salable quantity which releases oil from the reserve pool. Only producers with Scotch spearmint oil in the reserve pool will be able to use this increase in the salable quantity. Prior to November 1, 1995, producers without reserve pool oil or producers with an insufficient supply of reserve oil could have deficiencies in meeting their salable quantities filled by producers having excess Scotch spearmint oil. If all producers could use their salable quantity, this 5 percent increase in the allotment percentage would have made an additional 89,046 pounds of Scotch spearmint oil available. However, Scotch spearmint oil producers having 21,260 pounds of Scotch spearmint oil will not be able to use their reserve pool deficiencies this marketing year. Thus, rather than 89,046 additional pounds being made available, this action makes 67,786 additional pounds of Scotch spearmint oil available to the market.

The following table summarizes the Committee recommendation:

Scotch Spearmint Oil Recommendation

(a) Actual Carry In on June 1, 1995: 150,637 pounds
(b) 1995–96 Salable Quantity: 908,531 pounds
(c) 1995–96 Available Supply: 1,059,168 pounds (a+b)
(d) Total Sales as of February 27, 1996: 883,959 pounds
(e) Calculated Available Supply as of February 27, 1996: 175,209 pounds (c − d)
(f) Unfilled Deficiencies in producers' salable quantities prior to November 1, 1995: 21,178 pounds
(g) Unusable salable quantities due to producers not having reserve pool oil: 21,260 pounds
(h) Total Deficiency Affecting Salable Quantity: 42,438 pounds (f+g)
(i) Actual Available Supply (2/27/96): 153,771 pounds (e − f)
(j) Revised Total Allotment Base: 1,780,923 pounds
(k) Recommended Allotment Percentage (2/27/96): 56 percent
(l) Calculated Revised Salable Quantity: 997,317 pounds (j×k)
(m) Actual Oil Available as Salable Quantity: 954,879 pounds (l − h)

In making this latest recommendation, the Committee considered all available information on supply and demand. The 1996–97 marketing year begins on June 1, 1996. Handlers have indicated that with this action, the available supply of both Scotch and Native spearmint oils appears adequate to meet anticipated demand through May 31, 1996. However, with increases in Scotch spearmint oil production elsewhere over the past two years, the Committee has embarked on a strategy of maintaining an abundance of Scotch spearmint oil available for market in an attempt to regain lost market share. With 153,771 pounds of Scotch spearmint oil available as of February 27, 1996, the Committee, believes that the increase would ensure that ample supplies of Scotch spearmint oil are available throughout the remainder of the current marketing year. When the Committee made its initial recommendation for the establishment of the Scotch spearmint oil salable quantity and allotment percentage for the 1995–96 marketing year, it had anticipated that the year would end with an ample available supply. With this revision, 221,557 pounds of Scotch spearmint oil is made available for market during the remainder of the 1995–96 marketing year.

The Department, based on its analysis of available information, has determined

that an allotment percentage of 56 percent should be established for Scotch spearmint oil for the 1995–96 marketing year. This percentage will provide an increased calculated salable quantity of 997,317 pounds, the actual additional amount of Scotch spearmint oil being made available by this interim final rule is 67,786 pounds. This results in an actual salable quantity of 954,879 pounds of Scotch spearmint oil.

Based on available information, the Administrator of the AMS has determined that the issuance of this interim final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including that contained in the prior proposed and final rules in connection with the establishment of the salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1995–96 marketing year, the Committee's recommendation and other available information, it is found that to revise section 985.214 (60 FR 8524) to change the salable quantity and allotment percentage for Scotch spearmint oil, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) This interim final rule increases the quantity of Scotch spearmint oil that may be marketed during the marketing year beginning on June 1, 1995; (2) The quantity of Scotch spearmint planted for the 1996–97 marketing year may be affected, thus handlers and producers should be apprised as soon as possible of the salable quantity and allotment percentage of Scotch spearmint oil contained in this interim final rule; and (3) This rule provides a 30-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 985.214 is amended by revising paragraph (a) to read as follows:

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

§ 985.214 Salable quantities and allotment percentages-1995–96 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 1995, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 997,317 pounds and an allotment percentage of 56 percent.

* * * * *

Dated: April 2, 1996.

James R. Rodeheaver,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 96–8719 Filed 4–8–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket No. 960329093–6093–01]

RIN 0607–XX13

Collection of Canadian Province of Manufacture Information for Softwood Lumber on Customs Entry Records

AGENCY: Bureau of the Census, Commerce.

ACTION: Final rule with request for comments.

SUMMARY: The Bureau of the Census (Census) has directed the U.S. Customs Service (Customs) to begin immediate collection of information on the province of manufacture on imports of softwood lumber from Canada. This action is taken to assist in carrying out an agreement reached between the United States and Canada concerning trade in softwood lumber.

DATES: Final rule effective April 5, 1996. Comments due on or before May 6, 1996.

ADDRESSES: Direct all written comments to the Director, Bureau of the Census, Room 2049, Federal Building 3, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: C. Harvey Monk, Jr., Bureau of the Census, Washington, D.C. 20233, by telephone on (301) 457–2255 or by fax (301) 457–2645. For information on the U.S.-Canada agreement on softwood lumber: Gordana Earp, Deputy Assistant U.S. Trade Representative for Industry, by telephone on (202) 395–6160.

SUPPLEMENTARY INFORMATION:

Background

On February 19, 1996, the United States and Canada concluded an agreement in principle on trade on certain softwood lumber products. Upon completion of the agreement text, the agreement is to enter into force, in fact, on April 1, 1996. The agreement includes commitments by Canada that are linked to the amount of softwood lumber exported annually to the United States from particular provinces. To carry out the agreement, it is necessary to determine accurately the amount of softwood lumber entering the United States on a province-by-province basis.

Currently, U.S. Customs entry records include information on the Identification of the Foreign Manufacturer. This information is not satisfactory because it frequently represents the corporate headquarters or Canadian vendor, and not the location in which the goods were actually produced.

Effective April 5, 1996 unless notified by the United States Trade Representative of a later effective date, the Bureau of the Census will require the two-letter designation of the Canadian province of manufacture to be reported on U.S. entry summary records for shipments released on or after April 5, 1996. The province of manufacture is to be determined on a first mill basis (i.e., the point at which the item was first manufactured into a covered lumber product (described below)). Further processing (e.g., planing or kiln drying) and/or transformation from one covered lumber product into another covered lumber product (e.g., remanufactured products) in another province does not constitute a change in the province of manufacture. For purposes of this rule, province of manufacture is the province where the subject merchandise underwent a change in tariff classification to tariff items 4407.1000, 4409.1010, 4409.1090, or 4409.1020 from any other tariff items except a tariff item within that group.

The reporting of province of manufacture will apply to the non-ABI as well as ABI entry summaries. For those reporting on paper forms the province of manufacture code will replace the Country of Origin on the CF 7501 Entry Summary form. This requirement would apply only for imports of softwood lumber with Country of Origin Canada.

All electronic ABI Entry Summaries transmitted with the Country of Origin Canada would also require the new Canadian province of manufacture code. The Country of Origin is transmitted for each entry summary line item in the A 40 record positions 6–7. For imports of softwood lumber from Canada, the province of manufacture code should replace Country of Origin in positions 6–7 of the A 40 record.

Valid Canadian province/territory codes are:

XA—Alberta
XB—New Brunswick
XC—British Columbia
XM—Manitoba
XN—Nova Scotia
XO—Ontario
XP—Prince Edward Island
XQ—Quebec
XS—Saskatchewan
XT—Northwest Territories
XW—Newfoundland
XY—Yukon Territory

The authority to collect this information is provided under Title 13, United States Code, Section 301, which authorizes the Secretary of Commerce to collect information from persons importing into, or exporting from the United States, as he deems necessary or appropriate to foster, promote, develop, and further the commerce, domestic and foreign, of the United States.

The information is to be collected as part of that required on the Customs CF 7501 paper or ABI automated entry record. This reporting is required by the Customs Service for each importation of foreign merchandise and occurs at the time of importation.

The products covered by this rule are certain softwood lumber products. These lumber products include: (1) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding six millimeters; (2) coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbetted, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed; and (3) other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbetted, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed; and (4) coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbetted, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed. Such products are currently provided for under subheading 4407.1000, 4409.1010, 4409.1090 and 4409.1020, respectively of the Harmonized Tariff Schedule of the United States (HTSUS).

Rulemaking Requirements

1. This final rule is exempt from the requirements of Executive Order 12866.

2. This rule involves a collection of information subject to the Paperwork Reduction Act of 1995. This collection has been approved by the Office of Management and Budget (OMB) under control number 1515–0065. The United States Customs Service form CF 7501 and the associated electronic reporting form A 40 are estimated to average 20 minutes per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding this estimate to Phillip Metzger, Director of Trade Compliance, U.S. Customs Service, Department of the Treasury, 1301 Constitution Ave., N.W., Washington, DC 20229–0001. Notwithstanding any other provisions of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553(a)(1) or by any other law, under section 3(a) and 4(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, (5 U.S.C. 553), requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

However, because of the importance of the issues raised by this regulation, this rule is issued in final and comments will be considered. The period for submission of comments will close May 6, 1996. Direct all written comments to the Director, Bureau of the Census, Room 2049, Federal Building 3, Washington, DC 20233.

List of Subjects in 15 CFR Part 30

Economic statistics, Foreign trade, Reporting and recordkeeping requirements.

For reasons set out in the preamble, 15 CFR part 30 is amended as follows:

PART 30—FOREIGN TRADE STATISTICS

1. The authority citation for 15 CFR part 30 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization Plan No. 5 of 1950 (3 CFR 1949–1953 Comp., p. 1004); Department of Commerce Organization Order No. 35–2A, August 4, 1975, 40 CFR 42765.

Subpart F—Special Provision for Particular Types of Import Transactions

2. Section 30.80 is added to subpart F to read as follows:

§ 30.80 Imports from Canada.

When certain softwood lumber products described under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4407.1000, 4409.1010, 4409.1090, and 4409.1020, are imported from Canada; import entry records are required to show a valid Canadian Province of Manufacture Code. The Canadian Province of Manufacture is determined on a first mill basis (the point at which the item was first manufactured into a covered lumber product). For purposes of determination, Province of Manufacture is the first province where the subject merchandise underwent a change in tariff classification to the tariff classes cited above. The Province of Manufacture Code should replace the Country of Origin on the CF 7501 Summary Entry form. For Automated Commercial System entry summaries the Canadian Province Code should be transmitted in lieu of the Country of Origin in positions 6–7 of the A 40 record. These requirements would apply only for imports of softwood products with Country of Origin Canada. Valid Canadian Province/Territory Codes are:

XA—Alberta
XB—New Brunswick
XC—British Columbia

XM—Manitoba
XN—Nova Scotia
XO—Ontario
XP—Prince Edward Island
XQ—Quebec
XS—Saskatchewan
XT—Northwest Territories
XW—Newfoundland
XY—Yukon Territory

Dated: March 29, 1996.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 96–8925 Filed 4–5–96; 4:14 pm]

BILLING CODE 3510–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 2

[Docket No. 92P–0403]

Chlorofluorocarbon Propellants in Self-Pressurized Containers; Addition to List of Essential Uses

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) has granted the petition of Boehringer Ingelheim Pharmaceuticals, Inc. (BIPI), to add metered-dose albuterol sulfate and ipratropium bromide in combination for oral inhalation to the list of products containing a chlorofluorocarbon (CFC) propellant for an essential use. Essential use products are exempt from FDA's ban on the use of CFC propellants in FDA-regulated products and the Environmental Protection Agency's (EPA's) ban on the use of CFC's in pressurized dispensers. This document amends FDA's regulations governing use of CFC's to include metered-dose albuterol sulfate and ipratropium bromide in combination for oral inhalation as an essential use.

EFFECTIVE DATE: April 9, 1996.

FOR FURTHER INFORMATION CONTACT: Wayne H. Mitchell, Center for Drug Evaluation and Research (HFD–097), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1049.

SUPPLEMENTARY INFORMATION:

I. Background

In response to a citizen petition submitted by BIPI, in the Federal Register of October 17, 1995 (60 FR 53725), FDA published a proposed rule to amend 1A2.125 (21 CFR 2.125) to add metered-dose albuterol sulfate and ipratropium bromide in combination for oral inhalation to the list of productscontaining a CFC propellant for an essential use.

Under 1A2.125, any food, drug, device, or cosmetic in a self-pressurized container that contains a CFC propellant for a nonessential use is adulterated or misbranded, or both, under the Federal Food, Drug, and Cosmetic Act. This prohibition is based on scientific research indicating that CFC's may reduce the amount of ozone in the stratosphere and thereby increase the amount of ultraviolet radiation reaching the earth. An increase in ultraviolet radiation may increase the incidence of skin cancer, change the climate, and produce other adverse effects of unknown magnitude on humans, animals, and plants. Section 2.125(d) exempts from the adulteration and misbranding provisions of 1A2.125(c) certain products containing CFC propellants thatFDA determines provide unique health benefits that would not be available without the use of a CFC. These products are referred to in the regulation as essential uses of CFC's and are listed in 1A2.125(e).

Under 1A2.125(f), any person may petition the agency to request additions to the list of uses considered essential. To demonstrate that the use of a CFC is essential, the petition must be supported by an adequate showing that: (1) There are no technically feasible alternatives to the use of a CFC in the product; (2) the product provides a substantial health, environmental, or other public benefit unobtainable without the use of the CFC; and (3) the use does not involve a significant release of CFC's into the atmosphere or, if it does, the release is warranted by the consequence if the use were not permitted.

EPA regulations implementing provisions of the Clean Air Act contain a general ban on the use of CFC's in pressurized dispensers, such as metered-dose inhalers (MDI's) (40 CFR 82.64(c) and 82.66(d)). These regulations exempt from the general ban ''medical devices'' that FDA considers essential and that are listed in 1A2.125(e). Section 601(8) of the Clean Air Act (42 U.S.C. 7671(8)) defines ''medical device'' as any device (as defined in the Federal Food, Drug, and Cosmetic Act), diagnostic product, drug (as defined in the Federal Food, Drug, and Cosmetic Act), and drug delivery system, if such device, product, drug, or drug delivery system uses a class I or class II ozone-depleting substance for which no safe and effective alternative has been developed (and where necessary, approved by the Commissioner of Food and Drugs (the Commissioner)); and if such device, product, drug, or drug delivery system has, after notice and opportunity for public comment, been approved and determined to be essential by the Commissioner in consultation with the Administrator of EPA (the Administrator). Class I substances include CFC's, halons, carbon tetrachloride, methyl chloroform, methyl bromide, and other chemicals not relevant to this document (see 40 CFR part 82, appendix A to subpart A). Class II substances include hydrochlorofluorocarbons (HCFC's)(see 40 CFR part 82, appendix B to subpart A).

II. Petition Received by FDA

BIPI submitted a petition under 1A2.125(f) and 21 CFR part 10 requesting an addition to the list of CFC uses considered essential. The petition is on file under the docket number found in brackets in the heading of this document and may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 10923, Rockville, MD 20857. The petition requested that metered-dose albuterol sulfate and ipratropium bromide in combination for oral inhalation be included in 1A2.125(e) as an essential use of CFC's. The petition contained a discussion supporting the position that there are no technically feasible alternatives to the use of CFC's in the product. It included information showing that no alternative delivery systems (e.g., the dry powder inhaler) or other substitute propellants (e.g., compressed gases) can dispense the drug for effective inhalation therapy as safely and uniformly, in all situations, as CFC propellants. Also, the petition stated that the product provides a substantial health benefit that would not be obtainable without the use of CFC's. In this regard, the petition contained information to support the use of this product as a combination bronchodilator. The petition asserted that metered-dose albuterol sulfate andipratropium bromide in combination potentially reduces the amount of CFC's released into the atmosphere attributable to patients using one MDI for the combination product, rather than two MDI's, one for each of the two active ingredients.

The agency has determined that, for some chronic obstructive pulmonary disease patients, the use of metered-dose albuterol sulfate and ipratropium bromide in combination provides a special benefit that would be unavailable without the use of CFC's,

and that the use of the drugs in combination has the potential to reduce the amount of CFC's released into the atmosphere. In this regard, FDA notes that albuterol sulfate and ipratropium bromide are currently listed separately (i.e., not in combination) in 1A2.125(e) as essential uses of CFC's. Based on the evidence currently before it, FDA also agrees that the use of a metered-dose delivery system for this product does not involve asignificant release of CFC's into the atmosphere. Therefore, FDA is amending 1A2.125(e) to include metered-dose albuterol sulfate and ipratropium bromide in combination for oral inhalation in the list of essential uses of CFC propellants.

A copy of the proposed rule was provided to the Administrator.

III. Comments on the Proposed Rule

Interested persons were given 30 days to comment on the proposed rule. FDA received one comment regarding the proposed rule. The comment pointed out that CFC-free MDI's for albuterol sulfate and other drugs are generally expected to be developed and marketed in the near future, and that the availability of alternative propellants will undercut the factual basis for FDA's determination that the use of CFC's in MDI's is medically necessary. The comment suggested that FDA's determination be made conditionally, and that FDA reexamine the ''medical essentiality'' of the MDI if and when a CFC-free albuterol sulfate MDI is approved. The comment also suggested that future rulemaking may be necessary to provide for the transition between MDI's containing CFC's and CFC-free MDI's.

FDA is aware of the development of CFC-free MDI's and shares the comment's concerns that proper provision should be made for the transition between MDI's containing CFC's and CFC-free MDI's. FDA, working with EPA, is developing a policy on this matter at this time, and anticipates that a rulemaking procedure may be necessary to implement that policy. Section 2.125 does not provide for a ''conditional'' listing as an essential use and to provide for such a ''conditional'' listing in this rule would be beyond the scope of the proposal. Any phase-out or reformulation requirement for MDI's containing albuterol sulfate and ipratropium bromide in combination undertaken because of the availability of alternative propellants will be undertaken as part of a properly implemented general policy on the elimination of CFC's from MDI's and other similar products.

IV. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the agency is not aware of any adverse impact this final rule will have on any small entities, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

List of Subjects in 21 CFR Part 2

Administrative practice and procedure, Cosmetics, Devices, Drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 2 is amended as follows:

PART 2—GENERAL ADMINISTRATIVE RULINGS AND DECISIONS

1. The authority citation for 21 CFR part 2 continues to read as follows:

Authority: Secs. 201, 301, 305, 402, 408, 409, 501, 502, 505, 507, 512, 601, 701, 702, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 335, 342, 346a, 348, 351, 352, 355, 357, 360b, 361, 371, 372, 374); 15 U.S.C. 402, 409.

2. Section 2.125 is amended by adding new paragraph (e)(14) to read as follows:

§ 2.125 Use of chlorofluorocarbon propellants in self-pressurized containers.

* * * * *

(e) * * *

(14) Metered-dose ipratropium bromide and albuterol sulfate, in combination, administered by oral inhalation for human use.

* * * * *

Dated: March 29, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–8826 Filed 4–8–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 341

[Docket No. 76N–052G]

RIN 0910–AA01

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Products Containing Diphenhydramine Citrate or Diphenhydramine Hydrochloride; Enforcement Policy

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; enforcement policy.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule, and a statement of its enforcement policy, providing for the use of diphenhydramine citrate or diphenhydramine hydrochloride as an antitussive and an antihistamine for treating concurrent symptoms in either single-ingredient or combination drug products. The agency will include the permitted combination products that may include diphenhydramine citrate or diphenhydramine hydrochloride in the final monograph for over-the-counter (OTC) cold, cough, allergy, bronchodilator, and antiasthmatic (cough-cold) combination drug products. The OTC marketing of combination drug products containing diphenhydramine citrate or diphenhydramine hydrochloride is being permitted pending completion under the OTC drug review of the final monograph for OTC cough-cold combination drug products. This final rule is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: April 9, 1996.

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

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–105), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2304.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of February 23, 1995 (60 FR 10286), FDA proposed to amend the tentative final monograph for OTC cough-cold combination drug products to classify combination drug products containing the ingredients diphenhydramine citrate or diphenhydramine hydrochloride. As part of that proposal, FDA discussed the use of a single dose of diphenhydramine citrate or diphenhydramine hydrochloride as an antitussive and antihistamine for treating concurrent symptoms either in an OTC cough-cold single-ingredient or combination drug product. The agency proposed specific labeling for drug products containing diphenhydramine citrate or diphenhydramine hydrochloride for concurrent antitussive and antihistamine use. At that time, the agency did not allow marketing to occur because this was a new concept. The agency stated that it wanted to receive public comment on the proposed new concept and on the proposed labeling approach before marketing of such products began. The agency added that it would issue a notice of enforcement policy at a later date to state whether marketing may begin prior to the issuance of the final monograph for OTC cough-cold combination drug products.

In response to the proposed amendment, two drug manufacturers submitted comments. Copies of the comments received are on public display in the Dockets Management Branch (address above).

After carefully reviewing the comments received, the agency is issuing a final rule containing the required labeling of drug products containing diphenhydramine citrate or diphenhydramine hydrochloride for concurrent antitussive and antihistamine use either as a single ingredient product or as a single ingredient in combination with other active ingredients. The agency is allowing the marketing of combination products prior to the completion of the final monograph for OTC cough-cold combination drug products, subject to the risk that the agency may in the final monograph adopt a different position that could require relabeling, recall, or other regulatory action. Marketing of any such product with labeling not in accord with the final monograph may result in regulatory action against the product, the manufacturer, or both.

II. The Agency's Conclusions on the Comments

1. One comment requested that the agency allow a broader dosage range for a single-ingredient drug product containing diphenhydramine hydrochloride for concurrent use as both an antitussive and an antihistamine. The comment requested a dose of 25 milligrams (mg) every 4 to 6 hours (h), not to exceed 150 mg in 24 h, instead of restricting the dose to every 4 h. The comment stated that the shorter antitussive dosing interval (every 4 h) would limit other ingredients in a combination product with a broader dosing interval (every 4 to 6 h). The comment questioned whether restricting these combination products to a 4-h dosing interval would increase the number of consumer exposures to diphenhydramine over a 24-h period. The comment added that a dosing regimen of 25 mg every 4 to 6 h, not to exceed 150 in 24 h, would reduce exposure to both diphenhydramine and other ingredients in the combination on a faster timing that may be consistent with a safe yet satisfactory level of effectiveness.

When the agency included diphenhydramine citrate and diphenhydramine hydrochloride in the OTC antitussive drug products monograph (59 FR 29172 at 29174, June 3, 1994), the agency concluded that diphenhydramine hydrochloride is generally recognized as safe and effective in an antitussive dosage of 25 mg every 4 h, not to exceed 150 mg in 24 h. The agency stated that the available clinical data and marketing history of products containing diphenhydramine citrate or diphenhydramine hydrochloride for antitussive use do not support a broader dosage range (4 to 6 h). The comment did not submit any data to show that 25 mg diphenhydramine hydrochloride is effective over a 6-h period. Without any supporting data, the agency has no basis to establish such a dosage. While the proposed every 4 to 6 h dosage may potentially be safer, there is no evidence that it is effective. Therefore, in this final rule, the agency is including the following adult dosage for diphenhydramine hydrochloride drug products for concurrent antitussive and antihistamine use: 25 mg every 4 h, not to exceed 150 mg in 24 h.

2. Both comments requested that marketing of diphenhydramine in the same product as both an antitussive and antihistamine be allowed prior to the issuance of the final monograph for OTC cough-cold combination drug products. One comment noted that an OTC drug product in which diphenhydramine citrate or diphenhydramine hydrochloride serves both as the antitussive and antihistamine component for treating concurrent symptoms would reduce the number of ingredients in the product. The comment stated that allowing marketing of such a product would be consistent with FDA's policy to expose the user of OTC drug products to the smallest number of ingredients possible at the lowest possible dosage consistent with a satisfactory level of effectiveness. The comment added that permitting an antitussive indication on currently marketed OTC drug products labeled with an antihistamine-only indication would not be a safety concern.

The agency agrees with the comments and is permitting the OTC marketing of such products pending completion under the OTC drug review of a final monograph covering OTC cough-cold combination drug products. The labeling required for these products appears in new § 341.70 (21 CFR 341.70) of the cough-cold drug products monograph.

Specifically, when diphenhydramine citrate or diphenhydramine hydrochloride is labeled for concurrent use, the statement of identity is ''antihistamine/cough suppressant'' or ''antihistamine/antitussive (cough suppressant).'' The indications are combined from §§ 341.72(b) and 341.74(b) (21 CFR 341.72(b) and 341.74(b)). The warnings are combined from § 341.72(c)(1), (c)(2), (c)(4), and (c)(6) and § 341.74(c)(1), (c)(2), (c)(3), and (c)(4). The warnings for diphenhydramine for antitussive use in § 341.74(c)(4) encompass all of the same warnings for diphenhydramine for antihistamine use in § 341.72(c)(1), (c)(2), (c)(4), and (c)(6). In addition, the labeling must include the required warnings for antitussive use in § 341.74(c)(1), (c)(2), and (c)(3), as applicable (depending on the ages for which the product is labeled). Thus, when diphenhydramine citrate or diphenhydramine hydrochloride as a single ingredient is labeled for both antihistamine and antitussive use, all of the warnings in § 341.74 of the antitussive monograph must be used. At this time, diphenhydramine citrate or diphenhydramine hydrochloride may only be marketed for concurrent antitussive and antihistamine use in the permitted combinations of active ingredients proposed in § 341.40(d), (e), and (f). (See 60 FR 10286 at 10292.) The agency will discuss the other permitted combinations proposed in § 341.40 in the final rule for OTC cough-cold combination drug products.

The agency recognizes there are other ingredients such as menthol in the final monograph for OTC antitussive drug products (52 FR 30042, August 12, 1987), and in the proposed rule for OTC oral health care drug products (56 FR 48302, September 24, 1991), that may be used for treating concurrent symptoms. The agency will address menthol for treating concurrent symptoms in either a single-ingredient or combination drug product in the final monograph for OTC cough-cold combination drug products in a future issue of the Federal Register and is reserving § 341.70(b) for this ingredient at this time.

The agency proposed new combinations as well as single ingredients with diphenhydramine labeled as both an antihistamine and antitussive (60 FR 10286). The agency added § 341.70 for labeling for diphenhydramine-containing drug products for concurrent antitussive and antihistamine use under the heading: *Labeling of drug products containing diphenhydramine citrate or diphenhydramine hydrochloride for concurrent antitussive and antihistamine use either as a single ingredient or as a single ingredient in combination with other active ingredients*. In order to provide a general heading for diphenhydramine, menthol, and other OTC cough-cold ingredients that may be used for treating concurrent symptoms (in either a single-ingredient or combination drug product), the agency is revising the heading proposed in § 341.70 to read: *Labeling of OTC drug products containing ingredients that are used for treating concurrent symptoms (in either a single-ingredient or combination drug product)*. The agency is placing the labeling information for diphenhydramine citrate and diphenhydramine hydrochloride in § 341.70(a) and is reserving § 341.70(b) for menthol.

3. One comment requested monograph status for the combination of a drug recognized as both an antitussive and an antihistamine (such as diphenhydramine) with another oral antitussive (such as dextromethorphan) and antihistamine when there is some advantage over the active ingredients alone. The agency intends to address this matter in the final monograph for OTC cough-cold combination drug products.

No comments were received in response to the agency's request for specific comment on the economic impact of the proposed rule.

III. Analysis of Impacts

FDA has examined the impacts of this final rule and notice of enforcement policy under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that the final rule for OTC cough-cold combination products containing diphenhydramine citrate or diphenhydramine hydrochloride for concurrent antitussive and antihistamine use is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the rule is not a significant regulatory action as defined by the Executive Order and, thus, is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. This final rule and notice of enforcement policy allow the use of diphenhydramine citrate or diphenhydramine hydrochloride as an active ingredient for concurrent antitussive and antihistamine use in OTC cough-cold drug products.

The agency's enforcement policy, which is set out in § 330.13 (21 CFR 330.13), relating to OTC marketing of drug products containing certain ingredients that are under consideration in FDA's review of OTC drug products, makes it clear that FDA may by notice in the Federal Register permit interim marketing of these products. Manufacturers may choose to market such products at their option. Accordingly, the agency certifies that this final rule and notice of enforcement policy will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

IV. Paperwork Reduction Act of 1995

FDA concludes that the labeling requirements in this document are not subject to review by the Office of Management and Budget because they do not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Rather, the labeling is a ''public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

V. Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. Enforcement Status

The agency advises that any OTC drug product containing diphenhydramine citrate or diphenhydramine hydrochloride intended for concurrent use as an antitussive and antihistamine in either a single-ingredient or combination drug product may be marketed pending completion of the final monograph, subject to the risk that the agency may, in the final monograph, adopt a different position that could require relabeling, recall, or other regulatory action. Marketing of such products with labeling not in accord with the labeling required by § 341.70 may result in regulatory action against the product, the marketer, or both.

VII. Opportunity for Comments

Interested persons may submit written comments to the Dockets Management Branch (address above). Such comments will be considered in determining whether further amendments to or revisions of this enforcement policy are warranted. Three copies of all comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 341

Labeling, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 341 is amended as follows:

PART 341—COLD, COUGH, ALLERGY, BRONCHODILATOR, AND ANTIASTHMATIC DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

1. The authority citation for 21 CFR part 341 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371).

2. New § 341.70 is added to subpart C to read as follows:

§ 341.70 Labeling of OTC drug products containing ingredients that are used for treating concurrent symptoms (in either a single-ingredient or combination drug product).

The statements of identity, indications, warnings, and directions for use, respectively, applicable to each ingredient in the product may be combined to eliminate duplicative words or phrases so that the resulting information is clear and understandable.

(a) *For products containing diphenhydramine citrate and diphenhydramine hydrochloride identified in § 341.14(a)(5) and (a)(6).* The labeling of the product contains the established name of the drug, if any, and identifies the product as an ''antihistamine/cough suppressant'' or ''antihistamine/antitussive (cough suppressant).'' The indications shall be combined from §§ 341.72(b) and 341.74(b). The warnings shall be combined from §§ 341.72(c)(1), (c)(2), (c)(4), and (c)(6) and 341.74(c)(1), (c)(2), (c)(3), and (c)(4). Alternatively, all of the warnings in § 341.74(c) shall be used. The directions for OTC labeling shall follow §§ 341.74(d)(1)(iv) or (d)(1)(v), as applicable. The directions for professional labeling shall follow § 341.90(j) or (k), as applicable.

(b) (Reserved)

Dated: March 28, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–8761 Filed 4–8–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 510

New Animal Drugs; Change of Sponsor Name

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name from A. L. Pharma, Inc., to ALPHARMA INC.

EFFECTIVE DATE: April 9, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0213.

SUPPLEMENTARY INFORMATION: A. L. Pharma, Inc., One Executive Dr., Fort Lee, NJ 07024, has informed FDA of a change of sponsor name to ALPHARMA INC. Accordingly, FDA is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change of sponsor name.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e).

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry for ''A. L. Pharma, Inc.'' and by alphabetically adding a new entry for ''ALPHARMA INC.'' and in the table in paragraph (c)(2) in the entry ''046573'' by removing the sponsor name ''A. L. Pharma, Inc.'' and adding in its place ''ALPHARMA INC.''

Dated: March 28, 1996.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 96–8762 Filed 4–8–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 573

[Docket No. 90F–0297]

Food Additives Permitted in Feed and Drinking Water of Animals; Formaldehyde

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 formaldehyde (37 percent aqueous solution), at the rate of 5.4 pounds per ton (2.5 kilograms per ton) (lb/t) (kg/t) as an antimicrobial food additive for maintaining complete poultry feeds salmonella negative for up to 14 days. This action is in response to a food additive petition filed by Anitox Corp.

DATES: Effective April 9, 1996; written objections and requests for hearing by May 9, 1996.

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

FOR FURTHER INFORMATION CONTACT: Daniel G. McChesney, Center for Veterinary Medicine (HFV–222), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1728.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of October 18, 1990 (55 FR 42272), FDA announced that a food additive petition (FAP 2215) had been filed by Anitox Corp., P.O. Box 1929, Buford, GA 30518. The petition proposed to amend the food additive regulations in § 573.460 *Formaldehyde* (21 CFR 573.460) to provide for the safe use of formaldehyde as an antimicrobial agent against bacteria, mold, and yeast in feed, at a level of 1.65 to 2.65 pounds per ton for fishmeal and animal byproduct meals, and at a level of 0.66 to 1.32 pounds per ton for complete feeds or feed ingredients. The notice of filing of FAP 2215 provided for a 60-day comment period. No comments have been received.

The sponsor amended the petition since it was originally filed. The amended petition proposed that § 573.460 be amended to provide for the safe use of formaldehyde (37 percent aqueous solution), at the rate of 5.4 lb/t (2.5 kg/t), as an antimicrobial food additive for maintaining complete poultry feeds salmonella negative for up to 14 days.

FDA has evaluated data in the petition and other relevant material. FDA concludes that the proposed food additive use of formaldehyde (37 percent aqueous solution) as an antimicrobial for maintaining complete poultry feeds salmonella negative for up to 14 days is safe. Therefore, the food additive regulations in § 573.460 is amended.

Formaldehyde can be life threatening if improperly handled. The proposed label for formaldehyde (37 percent aqueous solution) acknowledges this fact and identifies the product as a poison. The label provides for worker safety and further minimizes safety concerns for persons handling formaldehyde by containing adequate directions for use, strong cautionary statements about potential adverse respiratory effects, information about emergency aid in case of inhalation,

ingestion or skin or eye contact, statements reflecting requirements of applicable sections of the National Environmental Protection Act (NEPA), the Superfund Amendments and Reauthorization Act (SARA), the Occupational Safety and Health Administration's (OSHA) human safety guidance regulations, and a contact address and telephone number for reporting adverse reactions experienced by users or to request a copy of the Material Safety Data Sheet (MSDS). These worker safety concerns are required by other regulations.

In accordance with § 571.1(h) (21 CFR 571.1(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 Veterinary Medicine by appointment with the information contact person listed above. As provided in 21 CFR 571.1(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 May 9, 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 objections 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 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

1. The authority citation for 21 CFR part 573 continues to read as follows:

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

2. Section 573.460 is amended by redesignating paragraphs (a) introductory text, (a)(1), (a)(2), (b), (c) introductory text, (c)(1), and (c)(2) as paragraphs (a)(1), (a)(1)(i), (a)(1)(ii), (a)(2), (a)(3), (a)(3)(i), and (a)(3)(ii) respectively; and by adding new paragraph (b) to read as follows:

§ 573.460 Formaldehyde.

* * * * *

(b)(1) The food additive is formaldehyde (37 percent aqueous solution). It is used at the rate of 5.4 pounds (2.5 kilograms) per ton of poultry feed. At this level, it is an antimicrobial agent used to maintain complete poultry feeds salmonella negative for up to 14 days.

(2) To assure safe use of the additive, in addition to the other information required by the Act, the label and labeling shall contain:

(i) The name of the additive.

(ii) A statement that formaldehyde solution which has been stored below 40 °F or allowed to freeze should not be applied to complete poultry feeds.

(iii) Adequate directions for use including a statement that formaldehyde should be thoroughly mixed into complete poultry feed and that the finished poultry feed shall be labeled as containing formaldehyde.

(3) To assure safe use of the additive, in addition to the other information required by the Act, the label and labeling shall contain:(i) Appropriate warnings and safety precautions concerning formaldehyde.

(ii) Statements identifying formaldehyde as a poison with potentials for adverse respiratory effects.

(iii) Information about emergency aid in case of accidental inhalation, ingestion or skin or eye contact.

(iv) Statements reflecting requirements of applicable sections of the National Environmental Protection Act (NEPA), the Superfund Amendments and Reauthorization Act (SARA), and the Occupational Safety and Health Administration's (OSHA) human safety guidance regulations.

(v) Contact address and phone number for reporting adverse reactions or to request a copy of the Materials Safety Data Sheet (MSDS).

Dated: March 11, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96–8760 Filed 4–8–96; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN52–1–6978a; FRL–5452–4]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On August 8, 1995, the State of Indiana submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) for rule changes specific to Richmond Power and Light's (RPL's) Whitewater Generating Station located in Wayne County in Richmond, Indiana. The submittal provides for less stringent limits on particulate matter (PM) emissions than those currently in the SIP from both of the generating station's two primary boilers. The submittal also adds a combined PM limit for those times when both boilers are operating, establishes a site-specific opacity limit for the facility, and specifies a site-specific method for evaluating PM stack test results. The submittal includes air quality modeling which shows that the National Ambient Air Quality Standards (NAAQS) will still be protected under the new regulations.

DATES: The ''direct final'' rule is effective on June 10, 1996, unless USEPA receives adverse or critical comments by May 9, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the revision request are available for inspection at

the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone David Pohlman at (312) 886–3299 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman at (312) 886–3299.

SUPPLEMENTARY INFORMATION:

I. Background

Indiana's submittal of August 8, 1995, contains revisions to three rules. These rules are: Title 326 Indiana Administrative Code (326 IAC) 3–2.1–5, 326 IAC 5–1–2, and 326 IAC 6–1–14. The purpose of these changes is to revise emission limits and testing procedures for Richmond Power and Light's Whitewater Generating Station.

The proposed rules were published in the Indiana Register on July 1, 1994. Public hearings were held on the rules on January 5, 1994, and August 3, 1995, in Indianapolis, Indiana. The rules were adopted by the Indiana Air Pollution Control Board on August 3, 1994, became effective on July 15, 1995, and were published in the Indiana Register on August 1, 1995.

II. Analysis of State Submittal

326 IAC 3–2.1–5 contains specific testing procedures for particulate matter, sulfur dioxide, nitrogen oxides, and volatile organic compounds. This rule was previously submitted to the USEPA on January 11, 1991. On February 8, 1994 (59 FR 5742), the USEPA proposed to disapprove this rule because it contained unacceptable ''Commissioner's discretion'' language. This language allowed the Commissioner of the Indiana Department of Environmental Management (IDEM) to authorize alternate emission test methods, changes in test procedures, and alternate operating load levels. At this time, IDEM has begun rulemaking to address the ''Commissioner discretion'' issue. In addition, in the cover letter to its August 8, 1995 submission, IDEM stated that, until that rulemaking can be completed and approved by USEPA, no alternate emission test method, changes in test procedures, or alternate operating load levels during testing will be granted to RPL. Based on this representation, the submitted revisions to 326 IAC 3–2.1–5 are approvable as they apply to RPL.

The revisions to 326 IAC 3–2.1–5 also add the option for RPL to use a time-weighted averaging period when evaluating stack tests that require sootblowing. The time-weighted averaging provision contains an equation to be used when averaging stack test results to determine compliance. The equation is from a March 6, 1979 USEPA memorandum titled ''NSPS Determination—Subpart D.'' This same guidance was restated in a May 7, 1982, Memorandum from the Assistant Administrator for Air, Noise and Radiation to the Directors of the Regional Air Divisions. The time-weighted averaging provision is, therefore, consistent with USEPA policy and is approvable.

326 IAC 5–1–2 has been amended to establish a site-specific opacity limit of 30 percent for Richmond Power and Light. The opacity limit is reduced to 25 percent in May, 1999. Since this revision represents a tightening of the SIP opacity limit from its previous level of 40 percent, this provision is approvable by the USEPA.

326 IAC 6–1–14 has been amended to provide PM limits of 0.19 pounds per million British Thermal Units (lb/MMBTU) and 0.22 lb/MMBTU for coal boilers numbers 1 and 2, respectively, at RPL's Whitewater Generating Station. This is an increase from the former limits of 0.040 and 0.070 for boilers 1 and 2, respectively. The rule also provides for a combined limit of 0.22 lb/MMBTU when boilers 1 and 2 are operating together. Further changes to this rule were made to update the source names in the table of Wayne County emission limits. The State conducted, and submitted, a dispersion modeling analysis to demonstrate that the relaxation of these limits would not cause a violation of the NAAQS for PM. The analysis showed that highest, sixth-highest 24-hour concentrations of PM would be 87.4 micrograms per cubic meter, and that the maximum annual concentration would be 42.5 micrograms per cubic meter. The NAAQS for PM are 150 and 50 micrograms per cubic meter for 24-hour and annual averages, respectively. Thus, the requested SIP revision will protect the PM NAAQS in Wayne County, Indiana.

III. Final Rulemaking Action

Indiana's submittal includes revisions to 326 IAC 3–2.1–5, 5–1–2, and 6–1–14. The USEPA has undertaken an analysis of this SIP revision request based on a review of the materials presented by IDEM and has determined that it is approvable because it is consistent with applicable Clean Air Act provisions, including protection of the NAAQS for PM in the Wayne County area.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The ''direct final'' approval shall be effective on June 10, 1996, unless USEPA receives adverse or critical comments by May 9, 1996. If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in subsequent rulemaking. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on June 10, 1996.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 9, 1995, memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

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

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') (signed into law on March 22, 1995) requires that the USEPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of

$100 million or more in any one year. Section 203 requires the USEPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the USEPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The USEPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the USEPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less then $100 million in any one year, the USEPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the USEPA is not required to develop a plan with regard to small governments. This rule only approves the incorporation of existing state rules into the SIP. It imposes no additional requirements.

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 Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, 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 the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 10, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference.

Dated: March 22, 1996.

Valdas V. Adamkus,

Regional Administrator.

For the reasons stated in the preamble, 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 P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(107) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(107) On August 8, 1995, Indiana submitted a site specific SIP revision request for Richmond Power and Light in Wayne County Indiana. The submitted revisions provide for revised particulate matter and opacity limitations on the number 1 and number 2 coal fired boilers at Richmond Power and Light's Whitewater Generating Station. The revisions also allow for time weighted averaging of stack test results at Richmond Power and Light to account for soot blowing. Indiana is making revisions to 326 IAC 3–2–1, which currently allows Indiana to authorize alternative emission test methods for Richmond Power and Light. Until the rule is revised to remove this authority, and approved by the United States Environmental Protection Agency, no alternate emission test method, changes in test procedures or alternate operating load levels during testing is to be granted to Richmond Power and Light.

(i) Incorporation by reference. Indiana Administrative Code Title 326: Air Pollution Control Board, Article 3: Monitoring Requirements, Rule 2.1: Source Sampling Procedures, Section 5: Specific Testing Procedures; Particulate Matter; Sulfur Dioxide; Nitrogen Oxides; Volatile Organic Compounds; Article 5: Opacity Regulations, Rule 1: Opacity Limitations, Section 2: Visible Emission Limitations; and Article 6: Particulate Rules, Rule 1: Nonattainment Area Limitations, Section 14: Wayne County. Added at 18 In. Reg. 2725. Effective July 15, 1995.

(ii) Additional Information. (A) August 8, 1995 letter from the Indiana Department of Environmental Management to USEPA Region 5 regarding submittal of a state implementation plan revision for Richmond Power and Light.

[FR Doc. 96–8438 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[WI61–01–7144a; FRL–5426–2]

Approval and Promulgation of State Implementation Plan; Wisconsin; Lithographic Printing SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA approves a revision to the Wisconsin State Implementation Plan (SIP) for ozone that was submitted on May 12, 1995, and supplemented on June 14, 1995, and November 14, 1995. This revision consists of a volatile organic compound (VOC) regulation which establishes reasonably available control technology (RACT) for lithographic printing facilities. This regulation was submitted to address, in part, the requirement of section 182(b)(2)(C) of the Clean Air Act (CAA or Act) that states revise their SIPs to establish RACT regulations for major sources of VOCs for which the USEPA has not issued a control technology guidelines (CTG) document. In addition, emission reductions resulting from this rule are being used by the State to fulfill, in part, the requirement of section 182(b)(1) of the Act that States submit a plan that provides for a 15 percent reduction in VOC emissions by 1996.

In the proposed rules section of this Federal Register, the EPA is proposing approval of, and soliciting comments on, this requested SIP revision. If

adverse comments are received on this action, the EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule, which is being published in the proposed rules section of this Federal Register. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes federally enforceable the State's rule that has been incorporated by reference.

DATES: The ''direct final'' is effective on June 10, 1996, unless EPA receives adverse or critical comments by May 9, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Kathleen D'Agostino at (312) 886–1767 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–1767.

SUPPLEMENTARY INFORMATION: Section 182(b) of the Clean Air Act, as amended on November 15, 1990, sets forth the requirements for ozone nonattainment areas which have been classified as moderate or above. In Wisconsin, the counties of Kewaunee, Manitowoc, and Sheboygan and the Milwaukee area (including Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties) are classified as moderate or above. Section 182(b)(2)(C) requires that states submit revisions to the SIP for major sources of VOCs for which the EPA has not issued a control technology guidelines (CTG) document. The USEPA was required to develop a CTG document for lithographic printing by November 15, 1993. However, because the USEPA failed to do this, the requirement of section 182(b)(2)(C) is applicable. Because there are lithographic printing facilities in the nonattainment areas which exceed major threshold levels, the State of Wisconsin developed a non-CTG regulation for this category. This regulation was submitted to USEPA on May 12, 1995, and supplemented on June 14, 1995.

Additionally, section 182(b)(1)(A) requires those states with ozone nonattainment areas classified as moderate or above to submit plans to reduce VOC emissions by at least 15 percent from the 1990 baseline emissions. The 1990 baseline, as described by EPA's emission inventory guidance, is the amount of anthropogenic VOC emissions emitted on a typical summer day. Wisconsin submitted its 15 percent plan on June 14, 1995. Included in this plan were reductions generated by the lithographic printing rule.

Wisconsin's rule applies to all lithographic printing presses at any facility which is located in the county of Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha and which has maximum theoretical emissions (MTE) of VOCs from all lithographic printing presses at the facility greater than or equal to 1666 pounds in any month. This is roughly equivalent to an applicability threshold of 10 tons per year MTE, which is well below the major source threshold of 100 tons per year for moderate areas and 25 tons per year for severe areas.

The following is a summary of the emission limitations contained in the State's regulation.

Dryer exhaust. For heatset web presses, NR 422.142(2)(a) requires that a dryer pressure lower than the press room pressure must be maintained at all points inside the dryer. Additionally, VOC emissions from the press dryer exhaust must be reduced by 90 percent by weight of total organics, minus methane and ethane, or the maximum dryer exhaust outlet concentration must not exceed 20 ppmv, as carbon. The State's rule allows a source to reduce VOC emissions in the dryer exhaust by 85 percent if it is controlled by a catalytic incinerator installed or modified before January 1, 1992.

Fountain solutions. NR 422.142(2)(b) contains the requirements for fountain solutions. For heatset web presses, when printing on a substrate other than metal, metal-foil or plastic, the fountain solution must have an as applied VOC content of no more than one of the following: (1) 1.6 percent by weight if the fountain solution contains any restricted alcohol and is not refrigerated to 60°F or less; (2) 3.0 percent by weight if the fountain solution contains any restricted alcohol and is refrigerated to 60°F or less; and 5.0 percent by weight if the fountain solution contains no restricted alcohol. (Restricted alcohol is defined as an alcohol which contains only one hydroxyl (—OH) group and less than 5 carbon atoms.)

For non-heatset web presses, when printing on a substrate other than metal, metal-foil or plastic, the fountain solution must have an as applied VOC content of no more than 5.0 percent by weight and contain no restricted alcohol.

For sheet-fed presses, when printing on a substrate other than metal, metal-foil or plastic, the fountain solution must have an as applied VOC content of no more than 5.0 percent by weight, or 8.5 percent by weight if the fountain solution is refrigerated to 60°F or less.

When printing on metal, metal-foil, or plastic substrates, the fountain solution must have an as applied VOC content of no more than 13.5 percent by weight if the fountain solution contains any restricted alcohol and is refrigerated to 60°F or less or the VOC content allowed above, as appropriate for the type of press operated.

Blanket or roller wash. The provisions related to blanket or roller washes are found at NR 422.142(2)(c). In general, blanket or roller washes must have an as applied VOC content of no greater than 30 percent by weight, or a vapor pressure for each VOC component of less than or equal to 10 millimeters of mercury at 68°F. The State does allow an exemption from this requirement provided that the amount used at the facility over any 12 consecutive months does not exceed 55 gallons, if the facility does not print on plastic substrates, or 165 gallons, if the facility does print on plastic substrates.

The State's regulation includes appropriate compliance testing, recordkeeping and reporting requirements at NR 422.142 (4), (5) and (6). Sources are required to comply with the State's regulation by July 1, 1996, and to submit written certification of compliance no later than September 1, 1996.

A more detailed analysis of the State's submittal is contained in EPA's technical support document dated November 22, 1995. In determining the approvability of this VOC rule, EPA evaluated the rule for consistency with Federal requirements, including section 110 and part D of the Clean Air Act. In addition, EPA has reviewed the Wisconsin rule in accordance with EPA policy guidance documents, including: *Control of Volatile Organic Compound Emissions from Offset Lithographic Printing: Draft,* September 1993, EPA's *Offset Lithographic Printing Model Rule,* draft dated July 7, 1994; *Alternative Control Techniques Document: Offset*

Lithographic Printing, June 1994; and a memorandum from G.T. Helms to the Air Branch Chiefs, dated August 10, 1990, on the subject of ''Exemption for Low-Use Coatings.'' The EPA has found that this rule meets the requirements applicable to ozone and is, therefore, approvable for incorporation into the State's ozone SIP.

Because the EPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on June 10, 1996. However, if we receive adverse comments by May 9, 1996, EPA will publish a document that withdraws this action.

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

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

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.

This approval does not create any new requirements. Therefore, I certify that this action 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 the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 256–66 (1976).

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated 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 approves preexisting-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 10, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: January 29, 1996.

David A. Ullrich,

Acting Regional Administrator.

40 CFR part 52, Subpart YY, is amended as follows:

Subpart YY—Wisconsin

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.2570 is amended by adding paragraph (c)(89) to read as follows:

§ 52.2570 Identification of Plan.

* * * * *

(c) * * *

(89) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on May 12, 1995, and supplemented on June 14, 1995 and November 14, 1995. This revision consists of volatile organic compound regulations which establish reasonably available control technology for lithographic printing facilities.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(6), (18s), (21e), (24p), (24q), (28g), (37v), (41y) and (50v) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(B) NR 422.04(4) as amended and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(C) NR 422.142 as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(D) NR 439.04(5)(d)1.(intro.) as renumbered from 439.04(5)(d)(intro.), amended, and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(E) NR 439.04(5)(d)1. a. and b. as renumbered from 439.04(5)(d)1. and 2., and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(F) NR 439.04(5)(d)2 as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(G) NR 439.04(5)(e)(intro.) as amended and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(H) NR 439.06(3)(j) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(I) NR 484.04(13m), (15e) and (15m) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(J) NR 484.10(39m) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

* * * * *

[FR Doc. 96–8436 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[PA 52–2–7155a, 55–2–7137a, PA 58–1–7138a, PA 64–1–7139a, PA 66–2–7140a, PA 071–4008a, PA 079–4009a; FRL–5442–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NO_X RACT and Synthetic Minor Permit Conditions, and 1990 Baseyear Emissions for One Source

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) on twenty major sources, establishes permit conditions to limit one source's emissions to below major source levels, and establishes 1990 baseyear VOC and NO_X emissions for one source. This action affects a total of 21 sources. The intended effect of this action is to approve source-specific plan approvals and operating permits and emission inventory figures for emission units at one source, which establish the above-mentioned requirements in accordance with the Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

DATES: This action is effective June 10, 1996 unless notice is received on or before May 9, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 597–9337, at the EPA Region III office or via e-mail at stahl.cynthia@epamail. epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On January 6, 1995, April 19, 1995, May 10, 1995, May 31, 1995, August 11, 1995, October 24, 1995, and December 8, 1995, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revisions that are the subject of this rulemaking consist of plan approvals and operating permits for 20 individual sources of volatile organic compounds (VOCs) and/or nitrogen oxides (NO_X) located in Pennsylvania. This rulemaking addresses those plan approvals and operating permits pertaining to the following sources: (1) Tenneco Gas Pipeline Company—Station 313, (2) Corning Asahi Video Products Company, (3) Pennsylvania Power Company—New Castle plant, (4) Columbia Gas Transmission Company—Easton, (5) Texas Eastern Transmission Corporation—Bechtelsville, (6) Texas Eastern Transmission Corporation—Grantville, (7) Texas Eastern Transmission Corporation—Shermans Dale, (8) Texas Eastern Transmission Corporation—Bedford, (9) Texas Eastern Transmission Corporation—Perulack/Leidy, (10) Texas Eastern Transmission Corporation—Bernville, (11) Texas Eastern Transmission Corporation—Marietta, (12) Hercules Cement Company, (13) Lone Star Industries, (14) International Paper Company—Hammermill Papers Division, (15) Pennsylvania Power & Light—Montour SES, (16) Pennsylvania Electric Company—Shawville, (17) Zinc Corporation of America—Monaca, (18) Procter and Gamble Paper Products—Mehoopany, (19) Metropolitan Edison—Portland Generating Station, (20) Columbia Gas Transmission Corporation—Union City. In addition, on August 11, 1995 (as amended on November 15, 1995), Pennsylvania submitted a RACT determination and 1990 baseyear emission inventory figures for U.S. Steel—Fairless Hills for EPA approval into the Pennsylvania SIP. Therefore, this rulemaking will also address the approval of the RACT determination for certain emission units at U.S. Steel—Fairless and the establishment of 1990 baseyear emissions for these emission units. The other plan approvals and operating permits submitted together with these being approved today will be addressed in another rulemaking action.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_X sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in sections 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The January 6, 1995, April 19, 1995, May 10, 1995, May 31, 1995, August 11, 1995 (as amended on November 15, 1995), and October 24, 1995 Pennsylvania submittals that are the subject of this document, are meant to satisfy the RACT requirements for 20 sources in Pennsylvania and to limit the potential VOC emissions at one source to below the major source size threshold in order to avoid the RACT requirement.

Summary of SIP Revision

The details of the RACT requirements for the source-specific plan approvals and operating permits can be found in the docket and accompanying technical support document and will not be reiterated in this document. Briefly, EPA is approving eight plan approvals and twenty operating permits and one compliance permit as RACT and one operating permit as a revision to the Pennsylvania SIP to limit a source's emissions to below the major source threshold. Several of the plan approvals and operating permits contain conditions irrelevant to the determination of VOC or NO_X RACT. Consequently, these provisions are not being included in this approval for VOC or NO_X RACT. In addition, a correction to the 1990 baseyear emissions inventory for one source is being made through this rulemaking action.

RACT

EPA is approving the plan approval (PA 53–0001), operating permit (OP 53–0001), and compliance permit (CP 53–0001) for Tennessee Gas Pipeline Company—Station 313, located in Potter County. Tennessee Gas Pipeline Company—Station 313 is a natural gas

transmission and gas storage station and is considered a major source of NO_X emissions. The compliance permit allows the Company until May 31, 1996 to comply with the RACT requirements for the installation of nonselective catalytic reduction (NSCR) technology. EPA is approving the operating permits (OP 14–0003, OP 14–309–010A, OP 14–309–010C and OP 14–309–037A) for Corning Asahi Video Products Company, located in Centre County. Corning Asahi Video Products Company is a glass manufacturer and is considered a major source of NO_X emissions. EPA is approving the operating permit (OP 37–023) for Pennsylvania Power Company—New Castle plant, located in Lawrence County. Pennsylvania Power Company—New Castle is a utility and is considered a major source of VOC and NO_X emissions. EPA is approving the operating permit (OP 48–0001) and plan approval (PA 48–0001A) for Columbia Gas Transmission Company—Easton, located in Northampton County. Columbia Gas Transmission Company—Easton is a natural gas compressor station and is considered a major source of NO_X emissions. EPA is approving the operating permit (OP 06–1034) for Texas Eastern Transmission Corporation—Bechtelsville, located in Berks County. Texas Eastern Transmission Corp.—Bechtelsville is a natural gas compressor station and is considered a major source of NO_X emissions. EPA is approving the operating permit (OP 22–2010) for Texas Eastern Transmission Corporation—Grantville, located in Dauphin County. Texas Eastern Transmission Corp.—Grantville is a natural gas compressor station and is considered a major source of NO_X emissions. EPA is approving the operating permit (OP 50–2001) for Texas Eastern Transmission Corporation—Shermans Dale, located in Perry County. Texas Eastern Transmission Corp.—Shermans Dale is a natural gas compressor station and is considered a major source of NO_X emissions. EPA is approving the operating permit (OP 05–2007) for Texas Eastern Transmission Corporation—Bedford, located in Bedford County. Texas Eastern Transmission Corp.—Bedford is a natural gas compressor station and is considered a major source of NO_X emissions. EPA is approving the operating permit (OP 34–2002) for Texas Eastern Transmission Corporation—Perulack/Leidy, located in Juniata County. Texas Eastern Transmission Corp.—Perulack/Leidy is a natural gas compressor station and is considered a major source of NO_X emissions. EPA is approving the operating permit (OP 06–1033) for Texas Eastern Transmission Corporation—Bernville, located in Berks County. Texas Eastern Transmission Corp.—Bernville is a natural gas compressor station and is considered a major source of NO_X emissions. EPA is approving the plan approval (PA 36–2025) for Texas Eastern Transmission Corporation—Marietta, located in Lancaster County. Texas Eastern Transmission Corp.—Marietta is a natural gas compressor station and is considered a major source of NO_X emissions. EPA is approving the plan approval (PA 48–0005A) and operating permit (OP 48–005) for Hercules Cement Company, located in Northampton County. Hercules Cement Company is a cement manufacturer and is considered a major source of NO_X emissions. EPA is approving the operating permit (OP 48–0007) for Lone Star Industries, located in Northampton County. Lone Star Industries is a cement manufacturer and is considered a major source of NO_X emissions. EPA is approving the operating permit (OP 18–0005) for International Paper Company - Hammermill Papers Division, located in Clinton County. International Paper Company—Hammermill is a paper manufacturer and is considered a major source of VOC and NO_X emissions. EPA is approving the plan approval (PA 47–0001A) and operating permit (OP 47–0001) for Pennsylvania Power & Light (PP&L)—Montour SES, located in Montour County. PP&L—Montour is a utility and is considered a major source of VOC and NO_X emissions. EPA is approving the plan approval (PA 17–0001) for Pennsylvania Electric Company (Penelec)—Shawville, located in Clearfield County. Penelec—Shawville is a utility and is considered a major source of VOC and NO_X emissions. EPA is approving the operating permit (OP 04–000–044) for Zinc Corporation of America—Monaca, located in Beaver County. Zinc Corporation of America—Monaca is a zinc smelting facility and is considered a major source of NO_X emissions. EPA is approving the plan approval (PA 66–0001A) and operating permit (OP 66–0001) for Procter and Gamble Paper Products—Mehoopany, located in Wyoming County. Procter and Gamble—Mehoopany is a pulp and paper making facility and is considered a major source of VOC and NO_X emissions. EPA is approving the plan approval (PA 48–0006A) and operating permit (48–0006) for Metropolitan Edison—Portland Generating Station, located in Northampton County. Metropolitan Edison—Portland is a utility and is considered a major source of NO_X emissions.

The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying technical support document, which is available from the EPA Region III office. Several of the plan approvals/operating permits contain a provision that allows for future changes to the emission limitations based on CEM or other monitoring data. Since EPA cannot approve emission limitations that are not currently before it, any changes to the emission limitations as submitted on January 6, 1995, April 19, 1995, May 10, 1995, May 31, 1995, August 11, 1995 (as amended on November 15, 1995), October 24, 1995, and December 8, 1995, to EPA must be resubmitted to and approved by EPA in order for these changes to be incorporated into the Pennsylvania SIP. Consequently, the source-specific RACT emission limitations that are being approved into the Pennsylvania SIP are those that were submitted on the above-mentioned dates and are the subject of this rulemaking action. These emission limitations will remain unless and until they are replaced pursuant to 40 CFR Part 51 and approved by the U.S. EPA. In addition, several of the plan approvals and operating permits contain a general provision that would allow compliance date extensions at the request of the source and approval by Pennsylvania without EPA approval. While EPA does not automatically rule out the possibility of compliance date extensions, EPA cannot pre-approve compliance date extensions through a general provision such as that which occurs in those plan approvals and operating permits.t

In addition, EPA is posthumously establishing RACT for the six, now shutdown, sources at U.S. Steel—Fairless Hills. These six sources are the no.3 blast furnace, no. 1 open hearth furnace, no.1 soaking pits (20), no. 2 soaking pits (1–8), no. 2 soaking pits (9–16), and the 80 in. hot strip mill. All of these sources ceased operation and had their permits revoked on August 1, 1991. Had the no. 1 and 2 soaking pits and the 80 in. hot strip mill continued to operate, they would have been required to install low excess air technology, which is expected to result in a 13.5% emission reduction. RACT for the other sources is determined to be no additional controls. The total post-RACT NO_X emissions for these six sources is 1301.7 tons per year. The total post-RACT VOC emissions for these six sources is 18.1 tons per year. The 1990 base year VOC and NO_X

emissions for the above-named six sources are also being approved. The VOC and NO_X 1990 emissions from the no. 3 blast furnace are zero for both pollutants. The VOC and NO_X 1990 emissions from the no. 1 open hearth furnace are 6.9 TPY and 455.5 TPY, respectively. The VOC and NO_X emissions from the no.1 soaking pits are 6.6 TPY and 91.8 TPY, respectively. The VOC and NO_X emissions from the no. 2 soaking pits (units 1–8) are 1.10 TPY and 21.0 TPY, respectively. The VOC and NO_X emissions from the no. 2 soaking pits (units 9–16) are 1.10 TPY and 21.0 TPY, respectively. The VOC and NO_X emissions from the 80 in. hot strip mill are 1.9 TPY and 688.6 TPY, respectively. EPA is also using this document to recognize the emission reduction credits created from the shutdown of these emission units; a total of 1301.7 tons of NO_X per year and 18.1 tons of VOC per year.

Synthetic Minor Permit

EPA is approving the operating permit (OP 25–892) for Columbia Gas Transmission Corporation—Union City, located in Erie County. Columbia Gas Transmission Corp.—Union City is a natural gas compressor station and had potential NOx emissions greater than 100 tons per year (TPY). The approval of these conditions will limit the emissions at this facility to less than 100 TPY and would allow Columbia Gas Transmission Corporation—Union City to avoid being considered a major NO_X source, subject to the major source RACT requirements of the Clean Air Act and the Pennsylvania regulation.

The technical support document contains the details of each of the RACT determinations, synthetic minor permit conditions, and 1990 baseyear emissions calculations. It is available at the EPA Region III office listed in the Addresses section of this document.

EPA is approving this SIP revision 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, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective June 10, 1996 unless, by May 9, 1996, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document 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. 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 on June 10, 1996. If adverse comments are received that do not pertain to all documents subject to this rulemaking action, those documents not affected by the adverse comments will be finalized in the manner described here. Only those documents that receive adverse comments will be withdrawn in the manner described here.

Final Action

EPA is approving eight plan approvals, twenty operating permits and one compliance permit as RACT for nineteen individual sources, one operating permit to limit emissions at Columbia Gas Transmission Corporation—Union City to below major source levels, and the RACT determination and the 1990 baseyear emissions for six emission units at U.S. Steel—Fairless.

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

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 section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies 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 flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives 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 or uniquely impacted by the rule.

This Federal action approves 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.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the approval of 20 source-specific VOC and NO_X RACT determinations, one synthetic minor permit, and correction to the 1990 baseyear emissions inventory in Pennsylvania, must be filed in the United States Court of Appeals for the appropriate circuit by June 10, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: February 15, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52 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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(103) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(103) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO_X RACT and 1990 base year emissions inventory for one source, submitted on January 6, 1995, April 19, 1995, May 10, 1995, May 31, 1995, August 11, 1995 (as amended on November 15, 1995), October 24, 1995, and December 8, 1995 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Ten letters: three dated January 6, 1995, and one each dated April 19, 1995, May 10, 1995, May 31, 1995, August 11, 1995, October 24, 1995, November 15, 1995, and December 8, 1995 from the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection) transmitting source specific VOC and/or NO_X RACT determinations in the form of plan approvals or operating permits for the following sources: Tennessee Gas Pipeline Company—Station 313 (Potter Co.)—natural gas transmission and gas storage station, Corning Asahi Video Products Company (Centre Co.)—glass manufacturer, Pennsylvania Power Company—New Castle plant (Lawrence Co.)—utility, Columbia Gas Transmission Company—Easton station (Northampton Co.)—natural gas compressor station, Texas Eastern Transmission Corporation—Bechtelsville (Berks Co.)—natural gas compressor station, Texas Eastern Transmission Corporation—Grantville (Dauphin Co.)—natural gas compressor station, Texas Eastern Transmission Corporation—Shermans Dale (Perry Co.)—natural gas compressor station, Texas Eastern Transmission Corporation—Bedford (Bedford Co.)—natural gas compressor station, Texas Eastern Transmission Corporation—Perulack/Leidy (Juniata Co.)—natural gas compressor station, Texas Eastern Transmission Corporation—Bernville (Berks Co.)—natural gas compressor station, Texas Eastern Transmission—Marietta (Lancaster Co.)—natural gas compressor station, Hercules Cement Company (Northampton Co.)—cement manufacturer, Lone Star Industries (Northampton Co.)—cement manufacturer, International Paper Company— Hammermill Papers Division (Clinton Co.)—paper making facility, Pennsylvania Power and Light—Montour SES (Montour Co.)—utility, Pennsylvania Electric Company—Shawville (Clearfield Co.)—utility, Zinc Corporation of America—Monaca (Beaver Co.)—zinc smelting, Procter and Gamble Paper Products—Mehoopany (Wyoming Co.)—pulp and paper making facility, and Metropolitan Edison—Portland Generating Station (Northampton Co.)—utility. In addition, the operating permit for Columbia Gas Transmission Corporation—Union City (Erie Co.), a natural gas compressor station, containing provisions limiting this source as a synthetic minor source (below RACT threshold level of 100 tons per year of potential NO_X emissions) is being approved.

(B) Plan approvals (PA), Operating permits (OP):

(*1*) Tennessee Gas Pipeline Company—Station 313—PA 53–0001, effective November 27, 1995, except the expiration date of the plan approval and the portion of condition #6 pertaining to CO emissions, OP 53–0001, effective November 27, 1995, except the expiration date of the operating permit, condition #21 pertaining to prevention of significant deterioration and the portions of condition #22 pertaining to CO emissions, and Compliance permit (CP) 53–0001, effective November 27, 1995, except the expiration date of the compliance permit.

(*2*) Corning Asahi Video Products Company—OP 14–0003, effective December 27, 1994, except the expiration date of the operating permit, OP 14–309–010A, effective May 5, 1994, except the expiration date of the operating permit and condition #6 and 7, pertaining to particulate matter and arsenic, OP 14–309–009C, effective August 18, 1994, except the expiration date of the operating permit and conditions #12 and 14, pertaining to particulate matter and lead, and OP 14–309–037A, effective May 5, 1994, except the expiration date of the operating permit and conditions #10, 11, 12, and 15, pertaining to particulate matter, fluorides and arsenic.

(*3*) Pennsylvania Power Company—New Castle plant—OP 37–023, effective December 21, 1994.

(*4*) Columbia Gas Transmission Company—Easton—OP 48–0001, effective May 19, 1995, except the expiration date of the operating permit and PA 48–0001A, effective May 19, 1995, except the expiration date of the plan approval.

(*5*) Texas Eastern Transmission Corporation—Bechtelsville—OP 06–1034, effective May 15, 1995, except the expiration date of the operating permit.

(*6*) Texas Eastern Transmission Corporation—Grantville—OP 22–2010, effective May 16, 1995, except the expiration date of the operating permit.

(*7*) Texas Eastern Transmission Corporation—Shermans Dale—OP 50–2001, effective May 16, 1995, except the expiration date of the operating permit.

(*8*) Texas Eastern Transmission Corporation—Bedford—OP 05–2007, effective May 16, 1995, except the expiration date of the operating permit.

(*9*) Texas Eastern Transmission Corporation—Perulack/Leidy—OP 34–2002, effective May 16, 1995, except the expiration date of the operating permit and condition #2, pertaining to compliance date extensions.

(*10*) Texas Eastern Transmission Corporation—Bernville—OP 06–1033, effective May 15, 1995, except the expiration date of the operating permit.

(*11*) Texas Eastern Transmission Corporation—Marietta—PA 36–2025, effective May 16, 1995, except the expiration date of the plan approval and condition #2, pertaining to compliance date extensions.

(*12*) Hercules Cement Company—PA 48–0005A, effective December 23, 1994, except the expiration date of the plan approval and condition #4, pertaining to compliance date extensions, and all the following conditions that do not pertain to VOC or NO_X RACT: #10 (a), (b) and (d), #11 (a), (b) and (d), #12 (a), (b) and (d), #13 (a), (b) and (d), #14, #15, #21 through 24, #30, pertaining to compliance date extensions and OP 48–0005, effective December 23, 1994, except the expiration date of the operating permit and conditions #8 and 9, pertaining to particulate matter.

(*13*) Lone Star Industries—OP 48–0007, effective December 20, 1994, except the expiration date of the operating permit.

(*14*) International Paper Company—Hammermill Papers Division—OP 18–0005, effective December 27, 1994, except the expiration date of the operating permit.

(*15*) Pennsylvania Power & Light—Montour SES—PA 47–0001A, effective December 27, 1994, except the expiration date of the plan approval and condition #14, pertaining to compliance date extensions and OP 47–0001, effective December 27, 1994, except the expiration date of the operating permit.

(*16*) Pennsylvania Electric Company—Shawville—PA 17–0001, effective December 27, 1994, except the expiration date of the plan approval and condition #19, pertaining to compliance date extensions.

(*17*) Zinc Corporation of America—Monaca—OP 04–000–044, effective December 29, 1994, except for the expiration date of the operating permit and those portions of conditions #8 and 9 pertaining to CO and PM10.

(*18*) Procter and Gamble Paper Products Company—Mehoopany—OP 66–0001, effective December 20, 1994, except the expiration date of the operating permit and PA 66–0001A, effective December 20, 1994, except the expiration date of the plan approval and condition #4, pertaining to compliance date extensions, those portions of condition #5, pertaining to CO, SO_2 or particulate matter, and condition #17, pertaining to odor.

(*19*) Metropolitan Edison—Portland Generating Station—OP 48–0006, effective December 14, 1994, except the expiration date of the operating permit and PA 48–0006A, effective December 14, 1994, except the expiration date of the plan approval and condition #11, pertaining to compliance date extensions.

(*20*) Columbia Gas Transmission Corporation—Union City—OP 25–892, effective April 11, 1995 and the portion of condition #8, pertaining to compliance date extensions.

(ii) Additional material.

(A) Remainder of January 6, 1995, April 19, 1995, May 10, 1995, May 31, 1995, August 11, 1995, October 24, 1995, and December 8, 1995 State submittals.

(B) Additional clarifying material submitted by Pennsylvania: Letter dated July 18, 1995 from Matthew M. Williams, Air Pollution Control Engineer, Pennsylvania DEP, to Steve H. Finch, Vice President, Environmental Affairs, Columbia Gas Transmission Corporation, stating that the effective date of the Columbia Gas Transmission Corporation—Union City operating permit (OP 25–892) is April 11, 1995.

* * * * *

3. Section 52.2037 is amended by adding paragraph (c) to read as follows:

§ 52.2037 Control Strategy: Carbon monoxide and ozone (hydrocarbons).

* * * * *

(c) VOC and NO_X RACT determination for six emission units at U.S. Steel—Fairless: no. 3 blast furnace, no. 1 open hearth furnace, no. 1 soaking pits, no. 2 soaking pits (units 1–8), no. 2 soaking pits (units 9–16), 80 in. hot strip mill. The NO_X RACT determination for all the soaking pits and the 80 in. hot strip mill is low excess air (LEA), which is expected to result in a 13.5% emission reduction. NO_X RACT for the other sources is determined to be good operating practices to minimize NO_X emissions. VOC RACT for all the above sources is determined to be good operating practices to minimize VOC emissions.

4. Section 52.2036 is amended by revising the section heading, by designating the existing text as paragraph (a), and by adding paragraph (b) to read as follows:

§ 52.2036 1990 Baseyear Emission Inventory.

* * * * *

(b) The U.S. Steel—Fairless Hills 1990 VOC and NO_X emissions for six emission units (no. 3 blast furnace, no.1 open hearth furnace, no. 1 soaking pits and no. 2 soaking pits (units 1–8 and units 9–16), and 80 in. hot strip mill), submitted August 11, 1995, are approved. U.S. Steel—Fairless Hills is located in Montgomery County, Pennsylvania, which is part of the Philadelphia severe ozone nonattainment area. The VOC and NO_X 1990 emissions from the no. 3 blast furnace are zero for both pollutants. The VOC and NO_X 1990 emissions from the no. 1 open hearth furnace are 6.9 TPY and 455.5 TPY, respectively. The VOC and NO_X emissions from the no. 1 soaking pits are 6.6 TPY and 91.8 TPY, respectively. The VOC and NO_X emissions from the no. 2 soaking pits (units 1–8) are 1.10 TPY and 21.0 TPY, respectively. The VOC and NO_X emissions from the no. 2 soaking pits (units 9–16) are 1.10 TPY and 21.0 TPY, respectively. The VOC and NO_X emissions from the 80 in. hot strip mill are 1.9 TPY and 688.6 TPY, respectively.

[FR Doc. 96–8430 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[OK–12–1–7079a; FRL–5438–4]

Approval of Volatile Organic Compound Regulations for Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the State Implementation Plan (SIP) revision submitted by the State of Oklahoma for the purpose of removing equivalent test method and alternative standard language from the Oklahoma volatile organic compound regulations. The SIP revision was submitted by the State in follow-up to an agreement between Oklahoma and EPA in conjunction with the Tulsa ozone redesignation request published in the Federal Register on January 31, 1991. The rationale for the approval is set forth in this document; additional information is available at the address indicated in the **ADDRESSES** section.

DATES: This final rule is effective on June 10, 1996 unless adverse or critical comments are received by May 9, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas Diggs, Chief (6PD–L), Air Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Multimedia Planning & Permitting Division (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

Oklahoma Department of Environmental Quality, Air Quality Program, 4545 North Lincoln Blvd., Suite 250, Oklahoma City, Oklahoma 73105–3483.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Davis, Air Planning Section (6PD–L), Multimedia Planning & Permitting Division, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Telephone (214) 665–7584.

SUPPLEMENTARY INFORMATION:

I. Background

On May 16, 1994, the State of Oklahoma submitted to the EPA rules for Oklahoma SIP revisions removing equivalent test method and alternative standard language from the Oklahoma volatile organic compound regulations. In addition to the State regulations, Oklahoma submitted a summary and justification documenting the basis for this SIP revision.

This particular revision is based on the September 28, 1990, Memorandum of Understanding (MOU) between the State of Oklahoma and the EPA. This MOU agreement was reached as a condition for the redesignation of the Tulsa ozone nonattainment area to attainment. Essentially, the MOU required the State to remove the State's

equivalency language in Oklahoma Air Pollution Control Regulation (OAPCR) 3.7, Sections OAPCR 3.7.5–4(g)(7)(A)(i)(b), OAPCR 3.7.5–4(g)(9)(A), OAPCR 3.7.5–4(i)(3)(B)(1), and OAPCR 3.7.5–4(i)(3)(B)(3), and to submit any alternative process or test method to the EPA as a revision to the Federally approved SIP.

II. Analysis

The State's submittal shows that the State has removed its equivalency language in OAPCR 3.7, Sections OAPCR 3.7.5–4(g)(7)(A)(i)(b), OAPCR 3.7.5–4(g)(9)(A), OAPCR 3.7.5–4(i)(3)(B)(1), and OAPCR 3.7.5–4(i)(3)(B)(3). In Section OAPCR 3.7.5–4(g)(7)(A)(i)(b) under ''Alternative Standards,'' the word ''process'' was revised to ''equipment.'' In OAPCR 3.7.5–4(g)(9)(A), the phrase ''or other equivalent methods'' was deleted from the section on specified test methods for coatings of parts and products. In OAPCR 3.7.5–4(i)(3)(B)(1), and OAPCR 3.7.5–4(i)(3)(B)(3), ''or an equivalent method as determined by the Commissioner'' was deleted under testing requirements of vapor recovery systems.

III. Final Action

In this action, the EPA is approving the SIP revision submitted by the State of Oklahoma to remove equivalent test method and alternative standard language from the State's SIP.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial revision 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. Thus, today's direct final action will be effective June 10, 1996 unless, by May 9, 1996, 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 document 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 June 10, 1996.

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

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the 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, the 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 that are less than 50,000.

SIP revision 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, the EPA certifies that this proposed rule would 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 actions. The Act forbids the EPA to base its actions concerning SIP's on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–266 (S. Ct. 1976); 42 U.S.C. section 7410(a)(2).

Under section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated 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 approves preexisting 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.

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

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607(b), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 10, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2))

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Volatile organic compounds.

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

Dated: February 8, 1996.

Jane N. Saginaw,

Regional Administrator (6A).

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 LL—Oklahoma

2. Section 52.1920 is amended by adding paragraph (c)(47) to read as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(47) A revision to the Oklahoma SIP to include revisions to Oklahoma Air Pollution Control Regulation 3.7—Control of Emissions of Organic Materials, adopted by the State on

October 2, 1990, effective May 11, 1991 and submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Air Pollution Control Regulations 3.7, Sections 3.7.5–4(g)(7)(A)(i)(b), 3.7.5–4(g)(9)(A), 3.7.5–4(i)(3)(B)(1), and 3.7.5–4(i)(3)(B)(3) effective May 11, 1991.

(ii) Additional material.

(A) State SIP revision entitled, ''Oklahoma Alternative Standards SIP Revision,'' which includes a completeness determination, SIP narrative, hearing records and other documentation relevant to the development of this SIP.

[FR Doc. 96–8440 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IL133–1–7125a; FRL–5434–9]

Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA is giving full approval through a direct final action to a state implementation plan (SIP) revision submitted on June 26, 1995, by the Illinois Environmental Protection Agency (IEPA). This revision is a formal submittal of the 1992 motor vehicle emission inspection and maintenance (I/M) program enhancements developed and implemented, in part, as a response to the 1989 Federal Implementation Plan (FIP) agreement between Illinois and Wisconsin, and USEPA. The volatile organic compound (VOC) emission reduction from these improvements are creditable reduction toward achieving the 15 percent Reasonable Further Progress requirements toward attainment of the public health based ozone air quality standard. Illinois estimates that these program improvements achieve 8.4 tons per day (TPD) VOC reduction in the Chicago area and 0.2 TPD reduction in the East St. Louis area.

The Chicago and East St. Louis ozone nonattainment areas are required to attain the National Ambient Air Quality Standards (NAAQS) as specified under the Clean Air Act (Act) by 2007 and 1996 respectively. The implementation of these program enhancements in the areas stated above, have contributed to the further reduction of vehicle emissions which contribute to the formation of urban smog in Illinois. In the proposed rules section of this Federal Register, USEPA is proposing approval of this I/M program and SIP revision and solicits public comments on the action. If adverse comments are received on this direct final rule, USEPA will withdraw this final rule and address these comments in a subsequent final rule based on the proposed rule.

DATES: This final rule will be effective on June 10, 1996 unless adverse or critical comments are received by May 9, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of Illinois' I/M SIP submittal, and other documents pertinent to this direct final rule are available at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments on this rule should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (5AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Engineer, Regulation Development Section, Air Programs Branch (5AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061. Anyone wishing to come to Region 5 offices should first contact Francisco J. Acevedo.

SUPPLEMENTARY INFORMATION:

I. Introduction

Pursuant to the requirements of the 1977 Clean Air Act, the Illinois General Assembly adopted legislation and signed into law in September 1984 the legal authority and funding mechanism for an I/M program in the State of Illinois. The State of Illinois contracted with Systems Control, Inc., to develop and operate a centralized network of testing facilities in both the Chicago and East St. Louis ozone nonattainment areas. The Illinois vehicle I/M program officially began testing vehicles on May 1, 1986.

In 1989, Illinois, Wisconsin, and USEPA entered into a settlement agreement concerning various matters relating to compliance with certain provisions of the Clean Air Act (*Wisconsin* v. *Reilly*, Case No. 87–C–0395, E.D. Wis.). Among other things, the agreement required that Illinois develop and implement enhancements to its I/M program which would make it equivalent in performance to the enhanced I/M-anti-tampering program described in USEPA's November 24, 1987 proposal on its post-1987 Ozone and Carbon Monoxide Plan Revisions for Areas Not Attaining the National Ambient Air Quality Standards, (52 FR 45044, November 24, 1987). On October 30, 1989, Illinois submitted to USEPA a preliminary design and implementation schedule of program enhancements which would enable Illinois to meet the applicable standard. On October 4, 1990, USEPA gave final approval to Illinois' I/M program as part of the State's 1982 ozone/CO SIP (55 FR 40658); however, USEPA noted at 55 FR 40660 that Illinois was continuing to work on necessary enhancements to the I/M program and that USEPA would take action on these enhancements at a future date.

On June 29, 1990, the General Assembly of the State of Illinois adopted Public Act 86–1433, which consists of amendments to the Illinois Vehicle Code, and the Illinois Motor Fuel Tax Law. These amendments became law on September 12, 1990 when it was signed without change by the Governor of the State. The legislation amended five sections of the Illinois Vehicle Code (625 ILCS 5/13A–102, 13A–103, 14A–104, 15A–105, and 12A–106).

Based on the authority of the Illinois legislation, IEPA prepared implementing procedural rules and published them for First Notice at Volume 15, Issue #38, p. 13607 of the Illinois Register (September 20, 1991). The proposed rules subsequently became effective on June 15, 1992, and were published in the Illinois Register on June 26, 1992 at Volume 16, Issue #26. These rules amended previous regulations on fleet testing requirements, inspection procedures, sticker issuance requirements, and requirements for low emission tuneups, and added a new section for tamper check procedures.

II. Background

On June 26, 1995, IEPA submitted to USEPA a SIP revision containing I/M enhancements implemented in the Illinois program between January 1, 1991 through December 31, 1992. The Illinois submittal seeks USEPA approval of the 1992 program enhancements. The State is taking emission reduction credits acquired from these enhancements for purposes of meeting requirements related to the 15% Reasonable Further Progress Plan for the Chicago and East St. Louis ozone nonattainment areas. In addition, IEPA believes that all material submitted in

the Illinois SIP has undergone an appropriate level of public review during the legislative and rulemaking processes and that all applicable state and federal public hearing requirements for this SIP submittal have been met.

III. EPA's Analysis of the Illinois 1992 Enhancements

The Illinois ozone SIP revision submitted to USEPA on June 26, 1995, contains the legal authority to implement the 1992 enhancements to the Illinois I/M program. The legal authority to implement such enhancements was submitted in the form of State legislative authority approved on September 12, 1990 by Illinois Governor Edgar. In addition, the state also prepared implementing procedural rules based on the legislative authority and submitted such rules as part of this SIP. Such rules were published in the Illinois Register on June 26, 1992 at Volume 16, Issue #26.

The Illinois legislation established a ''hybrid'' test frequency schedule which incorporated a three-year new vehicle exemption period, a biennial frequency for three to seven year old vehicles, and annual testing for eight year and older vehicles. In addition, the legislation contained the authority to incorporate a three element anti-tampering inspection into the inspection requirement for 1975 and later model year vehicles beginning on July 1, 1991. Finally, the legislation established the geographic expansion of the inspection area into previously exempt portions of DuPage County; most of the previously exempt portions of Lake county; and into portions of Kane and Will Counties starting on January 1, 1992. In addition to the above requirements, the legislation also included other minor provisions affecting the I/M program including the ability for fleets of 15 or more vehicles, which are subject to the inspection, to establish and operate a Private Official Inspection Station. After review of the Illinois I/M legislation and submittal USEPA finds the above provisions approvable.

The procedural rules submitted along with the legislation in the Illinois SIP includes two new sections and fifteen amended sections to Part 276 of the Illinois Administrative Code Title 35. The procedural rules include the tamper check procedures to be followed when performing the tamper check as part of the emission inspection. The rules prohibit the testing of any vehicle with apparent fuel or oil leaks, as well as any vehicle missing tail pipe sections which prevent the ability to test the vehicle properly. The tamper check consists of the visual inspection of the catalytic converter in addition to a fuel cap inspection and the fuel inlet restrictor inspection. In addition, the rules prohibit vehicles from receiving a waiver or passing the emission test unless the vehicle successfully passes the tamper check. Other provisions in the rule includes a revision to the program's procedures with regard to initial and corrected emission inspection stickers; a revision to the program's fleet inspection station operation requirements. The provision submitted in the Illinois SIP were fully implemented by January 1, 1992 and are acceptable to USEPA.

IV. Comments and Approval Procedure

The USEPA is publishing this action without prior proposal because the agency views this as a noncontroversial amendment and anticipates no adverse public comments. However, in a separate document in this Federal Register publication, the USEPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective on June 10, 1996 unless, by May 9, 1996, adverse or critical comments are received. If USEPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be discussed in a subsequent final rule based on the separate proposed rule. The USEPA will not institute a second comment period for 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 on June 10, 1996.

Final Action

USEPA is approving this revision to the Illinois SIP for the 1992 enhancements to Illinois' vehicle I/M program. The Agency has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements. Under section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 1, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607 (b)(2).) The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Precedental Effect

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

Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. SIP approvals under 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on 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. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2) and 7410(k)(3). [Page 28726]

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, 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, or tribal governments in the aggregate. To the extent that the

rules being approved by this action will impose any enforceable duty upon the State, local, or tribal governments, or upon the private sector, USEPA's action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. For these reasons, USEPA has determined that this final action does not include a Federal mandate.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: February 15, 1996.

David A. Ullrich,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(122) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(122) On June 26, 1995, the Illinois Environmental Protection Agency (IEPA) submitted a State Implementation Plan (SIP) revision containing the 1992 enhancements to the Illinois vehicle inspection and maintenance (I/M) program. Such enhancements were originally developed to meet the I/M performance standard as called for in the United States Environmental Protection Agency's (USEPA's) proposed 'post-1987' I/M SIP policy and specified in the settlement agreement entered into by the parties in *Wisconsin* v. *Reilly,* Case No. 87–C–0395, E.D. Wis. The submittal includes authorizing legislation P.A. 86–1433, signed into law on September 12, 1990 and procedural rules published in the Illinois Register on June 26, 1992 at Volume 16, Issue #16.

(i) Incorporation by reference.

(A) 35 Illinois Administrative Code 276; Sections 276.101, 276.102, 276.204, 276.206, 276.301, 276.303, 276.304, 276.307, 276.308, 276.309, 276.310, 276.311, 276.401, 276.402, 276.701, 276.702, and 276.703 amended or added at 16 Ill. Reg. 10230, effective June 15, 1992.

(ii) Other material.

(A) Public Act 86–1433 adopted by the Illinois General Assembly on June 29, 1990, signed into law by Governor Edgar on September 12, 1990 effective September 12, 1990 (Sections 2,3, and 4) and January 1, 1991 (Section 1). (B) June 26, 1995 letter and attachments from the IEPA's Bureau of Air Chief to the USEPA's Regional Air and Radiation Division Director submitting Illinois' revision to the ozone SIP.

* * * * *

[FR Doc. 96–8435 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[AZ 063–0001a; FRL–5443–7]

Clean Air Act Approval and Promulgation of Prevention of Significant Deterioration (PSD) and General Permitting Provisions Implementation Plan for Arizona State Pinal County Air Quality Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is promulgating direct final approval of portions of a requested State Implementation Plan (SIP) revision submitted by the State of Arizona on behalf of Pinal County for the purpose of meeting requirements of the Clean Air Act, as amended in 1990 (CAA or the Act) with regard to general permitting and prevention of significant deterioration (PSD) programs in areas of Pinal County that are in attainment of the national ambient air quality standards (NAAQS). The requested revision was submitted by the State to satisfy certain Federal requirements for an approvable SIP.

EPA is taking this action to approve the portions of Pinal's rules identified below into the SIP for the purpose of meeting the PSD and preconstruction permitting requirements of 40 CFR 51.160 through 51.164 and 51.166, under the authority granted by 40 CFR 51.105. Approval of Pinal's rules for the purposes of meeting the nonattainment preconstruction permitting requirements of 40 CFR 51.165 will take place under a separate action. This action does *not* in any way imply that Pinal's nonattainment permitting provisions meet the requirements of § § 171, 172, 173, 181, 182, 187, or 189 of the CAA. Failure on Pinal's part to submit rules which meet the requirements of 40 CFR 51.165 may trigger sanctions as provided for under § 179 of the Clean Air Act.

DATES: This direct final rule is effective on June 10, 1996 unless adverse or critical comments are received by May 9, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: (1) EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105; (2) State of Arizona Department of Environmental Quality 3033 North Central Avenue, Phoenix, AZ 85012.

FOR FURTHER INFORMATION CONTACT: Jessica Gaylord (telephone: 415–744–1290), or Steve Ringer (telephone: 415–744–1260), New Source Section, Air & Toxics Division (A–5–1), EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: The air quality planning requirements for attainment areas are set out in 40 CFR 51.166. The general air quality permitting requirements are set out in 40 CFR 51.160–51.164.

Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) and section 110(l) of the Act provide that each implementation plan or revision to an implementation plan submitted by a State must be adopted after reasonable notice and public hearing.

ADEQ held a public hearing on August 9, 1994, to entertain public comment on the proposal to submit portions of Pinal County's Code of Regulations as a revision to the SIP. On August 16, 1994 the rules were submitted to EPA as a proposed revision to the Arizona SIP. On May 31, 1995 and November 27, 1995, ADEQ submitted applicable portions of the original submittal which had subsequently been revised by Pinal County (the Pinal County portion of the August 16, 1994 submittal and its subsequent revisions will hereafter be referred to as ''the submitted rules'').

The November 27, 1995 SIP revision was reviewed by EPA and determined to be complete on February 2, 1996. The submitted rules contain all of the general permitting and PSD requirements but lack certain nonattainment new source review (NSR) requirements that would make them

fully approvable. In this action, EPA is therefore promulgating approval of only those portions of the submitted rules which are necessary to meet the general permitting and PSD requirements contained in 40 CFR 51.160–51.164 and 51.166. The specific rules that EPA is promulgating approval of are listed below. EPA believes that these rules are separable and that their independent approval does not affect their stringency. EPA will therefore act at a later date on the portions of the submitted rules which are intended to satisfy the requirements contained in 40 CFR 51.165.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, should adverse or critical comments be filed, EPA is proposing in a separate document in this Federal Register publication, approval of those portions of the submitted rules that are necessary to meet the general permitting and PSD requirements.

If EPA receives adverse or critical comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule with this action serving as the proposed rule. The EPA will not institute a second comment period. 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 on June 10, 1996.

Pinal County is currently designated as attainment or unclassifiable for carbon monoxide, ozone, nitrogen dioxide, lead, and sulfur dioxide, and partial nonattainment for particulate matter (PM_{10}). The specific PM_{10} nonattainment areas is the planning area Hayden/Miami, which is classified as moderate nonattainment for PM_{10}. The preconstruction requirements for PSD permitting are found at section 165 of the Clean Air Act. The submitted rules satisfy these requirements. For a detailed description of how the submitted rules meet the applicable requirements, please refer to EPA's Technical Support Document (TSD).

Proposed Action

EPA is promulgating direct final approval of the portions of the submitted rules that contain the general and PSD permitting provisions. Specifically, EPA is proposing to approve the following sections of the submitted rules into the Arizona SIP:

Chapter 1, General Provisions & Definitions, Articles 1 (Provisions), 2 (Incorporated Materials), and 3 (Definitions).

Chapter 2, Ambient Air Quality Standards, Articles 1 (Air Quality Standards), 2 (Ambient Air Quality Monitoring Methods & Procedures), 3 (Interpretation of Ambient Air Quality Standards & Evaluation of Air Quality Data), 4 (Attainment Area Classification), 5 (Limitation of Pollutants in Attainment Areas), 6 (Violations), and 7 (Air Pollution Emergency Episodes).

Chapter 3, Permits and Permit Revisions, Articles 1 (General Provisions Relating to Permits & Permit Revisions), 2 (Permit Amendments and Revisions), and the following sections of Article 3, section 200 (Purpose), section 203 (Definitions), section 205 (Application Requirements), section 210 (Application Review Process), section 250 (Permit and Permit Revision Requirements For Sources Located In Attainment and Unclassifiable Areas), section 260 (Air Quality Impact Analysis and Monitoring Requirements), section 270 (Innovative Control technology), section 275 (Air Quality Models), and section 280 (Visibility Protections).

It should be noted here that approval of these sections does *not* indicate that portions of the rule intended to meet requirements of Title V of the CAA are now federally-enforceable. Approval of a Title V program is a separate action.

EPA is requesting comments on all aspects of the requested SIP revision and EPA's proposed rulemaking action. Comments received by the date indicated above will be considered in the development of EPA's final rule.

Administrative Review

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

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 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 EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct 1976); 42 U.S.C. 7410(a)(2).

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

Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. EPA has determined that the approval proposed in this document does not include such a federal mandate, as this proposed federal action would approve pre-existing requirements under state or local law, and would impose no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, New source review, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: March 3, 1996.

Felicia Marcus,

Regional Administrator.

Subpart D 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 D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(84) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(84) Amended regulations for the Pinal County Air Quality Control District were submitted on November 27, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Pinal County Air Quality Control District Code of Regulations: Chapter 1, Articles 1 through 3; Chapter 2, Articles 1 through 7; Chapter 3, Articles 1, 2, and the following sections of Article 3, Section 200, Section 203, Section 205, Section 210, Section 250, Section 260, Section 270, Section 275, and Section 280. Adopted on October 12, 1995.

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[FR Doc. 96–8432 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA 102–14–0004a; FRL–5441–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Mojave Desert Air Quality Management District; San Diego County Air Pollution Control District; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern rules from the Mojave Desert Air Quality Management District (MDAQMD), San Diego County Air Pollution Control District (SDCAPCD), and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The rules control oxides of nitrogen (NO_X) from gas turbines, fuel-burning equipment, and glass manufacturing plants. This approval action will incorporate these rules into the Federally approved SIP. The intended effect of approving these rules is to regulate emissions of NO_X in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The 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 June 10, 1996, unless adverse or critical comments are received by May 9, 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 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:

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.

Mojave Desert Air Quality Management District, 15428 Civic Drive, Suite 200, Victorville, CA 92392.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096.

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:

Applicability

The rules being approved into the California SIP include: MDAQMD Rule 1159, Stationary Gas Turbines; SDCAPCD Rule 68, Fuel-Burning Equipment—Oxides of Nitrogen; and SJVUAPCD Rule 4354, Glass Melting Furnaces.

Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA or the Act) were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of NO_X emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a Notice of Proposed Rulemaking entitled ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement) which describes and provides preliminary guidance on the requirements of section 182(f). 57 FR 55620. The NO_X Supplement should be referred to for further information on the NO_X requirements and is incorporated into this notice of direct final rulemaking by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_X (''major'' as defined in section 302 and section 182 (c), (d), and (e)) as are applied to major stationary sources of volatile organic compound (VOC) emissions, in moderate or above ozone nonattainment areas. The Southeast Desert Air Basin is classified as severe, and both the San Diego Area and the San Joaquin Valley Area are classified as serious;[1] therefore these areas were subject to section 182(f), the RACT requirements of section 182(b)(2), and the November 15, 1992 deadline, cited below.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO_X) emissions not covered by either a pre-enactment or post-enactment control techniques guideline (CTG) document by November 15, 1992. There were no NO_X CTGs issued before enactment and EPA has not issued a CTG document for any NO_X sources since enactment of the CAA. The RACT rules covering NO_X sources and submitted as SIP revisions, are expected to require final installation of the actual NO_X controls as expeditiously as practicable, but no later than May 31, 1995.

MDAQMD Rule 1159 was adopted by MDAQMD on February 22, 1995, and was submitted by CARB to EPA on March 31, 1995. SDCAPCD Rule 68 was adopted on September 20, 1994, and submitted on October 19, 1994. SJVUAPCD Rule 4354 was adopted on September 14, 1994, and submitted on September 28, 1994. These submitted rules were found to be complete on May 2, 1995, October 21, 1994, and October 21, 1994, respectively, pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51 Appendix V.[2] By today's notice, EPA is taking direct final

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[1] The Southeast Desert Air Basin, the San Diego Area, and the San Joaquin Valley Area retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). The San Diego Area was reclassified from severe to serious on February 21, 1995. See 60 FR 3771 (January 19, 1995).

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

action to approve these rules into the Federally approved SIP.

MDAQMD Rule 1159 controls emissions of NO_X from gas turbines. SDCAPCD Rule 68 regulates fuel-burning equipment and SJVUAPCD Rule 4354 controls emissions from glass melting furnaces. NO_X emissions contribute to the production of ground level ozone and smog. The rules were adopted as part of each district's efforts to achieve the National Ambient Air Quality Standards for ozone and in response to the CAA requirements cited above. The following section contains EPA's evaluation and final action for these rules.

EPA Evaluation

In determining the approvability of a NO_X rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for this action, appears in various EPA policy guidance documents.[3] Among these provisions is the requirement that a NO_X rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_X emissions.

For the purposes of assisting state and local agencies in developing NO_X RACT rules, EPA prepared the NO_X Supplement to the General Preamble. In the NO_X Supplement, EPA provides guidance on how RACT will be determined for stationary sources of NO_X emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_X (see section 4.5 of the NO_X Supplement). In addition, pursuant to section 183(c), EPA is issuing alternative control technique documents (ACTs), which identify alternative controls for all categories of stationary sources of NO_X. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_X. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO_X. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_X RACT rules meet Federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

MDAQMD Rule 1159, Stationary Gas Turbines, is a new rule which applies to non-utility stationary gas turbines of 0.3 Megawatt and larger. Gas-fired turbines must meet an emission limit of 42 ppmv, and oil-fired turbines must meet an emission limit of 65 ppmv. Operators are required to install, operate, and maintain equipment to monitor control system operating parameters, and conduct annual compliance tests.

SDCAPCD Rule 68, Fuel-Burning Equipment—Oxides of Nitrogen, controls NO_X emissions from non-vehicular fuel-burning equipment. Rule 68 contains the following significant changes from the current SIP rule:

- Emission limits have been added to the criteria for exemption.
- Definitions, recordkeeping requirements, and test methods have been added.

SJVUAPCD Rule 4354, Glass Melting Furnaces, is a new rule which controls emissions from non-electric glass melting furnaces. Container glass and fiberglass furnaces must meet an emission limit of 5.5 lbs of NO_X per ton of glass pulled. Flat glass furnaces must meet a production-based limit as defined by an equation included in the rule. Annual source tests are required, and records must be kept of operation hours, fuel used, and glass pulled.

A more detailed discussion of the sources controlled, the controls required, and the justification for why these controls represent RACT can be found in the Technical Support Document (TSD) for each rule, available from the U.S. EPA Region IX office.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, MDAQMD Rule 1159, SDCAPCD Rule 68, and SJVUAPCD Rule 4354 are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO_X Supplement to the General Preamble.

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

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revisions should adverse or critical comments be filed. This action will be effective June 10, 1996, unless, by May 9, 1996, 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 June 10, 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 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.

[3] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); and ''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).

Regulatory Flexibility Act

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

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on affected small entities. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.* , 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 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 review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

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

Dated: March 6, 1996.

Felicia Marcus,

Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (199)(i)(D)(*2*), (202)(i)(C)(*4*), and (216)(i)(A)(*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(199) * * *

(i) * * *

(D) * * *

(*2*) Rule 4354, adopted on September 14, 1994.

* * * * *

(202) * * *

(i) * * *

(C) * * *

(*4*) Rule 68, adopted on September 20, 1994.

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(216) * * *

(i) * * *

(A) * * *

(*3*) Rule 1159, adopted on February 22, 1995.

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[FR Doc. 96–8746 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 60

[FRL–5455–8]

Standards of Performance for New Stationary Sources, Supplemental Delegation of Authority to the Commonwealth of Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: On August 22, 1994, and January 25, 1995, the Commonwealth of Kentucky Department for Environmental Protection requested that EPA delegate authority for implementation and enforcement of additional and revised categories of New Source Performance Standards (NSPS). Since EPA's review of Kentucky's pertinent laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these federal standards, the Agency has made the delegations as requested.

EFFECTIVE DATE: The effective date of the delegation of authority was November 29, 1995.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365.

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601.

Effective immediately, all requests, applications, reports and other correspondence required pursuant to the newly delegated standards should not be submitted to the Region 4 office, but should instead be submitted to the following address:

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Scott Southwick, Regulatory Planning and Development Section, Air Programs Branch, United States Environmental Protection Agency, Region 4, 345 Courtland Street NE, Atlanta, Georgia, 30365, (404) 347–2864.

SUPPLEMENTARY INFORMATION: Section 301, in conjunction with Sections 110 and 111(c)(1) of the Clean Air Act as amended November 15, 1990, authorizes EPA to delegate authority to implement and enforce the standards set out in 40 CFR Part 60, NSPS.

On April 12, 1977, EPA initially delegated the authority for implementation and enforcement of the NSPS programs to the Commonwealth of Kentucky. On August 22, 1994 and January 25, 1995, Kentucky requested a delegation of authority for implementation and enforcement of the following NSPS categories found in 40 CFR part 60.

1. Subpart J—Standards of performance for petroleum refineries except Sections 60.105(a)(13)(iii) and 60.106(i)(12) which the Administrator shall retain and shall not be transferred to the Commonwealth.
2. Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.
3. Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 19, 1978, and prior to July 23, 1984.
4. Subpart O—Standards of Performance for Sewage Treatment Plants except Section 60.153(e) which the Administrator shall retain and shall not be transferred to the Commonwealth.

5. Subpart P—Standards of Performance for Primary Copper Smelters.
6. Subpart Q—Standards of Performance for Primary Zinc Smelters.
7. Subpart R—Standards of Performance for Primary Lead Smelters.
8. Subpart S—Standards of Performance for Primary Aluminum Reduction Plants.
9. Subpart Y—Standards of Performance for Coal Preparation Plants.
10. Subpart Z—Standards of Performance for Ferroalloy Production Facilities.
11. Subpart GG—Standards of Performance for Stationary Gas Turbines.
12. Subpart HH—Standards of Performance for Lime Manufacturing Plants.
13. Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants.
14. Subpart LL—Standards of Performance for Metallic Mineral Processing Plants.
15. Subpart MM—Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
16. Subpart NN—Standards of Performance for Phosphate Rock Plants.
17. Subpart PP—Standards of Performance for Ammonium Sulfate Manufacture.
18. Subpart RR—Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
19. Subpart SS—Standards of Performance for Industrial Surface Coating: Large Appliances.
20. Subpart TT—Standards of Performance for Metal Coil Surface Coating.
21. Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
22. Subpart VV—Standards of Performance for equipment leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
23. Subpart WW—Standards of Performance for the Beverage Can Surface Coating Industry.
24. Subpart XX—Standards of Performance for Bulk Gasoline Terminals.
25. Subpart BBB—Standards of Performance for the Rubber Tire Manufacturing Industry except Section 60.543(c)(2)(ii)(B) which the Administrator shall retain and shall not be transferred to the Commonwealth.
26. Subpart DDD—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry except Section 60.562–2(c) which the Administrator shall retain and shall not be transferred to the Commonwealth.
27. Subpart FFF—Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
28. Subpart GGG—Standards for Performance for Equipment Leaks of VOC in Petroleum Refineries.
29. Subpart HHH—Standards of Performance for Synthetic Fiber Production Facilities.
30. Subpart JJJ—Standards of Performance for Petroleum Dry Cleaners.
31. Subpart KKK—Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
32. Subpart LLL—Standard of Performance for Onshore Natural Gas Processing: SO_2 Emissions.
33. Subpart PPP—Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.
34. Subpart RRR—Standards of Performance for Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes except Section 60.703(e) which the Administrator shall retain and shall not be transferred to the Commonwealth.
35. Subpart UUU—Standards of Performance for Calciners and Dryers in Mineral Industries.

After a thorough review of the request, the Regional Administrator determined that such a delegation was appropriate for these source categories with the conditions set forth in the original delegation letter of April 12, 1977. Kentucky sources subject to the requirements of these subparts will now be under the jurisdiction of the Commonwealth of Kentucky. On November 29, 1995, EPA delegated the authority for these source categories in a letter from Winston A. Smith, Director, Air, Pesticides, and Toxics Management Division to John E. Hornback, Director, Kentucky Division for Air Quality.

Action

Since review of the pertinent Kentucky laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these categories of NSPS, the EPA granted the Commonwealth's request for delegation. The EPA hereby notifies the public that it has delegated the authority for the source categories listed above (except those sections, as noted, that may not be delegated).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

This notice is issued under the authority of Sections 101, 110, 111, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, 7411, 7412, and 7601).

Dated: March 25, 1996.

Phyllis P. Harris,

Acting Regional Administrator.

[FR Doc. 96–8815 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Group 8400

[WO–340–1220–00–24 1A]

RIN: 1004–AC52

Visual Resource—Management (Reserved)

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Final rule.

SUMMARY: This administrative final rule removes 43 CFR Group 8400 in its entirety regarding visual resource management (reserved). 43 CFR Group 8400 consists solely of the heading, Visual Resource—Management (Reserved), with no regulatory substance or guidance.

EFFECTIVE DATE: May 9, 1996.

FOR FURTHER INFORMATION CONTACT: Edna Taylor, 202–452–5068.

SUPPLEMENTARY INFORMATION: The specific regulatory guidelines anticipated by the Bureau of Land Management (BLM) do not exist. The BLM does not intend to use this Group for regulatory guidance on management of visual resources. Therefore, Group 8400 is obsolete and without purpose. The BLM has determined that this rule does not require a notice and an opportunity for public comment pursuant to the Administrative Procedure Act (5 U.S.C. 553(b)(A)).

This rule is an administrative action and is not subject to the Office of Management and Budget review under Executive Order 12866. Therefore, the rule does not require an environmental impact analysis. The rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule does not contain information collection requirements that need approval by the

Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The principal author of this final rule is Edna Taylor, Regulatory Management Team, BLM.

Accordingly, under the authority of 5 U.S.C. 301 Group 8400 is removed.

Dated: March 29, 1996.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 96–8401 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7638]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW., Room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Acting Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region III				
Delaware:				
Middletown, town of, New Castle County.	100024	June 13, 1974, Emerg.; January 7, 1977, Reg.; April 17, 1996, Susp.	April 17, 1996	April 17, 1996.
New Castle, city of, New Castle County	100026	June 6, 1970, Emerg.; December 26, 1975, Reg.; April 17, 1996, Susp.	.....do	Do.
New Castle County, unincorporated areas.	105085	June 6, 1970, Emerg.; December 3, 1970, Reg.; April 17, 1996, Susp.	.....do	Do.
Newark, city of, New Castle County	100025	June 5, 1970, Emerg.; March 29, 1974, Reg.; April 17, 1996, Susp.	.....do	Do.
Newport, town of, New Castle County ...	100054	May 28, 1974, Emerg.; June 15, 1978, Reg.; April 17, 1996, Susp.	.....do	Do.
Wilmington, city of, New Castle County .	100028	December 19, 1973, Emerg.; May 2, 1977, Reg.; April 17, 1996, Susp.	.....do	Do.
Region V				
Ohio:				
Fairfield County, unincorporated areas ..	390158	March 21, 1977, Emerg.; April 17, 1989, Reg.; April 17, 1996, Susp.	.....do	Do.
Kenton, city of, Hardin County	390253	August 15, 1975, Emerg.; April 17, 1996, Reg.; April 17, 1996, Susp.	.....do	Do.
Region VI				
Texas: Hardin County, unincorporated areas	480284	November 12, 1973, Emerg.; September 29, 1978, Reg.; April 17, 1996, Susp.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.— Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Issued: March 29, 1996.

Richard W. Krimm,

Acting Associate Director, Mitigation Directorate.

[FR Doc. 96–8772 Filed 4–8–96; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 61, and 63

[IB Docket No. 95–118, FCC 96–79]

Streamlining the International Section 214 Authorization Process and Tariff Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On February 29, 1996, the Federal Communications Commission adopted rules to streamline the international Section 214 authorization process and tariff requirements. The Commission anticipates that the elimination of unnecessary and outdated administrative obligations on carriers will enable them to compete in an evolving global telecommunications market with greater speed and flexibility. These rules will lower the barriers to entry, which will encourage more applicants to enter the international market, ensuring more competition and lower prices for international services to consumers.

EFFECTIVE DATE: § 61.23(c) will become effective May 9, 1996. All other regulations take effect either May 9, 1996 or upon approval by the Office of Management and Budget (OMB), whichever occurs later. When approval is received, the agency will publish a document announcing the effective date.

FOR FURTHER INFORMATION CONTACT: For further information on the Report and Order contact: Helene T. Schrier, Attorney-Advisor, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418–1470.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* adopted February 29, 1996, and released March 13, 1996 (FCC 96–79). The full text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC 20554. The complete text of this *Report and Order* also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Summary of Report and Order

1. In response to a *Notice of Proposed Rulemaking* (60 FR 37980 (July 25, 1995)), the Commission adopted new rules to streamline the international Section 214 authorization process and tariff requirements. The new rules will facilitate international carriers entrance, expansion and exit from the market.

2. The Commission anticipates that the new rules will make entry to the U.S. telecommunications market easier as a facilities-based applicant will need only one authorization to serve virtually all points in the world using U.S.-licensed facilities. A facilities-based applicant with a foreign carrier affiliation, however, may obtain only a limited global Section 214 authorization to provide service to destination markets where the carrier's affiliate does not possess market power.

3. Global authorizations will be streamlined processed. That is, once the Commission reviews the applications to determine eligibility for streamlined processing, the Commission will place them on public notice as accepted for filing, and state whether they will be streamlined or not. Petitions to deny streamlined applications must be filed within 21 days. If streamlined applications are unopposed, they will be deemed granted 35 days after the date of the initial public notice of acceptance for filing, and the applicants may commence operations on the 36th day. Shortly after the streamlined application has been granted, we will issue a second public notice that will be published in the FCC Record and will serve as the applicants' Section 214 authorization. The second public notice will list the applications granted and restrictions, if any, on providing service to particular countries and on the use of certain facilities. Applications that are contested or require the International Bureau to make a determination as to the degree of market power possessed by a foreign carrier affiliate will not be eligible for streamlined processing. Such applications will be acted upon by written order.

4. This global Section 214 authorization will be subject to an exclusion list that the International Bureau will maintain identifying countries or facilities for which there are restrictions. The International Bureau will include the exclusion list as part of each public notice listing granted streamlined applications, or in the case of non-streamlined grants, in the granting order. And, the International Bureau's Reference Center will maintain a copy of the exclusion list.

5. To further ease entry into the U.S. international services market, the Commission's new rules simplify and accelerate the Section 214 and cable landing license application process. The rules reduce the amount of information previously required in applications for Section 214 authorization and cable landing licenses. Applicants will have the option of filing international Section 214 applications on computer diskettes but must still file a paper copy of their application. Applications in foreign languages must be accompanied with a certified translation in English. And, the Commission instructs the International Bureau to determine the practicality of creating a standardized form for filing Section 214 applications. In addition, the Commission will make available to the public through the Internet and other sources filing aids such as checklists, instruction sheets or sample Section 214 applications.

6. The new rules will eliminate several regulatory requirements that delay carriers from expanding their services. First, authorized resellers no longer will need to obtain additional authorizations to resell services of carriers not identified in their initial authorization. Resellers may resell services of any authorized carrier except U.S. facilities-based affiliates that are regulated as dominant on routes the reseller seeks to serve. If a reseller desires to resell service of an affiliated underlying carrier that is regulated as dominant on some routes and not on others, the reseller is now authorized to resell that carrier's services on those routes on which the underlying carrier is non-dominant. The reseller should file a separate Section 214 application, however, to provide resale service on routes where the underlying carrier is deemed dominant. Second, carriers that are authorized to resell interconnected private lines for switched services to a designated ''equivalent'' country no longer will need to obtain separate Section 214 authority to serve additional equivalent countries. Once that carrier receives the initial authorization, the carrier automatically may resell private lines to provide switched service to all countries that are determined by the Commission, currently or subsequently, to provide equivalent resale opportunities for U.S.-based carriers. This procedure also will be available to facilities-based carriers that wish to provide switched service over their authorized facilities-based private lines. The only limit on this flexibility is for those facilities-based carriers or resellers that have an affiliation with a dominant carrier in the equivalent country. In such a case, carriers will file a separate Section 214 application. Third, non-dominant U.S. international carriers, and U.S. international carriers regulated as dominant for reasons other than having foreign affiliations, may add circuits on U.S.-licensed non-common carrier satellite or submarine cable systems without obtaining additional authority. Dominant carriers will still file a Section 214 application if they seek to add circuits on a non-common carrier system to a point where they have an affiliate that possesses market power.

7. The new rules also are designed to ease carriers' exit from the market. Dominant carriers are now authorized to simply notify the Commission when they convey submarine cable capacity to other carriers instead of obtaining prior Section 214 authority. And, non-dominant carriers will be allowed to provide 60, as opposed to 120, days' notice to their customers before discontinuing service or retiring facilities.

8. The *Report and Order* streamlines the tariff requirements for non-dominant international carriers by permitting them to file their international tariffed rates on one day's notice instead of the current 14 days' notice. The Commission will apply the same relaxed form and content requirements used for non-dominant domestic carriers, including the filing of the tariffs on computer diskettes and the inclusion of a brief cover letter.

9. Finally, the Commission invites the public to make suggestions regarding what, if any, Section 214 authorization requirements it should forbear from applying.

Administrative Matters

Paperwork Reduction Act

The Commission, as part of its continuing effort to reduce paperwork burdens, will publish a separate document inviting the general public and OMB to comment on the proposed information collections contained in this *Report and Order.*

Final Regulatory Flexibility Analysis

Pursuant to section 603 of Title 5, United States Code, 5 U.S.C. 603, an initial Regulatory Flexibility Analysis was incorporated in the Notice of Proposed Rule Making in IB Docket No. 95–118. Written comments on the proposals in the Notice, including the Regulatory Flexibility Analysis, were requested.

A. Need and Purpose of Rules

This *Report and Order* streamlines the international Section 214 authorization process and tariff requirements in order to greatly lessen the regulatory burdens on applicants, authorized carriers, and the Commission to enable them to operate more efficiently and respond better to customers' needs in a timely manner. These rules allow international carriers to enter and exit the market more quickly with greater flexibility to meet the evolving needs of the global telecommunications market.

B. Issues Raised by the Public in Response to the Initial Analysis

We received one comment in response to the Initial Regulatory Flexibility Analysis. The America's Carriers Telecommunications Association (ACTA) completely supported the initiatives of the Commission in seeking to reduce unnecessary regulation and to streamline the regulation required to serve the interests of the public. ACTA

raised one area of concern as the Commission replaces traditional regulatory controls in favor of competition to regulate the marketplace. ACTA states that effective enforcement of the remaining regulations, which is both prompt and effective, is critical to survival of the smaller competitors in the industry. ACTA states that present complaint and tariff processes favor the established carriers, as does commercial arbitration and/or the Alternative Dispute Resolution proceedings of the Commission. ACTA states that the Commission should provide small competitors a fair, unbiased and competent forum to air their grievances and to obtain justice.

C. Significant Alternatives Considered

We have attempted to balance all the commenters' concerns with our public interest mandate under the Act in order to adopt a clear and administratively feasible approach to processing international Section 214 applications and tariffs. Where we have removed regulations, we have been careful to consider the implications on small businesses and the industry in general. We have considered and addressed all of the alternatives offered. We rejected proposals to streamline dominant carrier regulations where we believed such action would hinder our ability to regulate dominant carriers, and safeguard against market power abuses.

Ordering Clauses

1. Accordingly, it is ordered, that § 61.23(c) will become effective May 9, 1996. All other regulations take effect either May 9, 1996 or upon approval by the Office of Management and Budget (OMB), whichever occurs later. When approval is received, the agency will publish a document announcing the effective date.

2. This action is taken pursuant to sections 4, 214, 219, 303(r) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 214, 219, 303(r) and 403.

3. It is further ordered that this proceeding is hereby terminated.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 61

Communications common carriers.

47 CFR Part 63

Communications common carriers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Parts 1, 61 and 63 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Section 1.767 is amended by revising paragraph (a) and adding new paragraphs (e) and (f) to read as follows:

§ 1.767 Cable landing licenses.

(a) Applications for cable landing licenses under 47 U.S.C. 34–39 and Executive Order No. 10530, dated May 10, 1954, should be filed in duplicate and in accordance with the provisions of that Executive Order. These applications should contain:

(1) The name, address and telephone number(s) of the applicant;

(2) The Government, State, or Territory under the laws of which each corporate or partnership applicant is organized;

(3) The name, title, post office address, and telephone number of the officer and any other contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed;

(4) A description of the submarine cable, including the type and number of channels and the capacity thereof;

(5) A specific description of the cable landing location on the shore of the United States and in foreign countries where the cable will land (including a map). Applicants initially may file a general geographic description of the landing points; however, grant of the application will be conditioned on the Commission's final approval of a more specific description of the landing points to be filed by the applicant no later than 90 days prior to construction. The Commission will give public notice of the filing of this description, and grant of the license will be considered final if the Commission does not notify the applicant otherwise in writing no later than 60 days after receipt of the specific description of the landing points.

(6) A statement as to whether the cable will be operated on a common carrier or non-common carrier basis, and if operation will be on a non-common carrier basis, include the ownership information required in § 63.18 (e)(6) and (h) (1) through (2) of this chapter; and

(7) Any other information that may be necessary to enable the Commission to act on their application.

* * * * *

(e) A separate application shall be filed with respect to each individual cable system for which a license is requested, or for which modification or amendment of a previous license is requested.

(f) Applicants shall disclose to any interested member of the public, upon written request, accurate information concerning the location and timing for the construction of a submarine cable system authorized under this section. This disclosure shall be made within 30 days of receipt of the request.

PART 61—TARIFFS

1. The authority citation for part 61 continues to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201–205, and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–205, and 403, unless otherwise noted.

2. Section 61.20 is amended by revising its preceding centered headings and paragraph (b) to read as follows:

General Rules

General Rules for Domestic and International Nondominant Carriers

§ 61.20 Method of filing publications.

* * * * *

(b)(1) In addition, for all tariff publications requiring fees as set forth in part 1, subpart G of this chapter, issuing carriers must submit the original of the cover letter (without attachments), FCC Form 159, and the appropriate fee to the Mellon Bank, Pittsburgh, PA at the address set forth in § 1.1105 of this chapter. Issuing carriers should submit these fee materials on the same date as the submission in paragraph (a) of this section.

(2) International carriers must certify in their original cover letter that they are authorized under Section 214 of the Communications Act of 1934, as amended, to provide service, and reference the FCC file number of that authorization.

* * * * *

3. Section 61.21 is amended by revising paragraph (a) to read as follows:

§ 61.21 Cover letters.

(a)(1) Except as specified in § 61.32(b), all publications filed with the Commission must be accompanied by a cover letter, 8.5 by 11 inches (21.6 cm x 27.9 cm) in size. All cover letters should briefly explain the nature of the

filing and indicate the date and method of filing of the original cover letter, as required by § 61.20(b)(1).

(2) International carriers must certify that they are authorized under Section 214 of the Communications Act of 1934, as amended, to provide service, and reference the FCC file number of that authorization.

* * * * *

4. Section 61.22 is amended by revising its preceding centered headings and paragraphs (b) and (d) to read as follows:

Specific Rules for Domestic and International Nondominant Carriers

§ 61.22 Composition of tariffs.

* * * * *

(b) The tariff must contain the carrier's name, the international Section 214 authorization FCC file number (when applicable), and the information required by Section 203 of the Act.

* * * * *

(d) Domestic and international nondominant carriers subject to the provisions of this section are not subject to the tariff filing requirements of § 61.54.

5. Section 61.23(c) is revised to read as follows:

§ 61.23 Notice requirements.

* * * * *

(c) Tariff filings of domestic and international non-dominant carriers must be made on at least one-day notice.

PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

1. The authority citation for Part 63 continues to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201–205, 218, and 403 of the Communications Act of 1934, as amended, and sec. 613 of the Cable Communications Policy Act of 1984, 47 U.S.C. 151, 154(i), 15(j), 201–205, 218, 403, and 533 unless otherwise noted.

2. Section 63.01 is amended by removing paragraphs (k)(5) through (k)(7), (r), (s) and Notes 1 through 4, and revising the section heading and introductory text to read as follows:

§ 63.01 Contents of applications for domestic common carriers.

Except as otherwise provided in this part, any party proposing to undertake any construction of a new line, extension of any line, acquisition, lease, or operation of any line or extension thereof or engage in transmission over or by means of such line, and such line originates and terminates in the United States, for which authority is required under the provisions of Section 214 of the Communications Act of 1934, as amended, shall request such authority by formal application which shall be accompanied by a statement showing how the proposed construction, etc., will serve the public interest, convenience, and necessity. Such statement must include the following information as applicable:

* * * * *

3. Section 63.05 is amended by revising the section heading to read as follows:

§ 63.05 Commencement and completion of construction for domestic common carriers.

* * * * *

4. Section 63.10 is amended by revising the last sentence of paragraphs (a) introductory text, (a)(3), and (a)(4), and (c)(3) to read as follows:

§ 63.10 Regulatory classification of U.S. international carriers.

(a) * * * For purposes of paragraphs (a)(1) through (a)(3) of this section, ''affiliation'' and ''foreign carrier'' are defined as set forth in § 63.18(h)(1) (i) and (ii), respectively.

* * * * *

(3) * * * Such a demonstration should address the factors that relate to the scope or degree of the foreign affiliate's bottleneck control, including those listed in Section § 63.18(h)(8).

(4) * * * The existence of an affiliation with a U.S. facilities-based international carrier shall be assessed in accordance with the definition of affiliation contained in § 63.18(h)(1)(i), except that the phrase ''U.S. facilities-based international carrier'' shall be substituted for the phrase ''foreign carrier.''

* * * * *

(c) * * *

(3) Obtain Commission approval pursuant to § 63.18 before adding or discontinuing circuits; and

* * * * *

5. Section 63.11 is amended by revising paragraphs (a) introductory text, (a)(2), (c)(1) through (c)(3), (d), and the last sentence of (e)(2) to read as follows:

§ 63.11 Notification by and prior approval for U.S. international carriers that have or propose to acquire ten percent investments by, and/or an affiliation with, a foreign carrier.

(a) Any carrier authorized to provide international communications service under this part that, as of the effective date of this rule as amended in IB Docket No. 95–22, is, or has an affiliation with, a foreign carrier within the meaning of § 63.18(h)(1)(i)(A) or (h)(1)(i)(B), or that as of such date knows of an existing ten percent or greater interest, whether direct or indirect, in the capital stock of the authorized carrier by a foreign carrier, or that after the effective date of this rule becomes affiliated with a foreign carrier within the meaning of § 63.18(h)(1)(i)(A), shall notify the Commission within thirty days of the effective date of this rule or within thirty days of the acquisition of the affiliation, whichever occurs later. For purposes of this section, ''foreign carrier'' is defined as set forth in § 63.18(h)(1)(ii).

* * * * *

(2) Any carrier that has previously notified the Commission of an affiliation with a foreign carrier, as defined by § 63.18(h)(1) immediately prior to the rule's amendment in IB Docket No. 95–22, need not notify the Commission again of the same affiliation.

* * * * *

(c) ***

(1) The carrier also should specify, where applicable, those countries named in paragraph (c) of this section for which it provides a specified international communications service solely through the resale of the international switched or private line services of U.S. facilities-based carriers with which the resale carrier does not have an affiliation. Such an affiliation is defined in § 63.18(h)(1)(i), except that the phrase ''U.S. facilities-based international carrier'' shall be substituted for the phrase ''foreign carrier.''

(2) The carrier shall also submit with its notification:

(i) The ownership information as required to be submitted pursuant to § 63.18(h)(2);

(ii) Where the carrier is authorized as a private line reseller on a particular route for which it has an affiliation with a foreign carrier, as defined in § 63.18(h)(1)(i), a certification as required to be submitted pursuant to § 63.18(h)(4); and

(iii) A ''special concessions'' certification as required to be submitted pursuant to § 63.18(i).

(3) The carrier is responsible for the continuing accuracy of the certifications provided under this section. Whenever the substance of any certification provided under this section is no longer accurate, the carrier shall as promptly as possible, and in any event within thirty days, file with the Secretary in duplicate a corrected certification referencing the

FCC File No. under which the original certification was provided, *except that* the carrier shall immediately inform the Commission if at any time the representations in the ''special concessions'' certification provided under paragraph (c)(2)(iii) of this section are no longer true. *See* § 63.18(i))(2). This information may be used by the Commission to determine whether a change in regulatory status may be warranted under § 63.10.

(d) Unless the carrier notifying the Commission of a foreign carrier affiliation under paragraph (a) of this section qualifies for the presumption of non-dominant regulation pursuant to § 63.10(a)(4), it should submit the information specified in § 63.18(h)(8) to retain its non-dominant status on any affiliated route.

(e) * * *

(2) * * * If notified that the acquisition raises a substantial and material question, then the carrier shall not consummate the planned investment until it has filed an application under § 63.18 and submitted the information specified under § 63.18 (h) (6) or (7) as applicable, and § 63.18(h)(8), and the Commission has approved the application by formal written order.

6. Section 63.12 is revised to read as follows:

§ 63.12 Streamlined processing of certain international facilities-based and resale applications.

(a) Except as provided by paragraph (c) of this section, a complete application seeking authorization under § 63.18(e) (1) and (2) to acquire facilities to provide international services shall be granted by the Commission 35 days after the date of public notice listing the application as accepted for filing.

(b) Issuance of public notice of the grant shall be deemed the issuance of § 214 certification to the applicant, which may commence operation on the 36th day after the date of public notice listing the application as accepted for filing, but only in accordance with the operations proposed in its application and the rules, regulations, and policies of the Commission.

(c) The streamlined processing procedures provided by paragraphs (a) and (b) of this section shall not apply where:

(1) The applicant seeks authority under either § 63.18(e)(1) for global § 214 authority to operate as a facilities-based carrier or § 63.18(e)(2) to resell international services, and the applicant has an affiliation within the meaning of § 63.18(h)(1)(i) with a facilities-based foreign carrier in a destination market, and the Commission has not yet made a determination as to whether that foreign carrier possesses market power in that market; or

(2) The applicant has an affiliation within the meaning of § 63.18(h)(1)(i) with a dominant U.S. facilities-based carrier whose international switched or private line services the applicant seeks authority to resell (either directly or indirectly through the resale of another reseller's services); or

(3) The applicant seeks authority under § 63.18(e)(2) to resell international private line services to a country for which the Commission has not determined as of the date of public notice of the application that equivalent resale opportunities exist between the United States and the destination country; or

(4) The application is formally opposed within the meaning of § 1.1202(e) of this chapter; or

(5) The Commission has informed the applicant in writing, including by public notice, within 28 days after the date of public notice accepting the application for filing, that the application is not eligible for streamlined processing under this section.

(d) Any complete application that is subject to paragraph (c) of this section will be acted upon only by formal written order and operation for which such authorization is sought may not commence except in accordance with such order.

Note to paragraph (c): The term ''facilities-based carrier'' means one that holds an ownership, indefeasible-right-of-user, or leasehold interest in bare capacity in an international facility, regardless of whether the underlying facility is a common or non-common carrier submarine cable, or an INTELSAT or separate satellite system.

7. § 63.13 is amended by revising the last sentence of paragraphs (a)(3) and (a)(5), and revising (a)(4) to read as follows:

§ 63.13 Streamlined procedures for modifying regulatory classification of U.S. international carriers from dominant to non-dominant.

* * * * *

(a) * * *

(3) * * * For purposes of this paragraph, ''telecommunications facilities'' are defined as in § 63.18(h)(4).

(4) Any carrier filing a certified list pursuant to paragraph (a)(2) of this section must also provide the ''special concessions'' certification as required to be submitted pursuant to § 63.18(i).

(5) * * * *See* § 63.18(i)(2).

* * * * *

8. Section 63.14 is revised to read as follows:

§ 63.14 Prohibition on agreeing to accept special concessions.

Any carrier authorized to provide international communications service under this part shall be prohibited from agreeing to accept special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the United States and any foreign country served under the authority of this part and from agreeing to enter into such agreements in the future. For purposes of this section, ''foreign carrier'' is defined as in § 63.18(h)(1)(ii) and ''special concession'' is defined as in § 63.18(i).

9. Section 63.15 is amended by removing paragraph (c) and revising the section heading and paragraph (a) to read as follows:

§ 63.15 Special procedures for international service providers.

(a) Any party seeking to construct, acquire or operate lines in any new major common carrier facility project or non-U.S. licensed satellite or cable system for the provision of international common carrier services shall file an application pursuant to § 63.18(e)(6). If a carrier has global Section 214 authority pursuant to the provisions of § 63.18(e)(1), and the carrier desires to use non-U.S. licensed facilities pursuant to the provisions of § 63.18(e)(1)(ii)(B), this filing requirement does not apply.

* * * * *

10. Section 63.17 is amended by revising paragraphs (b), introductory text, and (b)(4) to read as follows:

§ 63.17 Special provisions for U.S. international common carriers.

* * * * *

(b) Except as provided in paragraph (b)(5) of this section, a U.S. common carrier, whether a reseller or facilities-based, may engage in ''switched hubbing'' to countries not found to offer equivalent resale opportunities under § 63.18(e) (3) and (4) under the following conditions:

* * * * *

(4) No U.S. common carrier may engage in switched hubbing under this section to a country where it has an affiliation with a foreign carrier unless and until it receives specific authority to do so under § 63.18. For purposes of this paragraph, ''affiliation'' and ''foreign carrier'' are defined in § 63.18(h)(1) (i)(B) and (ii), respectively.

11. New § 63.18 is added to read as follows:

§ 63.18 Contents of applications for international common carriers.

Except as otherwise provided in this part, any party seeking authority pursuant to Section 214 of the Communications Act of 1934, as amended, to construct a new line, or acquire or operate any line, or engage in transmission over or by means of such additional line for the provision of common carrier communications services between the United States, its territories or possessions, and a foreign point shall request such authority by formal application which shall be accompanied by a statement showing how the grant of the application will serve the public interest, convenience, and necessity. Such statement shall consist of the following information, as applicable:

(a) The name, address, and telephone number of each applicant;

(b) The Government, State, or Territory under the laws of which each corporate or partnership applicant is organized;

(c) The name, title, post office address, and telephone number of the officer and any other contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed;

(d) A statement as to whether the applicant has previously received authority under Section 214 of the Act and, if so, a general description of the categories of facilities and services authorized (i.e., authorized to provide international switched services on a facilities basis);

(e) One or more of the following statements, as pertinent:

(1) If applying for authority to acquire interests in facilities previously authorized by the Commission in order to provide international basic switched, private line, data, television and business services to all international points, the applicant shall:

(i) State that it is requesting Section 214 authority to operate as a facilities-based carrier pursuant to the terms and conditions of paragraph (e)(1) of this section.

(ii) Comply with the following terms and conditions:

(A) Authority to provide services to all international points under this part extends only to those countries for which the applicant qualifies for non-dominant regulation as set forth in § 63.10. If an applicant is affiliated with a facilities-based foreign carrier in a destination market and the Commission has not determined that the foreign carrier does not possess market power in that market, the applicant shall not commence service on any such route unless and until it receives specific authority to do so under paragraph (e)(6) of this section. If an applicant becomes dominant on a particular route after receiving authority under this section, the terms and conditions of § 63.10(c) will apply to its provision of services on the dominant route. An applicant should file separately under Section 63.18(e)(6) to provide service on routes on which it may not qualify for regulation as a non-dominant carrier.

(B) The applicant may only provide service using half-circuits on appropriately licensed U.S. common and non-common carrier facilities (either under Title III of the Communications Act of 1934, as amended, or the Submarine Cable Landing License Act, 47 U.S.C. 34 *et. al.*) provided that these facilities do not appear on an exclusion list published by the Commission and any necessary overseas connecting facilities. Applicants may not use non-U.S. licensed facilities unless and until the Commission specifically approves their use and so indicates on the exclusion list, and only then for service to the countries indicated thereon.

(C) The applicant may provide service to any country not included on an exclusion list published by the Commission.

(D) The applicant may provide international basic switched, private line, data, television and business services.

(E) The authority granted under this paragraph shall be subject to all Commission rules and regulations and any conditions stated in the Commission's public notice or order that serves as the applicant's Section 214 certificate. *See* § 63.12.

(2) If applying for authority to resell the international services of authorized U.S. common carriers for the provision of international basic switched, private line, data, television and business services to all international points, the applicant shall:

(i) State that it is requesting Section 214 authority to operate as a resale carrier pursuant to the terms and conditions of § 63.18(e)(2).

(ii) Comply with the following the terms and conditions:

(A) The applicant may resell the international services of any authorized common carrier, except affiliated carriers regulated as dominant on the route to be served, pursuant to that carrier's tariff or contract duly filed with the Commission, for the provision of international basic switched, private line, data, television and business services to all international points;

(B) The applicant may resell private line services for the provision of international basic switched services only to countries found by the Commission to provide equivalent resale opportunities, except in circumstances where the applicant is affiliated with a facilities-based foreign carrier in a destination market and the Commission has not determined that the foreign carrier does not possess market power in that market. In such circumstances, the applicant shall not commence service on any such route unless and until it receives specific authority to do so under paragraph (e)(6) of this section. The Commission will provide public notice of its determinations.

(C) The authority granted under this paragraph shall be subject to all Commission rules and regulations and any conditions stated in the Commission's public notice or order that serves as the applicant's Section 214 certificate. *See* § 63.12.

(3) If applying for authority to resell private lines for the purpose of providing international basic switched services to countries not on the Commission's published list of equivalent countries, applicant shall demonstrate for each country to which it seeks to provide service that that country affords resale opportunities equivalent to those available under U.S. law. In this regard, applicant shall:

(i) Include evidence demonstrating that equivalent resale opportunities exist between the United States and the subject country, including any relevant bilateral agreements between the administrations involved. Parties must demonstrate that the foreign country at the other end of the private line provides U.S.-based carriers with:

(A) The legal right to resell international private lines, interconnected at both ends, for the provision of switched services;

(B) Nondiscriminatory charges, terms and conditions for interconnection to foreign domestic carrier facilities for termination and origination of international services, with adequate means of enforcement;

(C) Competitive safeguards to protect against anticompetitive and discriminatory practices affecting private line resale; and

(D) Fair and transparent regulatory procedures, including separation between the regulator and operator of international facilities-based services.

(ii) The procedures set forth in paragraph (e)(3) of this section are subject to Commission policies on resale of international private lines in CC

Docket No. 90–337 as amended in IB Docket No. 95–22.

(4) Any carrier authorized under this section to acquire and operate international private line facilities other than through resale may use those private lines to provide switched basic services to countries found by the Commission to provide equivalent resale opportunities except in circumstances where the applicant is affiliated with a facilities-based foreign carrier in the country at the foreign end of the private line, and the Commission has not determined that the foreign carrier does not possess market power in that market. In such circumstances, the applicant shall not commence service on such route unless and until it receives specific authority to do so under paragraph (e)(6) of this section. The Commission will provide public notice of its equivalency findings. The applicant is subject to all applicable Commission rules and regulations and any conditions stated in the Commission's public notice or order that serves as the applicant's Section 214 certificate. *See* § 63.12.

(i) Except as provided in paragraph (e)(4)(ii) of this section, any carrier that seeks to provide switched basic services over its authorized private line facilities to countries not identified in the Commission's published list of equivalent countries shall, for each country for which it seeks to provide switched basic service over its authorized private lines facilities, request such authority by formal application. Such application shall be accompanied by a demonstration that country affords resale opportunities equivalent to those available under U.S. law. In this regard, applicant shall include the information required by paragraph (e)(3) of this section.

(ii) No formal application is required under paragraph (e)(4) of this section in circumstances where the carrier's previously authorized private line facility is interconnected to the public switched network only on one end—either the U.S. or the foreign end—and where the carrier is not operating the facility in correspondence with a carrier that directly or indirectly owns the private line facility in the foreign country at the other end of the private line.

(5) If applying for authority to acquire facilities through the transfer of control of a common carrier holding international Section 214 authorization, or through the assignment of another carrier's existing authorization, the applicant shall complete paragraphs (a) through (d) of this section for both the transferor/assignor and the transferee/assignee. Paragraph (g) of this section is not applicable, and only the transferee/assignee needs to complete paragraphs (i) and (j) of this section. At the beginning of the application, the applicant should also include a narrative of the means by which the transfer or assignment will take place. The Commission reserves the right to request additional information as to the particulars of the transaction to aid it in making its public interest determination.

(6) If applying for authority to acquire facilities or to provide services not covered by § 63.18(e) (1) through (5), the applicant shall provide a description of the facilities and services for which it seeks authorization. Such description also shall include any additional information the Commission shall have specified previously in an order, public notice or other official action as necessary for authorization. Applicants for new submarine cable facilities also shall include a list of the proposed owners of the cable, their voting interests and ownership interests by segment in the cable.

(f) Applicants may apply for any or all of the authority provided for in paragraph (e) of this section in the same application. The applicant may want to file separate applications for those services not subject to streamlined processing under § 63.12.

(g) Where the applicant is seeking facilities-based authority under paragraph (e)(6) of this section, a statement whether an authorization of the facilities is categorically excluded as defined by § 1.1306 of this chapter. If answered affirmatively, an environmental assessment as described in § 1.1311 of this chapter need not be filed with the application.

(h) A certification as to whether or not the applicant is, or has an affiliation with, a foreign carrier.

(1) The certification shall state with specificity each foreign country in which the applicant is, or has an affiliation with, a foreign carrier. For purposes of this certification:

(i) Affiliation is defined to include:

(A) A greater than 25 percent ownership of capital stock, or controlling interest at any level, by the applicant, or by any entity that directly or indirectly controls or is controlled by it, or that is under direct or indirect common control with it, in a foreign carrier or in any entity that directly or indirectly controls a foreign carrier; or

(B) A greater than 25 percent ownership of capital stock, or controlling interest at any level, in the applicant by a foreign carrier, or by any entity that directly or indirectly controls or is controlled by a foreign carrier, or that is under direct or indirect common control with a foreign carrier; or by two or more foreign carriers investing in the applicant in the same manner in circumstances where the foreign carriers are parties to, or the beneficiaries of, a contractual relation (*e.g.*, a joint venture or market alliance) affecting the provision or marketing of basic international telecommunications services in the United States. A U.S. carrier also will be considered to be affiliated with a foreign carrier where the foreign carrier controls, is controlled by, or is under common control with a second foreign carrier already found to be affiliated with that U.S. carrier under this section.

(ii) Foreign carrier is defined as any entity that is authorized within a foreign country to engage in the provision of international telecommunications services offered to the public in that country within the meaning of the International Telecommunication Regulations, *see* Final Acts of the World Administrative Telegraph and Telephone Conference, Melbourne, 1988 (WATTC–88), Art. 1, which includes entities authorized to engage in the provision of domestic telecommunications services if such carriers have the ability to originate or terminate telecommunications services to of from points outside their country.

(2) In support of the required certification, each applicant shall also provide the name, address, citizenship and principal businesses of its ten percent or greater direct and indirect shareholders or other equity holders and identify any interlocking directorates.

(3) Each applicant that proposes to acquire facilities through the resale of the international switched or private line services of another U.S. carrier shall additionally certify as to whether or not the applicant has an affiliation with the U.S. carrier(s) whose facilities-based service(s) the applicant proposes to resell (either directly or indirectly through the resale of another reseller's service). For purposes of this paragraph, affiliation is defined as in paragraph (h)(1)(i) of this section, except that the phrase ''U.S. facilities-based international carrier'' shall be substituted for the phrase ''foreign carrier.''

(4) Each applicant that certifies under this section that it has an affiliation with a foreign carrier and that proposes to resell the international private line services of another U.S. carrier shall additionally certify as to whether the affiliated foreign carrier owns or controls telecommunications facilities in the particular country(ies) to which

the applicant proposes to provide service (*i.e.*, the destination country(ies)). For purposes of this paragraph, telecommunications facilities are defined as the underlying telecommunications transport means, including intercity and local access facilities, used by a foreign carrier to provide international telecommunications services offered to the public.

(5) Each applicant and carrier authorized to provide international communications service under this part is responsible for the continuing accuracy of the certifications required by paragraphs (h) (3) and (4) of this section. Whenever the substance of any such certification is no longer accurate, the applicant/carrier shall as promptly as possible and in any event within thirty days file with the Secretary in duplicate a corrected certification referencing the FCC File No. under which the original certification was provided. This information may be used by the Commission to determine whether a change in regulatory status may be warranted under § 63.10.

(6) Each applicant that certifies that it is, or that it has an affiliation with, a foreign carrier, as defined in paragraphs (h)(1) (i)(B) and (ii) of this section, respectively, in a named foreign country and that seeks to operate as a U.S. facilities-based international carrier to that country from the United States shall provide information in its application filed under this part to demonstrate that either:

(i) The named foreign country (*i.e.*, the destination foreign country) provides effective competitive opportunities to U.S. carriers to compete in that country's international facilities-based market; or

(ii) Its affiliated foreign carrier does not have the ability to discriminate against unaffiliated U.S. international carriers through control of bottleneck services or facilities in the destination country.

(A) The demonstration specified in paragraph (h)(6)(i) of this section should address the following factors:

(*1*) The legal ability of U.S. carriers to enter the foreign market and provide facilities-based international services, in particular international message telephone service (IMTS);

(*2*) Whether there exist reasonable and nondiscriminatory charges, terms and conditions for interconnection to a foreign carrier's domestic facilities for termination and origination of international services;

(*3*) Whether competitive safeguards exist in the foreign country to protect against anticompetitive practices, including safeguards such as:

(*i*) Existence of cost-allocation rules in the foreign country to prevent cross-subsidization;

(*ii*) Timely and nondiscriminatory disclosure of technical information needed to use, or interconnect with, carriers' facilities; and

(*iii*) Protection of carrier and customer proprietary information;

(*4*) Whether there is an effective regulatory framework in the foreign country to develop, implement and enforce legal requirements, interconnection arrangements and other safeguards; and

(*5*) Any other factors the applicant deems relevant to its demonstration.

(B) The demonstration specified in paragraph (h)(6)(ii) of this section should include the same information requested by paragraph (h)(8) of this section.

(7) Each applicant that certifies that it is, or that it has an affiliation with, a foreign carrier, as defined in paragraph (h)(1) (i)(B) and (ii) of this section, respectively, in a named foreign country and that proposes to resell the international switched or non-interconnected private line services, respectively, of another U.S. carrier for the purpose of providing international communications services to the named foreign country from the United States shall provide information in its application filed under this part to demonstrate that either:

(i) The named foreign country (*i.e.*, the destination foreign country) provides effective competitive opportunities to U.S. carriers to resell international switched or non-interconnected private line services, respectively; or

(ii) Its affiliated foreign carrier does not have the ability to discriminate against unaffiliated U.S. international carriers through control of bottleneck services or facilities in the destination country.

(A) The demonstration specified in paragraph (h)(7)(i) of this section should address the following factors:

(*1*) The legal ability of U.S. carriers to enter the foreign market and provide resold international switched services (for switched resale applications) or non-interconnected private line services (for non-interconnected private line resale applications);

(*2*) Whether there exist reasonable and nondiscriminatory charges, terms and conditions for the provision of the relevant resale service;

(*3*) Whether competitive safeguards exist in the foreign country to protect against anticompetitive practices, including safeguards such as:

(*i*) Existence of cost-allocation rules in the foreign country to prevent cross-subsidization;

(*ii*) Timely and nondiscriminatory disclosure of technical information needed to use, or interconnect with, carriers' facilities; and

(*iii*) Protection of carrier and customer proprietary information;

(*4*) Whether there is an effective regulatory framework in the foreign country to develop, implement and enforce legal requirements, interconnection arrangements and other safeguards; and

(*5*) Any other factors the applicant deems relevant to its demonstration.

(B) The demonstration specified in paragraph (h)(7)(ii) of this section should include the same information requested in paragraph (h)(8) of this section.

(8) Each applicant that certifies that it has an affiliation with a foreign carrier in a named foreign country and that desires to be regulated as non-dominant for the provision of international communications service to that country may provide information in its application filed under this part to demonstrate that its affiliated foreign carrier does not have the ability to discriminate against unaffiliated U.S. international carriers through control of bottleneck services or facilities in the named foreign country. *See* § 63.10, Regulatory Classification of U.S. International Carriers.

(i) Such a demonstration should address the factors that relate to the scope or degree of the foreign affiliate's bottleneck control, such as:

(A) The monopoly, duopoly, or oligopoly status of the destination country; and

(B) Whether the foreign affiliate has the potential to discriminate against unaffiliated U.S. international carriers through such means as preferential operating agreements, preferential routing of traffic, exclusive or more favorable transiting agreements, or preferential domestic access and interconnection arrangements.

(ii) Such a demonstration may also address other factors the applicant deems relevant, such as the effectiveness of regulation in the destination country.

(i) Each applicant shall certify that the applicant has not agreed to accept special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the U.S. and any foreign country which the applicant may serve under the authority granted

under this part and will not enter into such agreements in the future.

(1) For purposes of paragraph (i) of this section, and of §§ 63.11(c)(2)(iii), 63.13(a)(4), and 63.14, special concession is defined as any arrangement that affects traffic or revenue flows to or from the United States that is offered exclusively by a foreign carrier or administration to a particular U.S. international carrier and not also to similarly situated U.S. international carriers authorized to serve a particular route.

(2) The special concessions certification required by paragraph (i) of this section and by §§ 63.11(c)(2)(iii) and 63.13(a)(4) shall be viewed as an ongoing representation to the Commission, and applicants/carriers shall immediately inform the Commission if at any time the representations in their certifications are no longer true. Failure to so inform the Commission will be deemed a material misrepresentation to the Commission.

(j) A certification pursuant to §§ 1.2001 through 1.2003 of this chapter that no party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. *See* 21 U.S.C. 853a.

Note 1 to paragraph (h): The word ''control'' as used in this section is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

Note 2 to paragraph (h): The term ''facilities-based carrier'' as used in this section means one that holds an ownership, indefeasible-right-of-user, or leasehold interest in bare capacity in an international facility, regardless of whether the underlying facility is a common or non-common carrier submarine cable, or an INTELSAT or separate satellite system.

Note 3 to paragraph (h): The assessment of ''capital stock'' ownership will be made under the standards developed in Commission case law for determining such ownership. *See, e.g., Fox Television Stations, Inc.,* 10 FCC Rcd 8452 (1995). ''Capital stock'' includes all forms of equity ownership, including partnership interests.

Note 4 to paragraph (h): Ownership and other interests in U.S. and foreign carriers will be attributed to their holders and deemed cognizable pursuant to the following criteria: Attribution of ownership interests in a carrier that are held indirectly by any party through one or more intervening corporations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that wherever the ownership percentage for any link in the chain exceeds 50 percent, it shall not be included for purposes of this multiplication. For example, if A owns 30 percent of company X, which owns 60 percent of company Y, which owns 26 percent of ''carrier,'' then X's interest in ''carrier'' would be 26 percent (the same as Y's interest because X's interest in Y exceeds 50 percent), and A's interest in ''carrier'' would be 7.8 percent (0.30 x 0.26). Under the 25 percent attribution benchmark, X's interest in ''carrier'' would be cognizable, while A's interest would not be cognizable.

12. A new § 63.19 is added to read as follows:

§ 63.19 Special procedures for discontinuances of international services.

(a) Any non-dominant international carrier as this term is defined in § 63.10 that seeks to discontinue, reduce or impair service, including the retiring of international facilities, dismantling or removing of international trunk lines, shall be subject to the following procedures in lieu of those specified in §§ 63.61 through 63.601:

(1) The carrier shall notify all affected customers of the planned discontinuance, reduction or impairment at least 60 days prior to its planned action. Notice shall be in writing to each affected customer unless the Commission authorizes in advance, for good cause shown, another form of notice.

(2) The carrier shall file with this Commission a copy of the notification on or after the date on which notice has been given to all affected customers.

(b) Any dominant international carrier as this term is defined in § 63.10 that seeks to retire international facilities, dismantle or remove international trunk lines, and the services being provided through these facilities are not being discontinued, reduced or impaired, shall only be subject to the notification requirements of paragraph (a) of this section. If such carrier discontinues, reduces or impairs service to a community or retires facilities that impair or reduce service to a community, the dominant carrier shall file an application pursuant to §§ 63.62 and 63.500.

13. A new § 63.20 is added to read as follows:

§ 63.20 Copies required; fees; and filing periods for international service providers.

(a) Unless otherwise specified the Commission shall be furnished with an original and five copies of applications filed for international facilities and services under Section 214 of the Communications Act of 1934, as amended. Provided, however, that where applications involve only the supplementation of existing international facilities, and the issuance of a certificate is not required, an original and two copies of the application shall be furnished. Upon request by the Commission, additional copies of the application shall be furnished. Each application shall be accompanied by the fee prescribed in subpart G of part 1 of this chapter.

(b) No application accepted for filing and subject to the provisions of §§ 63.02, 63.18, 63.62 or § 63.505 shall be granted by the Commission earlier than 28 days following issuance of public notice by the Commission of the acceptance for filing of such application or any major amendment unless said public notice specifies another time period, or the application qualifies for streamlined processing pursuant to § 63.12.

(c) No application accepted for filing and subject to the streamlined processing provisions of § 63.12 shall be granted by the Commission earlier than 21 days following issuance of public notice by the Commission of the acceptance for filing of such application or any major amendment unless said public notice specifies another time period.

(d) Any interested party may file a petition to deny an application within the 21 day or other time period specified in paragraphs (b) or (c) of this section. The petitioner shall serve a copy of such petition on the applicant no later than the date of filing thereof with the Commission. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant may file an opposition to any petition to deny within 14 days after the original pleading is filed. The petitioner may file a reply to such opposition within seven days after the time for filing oppositions has expired. Allegations of facts or denials thereof shall similarly be supported by affidavit. These responsive pleadings shall be served on the applicant or petitioner, as appropriate, and other parties to the proceeding.

14. A new § 63.21 is added to read as follows:

§ 63.21 Conditions applicable to international Section 214 authorizations.

International carriers authorized under Section 214 of the Communications Act of 1934, as amended, must follow the following requirements and prohibitions:

(a) Carriers may not resell private lines for the provision of international

switched services unless the country at the foreign end of the private line is deemed equivalent. *See* § 63.18(e) (3) through (4).

(b) Carriers must file copies of operating agreements entered into with their foreign correspondents within 30 days of their execution, and shall otherwise comply with the filing requirements contained in § 43.51 of this chapter.

(c) Carriers must file tariffs pursuant to Section 203 of the Communications Act, 47 U.S.C. 203, and part 61 of this chapter.

(d) Carriers must file annual reports of overseas telecommunications traffic as required by § 43.61 of this chapter.

(e) Carriers regulated as dominant must provide the Commission with the following information within 30 days after conveyance of transmission capacity on submarine cables to other U.S. carriers:

(1) The name of the party to whom the capacity was conveyed;

(2) The name of the facility in which capacity was conveyed;

(3) The amount of capacity that was conveyed; and

(4) The price of the capacity conveyed.

15. Section 63.52 is amended by revising the section heading to read as follows:

§ 63.52 Copies required; fees; and filing periods for domestic authorizations.

* * * * *

16. Section 63.53 is revised to read as follows:

§ 63.53 Form.

(a) Applications under Section 214 of the Communications Act shall be submitted on paper not more than 21.6 cm (8.5 in) wide and not more than 35.6 cm (14 in) long with a left-hand margin of 4 cm (1.5 in). This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letter press, or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

(b) Applications submitted under Section 214 of the Communications Act for international services may be submitted on computer diskettes pursuant to a filing manual compiled by the International Bureau, but a paper copy of the application with the original signature must accompany the diskette. The manual will specify the type and format of the computer diskettes and the reporting and procedural requirements for such applications.

(c) Applications submitted under Section 214 of the Communications Act for international services and any related pleadings that are in a foreign language shall be accompanied by a certified translation in English.

17. Section 63.62 is amended by revising paragraph (a) to read as follows:

§ 63.62 Type of discontinuance, reduction, or impairment of telephone or telegraph service requiring formal application.

* * * * *

(a) The dismantling or removal of a trunk line (for contents of application *see* § 63.500) for all domestic carriers and for dominant international carriers except as modified in § 63.19;

* * * * *

18. Section 63.71 is amended by revising the section heading to read as follows:

§ 63.71 Special procedures for discontinuance, reduction or impairment of service by domestic non-dominant carriers.

* * * * *

[FR Doc. 96–8757 Filed 4–8–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 650

[Docket No. 9602226047–6047–01; I.D. 020696B]

Atlantic Sea Scallop Fishery; Reduction in Crew Size Limit; Correction

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

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations (I.D. 020696B) that were published Tuesday, March 5, 1996 (61 FR 8490). The regulations related to Framework Adjustment 7 to the Atlantic Sea Scallop Fishery Management Plan (FMP) that permanently reduced the maximum crew size from nine to seven.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, 508–281–9273.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction related to Framework Adjustment 7 to the FMP that permanently reduced the maximum crew size from nine to seven in response to very high levels of recruitment being documented in the Mid-Atlantic resources area. The New England Fishery Management Council recommended lowering the maximum crew size from nine to seven, because a smaller crew lowers shucked-scallop production.

Need for Correction

As published, the final regulations contained incorrect wording in a sentence under the ''Classification'' heading and an incorrect reference to the Director, Alaska Region, NMFS, in § 650.21(c). This reference should have been to the Regional Director.

Correction of Publication

Accordingly, the publication on March 5, 1996, of the final regulations (I.D. 020696B), which were the subject of FR Doc. 96–5017, is corrected as follows:

1. On page 8492, in the first column, in line two, insert ''notice'' after the word prior and in line three remove ''notice'' after the word comment.

2. On page 8492, in the first column, in § 650.21, paragraph (c) is corrected to read as follows:

§ 650.21 Gear and crew restrictions.

* * * * *

(c) *Crew restrictions*. Limited access vessels participating in or subject to the scallop DAS allocation program may have no more than seven people aboard, including the operator, when not docked or moored in port, unless participating in the small dredge program specified in paragraph (e) of this section, or otherwise authorized by the Regional Director.

* * * * *

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

Dated: April 3, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 96–8704 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 69
Tuesday, April 9, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 999

[Docket No. FV96–999–1PR]

Specialty Crops; Import Regulations; Removal of Medjhool Dates From Import Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on removing the Medjhool variety of dates from all import requirements established under the Agricultural Marketing Agreement Act of 1937. Currently, whenever grade, size, quality, or maturity requirements are in effect for dates under a domestic marketing order, imported dates must meet the same or comparable requirements. A marketing order is in effect for California dates and specifies quality requirements for four varieties of dates. However, all varieties of dates are currently subject to import requirements. The Department of Agriculture (Department) has received requests from representatives of an importer of Israeli dates and the Embassy of Israel to remove Medjhool dates from import requirements. The Medjhool date is a unique variety of date, commanding a premium price, and is believed to not be in direct competition with the varieties covered under the marketing order. Thus, the Department is issuing this proposed rule to solicit public comment on removing Medjhool dates from import requirements.

DATES: Comments must be received by June 10, 1996.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456, Fax # (202) 720–5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Maureen Pello, California Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901, Fax # (209) 487–5906; or Mark Kreaggor, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456: telephone: (202) 720–2431, Fax # (202) 720–5698.

SUPPLEMENTARY INFORMATION: This proposal is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' Section 8e provides that whenever certain specified commodities, including dates (other than dates for processing), are regulated under a Federal marketing order, imports of those commodities must meet the same or comparable grade, size, quality, and maturity requirements as those in effect for the domestically produced commodities.

The Department is issuing this rule in accordance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

There are no administrative proceedings which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

Import regulations issued under section 8e of the Act are based on regulations established under Federal marketing orders for fresh fruits, vegetables, and specialty crops, like dates. Thus, import regulations also have a small entity orientation and impact both small and large business entities in a manner comparable to rules issued under such marketing orders.

There are approximately 35 importers of dates in the United States. Three of those are importers of Medjhool dates and would be affected by this rule. Small agricultural service firms, which include importers of dates, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000. The majority of date importers may be classified as small entities.

This proposal invites comments on removing the Medjhool variety of dates from all import requirements established under section 8e of the Act. The Department is initiating this action based on requests received from representatives of importers of Israeli dates and the Embassy of Israel as well as its own review of the current situation with respect to domestic date production and date imports.

As previously mentioned, section 8e of the Act requires that whenever grade, size, quality, or maturity requirements are in effect for dates under a domestic marketing order, imported dates (other than dates for processing) must meet the same or comparable requirements. A marketing order has been in effect for California dates since 1955 (7 CFR Part 987). The marketing order initially specified quality requirements for three varieties of California dates—Deglet Noor, Zahidi, and Khadrawy. In 1962, the order was amended to add the Halawy variety of dates.

Also in 1962, section 8e of the Act was amended to cover dates (other than dates for processing). Imported dates for processing are not covered by section 8e and are not subject to grade, size, quality, and maturity import requirements. At the time the import regulation was initiated, it was determined that all varieties of imported

packaged dates and dates for packaging and dates in retail packages would compete with dates produced domestically. Thus, since that time, imported packaged dates and dates for packaging for sale in the retail market have been required to meet quality requirements comparable to those specified under the California date marketing order and the import regulation currently applies to all varieties of dates.

The Department recently received requests from representatives of an importer of Israeli dates and the Embassy of Israel to remove the Medjhool variety of dates from the import regulation. The representatives of the Israeli importer expressed concerns that domestic Medjhool dates are not subject to quality requirements while all imported dates are subject to specific requirements.

The Medjhool date is a unique variety—a much larger date than other varieties and is thus easily distinguishable. Given this unique characteristic, the Medjhool date commands a premium price and is believed to not be in direct competition with the four varieties of dates covered under the marketing order.

In looking at the domestic market, Medjhool dates were not produced in significant quantities in the United States when the marketing order was promulgated in 1955. Since that time, plantings of Medjhool dates have increased to account for over 15 percent of the bearing acreage of dates in California. In comparing the production of the Medjhool variety of dates with the four varieties covered under the marketing order, Medjhool dates now comprise about 20 percent (or 9 million pounds) of the total production (about 45 million pounds). With the increase in Medjhool production in recent years, the domestic date industry has considered amending the marketing order to cover Medjhool dates. However, at this time, no formal action has been taken and domestic Medjhools remain unregulated.

In looking at data regarding imported dates, in the 1960's when the date import regulation was initiated, few if any Medjhool dates were imported into the United States. At that time most of the imported dates came from Iraq and Iran and were of the Sayir variety. Sayir dates and other varieties imported into this country are similar in appearance to the Deglet Noor, Zahidi, Halawy and Khadrawy varieties regulated under the marketing order. During the past five years (1990–1994), about 13 million pounds of dates were imported into this country annually, mostly coming from Pakistan (over 65 percent). Medjhools account for a relatively small percentage of imported dates, with most of the imported Medjhools coming from Mexico and a small amount coming from Israel. Mexican and Israeli dates account for about 3 percent and 4 percent, respectively, of total U.S. date imports. Of the total date import inspections from Mexico over the last 5 years, about 54 percent were of the Medjhool variety. About 1 percent of the date import inspections from Israel during this same period were Medjhools.

In response to these requests, the Department is issuing this proposed rule to provide interested persons the opportunity to comment on removing Medjhool dates from import requirements. All other varieties of imported dates would continue to be subject to import requirements. Such other varieties are not as easily distinguishable as Medjhools and are believed to be in direct competition with the varieties regulated under the marketing order.

Thus, it is proposed that section 999.1 of the Code of Federal Regulations (CFR), which specifies the import regulation for dates, be amended to exclude Medjhool dates.

To exclude dates of the Medjhool variety from the terms of the date import regulations, a new definition for dates is added to paragraph (a). The new definition defines ''dates'' as all varieties of dates, except dates of the Medjhool variety.

In addition, minor changes in the current definitions for the terms ''Fruit and Vegetable Division'', ''USDA inspector'', and ''Importation'' are proposed to be made to reflect changes in the names of Federal agencies referred to in the definitions.

The definition of ''Fruit and Vegetable Division'' refers to the ''Consumer and Marketing Service''. That agency is now called the ''Agricultural Marketing Service''. The definition of ''USDA inspector'' refers to inspectors of the ''Processed Products Standardization and Inspection Branch''. The name of the Branch is now the ''Processed Products Branch''. Finally, the definition of ''Importation'' references the ''United States Bureau of Customs''. This agency is now called the ''United States Customs Service''.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with issuance of this proposed rule.

This rule would relax requirements currently in effect for date importers and would not impose any additional costs on affected importers. Thus, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

The information collection requirements under the date import regulation have been previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and have been assigned OMB number 0581–0077.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 999

Dates, Filberts, Food grades and standards, Imports, Nuts, Prunes, Raisins, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 999 is proposed to be amended as follows:

1. The authority citation for 7 CFR part 999 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

2. In § 999.1, paragraphs (a) (1) through (10) are redesignated as paragraphs (a) (2) through (11), a new paragraph (a) (1) is added, and new paragraphs (a) (8), (9), and (11) are revised to read as follows:

§ 999.1 Regulation governing the importation of dates.

(a) *Definitions.* (1) Dates means all varieties of dates, except dates of the Medjhool variety.

* * * * *

(8) *Fruit and Vegetable Division* means the Fruit and Vegetable Division of the Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250.

(9) *USDA inspector* means an inspector of the Processed Products Branch, Fruit and Vegetable Division or any duly authorized employee of the USDA.

* * * * *

(11) *Importation* means release from the custody of the United States Customs Service.

* * * * *

Dated: April 2, 1996.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 96–8718 Filed 4–8–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 437

Office of Energy Efficiency and Renewable

[Docket No. EE–RM–95–202]

RIN 1904–AA74

Home Energy Rating System Guidelines

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Proposed rule; Notice of limited reopening of the comment period.

SUMMARY: On July 25, 1995, the Department of Energy (DOE) published a notice of proposed rulemaking to establish voluntary guidelines for home energy rating systems that provide residential building energy efficiency ratings and were developed in consultation with the Home Energy Rating Systems Council. The purpose of this document is to reopen the comment period for 30 days in order to solicit recommendations from the Board of Directors of the Home Energy Rating Systems Council, and comments from all interested persons, with respect to new policy options and technical data that DOE is considering in preparation for final guidelines. These options respond to comments concerning three components of the guidelines: air infiltration levels for the reference and the rated home; heating, air conditioning and hot water equipment for the reference home; and the phased-in compliance levels.

DATES: Written comments ([10] copies) on the issues presented in this document must be received on or before May 9, 1996.

ADDRESSES: Comments should be addressed to: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–33, Docket No. EE–RM–95–202, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 202–586–3012.

Public Reading Room: Supporting information used to develop this notice and the written comments received are contained in the Public Rulemaking File, Docket No. EE–RM–95–202. This Docket is available for examination in DOE's Freedom of Information Reading Room. 1E–090, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, 202–586–6020, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The supporting information used to develop this notice is also available on the internet at URL#: http://www.eren.doe.gov or from the Energy Efficiency and Renewable Energy Clearinghouse at 1–800–DOE–EREC (1–800–363–3732).

FOR FURTHER INFORMATION CONTACT:

John Reese or Robert Mackie, Buildings Division, EE–432, U. S. Department of Energy, Room 1J–018, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 586–7819.

Diana Dean, Office of General Counsel, GC–12, U.S. Department of Energy, Room 6B–231, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 586–7440.

SUPPLEMENTARY INFORMATION:

I. Introduction

This notice to reopen the comment period is part of an ongoing, Congressionally mandated rulemaking to establish voluntary home energy rating system guidelines that are required by section 271 of the National Energy Conservation Policy Act (Act), as amended by the Energy Policy Act of 1992. 42 U.S.C. 8236. The background for this rulemaking is discussed in detail in the Supplementary Information section of the notice of proposed rulemaking. 60 FR 37949 (July 25, 1995).

Since the close of the 60-day comment period on the notice of proposed rulemaking, DOE has been reviewing the comments. As directed by the Act, DOE has consulted with the Home Energy Rating Systems (HERS) Council and sought its views on issues that emerged from the comments. With respect to comments claiming that the proposed reference home infiltration rate is too high and that the proposed reference home heating, air conditioning and hot water equipment produced unexpected rating anomalies, the Technical Committee of the HERS Council made recommendations that are discussed in detail later in this notice. The HERS Council Board did not take a position on these recommendations and sent these issues back to the Technical Committee for further review.

Consistent with its obligation to promulgate final guidelines, DOE has independently reviewed the HERS Technical Committee's recommendations, and today makes available for public comment DOE's technical evaluations. These evaluations are entitled ''Climate Sensitive Air Change Rate Study'' and ''Analysis of Heating, Air Conditioning, and Water Heating Equipment Adjustment Factors.'' They have been added to the public file in DOE's Freedom of Information Reading Room and may be obtained from the information contact for this rulemaking or through the internet as described above. DOE is now considering whether to modify the proposed guidelines accordingly.

In addition, adverse comments on the advisability of DOE's proposed distinction between ''basic compliance'' and ''full compliance'' for the two years following promulgation of the guidelines have prompted DOE to consider an alternative approach to phasing in compliance that was not discussed in the notice of proposed rulemaking. Later in this notice, DOE's tentative approach to resolving these issues is set forth for public comment.

DOE requests that the HERS Council Board respond to this notice by filing comments that include recommendations regarding the policy options DOE is considering. DOE also would welcome the comments of other interested members of the public.

II. Discussion of New Policy Options

A. Infiltration

DOE originally proposed guidelines assuming a level of 0.67 air changes per hour (ACH) for the reference home to which the subject rated home is compared. The 0.67 ACH was based on the Council of American Building Official's Model Energy Code (MEC), 1994 amendments.

Although one comment endorsed the proposed level, most comments were critical. There were two major concerns. One was that the proposed 0.67 ACH results in a reference home that is too energy inefficient when compared to newly constructed houses that typically have infiltration rates below 0.50 ACH. Another concern was that a single national air change rate was not valid for all climate conditions.

Some of the critics suggested substituting a 0.50 ACH level provided for in the 1995 MEC. Others favored reliance on the infiltration and ventilation consensus standards of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE): ASHRAE Standard 119–1988 establishes minimum air leakage levels and provides a method for establishing a normalized leakage area, producing a consistent measure of building tightness; ASHRAE Standard 136–1993 establishes a calculation method for effective air change and provides weather factors that, when applied to a normalized leakage area, produce an effective air change rate for various locations across the country; and

ASHRAE Standard 62–1989 sets minimum standards for ventilation.

The HERS Council Technical Committee supported use of the ASHRAE standards. They suggested that the guidelines should provide a base level value for the normalized leakage area of 0.57 to be adjusted for weather using the ASHRAE factors. The 0.57 normalized leakage area base level *increases* the reference home's energy efficiency (in comparison to the level under the proposed guidelines), yielding a level appropriate for most regions when adjusted for weather conditions. For the vast majority of the sites, the reference home would be between 0.57 ACH and 0.40 ACH. Furthermore, with a 0.57 normalized leakage, the Technical Committee believed that no weather adjusted air change rates would fall below the 0.35 ACH minimum ventilation rate set by ASHRAE Standard 62.

The suggestion to use the single point set by the Model Energy Code overlooked an important shortcoming. This approach, is not sensitive to the variation in air change rates due to climatic variations. DOE has decided that, with two minor modifications, the Technical Committee's recommendation to use ASHRAE standards has sufficient merit to be considered for inclusion in the final guidelines. The first modification is to incorporate in the guidelines the minimum 0.35 ACH for the reference house. This is necessary because two of the 213 sites nationwide examined by the Technical Committee are in fact slightly below the 0.35 level. The second modification is a conforming change to the treatment of the rated house. That change would involve adjustment of the ACH using the weather factors in ASHRAE Standard 136–1993. Addition of this approach to the proposed guidelines may provide a nationally recognized method for setting air change rates sensitive to different climate conditions and consistent with recommended minimum ventilation rates.

DOE also solicits comment on establishing a minimum allowable air change rate. DOE is now considering as a policy option for the final guidelines setting 0.35 ACH as the minimum allowable air change rate on which energy savings may be calculated for the rated home. The 0.35 ACH coincides with the rate currently specified by ASHRAE Standard 62 for minimum ventilation. Lowering the level of the air change rate any further should not result in a higher HERS rating.

B. Heating, Air Conditioning, and Hot Water Equipment

The proposed guidelines provided for a computerized comparison of the rated home to a reference home using the same energy source as the rated home. Consistent with the recommendations of the HERS Council Board, the proposed guidelines further provide for estimated energy consumption at the home for the rated and reference homes.

After the comment period ended, the HERS Technical Committee identified some anomalous rating results that the foregoing approach produced when it was assumed that an identical energy efficiency improvement (e.g., a new air conditioning system) was made to two rated homes. These two rated homes differ only in the fuel used for heating, air conditioning, and hot water. Improvements to fossil fuel homes tended to rate higher than electric homes in climates with large heating loads. The relationship reversed for climates with large cooling loads.

The problem occurs because the end use loads of the reference and rated homes are divided by the seasonal performance coefficients of the heating, cooling, and hot water equipment to arrive at the consumption. The impact of other efficiency changes is then based on energy consumption. Consequently, the same improvements have different impacts in homes of different fuels.

To achieve an equal treatment of efficiency improvements, the HERS Technical Committee recommended that an adjustment factor be used. This factor would adjust the consumption of the reference and rated homes for the purposes of the rating point score. It normalizes load so that efficiency improvements can be measured equally regardless of fuel type. This is achieved by setting one profile of equipment as the basis from which equipment utilizing other fuels is specified. The base fuel could be any fuel. The Technical Committee selected a profile of electric equipment as the basis because it is widely available for heating, cooling, and hot water purposes. Fossil fuel cooling systems, for example, are much less common.

The HERS Council had originally developed a table of efficiencies for heating, cooling, and hot water equipment and included them in their guidelines. This information was incorporated in section 437.103, Tables 2 and 4, of the proposed guidelines and served as the basis for efficiency of equipment in the reference home. Rather than using those tables as the basis for developing the adjustment factor, the Technical Committee reduced the tables by combining classes and sizes of equipment. Because Table 2 did not include a minimum efficiency level for biomass heating or gas cooling, the Technical Committee used professional judgement to set levels for these technologies.

DOE has reviewed the HERS Council Technical Committee's recommendations and believes they may have merit. However, reducing, the information in Tables 2 and 4 to the extent recommended oversimplifies the range of equipment options. Therefore, additional equipment options from Tables 2 and 4 are presented below with the adjustment factors and the accompanying equation. Table 2A presents factors for gas cooling and biomass heating. DOE is particularly interested in comments on these two values for which no standards exist.

TABLE 2

Type	Units	Rating	Adjustment factor [1]
Heating equipment:			
Gas or Oil Warm Air Furnace	AFUE	0.78	0.39
Gas Boiler (water)	AFUE	.80	.40
Gas Boiler (steam)	AFUE	.75	.37
Oil Boiler (water or steam)	AFUE	.80	.40
Electric Air Source Heat Pump	HSPF	6.80	1.00
Cooling equipment:			
Electric Central Air Conditioner	SEER	10.00	1.00
Heat Pump	SEER	10.00	1.00

1. The adjustment factor is created by dividing the seasonal performance coefficient of the alternative fuel device (eg. natural gas, fuel oil, biomass, etc.) by the seasonal performance coefficient of the equivalent electric device. The seasonal performance coefficients for electric heating and cooling devices have units of Btu/W. To convert HSPF and SEER to seasonal performance coefficients they must be divided by 3.413 Btu/W, yielding seasonal performance coefficients of 1.99 and 2.93 for the standard HSPF of 6.80 and SEER of 10.0, respectively. For water heaters, EF is used for all fuel types. EF and AFUE are already unitless seasonal performance coefficients, so they do not require any modification.

Gas Cooling	N/A [2]	0.75	0.26
Biomass Heating	N/A	.70	.35

2. No standard efficiencies exist for these technologies. The HERS Technical Committee recommended these levels for consideration.

TABLE 4

Water heating	Rated storage capacity (gallons) and adjustment factor							
Type	30 gallon		40 gallon		50 gallon		60 gallon	
	EF	AF	EF	AF	EF	AF	EF	AF
Gas	0.56	0.61	0.54	0.60	0.53	0.60	0.51	0.59
Oil	.53	.58	.53	.59	.50	.57	.48	.55
Electric	.91	1.00	.90	1.00	0.88	1.00	0.87	1.00

EF = Energy Factor. AF = Adjustment Factor.

The adjustment factors in the Tables 2, 2A and 4 are used in the equation:

$$ER=((E_H \times EU_H + E_C \times EU_C + E_W \times EU_W) + E_M)$$

Where:

ER=Adjusted energy consumption for point calculation.

E_H = Rated home estimated energy purchased for heating.

E_C = Rated home estimated energy purchased for cooling.

E_W = Rated home estimated energy purchased for water heating.

$EU_{H,C,W}$ = Equipment utilization factors from Tables 2, 2A & 4

The point score is then determined using the following equation:

Point score = 100-((ER/EC)/.05)

Where—

ER=Estimated purchased energy consumption for heating, cooling, and water heating of rated home (Btu).

EC=Estimated purchased energy consumption for heating, cooling, and water heating of reference home (Btu).

DOE has performed an analysis of the HERS Technical Committee recommendations. A copy of that analysis has been placed in the public rulemaking file and is available upon request or through the internet. The analysis shows that the reduction in consumption by the same efficiency improvements, in homes of different fuels, can vary by 3% to 4%. This difference can benefit electric homes or fossil fuel homes. The adjustment factor is shown to eliminate this variation.

On the basis of this analysis, DOE is considering adopting the HERS Technical Committee recommendations with the modifications described above. Interested members of the public, including the HERS Council Board, are invited to comment on the analysis as well as the general suitability of the recommendations.

C. Phased-in Compliance Period

The proposed guidelines allow for phased-in compliance over a two year period. HERS providers would have one year to come into ''basic compliance'' by meeting a specific set of guideline provisions, and two years to come into ''full accreditation'' by meeting all the guideline provisions.

This provision generated a wide range of comments. Some advised the total elimination of the section. One argued for an additional one year grace period for meeting the ''basic compliance'' level. The two level approach was criticized by those who felt that allowing an intermediate level would undermine the value of ''full accreditation.''

DOE thinks that accreditation is a legitimate subject to address in the guidelines and that failure to include suitable non-binding guidance would irresponsibly leave a crucial implementation subject uncovered. The comments revealed that nearly all HERS providers would have to make adjustments and lending institutions have indicated that they are willing to deal with applicants on an individual basis during an interim period before full compliance is required. Therefore, DOE is considering modifying the proposed guidelines by eliminating the ''basic compliance'' level and allowing two years for development of accrediting procedures and for HERS providers to meet all components and become accredited under the guidelines. DOE invites, particularly financial institutions, to comment on this possible policy.

Issued in Washington, D.C. on April 3, 1996.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 96–8782 Filed 4–8–96; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–67–AD]

Airworthiness Directives; SOCATA Groupe AEROSPATIALE TBM 700 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain SOCATA Groupe AEROSPATIALE (Socata) TBM 700 airplanes. The proposed action would require installing four rivets on the right side of the rudder and drilling drainage holes at the areas of the elevators and rudder. Reports of water accumulating in the areas of the elevators and rudder and a report of a bonding defect between the

skin and rudder rear spar on the affected airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent the wing skin and the rear spar from becoming unbonded or water accumulating in either the elevators or rudder, which could result in loss of control of the airplane.

DATES: Comments must be received on or before June 12, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–67–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the SOCATA Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; telephone 62.41.74.26; facsimile 62.41.74.32; or the Product Support Manager, U.S. AEROSPATIALE, 2701 Forum Drive, Grand Prairie, Texas 75053; telephone (214) 641–3614; facsimile (214) 641–3527. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–67–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Timberlake, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (32 2) 513.38.30; facsimile (32 2) 230.68.99; or Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut Street, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6934; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–67–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–67–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Direction Gonorale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Socata TBM 700 airplanes. The DGAC reports that water may accumulate in the areas of the elevators and rudder, and that a bonding defect between the skin and rudder rear spar was found on a TBM 700 airplane on the assembly line. These conditions, if not detected and corrected, could result in loss of control of the airplane.

Socata has issued the following service bulletins (SB):

—SB 70–028, dated September 1993, which specifies procedures for drilling drainage holes in the elevator and rudder areas on Socata TBM 700 airplanes; and

—SB 70–027, dated September 1993, which specifies procedures for installing four rivets on the right side of the rudder on Socata TBM 700 airplanes.

The DGAC classified these service bulletins as mandatory and issued DGAC AD 93–178(B) and DGAC AD 93-179(B), both dated October 27, 1993, in order to assure the continued airworthiness of these airplanes in France.

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

Since an unsafe condition has been identified that is likely to exist or develop in other Socata TBM 700 airplanes of the same type design registered in the United States, the proposed AD would require installing four rivets on the right side of the rudder and drilling drainage holes at the specified areas of the elevators and rudder. Accomplishment of the proposed installation would be in accordance with Socata SB 70–027 and Socata SB 70–028, both dated September 1993.

The FAA estimates that 31 airplanes in the U.S. registry would be affected by the proposed rivet installation and 35 airplanes would be affected by the proposed drainage hole drillings, that it would take 2 workhours to install the rivets and 2 workhours to drill the drainage holes, and that the average labor cost is $60 per hour. No cost is attributed to parts that would be necessary to accomplish the proposed actions since these parts are available through common operator stock and an approximate cost cannot be traced. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $3,720 or $120 per airplane for the rivet installation and $4,200 or $120 per airplane for the drainage hole drilling. Since parts are not sold through the manufacturer, the FAA has no method of determining the number of parts already distributed, and thus bases this cost impact upon the assumption that no owner/operator of the affected airplanes has accomplished the proposed actions.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Socata Groupe Aerospatiale: Docket No. 95–CE–67–AD.

Applicability: TBM 700 airplanes (serial numbers 1 through 19, 21, 22, 25 through 34, 38, 39, 46, 49, 50, 52, 53, 57, 59 through 63, 67, 68, 70 through 78, 80, and 82 through 85), certificated in any category.

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

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the wing skin and the rear spar from becoming unbonded or water accumulating in either the elevators or rudder, which could result in loss of control of the airplane, accomplish the following:

(a) For any TBM 700 airplane with a serial number in the following range: 1 through 19, 21, 22, 25 through 34, 38, 39, 46, 49, 50, 52, 53, 57, 59, 61 through 63, 67, 68, and 71 through 75, install four rivets on the right side of the rudder in accordance with the DESCRIPTION section of Socata Service Bulletin (SB) 70–027, dated September 1993.

(b) For any TBM 700 airplane with a serial number in the following range: 2 through 19, 21, 22, 24 through 34, 38, 39, 46, 49, 50, 52, 53, 57, 59 through 63, 67, 68, 70 through 78, 80, and 82 through 85, drill drainage holes in the area of the elevators and rudder in accordance with the DESCRIPTION section of Socata SB 70–028, dated September 1993.

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

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

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to the SOCATA Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; or the Product Support Manager, U.S. AEROSPATIALE, 2701 Forum Drive, Grand Prairie, Texas 75053; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on April 2, 1996.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–8754 Filed 4–8–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 96–ACE–3]

Proposed Amendment to Class E Airspace; Topeka, KS; Kingman, KS; Hutchinson, KS; and Wahoo, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Philip Billard Municipal Airport, Topeka, KS; Kingman Municipal Airport, Kingman, KS; Hutchinson Municipal Airport, Hutchinson, KS; and Wahoo Municipal Airport, Wahoo, NE. The development of new Standard Instrument Approach Procedures (SIAP) based on the Global Positioning System (GPS) has made the proposal necessary. The intended effect of this proposal is to provide additional controlled airspace for aircraft executing the SIAP at the above listed airports.

DATES: Comments must be received on or before May 24, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, ACE–530, Federal Aviation Administration, Docket No. 96–ACE–3, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the office of the Manager, Operations Branch, Air Traffic Division, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations Branch, ACE–530C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone number (816) 426–3408.

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, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and

be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ACE–3.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–3484. 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 procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace for a new Instrument Flight Rules (IFR) procedure at the Philip Billard Municipal Airport, Topeka, KS; Kingman Municipal Airport, Kingman, KS; Hutchinson Municipal Airport, Hutchinson, KS; and Wahoo Municipal Airport, Wahoo, KS. The additional airspace would segregate aircraft operating under VFR conditions from aircraft operating under IFR procedures. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth 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. Therefore, this proposed regulation (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 proposed 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).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for 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 24 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 or more above the surface of the earth.

* * * * *

ACE KS E5 Topeka, Philip Billard Airport, KS

Topeka, Philip Billard Municipal Airport, KS
(Lat. 39°04′08″ N., long. 95°37′21″ W.)
Topeka VORTAC
(Lat. 39°08′14″ N., long. 95°32′57″ W.)
BILOY LOM/NDB
(Lat. 39°07′13″ N., long. 95°41′14″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Philip Billard Municipal Airport, and within 1.8 miles each side of the 039° radial of the Topeka VORTAC extending from the 6.4-mile radius to 7 miles northeast of the VORTAC, and within 4 miles southwest and 7 miles northeast of the Philip Billard Municipal Airport ILS localizer course extending from 15 miles southeast of the airport to 12 miles northwest of BILOY LOM/NDB.

* * * * *

ACE KS E5 Kingman, KS

Kingman Municipal Airport, KS
(Lat 37°40′00″ N., long. 98°07′22″ W.)
Hutchinson VORTAC
(Lat. 37°59′49″ N., long. 97°56′03″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Kingman Municipal Airport, and within 2.2 miles each side of the 204° radial of Hutchinson VORTAC extending from the 6.4-mile radius to 11.2 miles north of the airport.

* * * * *

ACE KS E5 Hutchinson, KS

Hutchinson Municipal Airport, KS
(Lat. 38°03′56″ N., long. 97°51′38″ W.)
Hutchinson VORTAC
(Lat. 37°59′49″ N., long. 97°56′03″ W.)
SALTT LOM
(Lat. 38°07′25″ N., long. 97°55′36″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Hutchinson Municipal Airport, and within 4 miles each side of the Hutchinson ILS localizer northwest course extending to 16 miles northwest of the SALTT LOM, and within 4 miles each side of the ILS localizer back course extending from the 6.6-mile radius to 7.4 miles southwest of the airport, and within 4 miles each side of the 042° radial of the Hutchinson VORTAC extending from the 6.6-mile radius to 7.4 miles northeast of the airport, and within 4 miles each side of the 222° radial of Hutchinson VORTAC extending from the 6.6-mile radius to 11.2 miles southwest of the airport.

* * * * *

ACE NE E5 Wahoo, NE

Wahoo Municipal Airport, NE
(Lat. 41°14′25″ N., long 96°35′41″ W.)
Wahoo NOB
(Lat. 41°14′21″ N., long. 96°35′54″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Wahoo Municipal Airport, and within 2.6 miles each side of the 032° bearing from the Wahoo NDB extending from the 6.4-mile radius to 7.4 miles northeast of the airport, excluding that portion which lies within the Fremont, NE Class E airspace.

* * * * *

Issued in Kansas City, MO, on March 15, 1996.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 96–8795 Filed 4–8–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 96–ACE–4]

Proposed Amendment to Class E Airspace; KS, and Independence, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Abilene Municipal Airport, Abilene, KS, and Independence Municipal Airport, Independence, KS. The development of new Standard Instrument Approach Procedures (SIAP) has made the proposal necessary. The new procedure at Abilene, KS, will be based upon the Global Positioning System (GPS), and the new procedure at Independence, KS, will be a standard Instrument Landing System (ILS). The intended effect of this proposal is to provide additional controlled airspace for aircraft executing the SIAPs at the above airports.

DATES: Comments must be received on or before June 3, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, ACE–530, Federal Aviation Administration, Docket No. 96–ACE–4, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the office of the Manager, Operations Branch, Air Traffic Division, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations Branch, ACE–530C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–3408.

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, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ACE–4.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267–3484. 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. 11–2, which describes the procedures.

The Proposal

The FAA is considering an amendment to Part 71 if the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace for new Instrument Flight Rules (IFR) procedures at the Abilene Municipal Airport, Abilene, KS, and Independence Municipal Airport, Independence, KS. The additional airspace would segregate aircraft operating under VFR conditions from aircraft operating under IFR procedures. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth 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. Therefore, this proposed regulation (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 proposed 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).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for 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 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.

* * * * *

ACE KS E5 Abilene, KS

Abilene Municipal Airport, KS.
(lat. 38°54′15″ N., long 95°14′09″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Abilene Municipal Airport and within 2.6 miles each side of the 180° bearing from the Abilene Municipal Airport extending from the 6.3-mile radius to 7 miles south of the airport.

* * * * *

ACE KS E5 Independence, KS

Independence Municipal Airport, KS
(lat. 37°09′26″ N., long. 95°46′53″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Independence Municipal Airport.

* * * * *

Issued in Kansas City, MO, on March 21, 1996.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 96–8796 Filed 4–8–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[INTL–0009–95]

RIN 1545–AT42

Certain Transfers of Domestic Stock or Securities by U.S. Persons to Foreign Corporations; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

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

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to certain transfers of stock or securities of domestic corporations by United States persons pursuant to the corporate organization, reorganization or liquidation provisions of the Internal Revenue Code.

DATES: The public hearing originally scheduled for April 11, 1996, beginning at 10:00 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Christina Vasquez of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–7180.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 367 of the Internal Revenue Code. A notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing appearing in the Federal Register for Tuesday, December 26, 1995 (60 FR 66771), announced that a public hearing on the proposed regulations would by held on Thursday, April 11, 1996, beginning at 10:00 a.m., in the IRS Auditorium, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The public hearing scheduled for Thursday, April 11, 1996, is cancelled.

Cynthia E. Grigsby,

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

[FR Doc. 96–8913 Filed 4–5–96; 12:08 pm]

BILLING CODE 4830–01–U

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 6, 18, 19, 20, 21, 22, 23, 26, 27, 29, 33, and 35

RIN 1219–AA87

Testing and Evaluation by Nationally Recognized Testing Laboratories and Use of Equivalent Testing and Evaluation Requirements

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; notice of rescheduled public hearing and close of record.

SUMMARY: The Mine Safety and Health Administration (MSHA) has rescheduled the public hearing on its proposed regulations for testing and evaluation of products by nationally recognized testing laboratories (NRTL) and the use of equivalent testing and evaluation requirements. The purpose of the hearing is to receive relevant comments on the proposed changes to MSHA's regulations for the approval of products for use in underground mines and to respond to questions from the public about these proposed changes.

DATES: The hearing will be held on Tuesday, April 30, 1996, in Washington, PA beginning at 9:00 a.m. The public record will close on May 31, 1996.

ADDRESSES: The hearing will be held at the Meadowlands Holiday Inn, Conference Center Suite, 340 Race Track Road, Washington, Pennsylvania 15301. For hotel reservations call Loretta at 412–222–6200.

Send requests to make oral presentations to the Mine Safety and Health Administration; Office of Standards, Regulations, and Variances; 4015 Wilson Boulevard, Room 631; Arlington, VA 22203. Requests to make oral presentations also can be faxed or called in to the MSHA, Office of Standards, Regulations, and Variances at 703–235–1910, fax: 703–235–5551.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director; Office of Standards, Regulations, and Variances; 703–235–1910.

SUPPLEMENTARY INFORMATION:

I. Background

On November 30, 1994, MSHA published a proposed rule (59 FR 61376) to revise its existing standards for testing and evaluating products for approval for use in underground mines. The comment period closed on February 21, 1995.

The proposal would require manufacturers of certain products to use a private sector laboratory recognized by the Occupational Safety and Health Administration (OSHA) as a Nationally Recognized Testing Laboratory (NRTL) to perform the necessary testing and evaluation for MSHA approvals. This proposed rule would revise MSHA's testing and evaluation responsibilities and allow the Agency to expand its post-approval product audit program and pursue the evaluation of new safer technology as applied to underground mining products.

MSHA specifically solicits additional suggestions and comments on these issues at the public hearing, as well as comments on any other aspects of the proposed rule.

II. Conduct of Hearing

The hearing will be conducted in an informal manner by a panel of MSHA officials. The order of appearance of persons making presentations will be determined by the Agency and, immediately before the hearing, any unallotted time will be made available to persons making late requests. Although formal rules of evidence will not apply, the presiding official may exercise discretion in excluding irrelevant or unduly repetitious material and questions.

The hearing will begin with an opening statement from MSHA followed by an opportunity for members of the public to make oral presentations. During these presentations, the hearing panel will be available to answer relevant questions. At the discretion of the presiding official, speakers may be limited to a maximum of 20 minutes for their presentations. Time will be made available at the end of the hearings for rebuttal statements.

Verbatim transcripts of the proceedings will be taken and made a part of the rulemaking record. Copies of the hearing transcript will be made available for review by the public.

MSHA also will accept additional written comments and other appropriate data from any interested party, including those not presenting oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until May 31, 1996.

Dated: March 29, 1996.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 96–8751 Filed 4–8–96; 8:45 am]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN52–1–6978b; FRL–5452–8]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA proposes to approve Indiana's August 8, 1995, request for rule changes specific to Richmond Power and Light's (RPL's) Whitewater Generating Station located in Wayne County in Richmond, Indiana. In the final rules section of this Federal Register, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA 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 the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received on or before May 9, 1996.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3299.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this Federal Register.

Dated: March 22, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–8439 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[WI61–01–7144b; FRL–5426–3]

Approval and Promulgation of Implementation Plan; Wisconsin; Lithographic Printing SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve a revision to the Wisconsin State Implementation Plan (SIP) for ozone that was submitted on May 12, 1995, and supplemented on June 14, 1995 and November 14, 1995. This revision consists of a volatile organic compound (VOC) regulation which establishes reasonably available control technology (RACT) for lithographic printing facilities. This regulation was submitted to address, in part, the requirement of section 182(b)(2)(C) of the Clean Air Act (CAA or Act) that States revise their SIPs to establish RACT regulations for major sources of VOCs for which the USEPA has not issued a control technology guidelines (CTG) document. In addition, emission reductions resulting from this rule are being used by the State to fulfill, in part, the requirement of section 182(b)(1) of the Act that States submit a plan that provides for a 15 percent reduction in VOC emissions by 1996.

In the final rules section of this Federal Register, the EPA is approving this action as a direct final without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed 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 action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed action must be received by May 9, 1996.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this Federal Register. Copies of the request and the EPA's analysis are available for inspection at the following address: (Please telephone Kathleen D'Agostino at (312) 886–1767 before visiting the Region 5 office.) EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

Authority: 42 U.S. C. 7401–7671q.

Dated: January 29, 1996.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 96–8437 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[PA 52–2–7155b, 55–2–7137b, PA 58–1–7138b, PA 64–1–7139b, PA 66–2–7140b, PA 071–4008b, PA 079–4009b; FRL–5443–1]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NO_X RACT and Synthetic Minor Permit Conditions, and 1990 Baseyear Emissions for One Source

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of establishing VOC and NO_X RACT for twenty sources, federally enforceable conditions on one source to make it a synthetic minor source, and approving the 1990 emissions for one source in the Philadelphia 1990 baseyear emission inventory. This action affects a total of 21 sources. In the Final 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 SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and the accompanying technical support document. 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. 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 adverse comments are received that do not pertain to all documents subject to this rulemaking action, those documents not affected by the adverse comments will be finalized in the manner described here. Only those documents that receive adverse comments will be withdrawn in the manner described here.

DATES: Comments must be received in writing by May 9, 1996.

ADDRESSES: Written comments on this action should be addressed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 597–9337, at the EPA Region III office or via e-mail at stahl.cynthia@epamail. epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: See the information, pertaining to this action (VOC and NO_X RACT approval, synthetic minor approval, and approval of 1990 emissions for one source in the Philadelphia 1990 baseyear emissions inventory) affecting 21 sources in Pennsylvania, provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 15, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96–8431 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[AZ033–0002 FRL–5456–7]

Approval and Promulgation of Implementation Plans; Arizona—Maricopa Nonattainment Area; Carbon Monoxide

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve contingency measures adopted pursuant to the Clean Air Act (CAA) and submitted to EPA as revisions to the Arizona State Implementation Plan (SIP) for the Maricopa (Phoenix) carbon monoxide (CO) nonattainment area. The intended effect of approving these contingency measures is to regulate emissions of CO in accordance with the requirements of the CAA. Based on the proposed approval of these measures, EPA is proposing to withdraw its Federal contingency process for the Maricopa area and its proposed list of highway projects subject to delay.

DATES: Written comments on this proposal must be submitted to EPA at the address below by May 9, 1996. A public hearing, if requested, will be held in Phoenix, Arizona. If such a hearing is requested, it will be held on April 23, 1996. If a hearing is requested, the comment period will be extended until May 24, 1996. The purpose of the extension of the comment period beyond May 9, 1996 is to provide an opportunity for the submission of rebuttal and supplementary information. Anyone who wishes to request a public hearing should call Wallace Woo at 415–744–1207 by April 16, 1996.

ADDRESSES: Written comments should be sent to: Wallace Woo, Chief, Plans Development Section, A–2–2, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105.

The rulemaking docket for this notice, Docket No. 96–AZ–PL–001, may be inspected and copied at the following location between 8 a.m. and 4:30 p.m. on weekdays. A reasonable fee may be charged for copying parts of the docket. U.S. Environmental Protection Agency, Region 9, Air and Toxics Division, Plans Development Section, A–2–2, 75 Hawthorne Street, San Francisco, California 94105.

Copies of the docket are also available at the State office listed below:

Arizona Department of Environmental Quality, Library, 3033 North Central Avenue, Phoenix, Arizona 85012

FOR FURTHER INFORMATION CONTACT: Jerry Wamsley, A–2–2, Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1226.

SUPPLEMENTARY INFORMATION:

I. Background

A. 1991 Federal Implementation Plan

On February 11, 1991, EPA disapproved under the Clean Air Act (CAA) portions of the Arizona State implementation plan (SIP) and promulgated a limited Federal implementation plan (FIP) for the Maricopa County (Phoenix), Arizona carbon monoxide (CO) nonattainment area. EPA disapproved portions of the SIP and promulgated the FIP in response to an order of the Ninth Circuit Court of Appeals in *Delaney* v. *EPA*, 898 F.2d 687 (9th Cir. 1990). For a discussion of *Delaney*, the SIP disapproval, and the FIP, see the notice of proposed rulemaking (NPRM) for the FIP, 55 FR 41204 (October 10, 1990) and the notice of final rulemaking (NFRM) for the FIP, 56 FR 5458 (February 11, 1991).

The *Delaney* order required EPA to promulgate, as part of the FIP, a two-part contingency process consistent with the Agency's 1982 ozone and CO SIP guidance (1982 guidance) regarding contingency procedures found at 46 FR 7187, 7192 (January 22, 1981). These two parts were a list of transportation projects that would be delayed while an inadequate plan was being revised and a procedure to adopt measures to compensate for unanticipated emission reduction shortfalls. The FIP contingency process is described in detail at 56 FR 5458, 5470–5472.[1]

[1] Implementation of the FIP contingency process was triggered by violations of the CO standard in Phoenix in December 1992. On June 28, 1993, EPA published a notice of proposed rulemaking proposing to find that the implementation plan was inadequate and that additional control measures were necessary to attain and maintain the CO NAAQS in the Maricopa area. In the same notice, EPA also proposed an updated list of highway projects subject to delay while the implementation plan was being revised. On August 9, 1993, EPA issued a SIP call under section 110(k)(5) of the CAA requiring that Arizona submit a new plan by July 19, 1994. Arizona submitted SIP revisions to EPA in November 1993, March 1994 and August 1995 that contained new control measures and a demonstration that the area would attain the CO NAAQS by December 31, 1995, the attainment deadline for Phoenix under the 1990 Clean Air Act Amendments. As a result, EPA took no final action on the June 28, 1993 proposal. Therefore, EPA is today withdrawing the proposed list of highway projects subject to delay because it is no longer current and would have to be updated and revised if the FIP contingency process were to be implemented again.

B. 1990 Clean Air Act Amendments

Following the FIP proposal, but before the final rulemaking, Congress passed and the President signed into law on November 15, 1990, the Clean Air Act Amendments of 1990 (CAAA), 42 U.S.C. §§ 7401–7671q. These Amendments made significant changes to the pre-existing Act and established a new context in which the air quality goals of the nation are to be achieved. In particular, Congress completely revised the nonattainment provisions of the Act, Part D of Title I, repealing the generally applicable provisions of section 172 and adopting substantial new requirements and planning and attainment deadlines applicable to CO nonattainment SIPs. Sections 171–193.

The 1990 Amendments established two classifications of CO nonattainment areas, ''moderate'' and ''serious,'' depending on the severity of the problem, and set new deadlines for the attainment of the NAAQS for each classification. Pursuant to the 1990 Amendments, the Phoenix nonattainment area was classified as moderate by operation of law. 40 CFR Part 81.303. The 1990 Amendments set forth new and separate requirements for moderate CO nonattainment areas depending on whether their design value was below or above 12.7 ppm. The design value for Phoenix is below 12.7 ppm. 40 CFR Part 81.303. The attainment deadline for moderate CO areas, regardless of their design value, was as expeditiously as practicable but not later than December 31, 1995. See section 186(a)(1).

Under section 186(a)(4), EPA may, upon application by a state extend the attainment deadline if the state has complied with all requirements and commitments pertaining to the area in the applicable plan, and there has been no more than one exceedance of the CO NAAQS in the year preceding the extension year. Under this provision, EPA may grant up to two such extensions if these conditions have been met.

Under section 186(b)(2) of the amended Act, EPA is required to determine within six months following the attainment deadline whether the area has attained the CO standard. If the Agency determines that the area has not attained the standard, the area is reclassified to serious by operation of law and must comply with a new set of requirements applicable to that classification.

II. CAA Contingency Requirements and EPA Guidance

A. Section 172(c)(9)

Among the new requirements in the 1990 Amendments for moderate areas with design values below 12.7 ppm (low moderate areas) is a new provision relating to contingency measures.[2] Section 172(c)(9) requires that the plan for such an area ''shall provide for the implementation of specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the national ambient air quality standard by the attainment date applicable under this [Part D]. Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State or the Administrator.''

B. EPA Guidance

EPA has issued several guidance documents related to the post-1990 requirements for CO SIPs. Among them is the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' that sets forth EPA's preliminary views on how the Agency intends to act on SIPs submitted under Title I of the Act. See generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). EPA has also issued a ''Technical Support Document to Aid the States with the Development of Carbon Monoxide State Implementation Plans,'' July 1992. This 1992 TSD expands on EPA's interpretation of the CO SIP requirements in the General Preamble.

For CO, the General Preamble addresses specifically only the contingency measures required under section 187(a)(3) of the Act for moderate areas with design values above 12.7 ppm. See 57 FR 13498, 13532–13533. In connection with the discussion of requirements for moderate ozone areas, the General Preamble addresses generally the section 172(c)(9) requirements which are applicable to low moderate CO nonattainment areas such as Phoenix as well. See 57 FR 13498, 13510–13511. In both discussions, EPA states that the contingency measure provisions of the 1990 Amendments supersede the contingency requirements contained in the 1982 guidance.

The 1992 TSD contains a discussion directly applicable to low moderate CO areas. See pages 5–6. This guidance explains that the trigger for implementation of the section 172(c)(9) measures is a finding by EPA that such an area failed to attain the CO NAAQS by the applicable attainment date and that states must show that their contingency measures can be implemented with minimal further action on their part and with no additional rulemaking actions upon such a finding. As a result of this requirement, the 1992 TSD states that contingency measures must be adopted and enforceable prior to submission to EPA.

In the TSD, EPA notes that section 172(c)(9) does not specify how many contingency measures are needed or the magnitude of emission reductions they must provide if an area fails to attain the CO NAAQS. EPA suggests that one appropriate choice would be to provide for the implementation of sufficient reductions in vehicle miles traveled (VMT) or emission reductions to counteract the effect of one year's growth in VMT while the state revises its SIP to incorporate the new requirements for a serious CO area. Thus, in suggesting a benchmark of one year's growth in VMT, EPA concluded that the purpose of the Act's contingency requirement is to maintain the actual attainment year emissions level while the serious area attainment demonstration is being developed.

In the TSD, EPA lists several examples of contingency measures that a state might choose, and concludes that the selected measures must be implemented within 12 months after the finding of failure to attain.

III. Contingency Measure SIP Revisions

A. Enhanced Remote Sensing Program

On November 11, 1993, the Arizona legislature adopted House Bill (H.B.) 2001. H.B. 2001 is included in the Maricopa Association of Government's (MAG) Addendum to the 1993 Carbon Monoxide Plan for the Maricopa County Area.[3] MAG held a public hearing on the 1993 CO Plan Addendum on March 17, 1994. Following adoption by the MAG Regional Council on March 25, 1994, the 1993 CO Plan Addendum was forwarded to the State of Arizona. The State then submitted the plan to EPA as a revision to the Arizona CO SIP on April 4, 1994. For more information on the public hearing process, see ''MAG 1993 Carbon Monoxide Plan for the Maricopa County Area, Addendum,'' Appendix, Exhibit 5.

[2] The pre-1990 Act contained no statutory provision for contingency measures. As a result of this absence, EPA developed the 1982 guidance pursuant to which EPA promulgated the FIP contingency process.

[3] EPA intends to propose action on the rest of the measures and the attainment demonstration in the 1993 CO Plan Addendum later this year.

An enhanced remote sensing program was included in H.B. 2001 which, among other things, revised title 49 of the Arizona Revised Statutes (ARS) by adding section 49–542.01. Section 49–542.01 describes the requirements of the remote sensing program, including the enhanced remote sensing component which is set forth in section 49–542.01.E.:

If the Administrator of the United States Environmental Protection Agency finds that Area A[4] has failed to demonstrate reasonable further progress or has failed to attain the national ambient air quality standard for ozone or carbon monoxide by the applicable attainment date, the notification procedure and requirements shall comply with subsection C of this section, except that the emissions test shall be required the first time a vehicle is identified.

The enhanced remote sensing program differs from the basic remote sensing program, subsections B. and C. of section 49–542.01, in its immediate requirement for vehicle inspection and testing. Under the enhanced remote sensing program, once a vehicle has been identified as exceeding specified emissions cutpoints, the vehicle owner is informed of the test results and required to have the vehicle tested within 30 days at an official state vehicle emissions inspection station. If the vehicle owner does not comply with this requirement, the Arizona Department of Transportation (ADOT) is required to suspend the vehicle's registration. Under the basic remote sensing program the vehicle owner is not required to have the vehicle tested at a state vehicle emissions inspection station unless a second notification is received within 12 months of the first notification that the vehicle has again failed a remote sensor emissions test.

The enhanced remote sensing contingency measure is administered by the State through the Arizona Vehicle Emission Inspection program which was approved into the CO SIP by EPA on May 8, 1995 at 60 FR 22518. That Federal Register notice describes the statutory and regulatory provisions applicable to the inspection and maintenance (I/M) program. Those provisions include an annual emissions inspection program, ARS section 49–542, and funding for that program and the remote sensing programs, ARS section 49–544. The emission reductions assigned to the enhanced remote sensing program are 6.5 metric tons/day (tpd) of CO. These reductions represent a 0.79% reduction from the total estimated 1995 CO baseline emissions. See 1993 CO Plan Addendum, Appendix, Exhibit 3, ''Revised Base Case and Demonstration of Attainment for Carbon Monoxide for Maricopa County,'' Table 2–7, page 2–11.

B. Traffic Diversion Measure

On September 10, 1992, MAG held a public hearing on a traffic diversion measure which was adopted by the MAG Regional Council on October 28, 1992 subject to receiving an implementation commitment. On November 20, 1992, the Arizona Transportation Board adopted a resolution (ADOT resolution) committing to implement the measure. On November 24, 1992, MAG forwarded the ADOT resolution to ADEQ and the State submitted it to EPA on December 11, 1992. On February 24, 1993, MAG adopted the ''MAG Process and Impact Documentation for Carbon Monoxide Contingency Measures'' (MAG process document) which describes the traffic diversion measure. The State submitted the MAG process document as a SIP revision to EPA on June 23, 1993.[5] The traffic diversion measure would divert interstate through traffic around the Phoenix nonattainment area during the high pollution season by installing signs along alternative state highway routes. The purpose of the traffic diversion is to manage congestion by eliminating unnecessary traffic from the urbanized portion of the nonattainment area, thereby reducing CO emissions.

Attachment A to the ADOT resolution describes the implementation and funding mechanisms for the measure. The appropriate signs will be placed at designated locations within 60 days of a determination by EPA that the Phoenix area has failed to make reasonable further progress for CO or has failed to meet the applicable attainment date for CO. ADOT has indicated in its 1992 resolution that it has the financial resources and access to manpower to fabricate, install and maintain the appropriate signs.

The traffic diversion measure was modeled based on the assumption that half of the through traffic would be diverted to alternate routes. Based on the modeling runs it performed, MAG estimated that if half of the trips were voluntarily diverted through the use of alternate route signs, there would be a .1% reduction in regional CO emissions which equates to a reduction of .8 tpd. For additional information on the traffic diversion measure, see the MAG process document, the November 20, 1992 ADOT resolution and the 1993 CO Plan Addendum.

IV. Standard for SIP Approval

A. Completeness

Under section 110(k)(1)(B) of the CAA, within 60 days of receipt of a SIP submittal, but no later than six months after the date, if any, by which a state is required to submit the plan or plan revision, EPA must determine if the submittal meets the ''Criteria for Determining the Completeness of Plan Submissions'' at 40 CFR Part 51, Appendix V. If EPA has not determined six months after the receipt of the submission that it fails to meet the Appendix V criteria, the submission is deemed to be complete by operation of law.

EPA made no completeness finding on the 1993 CO Plan Addendum which contains the enhanced remote sensing program. As a result, this submittal became complete by operation of law on October 8, 1994.

EPA made no completeness finding on the submittal of the ADOT resolution in which the Department commits to implement the traffic diversion measure. As a result, the submittal became complete by operation of law on June 11, 1993. EPA found the MAG process document, which describes the traffic diversion measure, complete on July 26, 1993. See July 26, 1993 letter from David P. Howekamp, EPA, to Edward Z. Fox, ADEQ. The traffic diversion measure is also described in the 1993 CO Plan Addendum which became complete by operation of law on October 8, 1994.

B. Section 110(l)

Once a SIP submittal is deemed complete, EPA must next determine if the submittal is approvable as a revision to the SIP. EPA's primary responsibility when approving SIP revisions is to ensure that the revisions strengthen or maintain the SIP and are consistent with CAA requirements.

Section 110(l) of the CAA states that the ''Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress * * * or any other applicable requirement of [the Clean Air] Act.'' Therefore, before

[4] Area A, as defined in ARS section 49–541.1., is a CO nonattainment area in a county with a population of one million two hundred thousand or more persons as determined by the most recent U.S. census. The Phoenix CO nonattainment area currently falls within this definition.

[5] This SIP revision also contained a MAG contingency process that was intended to replace the FIP contingency process. EPA proposed to approve the MAG process on December 8, 1993, but never took final action on the proposal. 58 FR 64530. The traffic diversion measure is also contained in the 1993 CO Plan Addendum at p. 2–16.

approving the State's 172(c)(9) measures and withdrawing the FIP contingency process, EPA must demonstrate that the revision will not: (1) delay attainment, (2) interfere with reasonable further progress (RFP), or (3) conflict with the Phoenix area's compliance with other requirements of the Act. As stated previously, for low moderate CO areas, section 172(c)(9) establishes the only requirement for contingency measures. As discussed elsewhere in this notice, EPA is proposing to conclude that the State's submittals meet the requirements of section 172(c)(9). Neither the statute nor current EPA policy requires contingency procedures (as distinguished from actual measures) in SIPs. As noted above, the 1982 SIP guidance, which required contingency procedures and under which the FIP was promulgated, has been superseded. Therefore, withdrawal of the FIP contingency process, in conjunction with the approval of contingency measures consistent with the requirements of the CAAA, does not conflict with current law or EPA policy regarding contingency requirements.

EPA has also concluded that approval of the section 172(c)(9) measures and withdrawal of the FIP contingency process does not interfere with RFP. Under section 171(1) of the Act, RFP means ''such annual incremental emission reductions as are required by this part [D] or may reasonably be required by the Administrator for the purpose of assuring attainment of the applicable national ambient air quality standard by the applicable attainment date.'' Under section 172(c)(9), contingency measures are designed to go into effect if the area fails to make RFP or to attain the NAAQS. Thus, by their very nature, such measures become operative only when there has been a failure to make RFP. Therefore, approval of the State's contingency measures and withdrawal of the FIP contingency process cannot be said to interfere with RFP.

The final remaining inquiry under section 110(l) is whether approval of the State's section 172(c)(9) measures and withdrawal of the FIP process would interfere with timely attainment. Under the pre-amended Act there were no statutory provisions to extend the attainment deadline or to establish a new deadline if an area failed to attain the NAAQS by the applicable statutory deadline. EPA's pre-amendment contingency guidance was created to fill this vacuum by requiring states to include in their SIPs a self-executing process[6] to delay highway projects that could adversely affect air quality while new control measures were being adopted to cure the attainment shortfall. See 46 FR 7182. The FIP contingency process was developed to comply with this guidance in the context of the pre-amended Act.[7]

The FIP contingency process involves, among other things, various assessments and findings that then determine what action, if any, EPA must take if a violation occurs after the attainment deadline, currently December 31, 1995. At its most aggressive, the FIP process requires EPA to adopt measures to cure the shortfall within a minimum of 14 to 16 months from a violation occurring after the attainment deadline. Even if the FIP requirement to adopt new control measures to cure the shortfall can be construed as, effectively, a requirement to adopt a new attainment demonstration, such a demonstration would be developed under the amended Act's provisions.

The CAAA contain an entirely different scheme for dealing with a violation of the NAAQS after 1995. In the case of Phoenix, which recorded apparent violations[8] of the CO standard in 1995 and early 1996, the area is not expected to be able to qualify for attainment deadline extensions under the extension provisions of the amended Act. Rather, following a finding by EPA that the area failed to attain the CO standard, it would be reclassified to serious. Once reclassified, under section 187(f) and EPA guidance,[9] Arizona would be required to submit a new plan meeting the serious area requirements of section 187(c)(1) 18 months after reclassification that demonstrates attainment as expeditiously as practicable but not later than December 31, 2000. See section 186(a)(1). For the 18 month period during which the new SIP is being developed, the section 172(c)(9) contingency measures would go into effect to ensure that air quality in the area does not deteriorate pending development of the serious area attainment demonstration.

As demonstrated above, the section 172(c)(9) measures in the amended Act take the place of, and serve the same purpose as, the highway delay provision in EPA's pre-amendment guidance and the FIP contingency process. Similarly, the extension and reclassification provisions of the amended Act replace the pre-amendment contingency guidance and the FIP provision for adoption of additional control measures to cure the shortfall. EPA recognized this when it indicated that its 1982 guidance on contingency procedures was no longer applicable.

Interference with timely attainment under section 110(l) can be found only if the existing statutory scheme for attainment would be thwarted by replacing the FIP contingency process with the State's section 172(c)(9) measures. Rather than thwarting the amended Act's statutory scheme, such a substitution will serve to bring Phoenix in line with what Congress intended in the CAAA. In short, the existence of the FIP contingency process in the context of the CAAA is at best an uncomfortable fit, and at worst it is duplicative and inconsistent with the new statutory scheme. Thus approving Arizona's section 172(c)(9) measures and withdrawing the FIP process would promote Congress' intent in crafting the new attainment provisions. Under these circumstances, EPA believes that such an outcome would clearly not interfere with timely attainment within the meaning of section 110(l).

C. Section 193

On December 8, 1993, EPA proposed to withdraw the FIP contingency process and to approve in its place a similar process adopted by MAG and submitted to EPA as a SIP revision. 58 FR 64530. While EPA did not take final action on this proposal, during the public comment period following its publication, the Arizona Center for Law in the Public Interest (ACLIPI) filed comments in which it asserted, among other things, that section 193, the general savings clause, applies to the FIP contingency process. EPA disagrees with ACLIPI. Since such a comment is relevant to today's proposal, the Agency is addressing it here. Section 193 provides in pertinent part that:

[6] Under section 110(a)(2)(H) of the pre-amended Act, EPA could require a state to revise its SIP if the Agency made a finding that the plan was substantially inadequate to achieve the NAAQS or to otherwise comply with the requirements of the Act.

[7] The FIP, which contained control measures, an attainment demonstration and conformity procedures as well as a contingency process, was proposed prior to the passage of the CAAA. Therefore it was developed under the pre-1990 statute and EPA guidance designed to implement that Act. Even though the CAAA were enacted prior to EPA's final FIP rulemaking, the final FIP reflected the requirements of the old law and guidance.

[8] EPA has not yet completed its review of the 1995 air quality data for the Phoenix area and, under 40 CFR section 58.35(c)(1), the State has until June 30, 1996 to formally submit data from the first quarter of 1996.

[9] See Memorandum from Sally Shaver, Director, Air Quality Strategies and Standards Division, EPA, to Air Division Directors entitled ''Criteria for Granting Attainment Date Extensions, Making Attainment Determinations, and Determinations of Failure to Attain the NAAQS for Moderate CO Nonattainment Areas.'' October 23, 1995.

[N]o control requirement in effect, or required to be adopted by an order, settlement agreement, or plan in effect before the date of enactment of the Clean Air Act Amendments of 1990 in any area which is a nonattainment area for any air pollutant may be modified after such enactment in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.

The contingency process contained in the Maricopa CO FIP was required by a March 1, 1990 order of the 9th Circuit—before the enactment of the CAAA on November 15, 1990. ACLIPI contended that the FIP contingency process falls within the scope of the above language of section 193 and that therefore EPA may not modify that process unless the modification insures equivalent or greater emission reductions.

Having concluded that Maricopa's pre-amendment CO plan did not contain contingency procedures that met EPA's 1982 guidance, the 9th Circuit ordered EPA to promulgate a Federal plan that contained contingency procedures in accordance with that guidance. *Delaney*, at 695. The FIP contingency process, promulgated in accordance with the Court's order, consists of an intricate series of actions by EPA potentially spanning a minimum of 14 to 16 months. The Federal process potentially involves, among other things, various assessments and findings, air quality modeling, review and delay of current highway projects in Arizona, and the adoption of additional control measures. The eventual length and scope of the process is dependent upon the outcome of the assessments and findings called for in the process and is therefore not predictable in advance. The FIP contingency process is described in detail at 56 FR 5471–5472.

EPA does not believe that such a process constitutes a ''control requirement'' within the meaning of section 193 of the Act. On its face, the savings clause prohibits the modification only of existing control requirements or specific control requirements required to be adopted pursuant to an order. While EPA was required by the Court's order in *Delaney* to promulgate a contingency plan in accordance with the Agency's then existing guidance, the Court did not order EPA to promulgate any specified control requirements in that plan. Indeed, the inclusion of any specific control requirements by EPA would not have been consistent with the terms and intent of EPA's 1982 guidance on contingency procedures.

While ''control requirement'' is not defined in the Act, it is generally viewed as a discrete regulation directed at a specific source of pollution; e.g., an emission control requirement for a smoke stack at a power plant. By contrast, a contingency process, as outlined by EPA's 1982 guidance, is much broader and far-reaching than a control requirement. Therefore, under a straightforward reading, the savings clause is best viewed as an anti-backsliding provision by which Congress intended to prevent the relaxation of actual, existing control requirements on specific pollution sources or controls required to be adopted for specific pollution sources while states are proceeding with their new planning obligations under the 1990 Amendments.

Beyond the plain language of section 193, however, EPA's interpretation of section 193 is consistent with the structure of the 1990 Amendments as they relate to the new planning requirements for nonattainment areas and the failure of those areas to attain the NAAQS. These requirements are discussed in previous sections of this notice. As shown above, the eternal retention of the FIP contingency process (or its equivalent) in the applicable plan for Phoenix would forever overlay its outdated, inconsistent planning scenario on the new statutory scheme.

For these reasons, EPA has concluded that both the plain language of section 193 and the new statutory scheme support EPA's interpretation that the FIP contingency process is not subject to the restrictions concerning equivalent emission reductions in section 193.

V. EPA Evaluation of SIP Submittal

A. Enhanced Remote Sensing Program

EPA has evaluated Arizona's enhanced remote sensing program and concluded that it meets the requirements of section 110(a)(2) of the CAA. The program is administered by the Arizona Department of Environmental Quality (ADEQ) as part of Arizona's I/M program which has been approved into the CO and ozone SIP. ARS section 49–542; 60 FR 22518. Arizona law confers the legal authority on ADOT to enforce the program's requirements through vehicle registration suspension. ARS section 49–542.01.C. The program is adequately funded through an emissions inspection fund. ARS section 49–544.

EPA has also concluded that the enhanced remote sensing program meets the requirements of section 172(c)(9) and EPA's guidance on contingency requirements for low moderate CO nonattainment areas. The program is fully adopted and capable of implementation upon a finding by EPA that the Phoenix area has failed to attain the CO NAAQS by the applicable attainment date. Therefore, the program meets the section 172(c)(9) requirement that, when triggered, contingency measures must take effect without further action by the State or the Administrator.

B. Traffic Diversion Measure

EPA has evaluated MAG's traffic diversion measure and concluded that it meets the requirements of section 110(a)(2) of the CAA. ARS section 28–642 authorizes ADOT to place and maintain traffic control devices on all state highways for the purpose of traffic regulation. As discussed in section III.B. of this notice, ADOT has indicated in its 1992 resolution that it has both the funding and personnel to implement the measure once it is triggered by an EPA finding.

The implementation commitment in the ADOT resolution is in enforceable form and therefore legally binds the Department to initiate the traffic diversion measure within 60 days of an EPA finding. However, the measure's ability to achieve emission reductions is entirely dependent on the voluntary actions of motorists, and there is no credible means of determining how many of them will heed the signs' exhortations. Therefore, while MAG has estimated that the measure will reduce CO emissions in the Phoenix area by .8 tpd, EPA is assuming, for the purposes of its proposed section 172(c)(9) approval, only that the measure will result in some, albeit unquantifiable, emission reduction benefit.

With respect to the requirements of section 172(c)(9) and EPA's guidance on contingency measures for low moderate CO areas, EPA has concluded that the traffic diversion measure is acceptable. ADOT has indicated in its 1992 resolution that it can implement the measure within 60 days of an EPA finding and has committed to do so. EPA has stated in its 1992 TSD that states must show that their contingency measures can be implemented with minimal further action (other than rulemaking) and that full implementation of the measures within 60 days after EPA notification is sufficient to meet the section 172(c)(9) requirements.

EPA believes that the traffic diversion measure, when triggered as a contingency measure, will serve to strengthen the SIP. Although EPA cannot now find that the measure will produce any specific amount of emission reduction, the measure, taken in conjunction with the enhanced remote sensing program and other

emission reductions occurring in the area, as described below, will result in reductions more than adequate to offset one year of VMT growth as suggested by EPA's guidance.

C. Additional Post-1995 Emission Reductions

As has been shown above, CO emission reductions of 6.5 tpd are expected to result from the implementation of the enhanced remote sensing program. Moreover, EPA believes that some additional but unknown reductions will be achieved through implementation of the traffic diversion measure. The State has provided to EPA data indicating that emissions increases of 17 tpd from VMT growth are expected to occur in 1996 and 1997, the period during which the SIP would be revised if the area is found to have failed to attain the CO standard by December 31, 1995.

The State has also provided information documenting that emission reductions of 32 tpd are expected to be achieved in 1996 and 1997 through continued implementation of Arizona's I/M program beyond those reductions achieved through 1995 from the I/M program. The 6.5 tpd reductions from the enhanced remote sensing program and the additional benefits from the traffic diversion measure, if triggered as contingency measures, in conjunction with these additional I/M reductions, are more than sufficient to offset the projected emissions associated with VMT growth during the 2 year SIP revision period.[10]

As set forth in section II.B. of this notice, EPA suggested in its 1992 TSD that contingency measures for these areas achieve emission reductions offsetting one year's VMT growth while the SIP is being revised. In establishing this suggested benchmark, EPA intended that, following a finding of nonattainment, the status quo, as represented by the emissions level in the attainment deadline year, be maintained during this period. EPA believes that this result can be achieved by considering reductions from the section 172(c)(9) measures in combination with new reductions scheduled to occur in the area during the SIP revision period, as long as these offsetting reductions are from measures approved into the SIP and are in excess of reductions occurring in the attainment deadline year. The emission reductions from the enhanced remote sensing program, the traffic diversion measure, and the additional reductions from the I/M program in 1996 and 1997 more than meet this test.

For the above reasons, EPA is proposing to approve the State's enhanced remote sensing program and the MAG traffic diversion measure as meeting the requirements of section 172(c)(9).

VI. Withdrawal of Federal Contingency Process

Based on the proposed approval of the State's 172(c)(9) contingency measures, EPA is proposing to withdraw the Federal contingency process for the Phoenix CO nonattainment area. Specifically, the Agency is proposing to delete the phrase ''After December 31, 1991 for the Maricopa CO nonattainment area or'' from the contingency provisions at 56 FR 5470, column 2 (February 11, 1991). This deletion will leave the Federal contingency process in place for the Pima County CO nonattainment area. EPA also proposes to withdraw the list of highway projects potentially subject to delay that was proposed on June 28, 1993 during the partial implementation of the FIP contingency process at that time. 58 FR 34547.

EPA is proposing these actions because, with its final approval of the State's section 172(c)(9) measures, the Federal process will become unnecessary for attainment and maintenance of the CO NAAQS in the Phoenix area. To leave the Federal process in place would complicate air quality planning within Maricopa County and would be unnecessarily redundant. In addition, giving preference to the State's measures is consistent with the Clean Air Act's intent that states have primary responsibility for the control of air pollution within their borders. See CAA sections 101(a)(3) and 107(a).

VII. Summary of EPA Actions

EPA is today proposing to approve into the Arizona SIP for the Phoenix CO nonattainment area the State's enhanced remote sensing program and the MAG traffic diversion measure as meeting the requirements of section 172(c)(9) of the CAA. EPA is also proposing to withdraw the Federal contingency process promulgated pursuant to section 110(c) of the Act and published on February 11, 1991 (56 FR 5458). Finally, EPA is withdrawing the list of highway projects subject to delay proposed on June 28, 1993 (58 FR 34547) as part of the implementation of the Federal contingency process in 1993.

Nothing in this proposed action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for a 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.

VIII. Regulatory Process

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

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

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), 2 U.S.C. §§ 1501–1571, signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of these SIP revisions, the State and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 182 of the CAA. These rules may bind State, local, and tribal

[10] Additional information on VMT growth and emission reductions from the I/M program after 1995 is provided in the TSD for this notice.

governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved today will impose any mandate upon the State, local, or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Similarly, EPA's withdrawal of the FIP contingency process will not impose any new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 3, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–8807 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[OK–12–1–7079b; FRL–5438–5]

Approval of Volatile Organic Compound Regulations for Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Oklahoma for the purpose of removing equivalent test method and alternative standard language from the Oklahoma volatile organic compound regulations. In the final rules section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the 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 the 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 action. 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 May 9, 1996.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Multimedia Planning & Permitting Division (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Oklahoma Department of Environmental Quality, Air Quality Program, 4545 North Lincoln Blvd., Suite 250, Oklahoma City, Oklahoma 73105–3483.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Davis, Planning Section (6PD-L), Multimedia Planning & Permitting Division, USEPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7584.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action of the same title which is located in the final rules section of this Federal Register.

Dated: February 8, 1996.

Jane N. Saginaw,

Regional Administrator (6A).

[FR Doc. 96–8441 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[IL133–1–7125b; FRL–5435–1]

Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA proposes to approve the State Implementation Plan (SIP) revision request submitted by the State of Illinois on June 26, 1995, as a formal submittal of the 1992 motor vehicle inspection and maintenance program enhancements developed and implemented, in part, as a response to the 1989 Federal Implementation Plan agreement between Illinois, Wisconsin, and USEPA. In the final rules section of this Federal Register, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA 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 the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received on or before May 9, 1996.

ADDRESSES: Written comments should be mailed to:

J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at:

Regulation Development Section, Air Programs Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Francisco Acevedo, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this Federal Register.

Dated: February 15, 1996.

David A. Ullrich,

Regional Administrator.

[FR Doc. 96–8434 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[AZ 063–0001b; FRL–5452–3]

Clean Air Act Approval and Promulgation of Prevention of Significant Deterioration (PSD) and General Permitting Provisions Implementation Plan for Arizona State Pinal County Air Quality Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of portions of a requested State Implementation Plan (SIP) revision submitted by the State of Arizona for the purpose of meeting requirements of the Clean Air Act, as amended in 1990 (CAA or Act) with regard to general permitting programs and prevention of significant deterioration (PSD) in areas of Pinal County that are in attainment of the national ambient air quality standards (NAAQS). The requested revision was submitted by the State to satisfy certain Federal requirements for an approvable SIP.

EPA is taking this action to approve the portions of Pinal's rules identified below into the SIP for the purpose of meeting the PSD and preconstruction permitting requirements of 40 CFR 51.160 through 51.164 and 51.166, under the authority granted by 40 CFR 51.105. Approval of Pinal's rules for the purposes of meeting the nonattainment preconstruction permitting requirements of 40 CFR 51.165 will take place under a separate action. This action does *not* in any way imply that Pinal's nonattainment permitting provisions meet the requirements of sections 171, 172, 173, 181, 182, 187, or 189 of the CAA. Failure on Pinal's part to submit rules which meet the requirements of 40 CFR 51.165 may trigger sanctions as provided for under section 179 of the Clean Air Act.

In the final rules section of this Federal Register, EPA is promulgating approval of Pinal's PSD and general permitting rules as a direct final rule without prior proposal because EPA views this submittal as noncontroversial 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 rulemaking. 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 May 9, 1996.

ADDRESSES: Written comments on this action should be addressed to: Jessica Gaylord, New Source Section (A–5–1), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the County's submittal, EPA's Technical Support Document, and other supporting information used in developing the proposed approval are available for public inspection at EPA's Region IX office during normal business hours.

FOR FURTHER INFORMATION CONTACT: Jessica Gaylord (telephone: 415–744–1290), or Steve Ringer (telephone: 415–744–1260), New Source Section, Air & Toxics Division (A–5–1), EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule of the same title which is located in the Rules section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 4, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–8433 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[CA 102–14–0004b; FRL–5441–4]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Mojave Desert Air Quality Management District; San Diego County Air Pollution Control District; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which control oxides of nitrogen (NO_x) from gas turbines, fuel-burning equipment, and glass manufacturing plants. The intended effect of proposing approval of these rules is to regulate emissions of NO_x in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). 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 action 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 action, no further activity is contemplated in relation to this action. 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 May 9, 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.

Mojave Desert Air Quality Management District, 15428 Civic Drive, Suite 200, Victorville, CA 92392.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

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 Mojave Desert Air Quality Management District Rule 1159, Stationary Gas Turbines; San Diego County Air Pollution Control District Rule 68, Fuel-Burning Equipment—Oxides of Nitrogen; and San Joaquin Valley Unified Air Pollution Control

District Rule 4354, Glass Melting Furnaces. These rules were submitted to EPA by the California Air Resources Board on March 31, 1995, October 19, 1994, and September 28, 1994, respectively. 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: March 6, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–8747 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–W

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8000

[WO–340–1220–00–24 1A]

RIN 1004–AC51

Recreation Programs

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Bureau of Land Management (BLM) is requesting comments on the removal of 43 CFR Part 8000—Recreation Programs regarding recreation programs on public lands in its entirety. The BLM proposes to remove 43 CFR Part 8000—Recreation Programs because it contains no substantive material that is not repeated in subsequent sections of 43 CFR. The BLM will provide the public with any necessary policy and practices for the administration of recreation program through procedural guidance.

DATES: Comments on the notice of proposed rulemaking must be received by May 9, 1996. Comments received or postmarked after this date may not be considered in the preparation of the final rule.

ADDRESSES: Comments may be mailed to: Regulatory Management Team (420), Bureau of Land Management, 1849 C Street, NW, Room 401LS, Washington, DC 20240.

Comments may also be sent via internet to: !WO140@attmail.com. Please include ''attn: AC51'', your name, and return address in your internet message.

Comments may be hand-delivered to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street, NW, Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edna Taylor, (202) 452–5068.

SUPPLEMENTARY INFORMATION: The BLM proposes to remove 43 CFR Part 8000—Recreation Programs as part of its effort to eliminate unnecessary and inappropriate material in the Code of Federal Regulations.

Dated: March 29, 1996.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 96–8402 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–84–P

43 CFR Part 8300

[WO–340–1220–00–24 1A]

RIN 1004–AC50

Recreation Management

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Bureau of Land Management (BLM) is requesting comments on the removal of 43 CFR Part 8300–Procedures regarding recreation management on public lands in its entirety. The BLM proposes to remove 43 CFR Part 8300–Procedures because it contains no substantive material that is not repeated in subsequent sections of 43 CFR.

DATES: Comments on the notice of proposed rulemaking must be received by May 9, 1996. Comments received or postmarked after this date may not be considered in the preparation of the final rule.

ADDRESSES: Comments may be mailed to Regulatory Management Team (420), Bureau of Land Management, 1849 C Street, NW, Room 401LS, Washington, DC 20240.

Comments may also be sent via internet to: !WO140@attmail.com. Please include ''attn: AC50'', your name, and return address in your internet message.

Comments may be hand-delivered to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street, NW, Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edna Taylor, (202) 452–5068.

SUPPLEMENTARY INFORMATION: The BLM proposes to remove 43 CFR Part 8300–Procedures as part of its effort to eliminate unnecessary and inappropriate material in the Code of Federal Regulations.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 96–8400 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[CC Docket No. 94–54, FCC 96–126]

Wireless Telecommunications Services; Commercial Mobile Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This *Order* terminates the Commission's inquiry into the imposition of equal access requirements on commercial mobile radio services (CMRS) providers. In light of recent amendments to the Communications Act of 1934, as amended, the Commission now finds that it no longer has the authority to require CMRS providers to offer equal access to common carriers for the provision of telephone toll services, and although the Commission is authorized in certain circumstances to prescribe regulations to afford subscribers unblocked access to the provider of telephone toll services of the subscribers' choice, the record does not establish a need for such a prescription at this time. The *Order* terminates further inquiry into these two aspects of the instant proceeding. The *Order* does not affect the status of the Commission's inquiry into related issues in this or other proceedings, including CMRS resale, roaming, and interconnection.

FOR FURTHER INFORMATION CONTACT: Jeffrey Steinberg, Wireless Telecommunications Bureau, Policy Division (202) 418–1310.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Order* in CC Docket No. 94–54, FCC 96–126, adopted March 21, 1996, and released March 22, 1996. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, at

(202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Synopsis of the Order

1. The Commission terminates its inquiry into the imposition of equal access requirements on CMRS providers, which was initiated in the *Notice of Proposed Rulemaking and Notice of Inquiry (NPRM/NOI),* 59 FR 39664, July 13, 1994. The *NPRM/NOI* tentatively concluded that cellular providers should be required to provide equal access to interexchange carriers.

2. The recent enactment of the Telecommunications Act of 1996 changed the legal landscape under which the Commission may consider interexchange access requirements for CMRS providers. As a result, the Commission now determines that it no longer has the authority to require CMRS providers to offer equal access to common carriers for the provision of telephone toll services. The Commission further finds that, although it has the authority to require CMRS providers to afford subscribers unblocked access to the telephone toll services provider of their choice if it determines that subscribers are denied such access and such denial is contrary to the public interest, convenience, and necessity, the record compiled in this proceeding does not establish a need at this time for the Commission to initiate an inquiry into the imposition of an unblocked access rule.

3. Thus, the Commission terminates its examination of these issues in this docket. The intended effect of this action is to provide certainty that CMRS providers are not required to offer equal access to interexchange carriers. This *Order* does not affect the status of the Commission's inquiry into related issues in this or other proceedings.

Ordering Clause

4. *Accordingly, IT IS ORDERED that the above-referenced rulemaking IS TERMINATED to the extent indicated herein. This action is authorized under Sections 1, 4(i), 4(j), 201, 309, 332, and 403 of the Communications Act, 47 U.S.C. §§ 151, 154(i), 154(j), 201, 309, 332, and 403.*

List of Subjects in 47 CFR Part 20

Commercial mobile radio service.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–8756 Filed 4–8–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 230

[Docket No. 960312069–6096–01; I.D. 022796F

RIN 0648–AI81

Whaling Provisions; Consolidation and Revision of Regulations

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

ACTION: Proposed rule.

SUMMARY: NMFS issues a proposed rule that would revise and update regulations pertaining to aboriginal subsistence whaling. The regulations would be revised to remove outdated provisions, codify current practice, incorporate current term usage, and reorganize the remaining provisions to make the whaling regulations more concise, better organized and, therefore, easier for the public to use. In addition, NMFS proposes to revise the regulations to broaden the current mechanism for regulating International Whaling Commission (IWC) authorized whaling by the Alaska Eskimo Whaling Commission (AEWC) and other Native American groups.

DATES: Written comments must be received on or before May 24, 1996.

ADDRESSES: Copies of the Environmental Assessment (EA) for this proposed rule are available from, and comments should be sent to: Michael Payne, Fisheries Biologist, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, Maryland 20910. Comments regarding the collection-of-information requirements contained in this proposed rule should be sent to Michael Payne at the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Dr. Kevin Chu (508) 548–5123.

SUPPLEMENTARY INFORMATION: In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for immediate, comprehensive regulatory reform. The President directed all agencies to undertake an exhaustive review of all their regulations, with an emphasis on eliminating or modifying those that are obsolete, duplicative, or otherwise in need of reform. This proposed rule is intended to carry out the President's directive with respect to the regulations implementing the Whaling Convention Act of 1949 (16 U.S.C. 916 *et seq.*).

The revisions of 50 CFR part 230 proposed in this rule update the whaling regulations consistent with current authorities and usage of terms, eliminate duplicative or unnecessary text, and reorganize the regulations to make the regulations easier for the public to use and to reduce the volume and publication costs of the regulations.

The current regulations require the Department of Commerce to monitor all aboriginal whaling, to collect all information directly, to declare when quotas are filled and seasons are closed, and to enforce directly the obligations of the IWC. The proposed rule would replace this requirement with what is the current practice, i.e., joint monitoring and enforcement of harvests authorized by the IWC, through a cooperative agreement between NOAA and a Native American whaling organization.

Government monitoring, and especially enforcement, has not been feasible or desirable in the remote areas in which whaling takes place. Compliance with the IWC obligations through self-organized Native American organizations has worked better in practice, both from the point of view of the U.S. Government and of the members of the AEWC, the only group currently allowed by the IWC to whale in the United States. Self-organized Native American whaling organizations can gather information more readily, because they are community-based. Compliance is obtained through peer pressure, as well as through fines and, on occasion, the revoking of licenses. Moreover, the costs of putting Government agents in each whaling village are prohibitive. Implementing the regulations currently codified in part 230, in which Government oversight is required at all stages of whaling, would, therefore, either be unreliable or excessively expensive.

The current part 230 allows only Alaska Natives to engage in whaling. The Makah Tribe of northwest Washington State also has a long tradition of whaling. It has recently expressed an interest in resuming this tradition and has asked the U.S. Government to seek a quota of gray whales for ceremonial and subsistence purposes from the IWC. Gray whales are not listed as threatened or endangered

under the Endangered Species Act. This proposed rule would allow a mechanism for a cooperative agreement with the Makah Tribe for monitoring and enforcing any IWC-authorized whaling. This mechanism would be similar to the successful practice with the AEWC.

Classification

NMFS prepared an EA for this proposed action that discusses the impact on the environment of this rule. The EA concludes that the proposed revision of the whaling regulations will have no impact on the status of any endangered species, as these revisions have no affect on the quotas for aboriginal subsistence whaling authorized by the IWC. A copy of the EA is available (see **ADDRESSES**).

This proposed rule has been determined to be not significant for the 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. Current regulations allow whaling only for subsistence and cultural use; the proposed rule would not change that provision. Only two Native American groups have expressed an interest in whaling—the AEWC and the Makah Tribe. The proposed rule would broaden, rather than restrict, the opportunities for Native American groups to renew whaling traditions if the IWC grants the U.S. request for a quota. As a result, a regulatory flexibility analysis was not prepared.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act. This collection-of-information requirement has been submitted to OMB for approval. Whaling captains would be required to report whaling activities to the relevant Native American whaling organization, or to NMFS. Information on all whales struck or landed in the course of aboriginal subsistence whaling is requested to monitor compliance with IWC-authorized quotas and to supply required or requested information to the IWC. Information on landings of dead whales (''stinkers'') found floating at sea or washed up on shore is also requested to have a record of all whales brought to shore and to ensure that whales killed under the IWC quotas are not claimed to have been found dead. The public reporting burden for completing reports required by whaling captains is estimated at 0.5 hours per response. The reporting burden for the Native American whaling organizations to report the whaling activities to NMFS is estimated at 5 hours per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspects of the data requirements, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

The Assistant Administrator for Fisheries, NOAA (AA) determined that these proposed regulatory changes will not affect any endangered or threatened species under the Endangered Species Act.

The AA determined that whaling activities conducted under this rule would have no adverse effects on marine mammals, beyond what is authorized by the IWC.

List of Subjects in 50 CFR Part 230

Fisheries, Indians, Marine mammals, Reporting and recordkeeping requirements.

Dated: April 2, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 230 is proposed to be revised to read as follows:

PART 230—WHALING PROVISIONS

Sec.
230.1 Purpose and scope.
230.2 Definitions.
230.3 General prohibitions.
230.4 Aboriginal subsistence whaling.
230.5 Licenses for aboriginal subsistence whaling.
230.6 Quotas and other restrictions.
230.7 Salvage of stinkers.
230.8 Reporting by whaling captains.

Authority: 16 U.S.C. 916 *et seq.*

§ 230.1 Purpose and scope.

The purpose of the regulations in this part is to implement the Whaling Convention Act (16 U.S.C. 916 *et seq.*) by prohibiting whaling except for aboriginal subsistence whaling allowed by the International Whaling Commission. Provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*) and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) also pertain to human interactions with whales. Rules elsewhere in this chapter govern such topics as scientific research permits, and incidental take and harassment of marine mammals.

§ 230.2 Definitions.

Aboriginal subsistence whaling means whaling authorized by paragraph 13 of the Schedule annexed to and constituting a part of the Convention.

Assistant Administrator means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

Authorized officer means:

(1) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(2) Any special agent or enforcement officer of the National Marine Fisheries Service;

(3) Any officer designated by the head of a Federal or state agency that has entered into an agreement with the Secretary of Commerce or the Commandant of the Coast Guard to enforce the provisions of the Whaling Convention Act; or

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

Calf means any whale less than 1 year old.

Commission means the International Whaling Commission established by article III of the Convention.

Convention means the International Convention for the Regulation of Whaling signed at Washington on December 2, 1946.

Cooperative agreement means a written agreement between the National Oceanic and Atmospheric Administration and a Native American whaling organization for the cooperative management of aboriginal subsistence whaling operations.

Landing means bringing a whale or any parts thereof onto the ice, or land in the course of whaling operations.

Native American whaling organization means an entity recognized by the National Oceanic and Atmospheric Administration as representing and governing Native American whalers for the purposes of cooperative management of aboriginal subsistence whaling.

Regulations of the Commission means the regulations in the Schedule annexed to and constituting a part of the Convention, as modified, revised, or amended by the Commission from time to time.

Stinker means a dead, unclaimed whale found upon a beach, stranded in shallow water, or floating at sea.

Strike means hitting a whale with a harpoon, lance, or explosive device.

Wasteful manner means a method of whaling that is not likely to result in the landing of a struck whale or that does not include all reasonable efforts to retrieve the whale.

Whale products means any unprocessed part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal, and baleen.

Whaling means the scouting for, hunting, striking, killing, flensing, or landing of a whale, and the processing of whales or whale products.

Whaling captain or *captain* means any person who is authorized by a Native American whaling organization to be in charge of a vessel and whaling crew.

Whaling crew means those persons under the control of a captain.

Whaling village means any U.S. village recognized by the Commission as having a cultural and/or subsistence need for whaling.

§ 230.3 General prohibitions.

(a) No person shall engage in whaling in a manner that violates the Convention, any regulation of the Commission, or this part.

(b) No person shall engage in whaling without first having obtained a license or scientific research permit issued by the Assistant Administrator.

(c) No person shall ship, transport, purchase, sell, offer for sale, import, export, or possess any whale or whale products taken or processed in violation of the Convention, any regulation of the Commission, or this part, except as specified in

§ 230.5(f).

(d) No person shall fail to make, keep, submit, or furnish any record or report required of him/her by the Convention, any regulation of the Commission, or this part.

(e) No person shall refuse to permit any authorized officer to enforce the Convention, any regulation of the Commission, or this part.

§ 230.4 Aboriginal subsistence whaling.

(a) No person shall engage in aboriginal subsistence whaling, except a whaling captain licensed pursuant to § 230.5 or a member of a whaling crew under the control of a licensed captain.

(b) No whaling captain shall engage in whaling that is not in accordance with the regulations of the Commission, this part, and the relevant cooperative agreement.

(c) No whaling captain shall engage in whaling for any calf or any whale accompanied by a calf.

(d) No whaling captain shall engage in whaling without an adequate crew or without adequate supplies and equipment.

(e) No person may receive money for participation in aboriginal subsistence whaling.

(f) No person may sell or offer for sale whale products from whales taken in an aboriginal subsistence hunt, except that authentic articles of Native handicrafts may be sold or offered for sale.

(g) No whaling captain shall continue to whale after:

(1) The quota set for his/her village by the relevant Native American whaling organization is reached;

(2) The license under which he/she is whaling is suspended as provided in § 230.5(b); or

(3) The whaling season for that species has been closed pursuant to § 230.6.

(h) No whaling captain shall claim domicile in more than one whaling village.

(i) No person may salvage a stinker without complying with the provisions of § 230.7.

(j) No whaling captain shall engage in whaling with a harpoon, lance, or explosive dart that does not bear a permanent distinctive mark identifying the captain as the owner thereof.

(k) No whaling captain shall engage in whaling in a wasteful manner.

§ 230.5 Licenses for aboriginal subsistence whaling.

(a) A license is hereby issued to whaling captains identified by the relevant Native American whaling organization.

(b) The Assistant Administrator may suspend the license of any whaling captain who fails to comply with the regulations in this part.

§ 230.6 Quotas and other restrictions.

(a) Quotas for aboriginal subsistence whaling shall be set in accordance with the regulations of the Commission. Quotas shall be allocated to each whaling village or captain by the appropriate Native American whaling organization. The Assistant Administrator shall publish in the Federal Register, at least annually, aboriginal subsistence whaling quotas and any other limitations on aboriginal subsistence whaling deriving from regulations of the Commission. These quotas and restrictions shall also be incorporated in the relevant cooperative agreements.

(b) The relevant Native American whaling organization shall monitor the whale hunt and keep tally of the number of whales landed and struck. When a quota is reached, the organization shall declare the whaling season closed, and there shall be no further whaling under that quota during the calendar year. If the organization fails to close the whaling season after the quota has been reached, the Assistant Administrator may close it by filing a notice in the Federal Register.

§ 230.7 Salvage of stinkers.

(a) Any person salvaging a stinker shall submit to the Assistant Administrator or his/her representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage. He/she shall provide promptly to the Assistant Administrator or his/her representative each harpoon, lance, or explosive dart found in or attached to the stinker. The device shall be returned to the owner thereof promptly, unless it is retained as evidence of a possible violation.

(b) There shall be a rebuttable presumption that a stinker has been struck by the captain whose mark appears on the harpoon, lance, or explosive dart found in or attached thereto, and, if no strike has been reported by such captain, such strike shall be deemed to have occurred at the time of recovery of the device.

§ 230.8 Reporting by whaling captains.

(a) The relevant Native American whaling organization shall require each whaling captain licensed pursuant to § 230.5 to provide a written statement of his/her name and village of domicile and a description of the distinctive marking to be placed on each harpoon, lance, and explosive dart.

(b) Each whaling captain shall provide to the relevant Native American whaling organization an oral or written report of whaling activities including but not limited to the striking, attempted striking, or landing of a whale and, where possible, specimens from landed whales. The Assistant Administrator is authorized to provide technological assistance to facilitate prompt reporting and collection of specimens from landed whales, including but not limited to ovaries, ear plugs, and baleen plates. The report shall include at least the following information:

(1) The number, dates, and locations of each strike, attempted strike, or landing;

(2) The length (taken as the straight-line measurement from the tip of the upper jaw to the notch between the tail flukes) and the sex of the whales landed;

(3) The length and sex of a fetus, if present in a landed whale; and

(4) An explanation of circumstances associated with the striking or attempted striking of any whale not landed.

(c) If the relevant Native American whaling organization fails to provide the National Marine Fisheries Service the required reports, the Assistant Administrator may require the reports to be submitted by the whaling captains directly to the National Marine Fisheries Service.

[FR Doc. 96–8706 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 69
Tuesday, April 9, 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

Food and Consumer Service

Food Stamp Program: Agency Information Collection Activities: Proposed Collection; Comment Request—Collection Methods for Food Stamp Program Recipient Claims

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 this notice announces the Food and Consumer Service's (FCS's) intention to request Office of Management and Budget (OMB) review of a proposed revision to an information collection. The revision adds additional information requirements based on the Federal Income Tax Refund Offset Program (FTROP) and the Federal Salary Offset Program (Salary Offset).

DATES: Comments and recommendations on the proposed revision must be received by June 10, 1996.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should be sent to James I. Porter, Issuance and Accountability Section, State Administration Branch, Program Accountability Division, Food and Consumer Service, 3101 Park Center Drive, Room 905, Alexandria, Virginia 22302. Copies of the estimate of the information collection can be obtained by contacting Mr. Porter.

All comments will be summarized and included in the request for Office of Management and Budget approval of the information collection. All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Mr. Porter at the above address or at (703) 305–2385 during normal business hours.

SUPPLEMENTARY INFORMATION: The following is provided pursuant to 5 CFR 1320.5(a)(1)(iv):

Title: Federal Collection Methods for Food Stamp Program Recipient Claims. (This is a new title for the collection. The current title is: Expansion of Test of Offsetting Federal Income Tax Refunds, Recipient Claims Collection.)

OMB Number: 0584–0446.

Expiration Date: September 27, 1996.

Type of Request: Revision of a currently approved collection.

Abstract: Substantially all FTROP and Salary Offset procedures are exchanges of information, and substantially all the procedures are required by statute or regulation, as follows: 31 U.S.C. 2653(a), in the case of FTROP; 5 U.S.C. 5514, in the case of Salary Offset; IRS regulations at 26 CFR 301.6402–6, relating to both programs; and by USDA regulations at 7 CFR 3.51–3.68 for Salary Offset. FTROP and Salary Offset have proved to be effective methods for collection action on a substantial portion of approximately $900 million in outstanding debt for certain food stamp overissuances for which other collection methods have not been successful. The information exchanged under the programs is used to meet due process requirements, provide lists of debts for collection from Federal income tax refunds and Federal salaries, and to report on collections and related actions.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 450 hours for State agencies and 8 minutes for debtors.

Respondents: The collection impacts two groups, State agencies which administer the Food Stamp Program, and certain individuals who are liable for overissued food stamp benefits. State agencies which choose to participate in FTROP and Salary Offset are required to produce certain notices of intent to collect claims for overissued food stamp benefits, respond to informal inquiries about them and in the case of FTROP, if timely requests are received from debtors, to conduct limited reviews of the intended debt collection. State agencies are also required to provide automated data files of debts and among other things, to process reports on the collection of the debts and to report those debt collections. While debtors are not required to read or otherwise act on notices of the intended collection actions, we expect that most debtors do at least read the notices. Many debtors make informal inquiries and a small percentage request reviews or hearings.

Estimated Number of Respondents: State agency participation in the programs is approaching 52. Debtor respondents are estimated at 370,000 based on 320,000 FTROP due process notices; 40,000 informal inquiries and 2,000 requests for review; 5,000 Salary Offset due process notices from State agencies; 2,500 due process notices from FCS, and 500 informal inquiries and requests for hearings.

Estimated Number of Responses per Respondent: For State agencies the number of responses varies from once for such activities as certifying files to FCS to 320,000 for mailing out FTROP due process notices. For debtors the number of responses varies from once for such things as due process notices to three or four in the case of debtors making informal inquiries and requesting reviews.

Estimated Total Annual Burden on Respondents: The annual reporting and recordkeeping burden is estimated at 72,862 hours: 23,423 hours for State agencies, approximately 2,200 hours of which is recordkeeping; 49,439 hours for debtors, approximately 5,000 hours of which is recordkeeping.

Dated: March 30, 1996.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 96–8819 Filed 4–8–96; 8:45 am]

BILLING CODE 3410–30–U

Foreign Agricultural Service

Meeting of Advisory Committee on Emerging Democracies

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the fifth meeting of the Advisory Committee on Emerging Democracies will be held April 18, 1996. The purpose of the committee is to provide information and advice, based upon knowledge and expertise of the members, useful to the U.S. Department of Agriculture (USDA) in implementing the program on sharing agricultural expertise with emerging democracies. The committee will also advise USDA on ways to increase the involvement of the U.S. private sector in cooperative work with emerging democracies in food and rural business systems.

DATES: The meeting will be held Thursday, April 18, 1996 from 9:00 a.m. to 5:30 p.m. The meeting will be held in Room 5066-South of the U.S. Department of Agriculture in Washington, D.C.

SUPPLEMENTARY INFORMATION: The minutes of the meeting announced in this Notice shall be available for review. The meeting is open to the public and members of the public may provide comments in writing to Douglas Freeman, Foreign Agricultural Service, Room 6506 South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW, Washington, D.C. 20250, but should not make any oral comments at the meeting unless invited to do so by the Co-chairpersons.

Signed at Washington, D.C. April 4, 1996.

August Schumacher, Jr.,

Administrator, Foreign Agricultural Service.

[FR Doc. 96–8820 Filed 4–8–96; 8:45 am]

BILLING CODE 3410–10–M

Forest Service

Alta Ski Lifts, UT; Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on Alta Ski Lifts proposed master plan update.

DATES: Comments concerning the scope of the analysis should be received in writing by May 7, 1996.

ADDRESSES: Send written comments to Michael Sieg, District Ranger, 6944 South 3000 East, Salt Lake City, Utah 84121.

FOR FURTHER INFORMATION CONTACT: Rob Cruz, District Environmental Coordinator, (801) 943–2667.

SUPPLEMENTARY INFORMATION: Alta Ski Lifts, a ''Special Use Permit'' permittee is proposing to update its master plan. Much of the resort's permitted boundary lies on National Forest System Land. This proposal includes the following elements; modify the Blitz run to provide a path for intermediate skiers to enter Main Street from the current top terminal of the Collins Chair Lift; replace the Sunnyside and Albion lifts and add a new rope tow east of the Wildcat Ticket Office; modify parts of the Devil's Elbow, Roller Coaster, and Crooked Mile runs; and add additional snowmaking capacity which would include a four million gallon reservoir system.

The proposal also includes; remodeling the Albion Day Lodge, Albion Ticket Office and the General Office building; replacing Watson Shelter; constructing two new generator buildings, one on the end of the existing maintenance building and the other near the bottom terminal of the Supreme Chairlift; relocating the Germania ski patrol building; remodeling both the Albion and Supreme Patrol buildings, and widening the upper Grizzly parking lot to recapture 28 parking slots lost to mass transit over the last decade. A complete description of the proposal and its elements is available from the Salt Lake Ranger District.

In addition to obtaining a new Ski Area Term Special Use Permit from the Forest Service, Alta will also be required to obtain a Department of Army 404 permit from the Army Corps of Engineers and consult with the Environmental Protection Agency. They will also be required to obtain an amendment of water supply permit agreement from Salt Lake City Department of Public Utilities and a Water Change Application from the Utah Department of Natural Resources, Division of Water Rights, State Engineer.

A scoping document was sent to over 600 individuals, organizations and government agencies on September 24, 1993, detailing Alta's proposal for the next planning period. An additional scoping document has been sent to over 625 individuals, organizations and local and state government agencies explaining the decision to conduct an environmental impact statement, and soliciting additional comments. Preliminary issues identified by the interdisciplinary team include effects on visual quality, effects on run quality, effects on wetland and riparian areas, effects on water quality and quantity, effects on vegetation, effects on fish and wildlife, effects on traffic and parking in Little Cottonwood Canyon and effects on threatened, endangered and sensitive species. Four preliminary alternatives have been identified. The proposed action which would permit the aforementioned projects and require Alta to convert to a new Ski Area Term Special Use Permit. An alternative which would protect the unique quantities of Albion basin. No Action which would continue the use as currently permitted with no new improvements and an alternative that would maximize improvements without creating significant environmental effects.

The public is invited to submit comments or suggestions to the address above. Comments received from individuals, groups and government agencies received from the September 1993 scoping will be incorporated into this analysis. The responsible official is Bernie Weingardt, Forest Supervisor. A draft EIS is expected to be filed in August 1996 and the final EIS filed in January 1997.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the Federal Register. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC,* 435 U.S. 519, 533 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon v. Hodel,* (9th Circuit, 1986) and *Wisconsin Heritages, Inc. v. Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service

at a time when it can meaningfully consider them and respond to them in the final.

Dated: March 29,1996.

Robert A. Cruz,

District Environmental Coordinator.

[FR Doc. 96–8777 Filed 4–8–96; 8:45 am]

BILLING CODE 3410–11–M

Northwest Sacramento Province Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Northwest Sacramento Province Advisory Committee will meet on April 25, 1996. The meeting starts at 9:30am in the Trinity Conference Room of the Red Lion Motel, 1830 Hilltop Drive, Redding, CA. The Advisory Committee was appointed to provide recommendations on implementation of the Northwest Record of Decision (''President's Forest Plan'').

Agenda items to be covered that day include; (1) Update on recent IAC and REO meetings, (2) Implementation Monitoring Teams, (3) Update on SCERT/PAC/PIEC meetings on watershed restoration, (4) Klamath Resource Information System, (5) Update on other California PAC's, (6) HR 2712, Congressman Riggs' bill concerning management of the Shasta Trinity and Six Rivers National Forest, and Bureau of Land Management, (7) Draft changes for PAC re-chartering, (8) Public comment period. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Sharon Heywood, Designated Federal Official Northwest Sacramento Province, USDA, Forest Service, 2400 Washington Ave., Redding, CA, 96001, (916–246–5222), or Duane Lyon, Coordinator, Northwest Sacramento Province, USDA, Forest Service, 2400 Washington Ave., Redding, CA 96001 (916) 246–5499.

Dated: March 15, 1996.

J. Sharon Heywood,

Designated Federal Official, Northwest Sacramento Province.

[FR Doc. 96–8717 Filed 4–8–96; 8:45 am]

BILLING CODE 3410–FK–M

ASSASSINATION RECORDS REVIEW BOARD

Notice of Formal Determinations and Reconsiderations

SUMMARY: The Assassination Records Review Board (Review Board) met in a closed meeting on March 18–19, 1996, and made formal determinations on the release of records under the President John F. Kennedy Assassination Records Collection Act of 1992 (Supp. V 1994) (JFK Act). By issuing this notice, the Review Board complies with the section of the JFK Act that requires the Review Board to publish the results of its decisions on a document-by-document basis in the Federal Register within 14 days of the date of the decision.

FOR FURTHER INFORMATION CONTACT: T. Jeremy Gunn, General Counsel and Associate Director for Research and Analysis, Assassination Records Review Board, Second Floor, Washington, D.C. 20530, (202) 724–0088, fax (202) 724–0457.

SUPPLEMENTARY INFORMATION: This notice complies with the requirements of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. 2107.9(c)(4)(A) (1992). On March 18–19, 1996, the Review Board made formal determinations on records it reviewed under the JFK Act. These determinations are listed below. The assassination records are identified by the record identification number assigned in the President John F. Kennedy Assassination Records Collection database maintained by the National Archives. For each document, the number of releases of previously redacted information immediately follows the record identification number, followed in turn by the number of postponements sustained, and, where appropriate, the date the document is scheduled to be released or re-reviewed.

FBI Documents: Open in Full

124–10003–10092; 3; 0; n/a
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CIA Documents: Open in Full

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HSCA Documents: Open in Full

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180–10103–10465; 111; 0; n/a
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180–10077–10047; 1; 37; 10/2017

Additional Releases

After consultation with appropriate Federal Agencies, the Review Board announces that the following Central Intelligence Agency records are now being opened in full: 104–10004–10043; 104–10004–10045; 104–10004–10074; 104–10004–10077; 104–10004–10086; 104–10004–10090; 104–10004–10094; 104–10004–10110; 104–10004–10114; 104–10004–10116; 104–10004–10119; 104–10004–10186; 104–10004–10190; 104–10004–10226; 104–10004–10242; 104–10004–10251; 104–10004–10253; 104–10004–10254; 104–10004–10296; 104–10005–10017; 104–10005–10023; 104–10005–10025; 104–10005–10030; 104–10005–10049; 104–10005–10087; 104–10005–10092; 104–10005–10095; 104–10005–10099; 104–10005–10101; 104–10005–10133; 104–10005–10134; 104–10005–10135; 104–10005–10136; 104–10005–10137; 104–10005–10140; 104–10005–10154; 104–10005–10157; 104–10005–10175; 104–10005–10178; 104–10005–10183; 104–10005–10197; 104–10005–10199; 104–10005–10220; 104–10005–10221; 104–10005–10224; 104–10005–10229; 104–10005–10270; 104–10005–10274; 104–10005–10279; 104–10005–10282; 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104–10013–10225; 104–10013–10226; 104–10013–10228; 104–10013–10229; 104–10013–10230; 104–10013–10232; 104–10013–10233; 104–10013–10238; 104–10013–10239; 104–10013–10240; 104–10013–10243; 104–10013–10244; 104–10013–10245; 104–10013–10246; 104–10013–10247; 104–10013–10248; 104–10013–10249; 104–10013–10250; 104–10013–10251; 104–10013–10252; 104–10013–10253; 104–10013–10254; 104–10013–10256; 104–10013–10257; 104–10013–10258; 104–10013–10260; 104–10013–10283; 104–10013–10285; 104–10013–10287; 104–10013–10288; 104–10013–10291; 104–10013–10292; 104–10013–10294; 104–10013–10301; 104–10013–10306; 104–10013–10311; 104–10013–10315; 104–10013–10345; 104–10013–10346; 104–10013–10347; 104–10013–10351; 104–10013–10353; 104–10013–10354; 104–10013–10355; 104–10013–10362; 104–10013–10363; 104–10013–10364; 104–10013–10365; 104–10013–10366; 104–10013–10367; 104–10013–10368; 104–10013–10369; 104–10013–10371; 104–10013–10372; 104–10013–10373; 104–10013–10374; 104–10013–10375; 104–10013–10376; 104–10013–10378; 104–10013–10380; 104–10013–10383; 104–10013–10384; 104–10013–10385; 104–10013–10386; 104–10013–10388; 104–10013–10394; 104–10013–10395; 104–10013–10399; 104–10013–10400; 104–10013–10401; 104–10013–10402; 104–10013–10403; 104–10013–10404; 104–10013–10405; 104–10013–10407; 104–10013–10408; 104–10013–10409;

104–10013–10410; 104–10013–10411; 104–10013–10412; 104–10013–10415; 104–10013–10417; 104–10013–10418; 104–10013–10419; 104–10013–10420; 104–10013–10421; 104–10013–10422; 104–10013–10423; 104–10013–10425; 104–10013–10426; 104–10013–10427; 104–10013–10428; 104–10013–10429; 104–10013–10430; 104–10013–10433; 104–10013–10438; 104–10013–10439; 104–10013–10440; 104–10013–10442; 104–10013–10444; 104–10013–10445; 104–10013–10446; 104–10014–10011; 104–10014–10013; 104–10014–10014; 104–10014–10015; 104–10014–10017; 104–10014–10019; 104–10014–10020; 104–10014–10021; 104–10014–10022; 104–10014–10023; 104–10014–10024; 104–10014–10026; 104–10014–10027; 104–10014–10030; 104–10014–10031; 104–10014–10032; 104–10014–10034.

After consultation with appropriate Federal Agencies, the Review Board announces that the following Federal Bureau of Investigation records are now being opened in full: 124–10001–10129; 124–10002–10260; 124–10002–10261; 124–10002–10346; 124–10002–10389; 124–10003–10002; 124–10003–10012; 124–10003–10050; 124–10003–10371; 124–10003–10373; 124–10003–10396; 124–10003–10432; 124–10003–10434; 124–10003–10440; 124–10003–10446; 124–10003–10453; 124–10003–10477; 124–10003–10478; 124–10003–10493; 124–10005–10199; 124–10005–10212; 124–10005–10391; 124–10005–10481; 124–10006–10028; 124–10006–10041; 124–10020–10065; 124–10022–10190; 124–10022–10432; 124–10023–10224; 124–10023–10228; 124–10023–10250; 124–10023–10260; 124–10023–10266; 124–10024–10279; 124–10025–10058; 124–10026–10186; 124–10027–10145; 124–10027–10146; 124–10027–10207; 124–10027–10209; 124–10027–10215; 124–10027–10313; 124–10027–10318; 124–10027–10327; 124–10029–10260; 124–10029–10264; 124–10029–10308; 124–10034–10120; 124–10035–10029; 124–10035–10037; 124–10035–10040; 124–10035–10048; 124–10035–10061; 124–10035–10076; 124–10035–10077; 124–10035–10094; 124–10035–10115; 124–10035–10122; 124–10035–10123; 124–10035–10161; 124–10035–10188; 124–10035–10195; 124–10035–10201; 124–10035–10220; 124–10035–10221; 124–10035–10250; 124–10035–10258; 124–10035–10259; 124–10035–10265; 124–10035–10266; 124–10035–10272; 124–10035–10290; 124–10035–10306; 124–10035–10308; 124–10035–10314; 124–10035–10325; 124–10035–10326; 124–10035–10329; 124–10035–10330; 124–10035–10333; 124–10035–10336; 124–10035–10352; 124–10035–10357; 124–10035–10379; 124–10035–10382; 124–10035–10383; 124–10035–10391; 124–10035–10394; 124–10037–10021; 124–10037–10022; 124–10037–10133; 124–10037–10193; 124–10037–10217; 124–10037–10418; 124–10037–10425; 124–10039–10487; 124–10040–10081; 124–10041–10185; 124–10041–10265; 124–10042–10479; 124–10042–10494; 124–10046–10083; 124–10046–10323; 124–10047–10312; 124–10047–10413; 124–10049–10182; 124–10052–10473; 124–10053–10395; 124–10054–10296; 124–10054–10426; 124–10055–10082; 124–10056–10318; 124–10056–10321; 124–10056–10323; 124–10056–10326; 124–10058–10064; 124–10058–10138; 124–10059–10314; 124–10062–10053; 124–10062–10327; 124–10062–10387; 124–10062–10402; 124–10062–10433; 124–10062–10451; 124–10065–10039; 124–10065–10047; 124–10065–10437; 124–10066–10195; 124–10066–10196; 124–10066–10198; 124–10066–10215; 124–10066–10216; 124–10066–10461; 124–10066–10478; 124–10068–10025; 124–10068–10060; 124–10068–10172; 124–10069–10043; 124–10069–10049; 124–10069–10186; 124–10069–10198; 124–10069–10390; 124–10070–10277; 124–10070–10312; 124–10071–10377; 124–10071–10389; 124–10071–10390; 124–10072–10018; 124–10072–10134; 124–10072–10205; 124–10072–10414; 124–10072–10495; 124–10073–10360; 124–10073–10458; 124–10074–10327; 124–10075–10228; 124–10076–10045; 124–10076–10047; 124–10077–10051; 124–10079–10027; 124–10079–10380; 124–10079–10392; 124–10079–10419; 124–10080–10094; 124–10081–10182; 124–10081–10211; 124–10081–10369; 124–10084–10048; 124–10086–10010; 124–10086–10301; 124–10086–10415; 124–10087–10197; 124–10087–10333; 124–10087–10389; 124–10089–10013; 124–10089–10028; 124–10089–10063; 124–10089–10097; 124–10089–10134; 124–10089–10158; 124–10093–10106; 124–10094–10023; 124–10096–10115; 124–10096–10125; 124–10096–10352; 124–10099–10270; 124–10099–10276; 124–10100–10283; 124–10102–10003; 124–10103–10217; 124–10108–10020; 124–10110–10356; 124–10112–10067; 124–10112–10083; 124–10118–10204; 124–10119–10097; 124–10119–10099; 124–10119–10153; 124–10119–10182; 124–10119–10289; 124–10121–10048; 124–10123–10002; 124–10123–10041; 124–10123–10050; 124–10123–10100; 124–10124–10042; 124–10125–10003; 124–10126–10211; 124–10126–10350; 124–10128–10055; 124–10129–10296; 124–10130–10022; 124–10131–10287; 124–10131–10289; 124–10135–10154; 124–10136–10074; 124–10137–10052; 124–10137–10121; 124–10138–10005; 124–10140–10047; 124–10140–10068; 124–10140–10217; 124–10142–10445; 124–10143–10013; 124–10143–10113; 124–10143–10146; 124–10143–10384; 124–10143–10415; 124–10144–10014; 124–10144–10047; 124–10144–10263; 124–10145–10109; 124–10145–10111; 124–10146–10118; 124–10146–10131; 124–10148–10006; 124–10148–10047; 124–10149–10004; 124–10149–10071; 124–10150–10048; 124–10150–10309; 124–10150–10397; 124–10151–10480; 124–10151–10481; 124–10153–10019; 124–10153–10023; 124–10153–10059; 124–10153–10070; 124–10155–10347; 124–10156–10228; 124–10156–10257; 124–10156–10351; 124–10156–10421; 124–10156–10430; 124–10157–10028; 124–10157–10319; 124–10158–10027; 124–10158–10030; 124–10158–10035; 124–10158–10054; 124–10158–10095; 124–10158–10426; 124–10159–10029; 124–10159–10066; 124–10159–10425; 124–10159–10446; 124–10159–10496; 124–10162–10007; 124–10162–10024; 124–10162–10237; 124–10162–10492; 124–10163–10281; 124–10163–10297; 124–10163–10325; 124–10163–10330; 124–10163–10334; 124–10167–10120; 124–10167–10192; 124–10169–10004; 124–10169–10040; 124–10169–10070; 124–10169–10071; 124–10169–10329; 124–10170–10022; 124–10170–10028; 124–10170–10250; 124–10171–10072; 124–10171–10235; 124–10171–10278; 124–10171–10460; 124–10172–10032; 124–10172–10071; 124–10172–10165; 124–10172–10198; 124–10172–10269; 124–10172–10326; 124–10172–10354; 124–10173–10109; 124–10173–10286; 124–10174–10118; 124–10174–10121; 124–10174–10169; 124–10174–10171; 124–10174–10198; 124–10175–10000; 124–10175–10176; 124–10175–10184; 124–10175–10414; 124–10176–10090; 124–10176–10195; 124–10176–10207; 124–10176–10275; 124–10176–10336; 124–10176–10373; 124–10177–10184; 124–10178–10364; 124–10178–10450; 124–10182–10007; 124–10227–10348; 124–10228–10005; 124–10228–10221; 124–10228–10222; 124–10229–10138; 124–10230–10277; 124–10230–10280; 124–10230–10475; 124–10230–10487; 124–10231–10123; 124–10231–10442; 124–10231–10490; 124–10231–10496; 124–10232–10393; 124–10233–10051; 124–10233–10111; 124–10233–10341; 124–10233–10418; 124–10235–10002; 124–10235–10078; 124–10235–10098; 124–10235–10104; 124–10235–10169; 124–10236–10039; 124–10236–10062; 124–10237–10173; 124–10237–10186; 124–10240–10068; 124–10240–10153; 124–10240–10315; 124–10241–10181; 124–10242–10053; 124–10242–10122; 124–10242–10197; 124–10242–10199; 124–10242–10261; 124–10242–10287; 124–10242–10392; 124–10243–10207;

124–10243–10247; 124–10243–10458; 124–10243–10462; 124–10243–10497; 124–10244–10041; 124–10244–10340; 124–10244–10462; 124–10245–10138; 124–10245–10430; 124–10246–10265; 124–10247–10111; 124–10247–10255; 124–10247–10261; 124–10247–10262; 124–10247–10333; 124–10247–10359; 124–10247–10364; 124–10248–10295; 124–10249–10187; 124–10249–10208; 124–10249–10211; 124–10249–10249; 124–10249–10415; 124–10250–10076; 124–10251–10248; 124–10251–10463; 124–10252–10113; 124–10253–10036; 124–10253–10068; 124–10253–10075; 124–10254–10080; 124–10254–10162; 124–10254–10265; 124–10255–10214; 124–10256–10169; 124–10256–10394; 124–10256–10400; 124–10258–10154; 124–10259–10000; 124–10260–10005; 124–10260–10028; 124–10261–10049; 124–10262–10392; 124–10263–10015; 124–10264–10000; 124–10264–10259; 124–10264–10349; 124–10269–10059; 124–10270–10326; 124–10270–10329; 124–10270–10333; 124–10272–10304; 124–10275–10493.

After consultation with appropriate state and Federal agencies, the Review Board announces that the following House Select Committee on Assassination records are being opened in full: 180–10077–10497; 180–10082–10239; 180–10082–10240; 180–10085–10287; 180–10085–10495; 180–10089–10377; 180–10089–10405; 180–10094–10275; 180–10094–10277; 180–10094–10278; 180–10094–10279; 180–10094–10280; 180–10094–10281; 180–10094–10282; 180–10094–10283; 180–10094–10284; 180–10094–10285; 180–10094–10286; 180–10094–10287; 180–10094–10288; 180–10094–10290; 180–10094–10291; 180–10094–10292; 180–10094–10294; 180–10094–10296; 180–10094–10297; 180–10094–10299; 180–10094–10300; 180–10094–10302; 180–10094–10303; 180–10094–10304; 180–10094–10305; 180–10094–10306; 180–10094–10307; 180–10094–10310; 180–10094–10312; 180–10094–10313; 180–10094–10314; 180–10094–10316; 180–10094–10317; 180–10094–10318; 180–10094–10319; 180–10094–10320; 180–10094–10321; 180–10094–10322; 180–10094–10323; 180–10094–10324; 180–10094–10325; 180–10094–10326; 180–10094–10327; 180–10094–10328; 180–10094–10329; 180–10094–10330; 180–10094–10331; 180–10094–10332; 180–10094–10333; 180–10094–10335; 180–10094–10336; 180–10094–10338; 180–10095–10222; 180–10095–10223; 180–10095–10224; 180–10097–10239; 180–10106–10492; 180–10110–10071; 180–10110–10085; 180–10110–10099; 180–10110–10102; 180–10110–10127; 180–10110–10216; 180–10110–10217.

Notice of Reconsideration

On February 1, March 18, and March 19, 1996, the CIA provided additional evidence to the Review Board regarding 54 records that previously had been the subject of Review Board determinations. Upon receiving and evaluating this additional evidence, the Review Board voted to sustain postponements as follows:

FROM ORIGINAL FEDERAL REGISTER NOTICE: 95–29389, 61 FR 62066

Record No.	No. original releases	No. original postponements	No. revised releases	No. revised postponements	Date of release or rereview
104–10015–10398	6	2	5	3	05/1996

FROM ORIGINAL FEDERAL REGISTER NOTICE: 95–31560, 61 FR 48

Record No.	No. original releases	No. original postponements	No. revised releases	No. revised postponements	Date of release or rereview
104–10015–10401	4	2	3	4	03/2006

FROM ORIGINAL FEDERAL REGISTER NOTICE: 96–1687, 61 FR 2996

Record No.	No. original releases	No. original postponements	No. revised releases	No. revised postponements	Date of release or rereview
104–10015–10033	11	6	11	7	05/1997
104–10015–10159	9	0	9	2	10/2017
104–10015–10225	7	2	7	3	01/2006
104–10015–10372	6	2	5	5	05/1996
104–10015–10420	9	1	7	3	03/2006
104–10015–10425	5	0	5	1	10/2017
104–10016–10011	23	15	22	17	05/1996
104–10016–10012	5	2	2	5	05/1996
104–10016–10026	16	1	15	3	05/1996
104–10017–10033	8	0	6	6	10/2017
104–10017–10036	4	3	3	6	03/2006
104–10017–10040	5	4	4	7	05/1996
104–10017–10057	7	0	5	4	10/2017
104–10017–10058	17	2	14	8	03/2006
104–10018–10001	1	2	0	3	05/1996
104–10018–10042	9	4	8	7	01/2006
104–10018–10076	7	4	6	7	02/2006
104–10018–10080	9	5	7	8	03/2006
104–10018–10088	8	0	2	7	10/2017
104–10018–10089	8	2	7	6	05/1996
104–10018–10091	6	2	1	7	05/1996

FROM ORIGINAL FEDERAL REGISTER NOTICE: 96–3708, 61 FR 6346

Record No.	No. original releases	No. original postpone-ments	No. revised releases	No. revised postpone-ments	Date of release or rereview
104–10001–10008	1	0	0	1	05/1997
104–10001–10035	2	0	0	2	05/1997
104–10001–10103	2	0	0	2	05/1997
104–10002–10084	4	0	3	1	05/1997
104–10003–10006	1	0	0	1	05/1997
104–10003–10030	14	0	10	4	05/1997
104–10003–10032	2	0	1	1	05/1997
104–10003–10179	14	0	13	1	05/1997
104–10003–10193	2	0	0	2	05/1997
104–10015–10223	7	1	7	2	05/1996
104–10015–10227	4	1	4	2	05/1996
104–10015–10305	17	0	15	2	05/1997
104–10015–10339	5	0	3	2	05/1997
104–10015–10344	2	0	1	1	05/1997
104–10015–10375	18	6	18	6	10/2017
104–10015–10402	11	4	8	5	03/2006
104–10015–10435	8	1	8	2	03/2006
104–10016–10042	10	0	9	1	03/2006
104–10017–10008	14	3	12	5	03/2006
104–10017–10010	15	3	14	4	03/2006
104–10017–10056	11	0	10	1	05/1997
104–10017–10063	10	7	8	10	03/2006
104–10017–10068	9	4	6	9	05/1997
104–10017–10076	12	6	12	7	03/2006
104–10017–10080	9	2	4	8	05/1996
104–10018–10094	18	11	18	9	03/2006
104–10018–10096	12	6	9	11	05/1996
104–10095–10001	9	10	2	17	05/1997

On March 1, 18, and 19, 1996, the FBI provided additional evidence to the Review Board regarding 24 records that previously had been the subject of Review Board determinations. Upon receiving and evaluating this additional evidence, the Review Board voted to sustain additional postponements as follows:

FROM ORIGINAL FEDERAL REGISTER Notice: 96–3708, 61 FR 6346

Record No.	No. original releases	No. original postpone-ments	No. revised releases	No. revised postpone-ments	Date of next release
124–10070–10076	2	0	1	1	03/2006
124–10100–10265	2	0	1	1	03/2006
124–10119–10221	2	0	1	1	03/2006
124–10184–10259	1	0	0	1	08/01/1996
124–10240–10290	1	0	0	1	08/01/1996
124–10063–10017	1	0	0	1	08/01/1996
124–10183–10178	1	0	0	1	08/01/1996
124–10068–10068	1	0	0	1	08/01/1996
124–10128–10024	1	0	0	1	08/01/1996
124–10167–10052	5	0	0	5	08/01/1996
124–10069–10051	5	0	0	5	08/01/1996
124–10069–10394	5	0	0	5	08/01/1996
124–10084–10205	5	0	0	5	08/01/1996
124–10257–10477	5	0	0	5	08/01/1996
124–10027–10402	9	0	0	9	08/01/1996
124–10171–10193	9	0	0	9	08/01/1996
124–10178–10262	9	0	0	9	08/01/1996
124–10249–10417	9	0	0	9	08/01/1996
124–10163–10135	7	0	0	7	08/01/1996
124–10163–10133	3	1	0	4	08/01/1996
124–10034–10056	8	0	0	8	08/01/1996
124–10111–10170	8	0	0	8	08/01/1996
124–10027–10396	5	1	0	6	08/01/1996
124–10087–10336	1	0	0	1	08/01/1996

Dated: April 2, 1996.

T. Jeremy Gunn,

General Counsel.

[FR Doc. 96–8526 Filed 4–8–96; 8:45 am]

BILLING CODE 6118–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the California Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 3:00 p.m. and adjourn at 6:00 p.m. on Friday, April 19, 1996, at the Holiday Inn Union Square, 480 Sutter Street, San Francisco, CA 94108. The purpose of the meeting is to discuss the status of on-going projects and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Michael Carney, 213–580–7900, or Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 3, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–8806 Filed 4–8–96; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the Nebraska Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 8:00 p.m. on Wednesday, May 1, 1996, at Ramada Inn-Airport, 2301 N.W. 12th, Lincoln, Nebraska 68521. The purpose of the meeting is to hold orientation for new Advisory Committee members and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 3, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–8805 Filed 4–8–96; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 811]

Approval for Manufacturing Authority (Cosmetics and Related Products) Within Foreign-Trade Zone 46; Springdale, Ohio

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

After consideration of the application submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of FTZ 46 (filed 12–19–94), requesting authority on behalf of Avon Products, Inc., to manufacture cosmetics and related products under zone procedures within FTZ 46, the Board, finding that the requirements of the Foreign-Trade Zones Act and the Board's regulations would be satisfied, and that the proposal would be in the public interest if approval is subject to certain conditions, approves the application subject to the following conditions:

1. The authority for manufacturing under zone procedures is approved for an initial 3-year period (to 4–1–99), subject to extension upon review.

2. Avon shall report to the FTZ Board annually on any use of zone procedures that results in the application of a finished product Customs duty rate that is lower than any of its components, which merchandise had not been specifically listed in the application.

Approval is subject to the FTZ Act and the FTZ Board's regulations, including Section 400.28.

Signed at Washington, DC, this 29th day of March 1996.

Susan G. Esserman,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

FR Doc. 96–8682 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–DS–P

Lapse of Authority for Inactive Foreign-Trade Zones; Correction

In notice document 96–7778 appearing on page 14290 in the issue of Monday, April 1, 1996, make the following correction:

On page 14291, the first paragraph should read:

Comments Invited: Comments are invited in writing until April 29, 1996, from grantees and interested parties as to any of the information, procedures or guidelines outlined in this notice. They should be addressed to: Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue NW., Washington, DC 20230.

Dated: April 3, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–8825 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–421–805]

Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide From the Netherlands; Preliminary Results of Antidumping Administrative Review

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

ACTION: Notice of preliminary results of the Antidumping Duty Administrative Review; Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on aramid fiber formed of poly para-phenylene terephthalamide (PPD–T aramid) from the Netherlands in response to requests by respondent, Akzo Nobel Fibers Inc. and Aramid Products V.o.F. (Akzo) and petitioner, E.I. du Pont de Nemours and Company. This review covers sales of this merchandise to the United States

during the period December 16, 1993 through May 31, 1995.

We have preliminarily determined that sales have been made below normal value (NV). Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: April 9, 1996.

FOR FURTHER INFORMATION CONTACT: Donald Little or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington D.C. 20230; telephone (202) 482–4733.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

SUPPLEMENTARY INFORMATION:

Background

The Department published in the Federal Register the antidumping duty order on PPD–T aramid from the Netherlands on June 24, 1994 (59 FR 32678). On June 6, 1995, we published in the Federal Register (60 FR 29821) a notice of opportunity to request an administrative review of the antidumping duty order on PPD–T aramid from the Netherlands covering the period December 16, 1993 through May 31, 1995.

In accordance with 19 CFR 353.22(a)(1), Akzo and petitioner requested that we conduct an administrative review of Akzo's sales. We published a notice of initiation of this antidumping duty administrative review on July 14, 1995 (60 FR 36260). The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of Review

The products covered by this review are all forms of PPD–T aramid from the Netherlands. These consist of PPD–T aramid in the form of filament yarn (including single and corded), staple fiber, pulp (wet or dry), spun-laced and spun-bonded nonwovens, chopped fiber and floc. Tire cord is excluded from the class or kind of merchandise under review. This merchandise is currently classifiable under the Harmonized Tariff Schedule (HTS) item numbers 5402.10.3020, 5402.10.3040, 5402.10.6000, 5503.10.1000, 5503.10.9000, 5601.30.0000, and 5603.00.9000. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

This review covers one manufacturer/exporter of PPD–T aramid, Akzo, and the period December 16, 1993 through May 31, 1995.

Constructed Export Price

The Department based its margin calculation on constructed export price (CEP), as defined in section 772(b) of the Act, because the subject merchandise was first sold to unrelated purchasers after import into the United States.

We based CEP on packed, ex-U.S. warehouse and delivered prices to unaffiliated purchasers in the United States. The Department made the following adjustments to prices used to establish CEP, pursuant to section 772(c) of the Act. The price was increased for repacking pursuant to section 772(c)(1) and reduced for movement expenses (international freight, brokerage and handling, U.S. duties, domestic inland freight and insurance) pursuant to section 772(c)(2). The price used to establish CEP was also reduced by an amount for the following expenses incurred in selling the subject merchandise in the United States pursuant to section 772(d)(1): discounts, rebates, credit, warranty, technical services, and inventory carrying costs and other indirect selling expenses. Pursuant to section 772(d)(3), the price was further reduced by an amount for profit to arrive at the CEP.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared Akzo's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(B) of the Act. Because Akzo's aggregate volume of the home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market provides a viable basis for calculating NV for Akzo, pursuant to section 773(a)(1)(B) of the Act.

On January 31, and February 7, 1996, petitioner submitted comments identifying its concerns regarding Akzo's cost calculations. In a letter dated February 28, 1996, Akzo commented on petitioner's submissions, and provided explanations for each of petitioner's points. In order to properly examine the cost issue, we would require that Akzo provide substantial additional cost information, including data from the period of investigation. Moreover, we would need time to analyze and verify this information. Given the above requirements, we have determined that petitioner did not provide its comments on the issue in time for the Department to adequately examine the issue in this review.

Cost of Production Analysis

In the less-than-fair-value (LTFV) investigation of Akzo, we disregarded sales found to be below the cost of production (COP). Therefore, in accordance with section 773(b)(2)(A)(ii) of the Act, the Department has reasonable grounds to believe or suspect that sales below the COP may have occurred during this review period. Thus, pursuant to section 773(b) of the Act, in this review we initiated a COP investigation of Akzo.

Before making any fair value comparisons, we conducted the COP analysis described below.

A. Calculation of COP

We calculated the COP based on the sum of Akzo's cost of materials and fabrication employed in producing the foreign like product, plus amounts for home market selling, general, and administrative expenses (SG&A) and packing costs in accordance with section 773(b)(3) of the Act. We relied on the home market sales and COP information provided by Akzo in its questionnaire responses.

B. Test of Home Market Prices

After calculating COP, we tested whether home market sales of PPD–T aramid were made at prices below COP within an extended period of time in substantial quantities, and whether such prices permit recovery of all costs within a reasonable period of time. We compared model-specific COP to the reported home market prices less any applicable movement charges, discounts, rebates, and direct and indirect selling expenses.

C. Results of COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of Akzo's sales of a given model were at prices less than COP, we did not disregard any

below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of home market sales of a given product were at prices less than the COP, we disregarded only the below-cost sales where such sales were found to be made within an extended period of time (in accordance with section 773(b)(2)(B) of the Act) and at prices which would not permit recovery of all costs within a reasonable period of time (in accordance with section 773(b)(2)(D) of the Act). We found that, for certain types of PPD–T aramid, more than 20 percent of the home market sales were sold at below-cost prices within the period of review in substantial quantities. We therefore find that these below-cost sales were made in substantial quantities within an extended period of time, and were at prices which did not permit recovery of all costs within a reasonable period of time. As a result, we excluded these below cost sales and used the remaining above-cost sales as the basis of determining NV if such sales existed, in accordance with section 773(b)(1). For those models of PPD–T aramid for which there were no above-cost sales available for matching purposes, we compared CEP to constructed value (CV).

Price-to-Price Comparisons

Pursuant to section 777A(d)(2), we compared the CEPs of individual transactions to the monthly weighted-average price of sales of the foreign like product where there was an adequate number of sales at prices above COP, as discussed above. We based NV on packed, ex-factory or delivered prices to unaffiliated purchasers in the home market. We made adjustments, where applicable, in accordance with section 773(a)(6) of the Act. Where applicable, we made adjustments to home market price for discounts, rebates, inland freight and insurance. To adjust for differences in circumstances of sale between the home market and the United States, we reduced home market price by an amount for home market credit expenses. In order to adjust for differences in packing between the two markets, we increased home market price by U.S. packing costs and reduced it by home market packing costs. Prices were reported net of value added taxes (VAT) and, therefore, no deduction for VAT was necessary. We made adjustments, where appropriate, for physical differences in merchandise in accordance with section 773(a)(6)(C)(ii) of the Act.

Level of Trade/CEP Offset

As set forth in section 773(a)(1)(B)(i) of the Act and in the Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act, at 829–831, to the extent practicable, the Department will calculate NV based on sales at the same level of trade as the U.S. sale. When the Department is unable to find sale(s) in the comparison market at the same level of trade as in the U.S. sale(s), the Department may compare sales in the U.S. and foreign markets at a different level of trade.

In accordance with section 773(a)(7)(A) of the Act, if we compare a U.S. sale at one level of trade to NV sales at a different level of trade, the Department will adjust the NV to account for the difference in level of trade if two conditions are met. First, there must be differences between the actual selling functions performed by the seller at the level of trade of the U.S. sale and at the level of trade of the NV sale. Second, the differences must affect price comparability as evidenced by a pattern of consistent price differences between sales at the different levels of trade in the market in which NV is determined. When CEP is applicable, section 773(a)(7)(B) of the Act establishes the procedures for making a CEP offset when: (1) NV is at a different level of trade, and (2) the data available do not provide an appropriate basis for a level of trade adjustment from the U.S. sale. Also, in accordance with section 773(a)(7)(B), to qualify for a CEP offset, the level of trade in the home market must also constitute a more advanced stage of distribution than the level of trade of the CEP sale.

Akzo reported one level of trade and one channel of distribution in the home market (direct to end users/converters). For the U.S. market, Akzo reported that all sales were made on a CEP basis. The level of trade of the U.S. sales is determined by the adjusted CEP rather than the starting price. The adjusted CEP sales do not reflect the selling functions to end users/converters, such as customer sales contacts, technical services, and inventory maintenance. The home market sales reflect these additional selling functions performed for direct sales to end users/converters. Therefore, the selling functions performed for CEP sales are sufficiently different than for home market sales to consider CEP sales and home market sales to be at different levels of trade.

Because we compared these CEP sales to home market sales at a different level of trade, we examined whether a level of trade adjustment may be appropriate. In this case, Akzo only sold at one level of trade in the home market; therefore, there is no basis upon which Akzo can demonstrate a consistent pattern of price differences between levels of trade. Further, we do not have information which would allow us to examine pricing patterns on Akzo's sales of other products and there are no other respondents or other record information on which such an analysis could be based.

Because the data available do not provide an appropriate basis for making a level of trade adjustment but the level of trade in the home market is a more advanced stage of distribution than the level of trade of the CEP sale, a CEP offset is appropriate. Akzo has claimed a CEP offset. We applied the CEP offset to NV or CV, as appropriate.

We based the CEP offset amount on the amount of the home market indirect selling expenses. We limited the home market indirect selling expense deduction by the amount of the indirect selling expenses incurred on sales to the United States, in accordance with section 772(d)(1)(D).

Constructed Value

In accordance with section 773(e) of the Act, we calculated CV based on the sum of Akzo's cost of materials and fabrication employed in producing the subject merchandise, SG&A and profit incurred and realized in connection with production and sale of the foreign like product, and U.S. packing costs. In accordance with section 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by Akzo in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. We used the costs of materials, fabrication, and G&A as reported in the CV portion of Akzo's questionnaire response. We used the U.S. packing costs as reported in the U.S. sales portion of Akzo's questionnaire response. We based selling expenses and profit on the information reported in the home market sales portion of Akzo's questionnaire response. See *Certain Pasta from Italy; Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 61 FR 1344, 1349 (January 19, 1996). For selling expenses, we used the average of above-cost per-unit home market selling expenses weighted by the total quantity sold. For actual profit, we first calculated the difference between the home market sales value and home market COP for all above-cost home market sales, and divided the sum of these differences by

the total home market COP for these sales. We then multiplied this percentage by the COP for each U.S. model to derive an actual profit.

We derived the CEP offset amount from the amount of the indirect selling expenses on above-cost sales in the home market. We limited the home market indirect selling expense deduction by the amount of the indirect selling expenses incurred on sales to the United States.

Preliminary Results of the Review

As a result of our comparison of CEP and NV, we preliminarily determine that the following weighted-average dumping margin exists:

Manufacturer/exporter	Period	Margin
Akzo	12/16/93–5/31/95	21.31

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. Parties who submit argument are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments.′

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of PPD–T aramid from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this review; (2) if the exporter is not a firm covered in this review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (3) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 66.92 percent, the ''all others'' rate established in the LTFV investigation (59 FR 32678, June 24, 1994).

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

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

This administrative review and notice are in accordance with section 751(a)(1) of the Act.

Dated: March 29, 1996.

Susan G. Esserman,

Assistant Secretary, for Import Administration.

[FR Doc. 96–8683 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–428–801]

Ball Bearings (Other Than Tapered Roller Bearings) and Parts Thereof, From Germany; Final Results of New Shipper Antidumping Duty Administrative Review

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

ACTION: Notice of final results of New Shipper Antidumping Duty Administrative Review.

SUMMARY: On February 8, 1996, the Department of Commerce (the Department) issued preliminary results in the 1994–1995 new shipper administrative review of the antidumping duty order on ball bearings (other than tapered roller bearings) and parts thereof, from Germany (ball bearings) (61 FR 4763). The review covers one manufacturer/exporter of the subject merchandise to the United States. The period of review is December 1, 1994 through May 31, 1995 (the POR).

We gave interested parties an opportunity to comment on our preliminary results and no comments were received. Therefore, the final results remain unchanged from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: April 9, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas O. Barlow or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On February 8, 1996, the Department issued preliminary results (61 FR 4763) of its new shipper review of the antidumping duty order on ball bearings from Germany (54 FR 20900, May 15, 1989). The preliminary results indicated that Miniaturkugellager GmbH (MKL) sold subject merchandise at not less than normal value during the POR. We invited parties to comment on the preliminary results.

The Department has now conducted this review in accordance with section 751 of the Act and section 353.22 of its regulations.

Scope of the Review

Imports covered by this review are shipments of ball bearings and parts thereof. These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10,

8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.10, 8482.99.35, 8482.99.6590, 8482.99.70, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, 8803.90.90.

The size or precision grade of a bearing does not influence whether the bearing is covered by the order. For a further discussion of the scope of the order being reviewed, including recent scope determinations, *see Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.; Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of Antidumping Duty Orders,* 60 FR 10900 (February 28, 1995). The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

This review covers one producer/exporter. The POR is December 1, 1994 through May 31, 1995.

Final Results of the Review

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. The final results remain unchanged from the preliminary results as the Department used the same methodology described in the preliminary results. As a result of our comparison of constructed export price (CEP) and normal value (NV), we determine that the following weighted-average dumping margin exists:

Manufacturer/exporter	Period	Margin
MKL	12/01/94–5/31/95	0.00

The results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties. The posting of a bond or security in lieu of a cash deposit, pursuant to section 751(a)(2)(B)(iii) of the Act and section 353.22(h)(4) of the Department's regulations, will no longer be permitted for this firm. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the reviewed company will be zero percent; (2) for exporters not covered in this review, but covered in previous reviews or the original less-than-fair-value (LTFV) investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, previous reviews, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 68.89 percent, the ''All Others'' rate made effective by the final results of review published on July 26, 1993 (*see Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order,* 58 FR 39729 (July 26, 1993)). This rate is the ''All Others'' rate from the LTFV investigation.

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

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

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This new shipper administrative review and notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(2)(B)) and 19 CFR 353.22(h).

Dated: March 20, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–8684 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–834–805]

Initiation of Antidumping Duty Investigation: Beryllium Metal and High Beryllium Alloys From Kazakhstan

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

EFFECTIVE DATE: April 9, 1996.

FOR FURTHER INFORMATION CONTACT: Ellen Grebasch at (202) 482–3773 or Erik Warga at (202) 482–0922, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Initiation of Investigation

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act (''URAA'').

The Petition

On March 14, 1996, the Department of Commerce (''the Department'') received a petition filed in proper form by Brush Wellman Inc. (''petitioner''), a domestic producer of beryllium metal and high beryllium alloys (''beryllium''). The Department received supplemental information to the petition on March 28, and March 29, and April 1, 1996.

In accordance with section 732(b) of the Act, petitioner alleges that imports of beryllium from Kazakhstan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, a U.S. industry.

Petitioner claims that it has standing to file the petition because it is an interested party, as defined under section 771(9)(C) of the Act.

Determination of Industry Support for the Petition

Section 732(c)(4)(A) of the Act requires the Department to determine, prior to the initiation of an investigation, that a minimum percentage of the domestic industry

supports an antidumping petition. A petition meets these minimum requirements if the domestic producers or workers who support the petition account for (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

A review of the production data provided in the petition and other information readily available to the Department indicates that petitioner accounts for more than 50 percent of the total production of the domestic like product thus meeting the standard of 732(c)(4)(A) and requiring no further action by the Department pursuant to 732(c)(4)(D). Accordingly, the Department determines that the petition is supported by the domestic industry.

Scope of the Investigation

The scope of this investigation is beryllium metal and high beryllium alloys with a beryllium content equal to or greater than 30 percent by weight, whether in ingot, billet, powder, block, lump, chunk, blank, or other semifinished form. These are intermediate or semifinished products that require further machining, casting and/or fabricating into sheet, extrusions, forgings or other shapes in order to meet the specifications of the end user. Beryllium and high beryllium alloys within the scope of this investigation are classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) 8112.11.6000, 8112.11.3000, 7601.20.9075, and 7601.20.9090. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Export Price

Petitioner based export price on FAS Customs values reported in 1995 Bureau of Census data for HTS categories 8112.11.3000 (waste and scrap) and 8112.11.6000 (unwrought beryllium and beryllium powder). For purposes of this initiation, we have disallowed the data regarding the importation of waste and scrap because the majority of the shipment in question was non-subject merchandise.

Normal Value

Petitioner asserts that Kazakhstan is a non-market economy country (NME) within the meaning of sections 771(18) of the Act. In previous investigations, the Department has determined that Kazakhstan is an NME, and in accordance with section 771(18)(c)(i) of the Act, the presumption of NME status continues for the initiation of this investigation. *See, e.g., Final Determinations of Sales at Less Than Fair Value: Ferrosilicon from Kazakhstan and Ukraine; and Postponement of Final Determination; Ferrosilicon from the Russian Federation*, 58 FR 13050 (March 9, 1993). Accordingly, the normal value of the product should be based on the producer's factors of production, valued in a surrogate market economy country in accordance with section 773(c) of the Act.

In the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of Kazakhstan's NME status and the granting of separate rates to individual exporters. *See, e.g., Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the PRC*, 59 FR 22585 (May 2, 1994).

It is our practice in NME cases to calculate NV based on the factors of production of those factories that produced the subject merchandise (in this case, beryllium) sold to the United States during the period of investigation.

Petitioner based the Kazak producers' factors of production as defined by section 773(c)(3) of the Act (raw materials, labor, energy and capital cost) for beryllium on petitioner's own usage amounts, adjusted for known differences in the production processes. In accordance with section 773(c)(4) of the Act, petitioner valued these factors, where possible, on publicly available published Brazilian data. Where this data was unavailable, petitioner used other acceptable sources of information.

Petitioner states that because the per capita GNP of Brazil and Kazakstan are relatively close, the two countries may be considered economically comparable. Further, petitioner has stated that while Brazil does not produce beryllium, it does produce beryl ore, a major input of beryllium. Based on these factors, petitioner argued that Brazil is an acceptable surrogate country, in accordance with 773(c)(4) of the Act, because its level of economic development is comparable to that of Kazakstan and Brazil is a significant producer of comparable merchandise.

Petitioner was unable to find data on factory overhead from an appropriate industry in Brazil; however, petitioner states that the first half of the production process for beryllium is similar to the production of uranium from ore. Therefore, petitioner used data for a Canadian uranium producer from the public record of the antidumping proceeding involving uranium from Kazakstan and other former USSR countries (*See Antidumping; Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan; Suspension of Investigations and Amendment of Preliminary Determinations* (57 FR 49220, October 30, 1992)) to value overhead. With respect to general expenses, petitioner was unable to obtain information regarding the general expenses from any closely related industry (*e.g.*, beryllium or uranium). Therefore, petitioner has used information on a Brazilian silicomanganese company from the record of the antidumping duty proceeding involving silicomanganese from Brazil (*Notice of Final Determination of Sales at Less Than Fair Value: Silicomanganese From Brazil* (59 FR 55432, November 7, 1994)) as the only information reasonably available.

Petitioner based profit incorrectly on the statutory eight percent minimum contained in the pre-URAA laws. This provision was specifically deleted from the URAA. Petitioner provided no reasonable grounds for the Department to assume that a figure of eight percent for profit is appropriate. Because petitioner has provided no other information, we have disallowed this figure for purposes of this initiation.

Based on comparisons of EP to the factors of production, the calculated dumping margin for beryllium from Kazakstan, after adjustments made by the Department, is 22.83 percent.

Fair Value Comparisons

Based on the data provided by petitioner, there is reason to believe that imports of beryllium from Kazakstan are being, or are likely to be, sold at less than fair value.

Initiation of Investigation

We have examined the petition on beryllium and have found that it meets the requirements of section 732 of the Act, including the requirements concerning allegations of the material injury or threat of material injury to the domestic producers of a domestic like product by reason of the complained-of imports, allegedly sold at less than fair value. Therefore, we are initiating an antidumping duty investigation to determine whether imports of beryllium from Kazakstan are being, or are likely to be, sold in the United States at less than fair value. Unless extended, we will make our preliminary determination by August 21, 1996.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the

public version of the petition has been provided to the representatives of the government of Kazakstan. We will attempt to provide a copy of the public version of the petition to the exporter named in the petition.

International Trade Commission (ITC) Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will determine by April 28, 1996, whether there is a reasonable indication that imports of beryllium from Kazakstan are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

Dated: April 3, 1996.

Barbara R. Stafford,

Deputy Assistant Secretary for Investigations.

[FR Doc. 96–8824 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–401–805]

Certain Cut-to-Length Carbon Steel Plate From Sweden; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On September 19, 1995, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain cut-to-length carbon steel plate from Sweden. This review covers one manufacturer/exporter of the subject merchandise to the United States and the period February 4, 1993, through July 31, 1994. We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: April 9, 1996.

FOR FURTHER INFORMATION CONTACT: Elizabeth Patience or Jean Kemp, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–3793.

SUPPLEMENTARY INFORMATION:

Background

On September 19, 1995, the Department published in the Federal Register (60 FR 48502) the preliminary results of the administrative review of the antidumping duty order on certain cut-to-length carbon steel plate from Sweden (58 FR 44168 August 19, 1993). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Applicable Statute and Regulations

Unless otherwise stated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of this Review

The products covered by this administrative review constitute one ''class or kind'' of merchandise: certain cut-to-length plate. These products include hot-rolled carbon steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7208.31.0000, 7208.32.0000, 7208.33.1000, 7208.33.5000, 7208.41.0000, 7208.42.0000, 7208.43.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.11.0000, 7211.12.0000, 7211.21.0000, 7211.22.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Included are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been worked after rolling)—for example, products which have been beveled or rounded at the edges. Excluded is grade X–70 plate. These HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The periods of review (POR) are February 4, 1993, through July 31, 1994.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments and rebuttal comments from SSAB Svenskt Stål AB (SSAB), exporter of the subject merchandise, (respondent), and from Bethlehem Steel Corporation, U.S. Steel Group, a Unit of USX Corporation, Inland Steel Industries, Inc., Gulf States Steel Inc. Of Alabama, Sharon Steel Corporation, Geneva Steel, and Lukens Steel Company, petitioners. At the request of petitioners and respondent, the Department held a hearing on November 1, 1995.

Comment 1: Respondent contends that the Department has verified information on the record to enable the Department to make HM freight adjustments for one SSAB subsidiary, SSAB Oxelosund (SSOX). Respondent reported its freight expenses based on a standard to actual ratio. Respondent claims that the Department verified actual freight costs incurred by SSOX but could not verify SSOX's standard freight costs. Respondent argues that if the Department refuses to accept the SSOX standard freight adjustment, the Department should take actual SSOX verified HM freight expenses and calculate a HM freight adjustment by dividing the actual aggregate SSOX freight expenses by total tons sold during the POR to obtain an actual, per metric ton freight adjustment for SSOX HM sales.

Respondent contends that the Department should not disallow the freight adjustment entirely for SSOX home market (HM) sales. Instead, respondent asserts, the Department should assign values for this adjustment based on verified SSOX actual freight costs. Respondent claims that because SSAB incurred freight costs in Sweden, using a zero adjustment in the home market and the full adjustment in the U.S. market heavily penalizes SSAB. Respondent also claims that applying a zero freight adjustment in the home market and a full freight adjustment in the U.S. market is contrary to law because doing so prevents apples-to-apples price matches between the two markets.

Respondent argues that the Department should not apply punitive best information available (BIA) rates for

freight adjustments to SSAB. Respondent contends that the Department should recognize SSAB's cooperation in this review when selecting BIA. Respondent claims that the BIA selected in this review must, as a matter of law, lead to the calculation of fair and accurate margins.

Petitioners cite to *Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from France,* 57 Fed. Reg. 28360, 28380 (June 24, 1992) (''*AFBs 1992*'') to argue that SSAB bore the burden of demonstrating that it was entitled to any adjustments. Petitioners contend that the Department's consistent practice is to disallow a favorable HM expense or adjustment when the respondent fails to meet this burden, as they contend SSAB failed here. Petitioners maintain that it is the Department's practice to disallow an unverified expense in the home market while using BIA for the corresponding U.S. expense. Petitioners argue that the purpose of the BIA provision is not to lead to calculation of fair and accurate margins, but to enable the Department to complete its calculation within the statutory deadlines and to encourage full and accurate reporting by respondents. Petitioners assert that respondent's suggestion to use SSAB's actual freight expenses should be rejected as these averages of the actual costs would bear no correlation to the actual, transaction-specific costs requested by the Department.

Department's Position: We agree with respondent in part and have made a BIA adjustment for HM freight. While SSAB could not support its reported freight adjustment, the Department was presented with evidence that SSAB had incurred freight expenses in the home market. At verification, we tied actual freight expenses to the actual expense SSAB used in its actual-to-standard freight ratio to calculate the reported freight expense. *See* Verification Report at 17 and 26. However, the company was unable to support the standard portion of the ratio. Therefore, we were unable to use the reported freight expense. Instead, we have used the average actual SSOX freight charge, per metric ton by rail and by truck, in our final results as best information available.

Petitioners' citation to *AFBs 1992* supports our position that an adjustment should be made if respondent can show that it did incur the expense in question. SSAB did this, even though their reported adjustment was not adequately supported. Thus petitioners' references to *Timken Company v. United States,* 673 F. Supp. 495, 513 (CIT 1987), *LMI–LA Metalli Industriale, S.p.A. v. United States,* 712 F. Supp. 959, 965 (CIT 1989) and *Zenith Electronics Corp. v. United States,* 755 F. Supp. 397, 415 (CIT 1990) are irrelevant because they refer to the use of BIA when respondent did not make this basic showing. As BIA, we chose to use the average actual freight charge. While this is adverse to respondent, it represents a reasonable alternative in the absence of supporting information from respondent. *See Rhone Poulenc Inc. v. United States,* 899 F. 2d 1185, 1191 (Fed. Cir. 1990), *Olympic Adhesives v. United States,* 899 F. 2d 1565, 1572 (Fed. Cir. 1990) and *Tianjin Machinery Import and Export Corporation v. United States,* 806 F. Supp. 1008, 1016 (Ct. Int'l Trade 1992).

Comment 2: Respondent argues that the Department should apply a packing adjustment to SSOX sales in both the U.S. market and the home market based on verified packing costs for another SSAB subsidiary, SSAB Tunnplat (SSTP). Respondent contends that a zero HM packing adjustment is contrary to law as U.S.-HM price comparisons are not being made based on an apples-to-apples comparison, citing to *Lasko Metal Products, Inc. v. United States,* 43 F.3d 1442 (Fed. Cir. 1994) (''*Lasko Metal*'') and *Koyo Seiko Co., Ltd. v. United States,* 746 F. Supp. 1108, 1110 (CIT 1990) (''*Koyo Seiko*''). Respondent contends that the failure to apply a BIA packing charge to both markets would also be inconsistent with the Department's obligations to obtain fair and accurate results in the calculation of antidumping duty margins, citing *Oscillating Fans and Ceiling Fans From the People's Republic of China,* 56 Fed. Reg. 55271, 55276 (October 25, 1991) (''*Oscillating Fans*'') and *Certain Cased Pencils From the People's Republic of China,* 59 FR 55625, 55634 (November 8, 1994) (''*Cased Pencils*''). Respondent contends that the Department should not equate SSOX's inability to produce complete packing data through a packing department with a failure of SSOX to substantiate its packing costs. Respondents offer as appropriate BIA the average cost per metric ton incurred by SSTP for home market and export packing that is most comparable to the type of packing engaged in by SSOX for HM and U.S. sales. Respondent argues that the Department should not use the highest verified SSTP packing charge as the SSOX U.S. packing adjustment and a zero BIA rate for SSOX sales in Sweden. Respondent considers the Department's preliminary methodology ''punitive'' and cites *AFBs 1992* and *Rhone Poulenc* to argue against use of ''punitive'' BIA. Respondent asserts that the Department should use the verified average SSTP packing costs for SSOX sales in both markets that are most similar to the type of packing done by SSOX.

Petitioners contend that the Department should select the highest verified HM SSTP packing cost as BIA for U.S. packing.

Department's Position: We disagree with respondent and have used the highest reported U.S. packing expense as BIA. Only SSOX calculated the packing expense on U.S. sales because only SSOX had sales of subject merchandise to the United States. However, SSOX could not support its reported U.S. packing expenses at verification. Therefore, we disallowed the U.S. packing expenses as reported but instead used SSOX's highest reported U.S. packing expense as BIA.

Respondent's cites to *AFBs 1992* and the tier system outlined in that case are offered as an argument against the Department's use of ''punitive'' BIA. The tier system in *AFBs 1992* refers to the Department's use of total BIA. In fact, our treatment of packing in this case is supported by the definition of partial BIA in *AFBs 1992,* (''Where any adjustments . . . were missing from the sales listings, we have denied claims for the adjustments . . . because the respondent has failed to satisfy its burden of proof to be entitled to the adjustment. We have assigned a value of zero to the claimed adjustments where such information is missing . . . If other U.S. adjustment information were missing, we used other transactional information in the response to estimate these expenses'').

SSOX did not support its reported HM packing expenses at verification. SSTP was able to support its reported HM packing expenses. Therefore, we disallowed SSOX's packing expenses for HM sales but allowed SSTP's packing expenses as reported.

Rhone Poulenc, a case cited by Respondent, articulates the key justification for using adverse assumptions in our BIA determinations. In *Rhone Poulenc,* the Court recognized that ''[i]n order for the agency's application of the best information rule to be properly characterized as 'punitive,' the agency would have had to reject low margin information in favor of high margin information that was demonstrably less probative of current conditions. . . The agency's approach fairly places the burden of production on the importer, which has in its possession the information capable of rebutting the agency's inference.'' SSOX failed to provide

evidence that it was entitled to a packing adjustment. As BIA, we allowed no adjustment for home market packing and applied the highest reported U.S. packing expense to all U.S. sales. While this information is adverse to respondent, it represents a reasonable alternative in the absence of supporting information from respondent. *See* Analysis Memorandum.

Respondent's reference to *Oscillating Fans* is not relevant here because it is a non-market economy case where the Department did not have the relevant information regarding selling expenses in the surrogate country. Respondent's cite to *Cased Pencils* is not relevant here because it refers to the use of petition data instead of reported actual expenses.

Comment 3: Respondent argues that the Department should not adjust all ''via'' sales prices upward. ''Via'' sales are SSAB sales in which Tibnor AB (TAB), a related distributor, functions as a sales agent. Respondent contends that the Department should adjust the prices of only the ''via'' sales determined at verification to have higher commission rates than those originally reported to the Department. Respondent maintains that not all ''via'' sales incurred the same percent commission increase and that the two ''via'' sales that did show above reported commissions were against company policy and were aberrational.

Assuming, arguendo, the Department determines it should make an upward adjustment to all ''via'' sales prices, respondent contends, citing *Stainless Steel Bar From Spain,* 59 FR 66931, 66935 (December 28, 1995) (''*Stainless Bar 1994*''), that the adjustment should be based on the ratio established at verification on all sales traces. Respondent maintains the Department should apply a ratio based on the verified sales traces which reflects the number of sales which the Department might reasonably conclude have included a higher commission charge. In the alternative, respondent argues that the upward adjustment to all ''via'' sales prices should be based on the average variances in the commission rates found at verification. Respondent contends that such an adjustment would recognize the fact that not all of TAB's commissions on ''via'' sales were greater than the percentage originally reported.

Petitioners contend that the Department should use as BIA the highest reported sale price in each control number sold by TAB. Petitioners argue that the error rate of nearly 40 percent in the reported price on TAB ''via'' sales, combined with the fact that the extent of the misreporting on any given sale is unknown, should lead to the rejection of the entire TAB ''via'' database. Petitioners cite *Bicycle Speedometers From Japan,* 48 FR 42289, 42290 (August 9, 1993) (''*Bicycle Speedometers*'') and *Gray Portland Cement and Clinker From Mexico,* 55 FR 29244 (July 18, 1990) (''*Mexico Cement 1990*'') to argue that the Department should apply as BIA the highest price on any sale by TAB.

Department's Position: We disagree with respondent and have applied an upward adjustment to all ''via'' sales consistent with our preliminary results of review. In all of its questionnaire responses, SSAB claimed that TAB's commission on ''via'' sales was a set percentage. *See, e.g.,* October 6, 1994 Questionnaire Response at Exhibit Z, November 21, 1994 Questionnaire Response at 14, January 13, 1995 Questionnaire Response at 38 and 39, and February 24, 1995 Questionnaire Response at 17. At verification we found that TAB's commission was not always this percentage. *See* Sales Verification Report at 12 and 24. Since the calculation of the reported gross unit price on the ''via'' sales assumed a constant commission percentage, the discrepancy in the commission rate also indicated a discrepancy in the reported gross unit price. As BIA, we made an adjustment to the reported gross unit prices on ''via'' sales that is consistent with both the reported information and the information learned at verification. See Analysis Memorandum. While this is adverse to respondent, it represents a reasonable alternative in the absence of supporting information from respondent.

We disagree with respondent's reliance on *Stainless Bar 1994,* in which the Department discovered a surcharge on one of six sales examined at verification and applied its adjustment to only one of every six reported sales. In that case, the Department chose its methodology because only one discrepancy was found. In the instant case, the Department's verfication indicated discrepancies in the manner gross unit price was reported by respondent. Additionally, in the instant case, discrepancies were found in a higher proportion of the sales reviewed than in *Stainless Bar 1994.*

We disagree with petitioners' suggestion to apply as BIA for all ''via'' sales the highest price on any sale by TAB. Petitioners have been unable to demonstrate that the Department has used their suggested BIA in comparable circumstances. Petitioners' cite to Bicycle Speedometers is not relevant here because in that case BIA was applied to missing sales which were rejected at verification as untimely. Petitioners' cite to *Mexico Cement 1990* is not relevant here because in that case BIA was applied to unreported home market sales.

Comment 4: Respondent argues that SSAB sales to TAB are at arm's length and must be used by the Department to calculate foreign market value (FMV). According to respondent, the record demonstrates that TAB pays the same price for subject merchandise, regardless of supplier, and prices the resale of plate without regard for supplier. Therefore, respondent asserts, it is impossible for SSAB and TAB to mask sales at less than fair value by artificially lowering the FMV. Respondent maintains that TAB is a company with significant operations and sales of a variety of steel and non-steel products throughout Sweden and therefore not a shell company. Respondent provided affidavits from SSAB and TAB company officials claiming that SSAB and TAB conduct their negotiations at arm's length, that SSAB attempts to obtain the highest prices possible for subject merchandise sold to TAB, and that TAB attempts to obtain the lowest possible price from SSAB for the subject merchandise. Additionally, respondent contends that the Department should consider the prices at which TAB purchases steel plate from SSAB compared to the prices at which TAB purchases steel plate from unrelated suppliers, citing *Washington Red Raspberry Comm. v. United States,* 657 F. Supp. 537 (CIT 1987) (''*Washington Red Raspberry*'').

Respondent argues, citing *NEC Home Electronics, Ltd. v. United States,* 54 F. 3d 736 (Fed. Cir. 1995) (''*NEC 1995*''), that the Department's arm's-length test, as it applies to SSAB, is an abuse of the Department's discretion, is arbitrary and capricious and contrary to law. Respondent contends that given TAB's position in the home market, the burden imposed on SSAB under the Department's arm's-length test is ''almost inherently impossible to satisfy.'' Respondent maintains that there is no justification for the Department to resort to its statistical arm's-length test. Respondent also argues that the Department, by using the current arm's-length test, is not following its prior decisions, citing *Citizen Watch Co. v. United States,* 733 F. Supp. 383 (CIT 1990), *Timken Co. v. United States,* 673 F. Supp. 495 (CIT 1987), *Citrosuco Paulista, S.A. v. United States,* 704 F. Supp. 1075, 1088 (CIT 1988) and *Carlisle Tire & Rubber Co. v. United States,* 634 F. Supp. 419 (CIT 1986).

Petitioners argue that the Department's arm's-length test is lawful

and the Department should continue to exclude sales to TAB. Petitioners assert that price comparability is the single criterion for determining whether to use related party sales. Petitioners maintain that the Department's related party methodology is a reasonable means of effecting the intent of the statute and the regulation. Petitioners contend that by adjusting prices for all of the statutorily required adjustments, and by making comparisons between related and unrelated buyers at the same level of trade, the Department's test takes into account all identifiable factors that could result in differences in prices between related and unrelated buyers. Petitioners argue that the respondent's affidavits were subjective and cannot establish that the prices charged by SSAB to TAB were at arm's length. Petitioners assert that whether SSAB can manipulate TAB's resale prices is irrelevant to the determination required by the Department's regulations and that the only relevant inquiry concerns the comparable levels of prices on SSAB's sales to TAB and to persons not related to SSAB. Petitioners maintain that the Department's related party methodology represents a reasonable interpretation of the regulation. Petitioners argue that the Department's determination not to include SSAB's sales to TAB in the calculation of FMV was correct and should be adhered to in the final results.

Department's Position: We agree with petitioners. The CIT held in *Usinor Sacilor v. United States,* 872 F. Supp. 1001, 1003–1004 (CIT 1994) that ''[g]iven the lack of evidence showing any distortion of price comparability, the court finds the application of Commerce arm's-length test reasonable.'' The arm's-length test compares the prices of related and unrelated party sales. All identifiable factors that could result in price differences are considered (*e.g.,* level of trade, rebates, discounts, taxes, freight, insurance, credit, packing), ensuring that the resulting prices are comparable.

We disagree with respondent's argument that the Department is not following its prior decisions by using this test. This test was established in the original investigation of the flat-rolled steel cases and has been applied in subsequent reviews and investigations since that time. *See, e.g., Certain Flat-Rolled Carbon Steel Products from Canada,* 58 FR 37099, 37117 (July 9, 1993), *Certain Hot-Rolled Carbon Steel Flat Products from Japan,* 58 FR 37154, 37158 (July 9, 1993) (''*Japan Flat-Rolled*'') and *Certain Corrosion-Resistant Carbon Steel Flat Products from Germany,* 60 FR 65264 (December 19, 1995).

Additionally, we disagree with respondent's argument that the test is too stringent. Because of the Department's inherent and well founded reluctance to rely on prices between related parties in its analysis, the Department's test must be stringent. *See Japan Flat-Rolled.*

Respondent's reference to *NEC 1995* is not relevant here. In *NEC 1995,* the CAFC determined that the standard for proving entitlement to a level-of-trade adjustment unreasonably precluded respondent from proving the adjustment. However, the arm's-length test uses SSAB's own data, not that of an unrelated party and/or a competitor, as was required in proving the level-of-trade adjustment in *NEC 1995.*

By way of contrast to the 1987 case, *Washington Red Raspberry,* which SSAB cited to argue that we should compare SSAB's prices to TAB with other suppliers' prices to TAB, we refer to the 1989 case, affirmed by the CIT in 1994, *Television Receivers, Monochrome and Color From Japan,* 54 FR 35517, 35522 (August 28, 1989) (''*Televisions 1989*'') (affirmed in *NEC Home Electronics v. United States,* Slip Op. 94–70 (CIT 1994)). In *Televisions 1989,* the Department stated ''prices charged by other manufacturers to unrelated distributors do not demonstrate that sales were at arm's length because products and production costs may differ from company to company.'' There are many variables that control a company's pricing behavior, including the size, location, cost structure, and financial condition of a firm as well as its specific strategy to favor its own related suppliers.

Comment 5: Respondent argues that the Department should not disregard any SSAB HM sales on the grounds that the sales are below the cost of production (COP). Respondent asserts that the cost test used in the preliminary determination is based upon narrow ''model'' costs and prices in a way that is inconsistent with the application of the ''10–90–10'' test the Department has historically used for disregarding below-cost sales. Respondent maintains that the Department should broaden the base for comparing costs and prices. Respondent points out that if there is only one sale of a particular control number in one month of the POR, and that sale is below-cost, the sale is automatically excluded because it was sold over an ''extended period of time,'' and, this sale was made ''in substantial quantities'' because it exceeded the Department's ten-percent threshold. Respondent suggests that the Department can correct this anomaly by reducing the number of product characteristics it uses to differentiate control numbers. Alternatively, respondent asserts that the Department can modify its ''substantial quantities'' test to account for the fact that certain control numbers may have only a few transactions during the POR. Respondent also suggests that the Department could apply a threshold percentage, such as a minimum 20 percent of all sales, before disregarding any below cost sales. Respondent claims that the current methodology does not give a respondent notice or fair opportunity to take steps to ensure there are no sales below cost.

Petitioners maintain that the Department is correct in conducting its analysis on a model-specific basis. Petitioners assert that the Department has wide discretion in defining models and that the Department has not abused this discretion. Petitioners argue that SSAB's argument regarding the ''over-detailed'' nature of the model definition is without merit and should be rejected.

Department's Position: We disagree with respondent and applied our cost test in a manner consistent with Department practice, *i.e.,* on a model-specific basis. *See* Department's Policy Bulletin 92/3. The Department has followed this practice consistently for over three years. The cost test is intended to avoid basing FMV on below-cost sales. Because FMV is determined on a model-specific basis, the Department applies the cost test on a model-specific basis, as well.

Comment 6: Respondent argues that the Department should either disregard the value-added tax (VAT) or apply a tax-neutral VAT methodology to SSAB sales. Respondent maintains that its customers do not incur any additional costs for VAT as the VAT they ''pay'' is reimbursed to them by the government. Respondent requests that the Department disregard the VAT or adjust for the VAT by using the actual amount of the VAT, rather than the VAT rate, thereby applying a tax-neutral methodology. Respondent contends that the current methodology artificially inflates the absolute dollar margins that would have to be paid by respondent, even though the percentage margin remains the same.

Petitioners argue that the Department's preliminary results methodology remains a reasonable interpretation of the statutory language. Petitioners contend that the methodology conforms to the statute and it does not contravene legislature intent or place the domestic industry at a disadvantage.

Department's Position: In light of the Federal Circuit's decision in *Federal*

Mogul v. United States, CAFC No. 94–1097 (1995), the Department has changed its treatment of HM consumption taxes. Where merchandise exported to the United States is exempt from the consumption tax, the Department will add to the U.S. price the absolute amount of such taxes charged on the comparison sales in the home market. This is the same methodology that the Department adopted following the decision of the Federal Circuit in *Zenith v. United States*, 988 F. 2d 1573, 1582 (1993), and which was suggested by that court in footnote 4 of its decision. The Court of International Trade (CIT) overturned this methodology in *Federal Mogul v. United States*, 834 F. Supp. 1391 (1993), and the Department acquiesced in the CIT's decision. The Department then followed the CIT's preferred methodology, which was to calculate the tax to be added to U.S. price by multiplying the adjusted U.S. price by the foreign market tax rate; the Department made adjustments to this amount so that the tax adjustment would not alter a ''zero'' pre-tax dumping assessment.

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

The Department has determined that the ''*Zenith* footnote 4'' methodology should be used. First, as the Department has explained in numerous administrative determinations and court filings over the past decade, and as the *Federal Circuit* has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code required that dumping assessments be tax-neutral. This requirement continues under the new Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. Second, the URAA (Uruguay Round Administrative Action) explicitly amended the antidumping law to remove consumption taxes from the HM price and to eliminate the addition of taxes to U.S. price, so that no consumption tax is included in the price in either market. The Statement of Administrative Action (p. 159) explicitly states that this change was intended to result in tax neutrality.

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

Comment 7: Respondent argues that TAB resales of subject merchandise in Sweden require a level-of-trade adjustment if compared with SSOX sales in the United States. Respondent contends that if TAB resales are used in the final results, it must be recognized that a third level of trade exists for SSAB in Sweden, *i.e.*, indirect sales out of inventory by TAB to small end-users. Respondent maintains that there are no sales by SSAB in the United States that are at the same level of trade as TAB's sales. Respondent contends that if the Department finds that TAB sales to small end-users must be used to match sales in the United States, the Department must apply a level-of-trade adjustment to the TAB prices, citing *Stainless Steel Bar From Spain*, 59 FR 66931 (December 28, 1994) (''*Stainless Bar 1994*''). Respondent maintains that significant additional costs are incurred with respect to TAB sales to small end-users. Respondent argues that there are correlations between selling expenses and level of trade and between prices and level of trade as in *Stainless Bar 1994*.

Respondent suggests that the Department should make the level-of-trade adjustment based on the weighted-average price differential, in Sweden, between levels of trade. Alternatively, respondent suggests that the adjustment should be cost-based, reflecting the additional expenses incurred by TAB in handling, stocking and reselling the subject merchandise. Respondent maintains that SSAB provided supporting documentation regarding these additional costs that the Department verified.

Petitioners contend that SSAB has not overcome the presumption that its end-user customers are at the same level of trade. Petitioners argue that evidence shows that SSAB also incurs the same types of expenses in selling merchandise to certain end-users as TAB does selling to its customers. Petitioners maintain that the Department has held that the number of sales is not a determinant of level of trade. Additionally, petitioners argue that differences in quantities sold are not a factor in distinguishing level of trade, but rather are addressed by statute through a quantity discount adjustment. Petitioners assert that SSAB also failed to show that any differences in the selling functions of SSAB and TAB at each claimed level of trade affected the prices charged or the expenses incurred. Petitioners argue that SSAB has provided insufficient information to rebut the presumption that its functionally indistinguishable end-user customers should be classified at a single level of trade. Petitioners maintain that SSAB has failed to demonstrate that there is little or no overlap between SSAB and TAB. Petitioners argue that because the end-user purchasers in this case are functionally equivalent and the functions performed by SSAB and TAB in selling to them are identical, the Department should continue to classify all end-users at the same level of trade for the final results.

Additionally, petitioners argue that even if a level of trade distinction is incorrectly made, no adjustment is warranted. Petitioners maintain that to be granted a level-of-trade adjustment, SSAB must show that differences in the selling functions of SSAB and TAB at each level of trade affected the prices charged or the expenses incurred. Petitioners assert that SSAB also failed to meet its burden of quantifying the amount of its claimed level-of-trade adjustment.

Department's Position: We agree with petitioners. Respondent has failed to support its contention that the Department should distinguish between ''small'' and ''large'' end-users. To grant a level-of-trade adjustment, there must be a significant correlation between prices and selling expenses on one hand, and levels of trade on the other. *See* ''Matching at Levels of Trade,'' Import Administration Policy Bulletin 92/1, Department of Commerce (July 29, 1992) (''Policy Bulletin 92/1''). In addition, respondent failed to show that SSAB and TAB have different types of customers.

Respondent cites to *Stainless Bar 1994* to support its arguments. However, in that case, there was ''little or no overlap'' between the customers falling into each category of end-user. In the instant case, SSAB was unable to provide a consolidated customer list to show ''little or no overlap'' between

SSAB and TAB customers. SSAB's and TAB's customer code lists include some of the same customers. *See* TAB's November 21, 1994 Questionnaire Response at Exhibit 1, SSAB's November 21, 1994 Questionnaire Response at Exhibit 17 and SSAB's January 13, 1995 Questionnaire Response at Exhibit 19.

In addition, respondent's assertion that SSAB and TAB perform different functions with respect to end-user customers is not supported by information on the record. Respondent argues that TAB incurs additional expenses by maintaining inventory and marketing and distributing the merchandise. SSAB also incurs these expenses when selling to end-users. *See* SSAB's October 6, 1994 Questionnaire Response at 15–16. In *Carbon and Alloy Steel Wire Rod From Canada*, 59 FR 18791, 18794 (April 20, 1994) the Department stated that comparisons are made at distinct, discernable levels of trade based on the function each level of trade performs, such as end-user, distributor and retailer. SSAB failed to prove that end-use is associated with functional differences.

As the Department's standard for making a level-of-trade adjustment is based on price and selling expense differences, SSAB's argument regarding differences in average quantity and number of sales is irrelevant here. *See Antifriction Bearings from France, et al*, 60 FR 10900, 10940 (February 28, 1995) (''*AFBs 1995*'') and ''Policy Bulletin 92–1.'' In *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan* and *Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan*, 58 FR 64720 (December 9, 1993), the Department did not grant a respondent a level-of-trade adjustment because ''although Koyo demonstrated that net prices vary between levels of trade, it did not provide evidence that this variation in price was the result of different costs incurred at different levels of trade.'' *See* also *AFBs 1995* and *Laclede Steel Co. v. United States*, Slip Op. 94–160 (decided October 12, 1994). We repeatedly requested information supporting SSAB's claims for a distinction between the different levels of trade at verification which SSAB did not provide. *See* Sales Verification Report at 37.

Because we did not make a level-of-trade distinction, we are not addressing respondent's and petitioners' arguments regarding the quantity of such an adjustment.

Comment 8: Respondent argues that the Department should adjust FMV for SSAB sales that incurred a small-quantity surcharge. Respondent maintains that the quantity surcharge should be removed from the HM price to reflect the quantity differential between the sales in the U.S. and home market, thereby ensuring an apples-to-apples comparison. Respondent contends that there is no requirement that respondent apply a quantity surcharge to all qualifying sales. Respondent maintains that it reported each of the quantity surcharges on a transaction-by-transaction basis, and the amount of the surcharge is reflected on each customer invoice.

Petitioners argue that SSAB has not demonstrated that its sales satisfied the requirements for a quantity discount. Petitioners assert that a respondent must show that it consistently applied the discount or quantity surcharge. Petitioners maintain that SSAB has also failed to demonstrate that the quantity extras reflect production cost savings. Petitioners assert that in the final results, the Department should deny SSAB's requested adjustment.

Department's Position: We agree with petitioners. Respondent was unable to demonstrate that it met either criteria required by 19 CFR 353.55(b). We found at verification that the surcharge was not consistently applied, as required by 19 CFR 353.55(b)(1). *See* Verification Report at 11–12, 16, and 24–25. SSAB was also unable to provide documentation demonstrating that the different quantities are directly associated with cost differentials. *See Hussey Copper, Ltd.* v. *United States*, 834 F. Supp. 413, 428 (CIT 1993) and *Brass Sheet and Strip From Germany*, 60 FR 38542, 38544 (July 27, 1995). Therefore, we did not adjust FMV for SSAB sales for a quantity surcharge.

Comment 9: Respondent argues that Plåt Depån sales are outside the ordinary course of trade and must be disregarded by the Department, citing *Gray Portland Cement and Clinker From Mexico*, 60 FR 26865, 26868 (May 19, 1995) (''*Mexico Cement 1995*''). Respondent maintains that the ordinary course of trade for SSAB in Sweden, including the ordinary course of trade for TAB, involves the sale of prime merchandise at premium prices. Respondent contends that Plåt Depån was established primarily to sell non-prime plate or odd-size prime plates at low prices. Respondent asserts that the demand for merchandise sold by Plåt Depån in Sweden is marginal when compared with mainstream sales by SSAB and TAB.

Petitioners argue that the Department cannot analyze any of the factors normally considered because SSAB chose not to report Plåt Depån's sales. Petitioners assert that because there is no evidence that these sales were made outside the ordinary course of trade, they must be considered sales made in the ordinary course of trade. Petitioners contend that the Department should consider respondent's failure to report these sales in determining whether to use total BIA.

Department Position: We agree with petitioners in part and have treated Plåt Depån prime sales as sales within the ordinary course of trade. Company officials indicated at verification that certain sales of prime merchandise were made through Plåt Depån during the POR. Additionally, company officials did not provide requested information supporting their claim that these sales were outside the ordinary course of trade. *See* Verification Report at 29. Without additional information, which was not provided by respondent, we were unable to conclusively determine that SSAB sales through Plåt Depån's were outside the ordinary course of trade. Moreover, *Mexico Cement 1995* was a case in which the Department applied total BIA to a company which was unable to supply basic information about whether its sales were in the ordinary course of trade, not a case asking for the exclusion of particular sales. Hence, it is not pertinent to the issue raised in this comment.

As in the preliminary results, we assumed that any unmatched U.S. sales would have matched to the unreported home market sales, including Plåt Depån's sales of prime merchandise. As BIA, we applied SSAB's final margin determined in the LTFV investigation to any unmatched U.S. sales. *See* Comment 11 and Analysis Memorandum.

Comment 10: Respondent argues that the Department's computer program executes the COP test after merging the SSOX and SSTP sales with the TAB sales. As a result, respondent contends that the pool of unrelated sales to which the price of a related-party sale is being compared includes not only the sales of SSOX and SSTP, but also the downstream sales by TAB. Respondent maintains that this is contrary to the logic of the statistical test, and not in keeping with the Department's practice. Respondent asserts that the Department should execute the arm's-length test in two steps to correct the error.

Department's Position: We agree with respondent that an error was made in combining the SSAB and TAB databases and have corrected this error for these final results. *See* Analysis Memorandum.

Comment 11: Petitioners argue that the pervasive defects in SSAB's HM

database require application of total BIA. Petitioners contend that the errors cannot be corrected using information on the record and that when viewed cumulatively, these errors render SSAB's data unusable and require the use of total BIA. Petitioners argue that SSAB failed to include a significant, but unknown, number of HM sales in its reported HM sales database. Petitioners assert that the Department did not consider the possible effect of the unreported sales on the FMV of the individual products. Petitioners contend that correct reporting might have led to changes in model matches and/or FMVs of the matched products. Petitioners maintain that the Department cannot be certain that the calculated FMVs represent SSAB's sales prices in the home market, or that any dumping margin it may calculate based on such prices is accurate.

Petitioners argue that the Department could not verify twelve of the 24 HM sales examined at verification due to errors in gross unit prices, discounts, commissions, ''via'' sales, and credit documentation. Petitioners also assert that large portions of SSAB's other HM sales and cost data were unverifiable including unverified inland freight costs, unverified packing charges, misreported rebates and missing costs of production.

For these reasons, petitioners argue that the Department must apply total BIA. Petitioners maintain that to do otherwise would conflict with the Department's practice in the past and current investigations, violate the Department's statutory mandate to use verified information and to obtain representative, undistorted results, and invite respondents to control the outcome of investigations by selectively providing the Department with information.

Respondent argues that the sales and cost data submitted to the Department were, with few and minor exceptions, verified as reported by SSAB to the Department. Respondent contends that the record evidence does not support a decision by the Department to discard the database provided by SSAB and to resort to total BIA in this review. Respondent argues that while it did not report certain HM downstream sales, these sales were of minor importance and were not needed to find matches to SSAB sales in the United States. Respondent contends that the Department views downstream sales as expendable in situations where the volume of downstream sales is minor when compared with total HM sales and the ''main'' sales by a respondent can be expected to provide adequate comparisons to U.S. sales. Respondent asserts that it is clear that limited omissions from the downstream sales listing are of correspondingly limited importance in accurately calculating any antidumping margins that may exist. Respondent maintains that this is particularly true considering the Department's decisions in other steel reviews to completely excuse respondents from reporting any HM downstream sales.

Respondent also contends that the fact that TAB dropped inactive customers from the database is evidence of the fact that these customers could not have accounted for any significant portion of total SSAB sales during the POR, or of total TAB sales, of subject merchandise. Respondent maintains that the fact that TAB did not manually search through its files to locate purged customer sales to determine if some sales included subject merchandise cannot support the use of total BIA in this review.

Additionally, respondent argues that the fact that downstream sales by SSAB subsidiaries Plåt Depån and Dickson were not reported does not justify the use of total BIA. Respondent argues that Plåt Depån sales are limited to seconds and odd-size prime plate and are outside the ordinary course of trade. Respondent asserts that any Dickson resales were of non-subject merchandise. Furthermore, respondent argues that the volume of Plåt Depån and Dickson sales is very small when compared with total downstream sales.

Respondent asserts that all twenty-four HM sales traced by the Department were verifiable, allowing for minor deficiencies, none of which, either individually or in the aggregate, support petitioners' argument that SSAB reported sales should be disregarded and total BIA should be used by the Department. Respondent argues that all gross unit prices reported to the Department by SSAB were accurately and consistently reported, and supported at verification by, SSAB's records kept in the normal course of business. Respondent maintains that the record does not support petitioners' argument that SSAB's sales were unverifiable and cannot support the use of total BIA in this review. Respondent also maintains that its database does not contain pervasive errors.

Department's Position: We disagree with petitioners' argument for application of total BIA. Section 776(c) of the Tariff Act requires the Department to use BIA ''whenever a party or any other person refuses or is unable to produce information requested in a timely manner or in the form required, or otherwise significantly impedes an investigation.'' Respondent generally cooperated with our requests for information and provided the information requested in a timely manner and in the form required. Therefore, application of total BIA was not warranted in this case. However, we applied partial BIA where respondent failed to satisfy its burden of proof to be entitled to an adjustment and where errors were found at verification. *See e.g.,* Comments 1, 2, 3, 13, and 20 and Analysis Memorandum. This BIA methodology is consistent with Department practice. *See e.g., AFBs 1992.*

The bulk of petitioners' arguments refers to errors in the downstream database. The errors in the downstream database identified by petitioners have been corrected, where possible (*e.g.,* missing COP information). *See* Analysis Memorandum. However, due to the flaws of the downstream reporting methodology, the Department rejected respondent's allocation methodology. *See* our preliminary results at 48503. In addition, some of the errors were not correctable (*e.g.,* unreported sales through Plåt Depån and TAB). Finally, the record indicates that for the overwhelming majority of U.S. sales, the unreported downstream sales would not have been potential matches. For these reasons, the Department has applied BIA to all U.S. sales for which there is no HM match. *See* Analysis Memorandum.

Comment 12: Petitioners contend that there are export sales in the HM sales database. Additionally, petitioners assert that SSAB selected sales regardless of whether the sale was in a foreign currency and even if the billing address was abroad. Petitioners maintain that the standard for whether to include sales as HM sales is whether the respondent knew that the sales were to be exported at the time of the sale.

Respondent argues that it did not include export sales in the HM database. Respondent contends that the two verified sales cited by petitioners as evidence that the HM sales database includes export sales are sales clearly delivered in the home market and do not support petitioners' position. Respondent argues that as with the fact that it invoiced certain sales in a currency other than the Swedish Kronor (SEK), the fact that certain HM sales may include an exporter's declaration does not establish that SSAB knew the sales were for consumption outside Sweden. Respondent argues that a review of the verified sales, the reasons for reporting HM sales in non-SEK currency and the fact that the

Department fully verified the completeness and destinations of the HM sales reported by SSOX and SSTP demonstrates that the HM sales database does not include export sales. Accordingly, respondent contends, the configuration of the HM sales database does not support the use of total BIA in this review.

Department's Position: We agree with petitioners and have excluded SSAB's foreign currency sales for these final results. A review of the SSOX HM sales traces revealed that only the sales made in currencies other than SEK contained exporter declarations certifying country of origin. *See* Verification Exhibits OX–27 and OX–29. None of the SEK-denominated sales had this declaration. *See* Verification Exhibits OX–25, OX–26, OX–28, OX–30–OX–33. The fact that the declarations appeared only on the non-SEK sales verified by the Department, and not on any of the SEK sales verified by the Department supports the contention that SSAB knew or should have known that these sales were destined for locations outside of Sweden. However, our exclusion of these sales does not call into question the completeness of SSAB's reporting. We verified that SSAB coded these sales in its database as domestic sales because the domestic sales code was based on SSAB's shipping destination.

Comment 13: Petitioners argue, citing *AFBs 1995,* that the Department should not treat SSAB's unverified HM rebates as post-sale price adjustments, because the Department has indicated that post-sale price adjustments are generally corrections to the price resulting from clerical or other data input errors. Moreover, petitioners assert that such a reclassification undermines the Department's policy of requiring a respondent to demonstrate that such a rebate is justified. Therefore, petitioners conclude that SSAB's claimed adjustments must be denied.

Respondent argues that the Department properly deducted SSAB rebates from the HM price. Respondent contends that to the extent rebates are offered, the rebates are negotiated and the customer becomes aware of the rebates through these negotiations that occur before the sales. Respondent argues that the fact that no documents were available to establish that the customers were aware of the terms and conditions before the sales cannot be used as a basis for penalizing SSAB by totally disregarding HM rebates. Respondent maintains that to totally disregard the rebates would, in effect, create a zero BIA rate for rebates in the HM because certain documents requested at verification do not exist and that this would be contrary to law. Respondent asserts that the Department is fully justified in treating SSAB's HM rebates as post-sale price adjustments.

Department's Position: We agree in part with respondents. While petitioners have asserted that post-sale price adjustments are ''generally corrections to the price resulting from clerical or other data input errors,'' they have failed to note that in the case which they cite, the Department also allowed post-sale price adjustments which were not data input errors, because they reflected the respondent's ''normal business practice.'' *See AFBs 1995.* As SSAB has argued, the post-sale price adjustments in this instance do reflect its normal business practice. The Department reviewed numerous documents at verification which confirmed this, and petitioners have not suggested otherwise. *See* Verification Exhibits OX–22 and TP–16. Additionally, the existence of the rebates since the beginning of the administrative review indicates that the use of these ''rebates'' reflects SSAB's normal business practice. Nevertheless, in *AFBs 1995,* the Department stated that ''as a general matter, the Department only accepts claims for discounts, rebates and price adjustments as direct adjustments to price if actual amounts are reported for each transaction.'' Information on the record of this review indicates that these adjustments were made and reported on a customer-specific, not transaction-specific, basis. *See Verification Report* at Exhibits OX–22 and TP–16. Accordingly, the Department will treat them as indirect selling expenses.

Finally, the Department disagrees with petitioners' assertion that reclassification undermines the Department's policy with respect to rebates. Rebates are typically granted as a fixed and constant percentage of sales. The Department's policy is to treat them as direct adjustments if they are reported on that basis. *See AFBs 1995.*

Comment 14: Petitioners maintain that the Department erroneously calculated HM credit expense. Petitioners argue that because SSAB failed to give the Department appropriate interest rates and failed to provide any suitable alternative, the Department must disallow SSAB's reported HM credit expense, citing *Light-Walled Welded Rectangular Carbon Steel Tubing From Taiwan,* 54 FR 5532, 5536 (February 3, 1989) (''*Steel Tubing*''). Petitioners contend that if the Department does not disallow the credit expense and instead recalculates the expense using BIA, it must select an appropriately adverse BIA interest rate. Petitioners contend that a consolidated interest rate should be used. Petitioners suggest that the Department use as BIA the lowest HM rate reported by SSAB during each of the three years covered by the POR.

Respondent argues that it fully cooperated with the Department and reported actual borrowing rates incurred for each SSAB company involved in the sale of subject merchandise during the POR. Respondent argues that the Department used SSAB's internal borrowing rate because it was lower than the prevailing market rate in Sweden. Respondent maintains that if the Department decides to modify the methodology used in the preliminary results, it should use the prevailing external Swedish borrowing rates to calculate SSAB's imputed credit expenses in the home market. Respondent also maintains that it could not report any other interest rate as no other interest rate existed, and therefore, the Department may not resort to adverse or punitive BIA interest rates.

Department's Position: We disagree with petitioners' argument that we should deny SSAB's credit expense entirely. Petitioners' cite to *Steel Tubing* is not relevant here. In that case, the Department disallowed the reported credit expense because respondent was unable to determine and document which HM sales incurred credit expense, and we determined that the use of any average expense for all sales would be highly distortive. In the instant case, SSAB's subsidiaries were able to prove that SSAB was entitled to a credit adjustment. We also disagree that we should select the lowest reported interest rate, as requested by petitioners, because adverse BIA is not called for here. *See U.H.F.C. Co. v. United States,* 916 F. 2d 689, 701 (Fed. Cir. 1990). The only short-term borrowing data that existed in this review was short-term borrowing data based upon interest rates extended by SSAB-Stockholm. *See* Verification Report at Exhibits OX–23, TP–14 and TABS–3.

However, we agree with petitioners' argument that we should have used a consolidated interest rate in our recalculation of SSAB's credit expense, rather than separate rates for each subsidiary. One lending institution, SSAB-Stockholm, provided all funds to the subsidiaries. Therefore, a consolidated rate for the lending institution as a whole more accurately reflects SSAB's interest expense than the individual rates granted on specific loans to subsidiaries. As we stated in *Ferrosilicon from Brazil,* 59 FR 732, 736 (January 6, 1994), the cost of capital is

fungible, therefore, calculating interest expense based on consolidated statements is the most appropriate methodology. We have used the average reported interest rate during each of the three years as a reasonable surrogate for the consolidated interest rate in our recalculation of the credit expense.

Comment 15: Petitioners argue that the Department should classify mill-edge plate from the SSOX plant as prime merchandise. Petitioners maintain that the Department has identified several factors that indicate whether a product is secondary or non-prime merchandise and SSOX's sales of mill-edge plate do not meet these criteria for non-prime merchandise. Petitioners maintain that there were price differences between SSOX's mill-edge plate and otherwise identical prime trim-edge plate. Petitioners assert that there is no evidence that mill-edge plate is defective. Petitioners note that SSAB has complete records for all sales of SSOX mill-edge plate. Petitioners also note that SSOX mill-edge plate is a significant portion of the total quantity of subject merchandise from SSOX reported on the HM sales database.

Respondent argues that SSOX mill-edge plate is second-choice merchandise and should not be reclassified as prime merchandise. Respondent contends that petitioners have miscalculated record data related to SSOX HM sales in their price and quantity arguments. Respondent asserts that SSOX mill-edge plate accounts for only a small portion of total SSOX sales. Respondent asserts that the record evidence demonstrates that SSOX mill-edge plate is defective and that SSOX does not have complete records on mill-edge plate.

Department's Position: We agree with petitioners in part and have reclassified certain mill-edge plate sales as sales of prime merchandise. Mill-edge plate is plate with edges that have not been further processed after rolling in the mill, in contrast to trim-edge plate which is created by shearing or flame-cutting the edges of mill-edge plate to produce a product with trimmed edges. Generally, identical prime (or identical non-prime merchandise) could have either a mill edge or a trim edge. In our preliminary results, we determined that all sales of SSOX mill-edge plate should be regarded as sales of secondary merchandise. We included in this decision all downstream sales of SSOX mill-edge plate. For these final results, only SSOX's direct sales of mill-edge plate to unrelated parties were considered non-prime merchandise.

SSOX company officials explained how they determined which of the reported sales were prime and non-prime or secondary merchandise. *See* Verification Report at 6. SSOX does not keep records for rejected plate and keeps limited records for mill-edge plate. SSOX does no testing on mill-edge plate and does not give customers quality certifications for mill-edge plate. *See* Verification Report at 7. Additionally, SSOX does not maintain records on certain characteristics of mill-edge plate.

On the other hand, TAB does not maintain inventory of non-prime merchandise for quality assurance reasons. *See* Verification Report at 28. Instead, TAB established Plåt Depån to inventory and sell its non-prime merchandise. Because TAB cannot sell non-prime merchandise, we concluded that any sales of mill-edge plate through TAB must be sold as prime merchandise. For the final results, we have treated sales of SSOX mill-edge plate through TAB as prime plate in our calculations.

Comment 16: Petitioners contend that U.S. credit expenses must be recalculated correctly using a HM interest rate. Petitioners argue that both the Department's practice and the holdings of reviewing courts confirm that the use of a U.S. interest rate to calculate credit is appropriate only where a party had U.S. borrowings from an unrelated party or has otherwise shown that it had access to funds at U.S. interest rates. *See LMI-LA Metalli Industriale v. United States,* 912 F. 2d 455, 460 (Fed. Cir. 1990), *Gray Portland Cement and Clinker from Japan,* 60 FR 43761, 43767 (August 23, 1995) and *Certain Carbon Steel Flat Products from France,* 58 FR 37125, 37133 (July 9, 1993). Moreover, petitioners maintain that the Department should use an adverse BIA rate. Petitioners argue that SSAB failed to give the Department acceptable data, yet it was rewarded with a favorable BIA rate. Petitioners contend that if the Department does use a U.S. interest rate as BIA, the U.S. prime rate would be a more appropriate selection.

Respondent contends that for purposes of calculating an imputed credit expense on U.S. sales, the Department correctly used the average commercial paper rate for the POR. Respondent maintains that SSAB companies had access to the lower U.S. interest rates through the related U.S. subsidiary, Swedish Steel, Inc. Respondent asserts that the Department should use the same credit adjustment to U.S. sales that was used in the preliminary results.

Department's Position: When a respondent has no U.S. borrowings, it is no longer the Department's practice to substitute home market interest rates when calculating U.S. credit expense and U.S. inventory carrying costs. Rather, the Department will now match the interest rate used for credit expenses to the currency in which the sales are denominated. The Department will use the actual borrowing rates obtained by a respondent, either directly, or through related affiliates. Where there is no borrowing in a particular currency, the Department may use external information about the cost of borrowing in that currency. *See Brass Sheet and Strip From Germany* 60 FR at 38545,46 (1995)). Because respondent did not supply the Department with an actual U.S. borrowing rate, for the preliminary results, we turned to external information and applied the average of the *Federal Reserve Statistical Release* one-month commercial paper rates in effect during the POR to calculate U.S. credit expenses and inventory carrying costs.

For the final results, we have reconsidered our use of the commercial paper rate. SSAB provided no evidence that it would have had access to commercial paper rates in the United States during the POR. There is no clear evidence on the record of this review that SSAB had access to specific U.S. rates.

In the of U.S. dollar borrowings, we need to arrive at a reasonable surrogate for imputing U.S. credit expense. There are many and varied factors that determine at what rate a firm can borrow funds, such as the size of the firm, its creditworthiness, and its relationship with the lending bank. Without actual U.S. dollar borrowings and without substantial evidence on the record indicating what rates a firm is likely to have received if it had borrowed dollars, it is impossible to predict the rate at which a company would have borrowed dollars. Therefore, we chose the average short-term lending rate as calculated by the Federal Reserve. Each quarter the Federal Reserve collects data on loans made during the first full week of the mid-month of each quarter by sampling 340 commercial banks of all sizes. The sample data are used to estimate the terms of loans extended during that week at all insured commercial banks. This rate represents a reasonable surrogate for an actual dollar interest rate because it is calculated based on actual loans to a variety of actual customers.

For these reasons, we have recalculated SSAB's imputed U.S. credit expense based on the average lending rate during the POR, as published by the

Federal Reserve. *See* Analysis Memorandum.

Comment 17: Petitioners argue that the Department must make an adjustment for SSAB's U.S. selling expenses. Petitioners contend that SSAB reported the amount of its U.S. selling expenses, but failed to include any of these expenses in its computer sales data. Petitioners maintain that SSAB should have included these as direct selling expenses. Petitioners contend that the evidence shows that these expenses (*e.g.*, expenses incurred by Swedish Steel and SSAB's New Orleans-based salesperson) resulted at least in part from, and could have been tied to, specific sales. Petitioners argue that since at least some of SSAB's U.S. selling expenses were direct in nature, the Department should follow its standard practice and make the adverse assumption that all selling expenses in the U.S. market were direct expenses and adjust FMV for U.S. direct selling expenses.

Respondent argues that the Department should not treat SSAB indirect U.S. selling expenses as direct selling expenses. Respondent argues that there is no basis in fact or law upon which the Department could treat SSAB's indirect U.S. selling expenses as direct expenses that require an across-the-board adjustment to the foreign market value. Respondent contends that there is no evidence in this record that any of these expenses are directly related to any SSAB sales in the United States.

Department's Position: We agree with respondent. There is no information on the record to support petitioners' claim that these expenses (*e.g.*, travel expenses incurred by the New Orleans-based salesperson) could be tied to specific sales.

Comment 18: Petitioners argue that the Department must deduct antidumping deposits paid by SSAB or related parties from U.S. price. Section 772(d)(2)(A) states that the purchase price and exporter's sales price shall be reduced by U.S. import duties. According to petitioners, antidumping deposits are ''incident to bringing the subject merchandise from the place of shipment in the country of exportation to the place of delivery in the United States'' and are therefore properly classified as import duties. Furthermore, petitioners claim that antidumping or countervailing duties are considered ''import duties'' in trade laws unless the provision specifically indicates otherwise.

Respondent asserts that there is no evidence in the record to support the claim that SSAB is paying antidumping duties on imports of subject merchandise or reimbursing any party for antidumping duties paid on such imports.

Department's Position: We disagree with petitioners. While section 772(d)(2)(A) requires the deduction of normal ''import duties,'' cash deposits of estimated antidumping duties are not normal import duties, and do not qualify for deduction under Section 772. Contrary to petitioners' argument, the CIT in *Federal-Mogul v. United States* 813 F. Supp. 856, 872 (CIT 1993), recognized that the actual amounts of normal duties to be assessed upon liquidation are known because they are based upon rates published in the Harmonized Tariff Schedule and the actual entered value of the merchandise. In contrast, deposits of estimated antidumping duties are based upon past dumping margins and may bear little relation to the actual current dumping margin. Thus, the CIT recognized the distinction between estimated antidumping duties and ''normal'' import duties for purposes of section 772(d)(2)(A).

Petitioners' methodology also conflicts with the holding of the CIT in *PQ Corp. v. United States*, 652 F. Supp. 724 (CIT 1987), in which the court addressed the issue of deduction of estimated antidumping duties under section 772(d)(2)(A). The court cited with approval the Department's policy of not allowing estimated antidumping duties, based upon past margins, to alter the calculation of present margins. The court explained ''[i]f deposits of estimated antidumping duties entered into the calculation of present dumping margins, then those deposits would work to open up a margin where none otherwise exists.'' *Id.* at 737.

Petitioners argue at length that the Department should not distinguish between purchase price and exporter's sales price transactions in deducting antidumping duties. However, because the Department does not deduct estimated antidumping duties from any transaction, this argument is inapposite.

The Department agrees with petitioners that statements made in the URAA are not relevant in this review, which is being conducted under pre-URAA law. However, the policies of other countries, cited by petitioners with respect to this issue, are equally irrelevant.

Comment 19: Petitioners argue that the higher of the margin from the investigation or the highest non-aberrant margin should be selected as BIA for unmatched U.S. sales. Petitioners contend that the Department has a practice of applying the highest non-aberrant margin as BIA in investigations when U.S. sales are unmatched because of the respondent's failure to report HM sales. Petitioners argue that the statutory directive to use BIA serves to compensate for the Department's inability to compel the parties under investigation to respond to its requests for information. Petitioners contend that for BIA to be effective, the BIA margin selected by the Department must be less desirable to the respondent than that which it would have obtained if the party had responded fully. Petitioners argue that the highest non-aberrant methodology is reasonable because it is based on respondents' verified sales data and it induces respondents to report complete and accurate data for all sales.

Respondent maintains that the Department applied the correct BIA margin rate to SSAB's U.S. sales that did not have matching HM sales. Respondent asserts that the Department correctly based the partial BIA rate on the highest margin rate applied to SSAB in the original investigation. Respondent argues that the Department should not use the highest non-aberrant margin as partial BIA in this review because it would unfairly punish SSAB, a cooperative respondent throughout the review, who submitted timely, complete, and accurate information. Respondent maintains that the number of errors in SSAB's submission is small and the number of sales affected are small in quantity, therefore, the Department is not justified in using the highest non-aberrant margin that is the most adverse partial BIA in this review.

Department's Position: We disagree with petitioners. As we determined in the preliminary results, certain sales were not reported in SSAB's downstream database, but the sales affected were minimal in quantity relative to the size of the entire database and to the pool of potential matches. As a result, consistent with Department practice, we did not apply the highest transaction-specific margin as BIA, but instead applied the higher of SSAB's final weighted-average margin from the less-than-fair-value (LTFV) investigation and SSAB's final weighted-average margin from this review to the U.S. sales with no HM matches. *See AFBs 1995*. Contrary to the position taken by the petitioners, this approach was approved by the CIT in *National Steel Corp. v. United States*, 870 F. Supp. 1130 (CIT 1994). *See also Usinor Sacilor v. United States*, 872 F. Supp. 1000, 1007 (CIT 1994). Since the margin from the LTFV investigation was higher, we used that rate as BIA on unmatched U.S. sales for these final results.

Comment 20: Petitioners argue that since all of the sales by SSAB in the United States were purchase price sales, there is no associated inventory carrying expense and therefore, in calculating constructed value for the final results the Department should not reduce the financing expense by a factor for the inventory carrying costs attributable to HM merchandise.

Respondent asserts that recalculation of the constructed value adjustment will have zero effect on the margin. Respondent maintains that the record evidence demonstrates that the Department never used, and should not need to use, constructed value in this review.

Department's Position: We agree with respondent. Due to certain problems in the reported data (*See* Comments 11 and 20), we used BIA instead of constructed value data in our calculations. Therefore, no recalculation is necessary.

Comment 21: Petitioners argue that the Department should reconsider its BIA for the cost of production values for certain products. Petitioners maintain that it is the Department's consistent policy to use the highest reported COP when a respondent has failed to report COP for one or more products. Petitioners maintain that the Department requested COP information and SSAB failed to provide it. Petitioners argue that the Department need not make a second or third request for the same information to apply a suitably adverse BIA.

Respondent argues that the Department correctly calculated COP for the sales with missing cost values. Respondent asserts that there is no basis for any adverse BIA in the Department's calculation of cost for the subset of HM sales with missing COP. Respondent maintains that the control numbers with missing cost data are an insignificant portion of the total sales provided by SSAB. Respondent argues that the use of the average COP based on the most similar HM sales for the control numbers with missing costs is reasonable and unbiased. Respondent asserts that it accurately represents the use of BIA.

Department's Position: We disagree with petitioners. Our methodology produces a reasonable surrogate for the missing values. We did not resort to BIA because respondent did not have the opportunity to correct the cost information.

Comment 22: Petitioners argue that the Department incorrectly entered the percentage of the 1994 adjustment to TAB's sales quantities in its margin calculation program.

Respondent asserts that this change would have zero impact on the antidumping margin calculation.

Department's Position: We agree with petitioners that the Department used the incorrect percentage of TAB's sales quantities in the arm's-length test. We have corrected the error for the final results. *See* Analysis Memorandum.

Comment 23: Petitioners argue that the Department's recoding of certain plate characteristics did not have the desired effect because the Department did not make a similar change to the control numbers. Petitioners contend that the Department must recalculate the COP for each of the newly-collapsed control numbers.

Respondent asserts that the net effect of this change is negligible.

Department's Position: We agree with petitioners that COP should be recalculated to account for the collapsing of certain characteristics. We have made this adjustment to our computer programs for the final results. *See* Analysis Memorandum.

Comment 24: Petitioners argue that the Department inadvertently included certain duty and moving expenses in the incorrect location in the computer program. Petitioners argue that since the statute requires that these expenses be deducted from USP rather than added to FMV, these expenses should be included in the calculation of total foreign movement expenses. *See* 19 U.S.C. Sec. 1677 b(a)(6)(A). Petitioners also contend that the Department did not deduct one duty expense for a merchandise processing fee imposed by the U.S. Customs Service. Petitioners argue that this should be included in the calculation of foreign movement expenses.

Department's Position: We agree with petitioners and have corrected these errors in our final results. *See* Analysis Memorandum.

Final Results of Review

As a result of our review, we have determined that the following margin exists:

Manufacturer/exporter	Time period	Margin (percent)
SSAB	2/4/93–7/31/94	8.28

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department shall issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements shall be effective upon publication of this notice of final results of administrative review, for all shipments of the subject merchandise from Sweden that are entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for SSAB will be the rate established above; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 24.23 percent, the all others rate established in the final determination of the LTFV investigation. See *Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From Sweden,* 58 FR 37213 (July 9, 1993).

The deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

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

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: April 1, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–8681 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–DS–P

National Institute of Standards and Technology

[Docket No. 960313072–6072–01]

RIN 0693–XX16

Proposed Revision of Federal Information Processing Standard (FIPS) 174, Federal Building Telecommunications Wiring Standard

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; Request for comments.

SUMMARY: A revision is being proposed to Federal Information Processing Standard (FIPS) 174, Federal Building Telecommunications Wiring Standard. The revision reflects changes to the voluntary industry standard that is adopted by this FIPS and will supersede FIPS 174 in its entirety. In addition, the revision will replace FIPS 159, Detail Specification for 62.5-um Core Diameter/125-um Cladding Diameter Class IA Multimode, Graded-Index Optical Waveguide Fibers, which will be withdrawn.

The revised FIPS adopts ANSI/TIA/EIA–568–A–1995, which specifies minimum requirements for telecommunications cabling within a building and between buildings in a campus environment. The specifications were developed with Federal participation and coordinated by the Federal Telecommunications Standards Committee, an interagency committee administered by the National Communications System.

The purpose of this notice is to solicit views from the public, manufacturers, and State and local governments so that their views can be considered prior to the submission of this revised FIPS to the Secretary of Commerce for review and approval.

This proposed revision contains two sections: (1) a specifications section which deals with the technical requirements of the standard; and (2) a specifications section which deals with the technical requirements of the standard. Only the announcement section of this revised standard is provided in this notice. Interested parties may obtain copies of the specifications (ANSI/TIA/EIA–568–A–1995) from Global Engineering Documents, 1990 M Street, NW, Washington, DC 20036, telephone (800) 854–7179; FAX (202) 331–0960.

DATES: Comments on this proposed revision must be received on or before July 8, 1996.

ADDRESSES: Written comments concerning the adoption of this proposed revision should be sent to: Director, Computer Systems Laboratory, ATTN: Proposed Revision of FIPS 174, Technology Building, Room A231, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. A Glenn Hanson, Institute for Telecommunications Sciences, National Telecommunications and Information Administration, 325 Broadway, Boulder, CO 80303–3328, telephone 303–497–5449; FAX 303–497–6982.

Dated: April 3, 1996.

Samuel Kramer,

Associate Director.

Draft Federal Information Processing Standards Publication 174–1 (Date)—Announcing the Standard for Federal Building Telecommunications Cabling Standard

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology (NIST) after approval by the Secretary of Commerce pursuant to Section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987, Public Law 104–106.

1. Name of Standard. Federal Building Telecommunications Cabling Standard (FIPS PUB 174–1).

2. Category of Standard. Telecommunications Standard; cables and wiring.

3. Explanation. This standard, by adoption of ANSI/TIA/EIA–568–A–1995, Commercial Building Telecommunications Cabling Standard, specifies minimum requirements for telecommunications cabling within a building and between buildings in a campus environment. It specifies a cabling system with a recommended topology and recommended distances. It specifies copper and optical-fiber transmission media by parameters that determine performance, and specifies connectors and their pin assignments to ensure interconnectability. This standard recognizes a background precept of fundamental importance: to have a building successfully designed and provisioned for telecommunications, it is imperative that the telecommunications cabling design be incorporated during the preliminary architectural design phase. This standard supersedes FIPS PUB 174, Federal Building Telecommunications Wiring Standard, in its entirety and replaces FIPS 159, Detail Specification for 62.5-um Core Diameter/125-um Cladding Diameter Class IA Multimode, Graded-Index Optical Waveguide Fibers.

4. Approving Authority. Secretary of Commerce.

5. Maintenance Agency. National Communications System, Office of Technology and Standards.

6. Related Documents.

a. Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

b. Federal Standard 1037C, Glossary of Telecommunications Terms.

c. Federal Information Processing Standards Publication (FIPS PUB) 175, Federal Building Standard for Telecommunications Pathways and Spaces (Former Draft Federal Standard 1091).

d. Federal Information Processing Standards Publication (FIPS PUB) 176, Residential and Light Commercial Telecommunications Wiring Standard.

e. Federal Information Processing Standards Publication (FIPS PUB) 195, Federal Building Grounding and Bonding Requirements for Telecommunications.

f. Federal Information Processing Standards Publication (FIPS PUB) 187, Administration Standard for the Telecommunications Infrastructure of Federal Buildings.

At the time of publication of this standard, the editions indicated above were valid. All publications are subject to revision, and parties to agreements based on this standard are encouraged to investigate the possibility of applying the most recent editions of these publications.

7. Objectives. The purpose of this standard is to facilitate interoperability and transportability among telecommunication facilities and systems of the Federal Government and compatibility of these facilities and systems at the computer-communications interface with data processing equipment (systems) of the Federal Government by specifying standard characteristics for building telecommunications cabling. This standard defines a generic, functional telecommunications cabling system for Federal buildings that will support a multiproduct, multivendor environment. The further purpose of this standard is to enable the planning and installation of building cabling with little knowledge of the

telecommunications products that subsequently will be installed. Installation of cabling systems during building construction or major renovation is significantly less expensive and less disruptive than after the building is occupied. This standard establishes performance and technical criteria for various cabling system configurations for interfacing and connecting their respective elements. To attain a multiproduct cabling system, a review of the performance requirements for most telecommunications services was conducted during preparation of the American National Standard. The diversity of telecommunications services currently available, coupled with the continual addition of new services, means that there may be cases where limitations to desired performance occur. To understand any such limitations, the user is advised to consult standards associated with the desired services.

8. Applicability. American National Standard/TIA/EIA–568–a–1995 shall be used (with the deletion of the optional specification as noted in Section 9) by all departments and agencies of the Federal Government in the planning and design of all office buildings, when FIPS 176 is not selected. This includes both the wiring of new buildings and the upgrading of existing plant. Building telecommunications wiring defined by this standard is intended to support a wide range of different Federal building sites. This includes sites with a geographical extent up to 3,000 m (9,840 ft), up to 1,000,000 square meters (approximately 10,000,000 square feet) of office space, and with a population of up to 50,000 individual users. Telecommunications wiring systems defined by this standard are intended to have a useful life in excess of 10 years. This standard applies to the telecommunications wiring for Federal buildings that are office oriented. (The term ''commercial enterprises'' is used in ANSI/TIA/EIA–568–A–1995 to differentiate between office buildings and buildings designed for industrial enterprises.) This standard is not intended to hasten the obsolescence of building wiring currently existing in the Federal inventory; nor is it intended to provide systems engineering or applications guidelines.

9. Specifications. This FIPS adopts ANSI/TIA/EIA–568–A–1995 *with one important change to the industry standard:* in the interest of optimizing transportability, the ANSI/TIA/EIA–568–A–1995 *optional* eight-position jack pin/pair assignments for the 100-ohm UTP telecommunications work-area outlet specified in Figure 10–2 (and referenced in paragraph 2 of Section 10.4.5) shall *not* be used.

10. Implementation. The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective six months after approval by the Secretary of Commerce, except as noted in Section 8.

Adherence to a standard that specifies standardized building wiring contributes to the economic and efficient use of resources by avoiding proliferation of local or vendor-unique standards, and is necessary to facilitate development of interoperable inter- and intrabuilding telecommunications systems. Specification of *minimum* acceptable values for basic performance parameters provides assistance to the user in multivendor procurement. For the user requiring state-of-the-art systems performance, these values may serve as benchmarks for use in cost/performance analyses when evaluating alternate transmission media whose specifications exceed those of this standard.

11. Waivers. Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to Section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, NIST North, Room 509; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waive and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

12. Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the Electronic Industries Association.) When ordering, refer to Federal Information Processing Standards Publication 174–1 (FIPSPUB174–1), and the title. Payment may be made by check, money order, purchase order, credit card, or deposit account.

Appendix

By adoption of ANSI/TIA/EIA–568–A–1995 (with the modification noted below), this document provides Federal departments and agencies with a generic, standardized cabling system for office buildings and building complexes. This standardization, in conjunction with Federal Information Processing Standard 175, which provides architectural specification of telecommunications pathways and spaces, will facilitate systems compatibility and transportability of terminals for Federal users. The use of these two standards will assure a quality of performance consistent with existing industry capabilities and will provide a cost-effective basis for competitive procurement.

The industry standard adopted by this Federal Information Processing Standard is ANSI/TIA/EIA–568–A–1995, Commercial Building Telecommunications Cabling Standard, and is the result of an effort by the Telecommunications Industry Association (TIA) [1], in response to concern expressed by

[1] In 1988, the Telecommunications sector (specifically, the TR- and FO-Technical Committees, Subcommittees, and Working Groups) of the Electronic Industries Association (EIA) became a part of the Telecommunications Industry Association (TIA). TIA conducts the standard-developing activities, and EIA continues to publish the resultant standards, which bear the prefix ''EIA/TIA'', as well as ''ANSI'' for those documents adopted by the American National Standards

the Computer and Communications Industry Association (CCIA) over the lack of a standard on building telecommunications cabling.

This Federal Information Processing Standard adopts ANSI/TIA/EIA–568–A–1995 with one important change to the industry standard: in the interest of optimizing transportability, the ANSI/TIA/EIA–568–A–1995 vendor-specific *optional* eight-position jack pin/pair assignments for the 100-ohm UTP telecommunications work-area outlet connector specified in Figure 10–2 (and referenced in paragraph 2 of Section 10.4.5) of the industry shall *not* be used. The pin-pair assignments (and color coding) of the primary wiring scheme, illustrated in Figure 10–1, are fully compatible with terminal equipment manufactured by a majority of North American manufacturers. These assignments are fully compatible also with the *single* specification of eight-position outlet connector pin/pair assignments of the parallel building-wiring standard developed by the Canadian Standards Association, CSA–529. Tracking the ANSI/TIA/EIA–568–A–1995 standard, the U.S. connector industry has adopted a connector designation of ''T–568A'' for this primary wiring scheme.

The use of the *optional* pin/pair assignments of Figure 10–2 in wiring a building would result in equipment inoperability when transporting any terminal equipment from this building to any building wired to the primary specification of Figure 10–2 above.

The inverse is also true; only equipment of proprietary design (of a single manufacturer) will be operable in a building wired to the optional specification. This resultant problem of interoperability when transporting equipment could be addressed only by (a) providing adapters for all relocated terminal equipment, or (b) rewiring of the destination building (at the main distribution frame or elsewhere).

This Federal Information Processing Standard has a special relationship to the ANSI/EIA/TIA–569–1991, Commercial Building Standard for Telecommunications Pathways and Spaces, (adopted as Federal Information Processing Standard 175). This latter standard addresses the reality that building wiring cannot be standardized without standardizing also the architecture of the building itself into which building wiring systems are to be installed.

Another companion standard, ANSI/EIA/TIA–570–1991, Residential and Light Commercial Telecommunications Wiring Standard, is adopted as Federal Information Processing Standard 176.

During the development of this family of building telecommunications standards, significant concern was expressed, by both Government and industry, about the need for specification of electronic system grounding. This concern resulted in ANSI/TIA/EIA–607–1994, Grounding and Bonding Requirements for Telecommunications in Commercial Buildings, adopted as a Federal Information Processing Standard 195, Federal Building Grounding and Bonding Requirements for Telecommunications.

Institute. Beginning in 1992, the prefix reads ''TIA/EIA.''

The complex telecommunications building infrastructure addressed by this family of standards requires continuing documentation of all building wiring and the related pathways and spaces that contain that wiring. Recognizing the need for a standardized method of telecommunications administration, TIA developed ANSI/TIA/EIA–606–1993, Administration Standard for the Telecommunications Infrastructure of Commercial Buildings, to expedite collecting and updating of such information. This standard was adopted as Federal Information Processing Standard 187, Administration Standard for the Telecommunications Infrastructure of Federal Buildings.

[FR Doc. 96–8755 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–CN–M

National Oceanic and Atmospheric Administration

[I.D. 032296A]

Small Takes of Marine Mammals Incidental to Specified Activities; Haro Strait Oceanographic Experiment; Additional Information

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

ACTION: Notice of proposed authorization for a small take exemption; request for comment.

SUMMARY: On March 28, 1995, NMFS published a notice of a proposed authorization for a small take exemption. The notice did not include information provided in the application that described the mitigation measures that the applicant planned to undertake to reduce the incidental harassment of those marine mammals found within the activity area. That information is herewith provided.

DATES: Comments and information must be received on or before April 29, 1996.

ADDRESSES: Comments on the application should be addressed to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. A copy of the application and other documents mentioned in the March 28, 1996, notice may be obtained by writing to this address or by telephoning one of the contacts listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources at 301–713–2055, or Brent Norberg, Northwest Regional Office at 206–526–6733.

SUPPLEMENTARY INFORMATION:

For information on the application for an incidental harassment authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act and the proposal by NMFS to issue an authorization to take small numbers of marine mammals by harassment incidental to conducting a physical oceanography experiment that uses sound to study the flow field and mixing processes in Haro Strait, Puget Sound, WA, please refer to the earlier notice (61 FR 13847, March 28, 1996).

Pre-Experiment Mitigation Measures

Mitigation measures that have already been undertaken include: (1) Developing and incorporating a ramp-up of sound sources A and C over 0.25 sec; (2) incorporating a coded sequence mechanism for shutting off source D; (3) hardwiring the maximum output of source A down from 185 dB (re 1μPa) to 170 dB @ 1 m. and (4) developing a protocol for shutting down sources upon the approach of killer whales in order to use the vertical arrays to record and analyze their sounds.

Mitigation Measures

In order for the experiment to have the least practicable impact on marine mammals, the applicant has incorporated the following protocols for mitigation: (1) A scientific oversight review committee consisting of marine mammal scientists operating in the experimental area; (2) statistical criteria for determination for review of impacts to harbor porpoise and killer whales by the oversight committee; and (3) procedures for emergency shutdown whenever necessary.

Mitigation Measures Established for Harbor Porpoise

There is a risk that the sound sources may displace harbor porpoise from important habitat on the western side of Haro Strait, Puget Sound, WA. A shore station on Sidney Island will be used to estimate the occurrence, abundance and distribution of harbor porpoise in this habitat. The monitoring plan will provide a baseline data set of sufficient sample size to detect a large drop in harbor porpoise abundance.

Sighting data will be collected for the first 4 days of the experiment. At the end of this period, and daily thereafter, these sighting data will be analyzed and exposure sightings will be compared with baseline data. A drop in exposure sightings will trigger a mitigation review by the oversight committee. If the committee concludes that there is a likelihood that harbor porpoise will be taken (through habitat exclusion or by injury), the experiment will be stopped for 2 or 3 days to allow the ecosystem to recover. After 2 to 3 days, the

experiment will be allowed to resume for an additional 4 days. If the observed effects are noted in the next four-day period, the committee will consider the new data and will again reach a conclusion on the impact to individual harbor porpoise or on the stock. The committee may either recommend stopping the experiment permanently or for a 2– to 3-day period as before.

If the committee concludes that there is no likelihood that harbor porpoise will be injured, the experiment will be allowed to continue for 4 more days, with a new collection of sightings data. If abundance is still significantly below baseline with a confidence level of 99 percent, the committee will again review the data as before. This data collection, analysis and possible review by the committee will continue throughout the experiment.

Mitigation Measures Established for Killer Whales

The applicant will monitor killer whale behavior in the area of the experiment using the Speiden Island shore station, by boat and by hydrophone. Monitoring, which will begin approximately 25 days prior to the start of the experiment, will include the travel behavior of the killer whales as they approach the area of the experiment. Using both base-line and historical data, a measure of the probability that a given pod of killer whales will travel through the area will be made.

After the experiment has run for several days, if the applicant determines that the probability of any given pod of killer whales passing Turn Point on Stuart Island drops to zero for four approaches to the 80 percent turn-around point (the location where 80 percent of the time killer whale pods reverse direction), the scientific committee will review the data. The committee will review the collected travel and behavioral data and information from other locations to determine if there is a likelihood that killer whales will be injured by the change in behavior caused by the sound sources. If they determine that injury is likely, the sources will be turned off whenever killer whales are observed to approach and remain within 1 km of the study area's zone of responsiveness for killer whales.

If the committee determines that there is no likelihood of injury to killer whales, the experiment will be allowed to continue for four additional approaches to the study area. A probability of zero for these approaches will again trigger the review described above.

Emergency Shut-off Mitigation Measure

If observations are made that (1) one or more marine mammals are attempting to beach themselves when the sound sources are operating; and/or (2) either a marine mammal listed as endangered or threatened under the Endangered Species Act, or a marine mammal for which an incidental harassment authorization has not been issued, approaches the sources, the sound sources will be immediately shut off. The protocol for this mitigation measure is described in detail in the application and need not be repeated here.

Dead Marine Mammals

Upon notification by a local stranding network that a marine mammal has been found dead within the waters of the San Juan Archipelago, the committee will investigate the stranding to determine whether a reasonable chance exists that the experiment caused the animal's death. If the committee determines that there is a reasonable chance that the death was due to the sound sources, the experiment will be stopped until completion of the necropsy. The necropsy results will be reviewed by the scientific oversight committee. If that committee determines that the death was likely due to the sound sources, the experiment will be turned off and will not resume until the sound sources are altered in some way to eliminate the potential for future deaths. In addition, because a section 101(a)(5)(D) authorization, if issued, does not authorize taking by death, consultation with NMFS will be necessary before restarting the experiment.

Dated: April 3, 1996.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–8705 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–22–F

Modernization Transition Committee (MTC); Notice of Public Meeting

TIME AND DATE: April 24, 1996 from 8:00 a.m. to 4:30 p.m.

PLACE: This meeting will take place at the Holiday Inn Hotel, 700 Myles Standish Blvd., Taunton, MA.

STATUS: This meeting will be open to the public. On April 24, 1996, 10:30 a.m. to 11:30 a.m. will be set aside for oral comments or questions from the public. Approximately 50 seats will be available on a first-come first-served basis for the public. On April 25 the MTC will be touring the Taunton WFO and RFC from 8:30–11:00 a.m.

MATTERS TO BE CONSIDERED: This meeting will cover: Consultation on 42 final Consolidation Certifications, a briefing on Aviation Service Standards, and an update on Automation Criteria.

CONTACT PERSON FOR MORE INFORMATION: Mr. Nicholas Scheller, National Weather Service, Modernization Staff, 1325 East-West Highway, SSMC2, Silver Spring, Maryland 20910. Telephone: (301) 713–0454.

Dated: April 3, 1996.

Nicholas R. Scheller,

Manager, National Implementation Staff.

[FR Doc. 96–8765 Filed 4–8–96; 8:45 am]

BILLING CODE 3510–12–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Technology.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense for Acquisition and Technology announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 10, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense for Acquisition and Technology, Continuous Acquisition and Life-Cycle Support (CALS), ATTN: Roland Henderson, 5203 Leesburg Pike, Suite 1609, Falls Church, Virginia 22041–3401.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to

obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Mr. Roland Henderson in the CALS office at (703) 681–8466.

Title, Associated Form, and OMB Number: Acquisition Management Systems and Data Requirements Control List (AMSDL); Numerous Forms; OMB Control Number 0704–0188.

Needs and Uses: The Acquisition Management Systems and Data Requirements Control List (AMSDL) is a list of data requirements used in Department of Defense contracts. The information collected will be used by DoD personnel and other DoD contractors to support the design, test, manufacture, training, operation, and maintenance of procured items, including weapons systems critical to the national defense.

Affected Public: Businesses or other for-profit; Not-for-profit institutions.

Annual Burden Hours: 77,220,000.

Number of Respondents: 1,300.

Responses Per Respondent: 540.

Average Burden Per Response: 110 Hours.

Frequency: On occasion, weekly, monthly, quarterly, semi-annually, annually, biannually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Acquisition Management Systems and Data Requirements Control List (AMSDL) is a list of data requirements used in Department of Defense contracts. Information collection requests are contained in DoD contract actions for supplies, services, hardware,and software. This information is collected and used by DoD and it's component Services and Agencies to support the design, test, manufacture, training, operation, maintenance, and logistical support of procured items, including weapons systems. The collection of such data is essential to accomplishing the assigned mission of the Department of Defense. Failure to collect this information or to collect this information less frequently, would have a detrimental effect on the DoD acquisition programs and the National Security.

Dated: April 3, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–8691 Filed 4–8–96; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the Defense Environmental Response Task Force

AGENCY: Office of the Deputy Under Secretary of Defense (Environmental Security).

ACTION: Notice of business meeting and hearing.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a business meeting and hearing of the Defense Environmental Response Task Force (DERTF). The DERTF is charged with studying and providing findings and recommendations about environmental restoration at military installations that are being closed or realigned. At the meeting, the DERTF will address issues related to future land use and the environmental aspects of the Base Realignment and Closure (BRAC) Program. The DERTF also will be briefed on the cleanup program at Kelly Air Force Base. The business meeting and hearing will be open to the public. Public witnesses who wish to speak before the DERTF should contact Shah A. Choudhury, Executive Secretary, and prepare a written statement that can be summarized verbally before the DERTF at the time to be fixed for public comment, as stated below. Written statements must be received by the close of business April 22, 1996 at the Office of the Deputy Under Secretary of Defense (Environmental Security).

DATES: May 8, 1996—9:15 a.m.–3:00 p.m.; May 9, 1996—9:00 a.m.–8:00 p.m.

PUBLIC COMMENT PERIOD IS: May 9, 1996—6:30 p.m.–7:30 p.m.

ADDRESSES: Sheraton Fiesta Hotel, 37 NE Loop 410, San Antonio, TX 78216.

FOR FURTHER INFORMATION CONTACT: Mr. Shah A. Choudhury, Executive Secretary, Office of the Deputy Under Secretary of Defense (Environmental Security), 3400 Defense Pentagon, Room 3C765, Washington, DC 20301–3400; telephone (703) 697–7475.

Dated: April 3, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–8690 Filed 4–8–96; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 1200, Tuesday, 23 April 1996.

ADDRESSES: The meeting will be held at Hanscom AFB, MA.

FOR FURTHER INFORMATION CONTACT: Warner Kramer, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Public Law 92–463, as amended, (5 U.S.C. App. II section 10(d) (1988)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1988), and that accordingly, this meeting will be closed to the public.

Dated: April 3, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–8689 Filed 4–8–96; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the Historical Records Declassification Advisory Panel

AGENCY: Department of Defense, Historical Advisory Committee.

ACTION: Notice.

SUMMARY: Notice is hereby given of the forthcoming meeting of the Historical Records Declassification Advisory Panel. The purpose of this meeting is to discuss recommendations to the Department of Defense on topical areas of interest that, from a historical perspective, would be of the greatest benefit if declassified. Four public sessions will be held in 1996. The OSD Historian will chair these meetings.

DATES: Friday, May 10, 1996 (Meeting will start at 9:00 a.m.)

ADDRESSES: The National Archives Building, The Archivist Reception Room 105, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Cynthia Kloss, Room 3C281, Office of the Deputy Assistant Secretary of Defense (Intelligence & Security), Office of the Assistant Secretary of Defense (Command, Control, Communications and Intelligence), 6000 Defense Pentagon, Washington, DC 20301–6000, telephone (703) 695–2289/2686

Dated: April 3, 1996.

Patricia Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–8687 Filed 4–8–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board 1996 Summer Study Task Force on Reducing Operating and Support Costs While Enhancing Warfighting Capability

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board 1996 Summer Study Task Force on Reducing Operating and Support Costs While Enhancing Warfighting Capability will meet in closed session on April 10–11, May 16–17, June 19–20, and July 11–12, 1996 at Strategic Analysis, Inc., Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will review the operating and support cost portion of the current and future years budgets and make specific recommendations to reduce them through process streamlining, logistics modernization, and outsourcing.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that these DSB Task Force meetings concern matters listed in 5 U.S.C. 552b(c) (1) (1988), and that accordingly these matters will be closed to the public.

Dated: April 3, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–8688 Filed 4–8–96; 8:45 am]

BILLING CODE 5000–04–M

Department of the Air Force

Notice of Intent to Prepare an Environmental Impact Statement for the Disposal and Reuse of Reese Air Force Base, Texas

The United States Air Force (Air Force) is issuing this notice to advise the public that the Air Force intends to prepare an environmental impact statement (EIS) to assess the potential environmental impacts of disposal and reuse at Reese Air Force Base (AFB), Texas.

The EIS will address the potential environmental impact of disposal of the property to public or private entities, as well as the potential environmental impact of all reasonable reuse alternatives.

To provide a forum for public officials and the community to provide information and comments, a scoping meeting will be held in Lubbock, Texas, on May 8, 1996, and the scoping period will extend to June 1996. Notice of the time and location of this meeting will be provided at a later date, and publicized in the community. The purpose of this meeting is to help identify issues that need to be assessed and discussed in the EIS. During this meeting, the Air Force will discuss the proposal to dispose of Reese AFB, describe the process involved in preparing an EIS, and ask for help in identifying alternative uses by the Air Force. In soliciting disposal and reuse alternatives, the Air Force will consider all reasonable alternative offered by any federal, state, or local government agency, and any federally sponsored or private entity or individual. The resulting EIS will be considered in making disposal decisions that will be documented in the Air Force's Final Disposal Plan and Record of Decision.

To ensure sufficient time to adequately consider public comments concerning environmental issues and disposal and reuse alternatives to be included in the EIS, the Air Force recommends that comments and reuse proposals be presented at the upcoming scoping meeting or forwarded to the address listed below at the earliest possible date. The Air Force will, however, accept additional comments at any time during the environmental impact analysis process.

Please direct written comments or requests for further information concerning the Reese AFB disposal and reuse EIS to: Mr. Robert L. Lopez or Mr. Dan Mooney, AFCEE/ECM, 3207 North Road, Brooks AFB, TX 78235–5363, 210/536–6545 or 210/536–3839.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–8823 Filed 4–8–96; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Low Observable Strategic Vision Assessment Study will meet on 6–7 May 1996 at The ANSER Corporation, 1215 Jefferson Davis Highway, Arlington, VA from 0800 to 5:00 p.m.

The purpose of the meeting is to discuss current and projected technology options related to low observability.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–8698 Filed 4–8–96; 8:45 am]

BILLING CODE 3910–01–W

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Low Observable Strategic Vision Assessment Study will meet on 20–21 May 1996 at The ANSER Corporation, 1215 Jefferson Davis Highway, Arlington, VA from 0800 to 5:00 p.m.

The purpose of the meeting is to discuss current and projected technology options related to low observability.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–8699 Filed 4–8–96; 8:45 am]

BILLING CODE 3910–01–W

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Low Observable Strategic Vision Assessment Study will meet on 10–11 June 1996 at The ANSER Corporation,

1215 Jefferson Davis Highway, Arlington, VA from 0800 to 5:00 p.m.

The purpose of the meeting is to discuss current and projected technology options related to low observability.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–8700 Filed 4–8–96; 8:45 am]

BILLING CODE 3910–01–W

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Low Observable Strategic Vision Assessment Study will meet on 24–25 June 1996 at The ANSER Corporation, 1215 Jefferson Davis Highway, Arlington, VA from 0800 to 5:00 p.m.

The purpose of the meeting is to discuss current and projected technology options related to low observability.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–8701 Filed 4–8–96; 8:45 am]

BILLING CODE 3910–01–W

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Low Observable Strategic Vision Assessment Study will meet on 15–16 July 1996 at The ANSER Corporation, 1215 Jefferson Davis Highway, Arlington, VA from 0800 to 5:00 p.m.

The purpose of the meeting is to discuss current and projected technology options related to low observability.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–8702 Filed 4–8–96; 8:45 am]

BILLING CODE 3910–01–W

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Low Observable Strategic Vision Assessment Study will meet on 30–31 July 1996 at The ANSER Corporation, 1215 Jefferson Davis Highway, Arlington, VA from 0800 to 5:00 p.m.

The purpose of the meeting is to discuss current and projected technology options related to low observability.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–8703 Filed 4–8–96; 8:45 am]

BILLING CODE 3910–01–W

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 23 May 1996.

Time of Meeting: 1000–1600.

Place: Pentagon—Washington, DC.

Agenda: The Army Science Board (ASB) Independent Assessment Study on ''Reengineering the Acquisition and Modernization Processes of the Institutional Army'' will meet for briefings and discussions on the research and development processes and ways to improve efficiency 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. 96–8839 Filed 4–5–96; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Financial Assistance: County of Lake, Special Districts Administration Lakeport, CA

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Intent.

SUMMARY: The U.S. Department of Energy, Idaho Operations Office, announces that pursuant to the DOE Financial Assistance Rules 10 CFR 600.6, it intends to award a new grant Number DE-FG07–96ID13428 to the County of Lake, Lakeport, California. The objective of the work to be performed under this grant is to provide funding for project management support for the pipeline construction of the Southeast Geysers Effluent Pipeline and Injection Project. This cooperative project between the geothermal operators in the southeast portion of The Geysers Steam Field and the County of Lake provides for the engineering, design, and construction of the pipeline to The Geysers and for the operators to connect to the pipeline at the boundary of the geothermal field. The Federal Domestic Catalog Number is 81.087.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Stallman, U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, MS 1221, Idaho Falls, Idaho 83401–1563, (208) 526–7038.

SUPPLEMENTARY INFORMATION: The statutory authority for the proposed award is the Geothermal Energy Research, Development & Demonstration Act of 1974 (Pub.L. 93–410, codified at 30 U.S.C. 1101 *et seq.*); and Title III of the Energy and Water Development Appropriations Act of 1996 (Pub.L. 104–46). The proposal meets the criteria for ''non-competitive'' financial assistance as set forth in 10 CFR Part 600.6(c)(3). The applicant represents a unit of government and the activity to be supported is related to the performance of a government function within the subject jurisdiction. The County of Lake is the leader of this project and is the appropriate agency to construct the pipeline, since they will be the owner and operator of the pipeline carrying the effluent from the county wastewater treatment plant to The Geysers. The anticipated period to complete the award is eighteen (18) months. The Office of Utility Technologies has provided $1,700,000 to the DOE, Idaho Operations Office for support of this project. This grant would augment the County's funds and funds from local, state, and industrial sources to design and construct the

approximately $40,000,000 cost-shared pipeline project.

R. Jeffrey Hoyles,

Director, Procurement Services Division.

[FR Doc. 96–8781 Filed 4–8–96; 8:45 am]

BILLING CODE 6450–01–P

International Energy Agency Meeting

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet April 15, 1996, in Paris, France. The IAB will also meet April 16 in Paris to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions and Standing Group on the Oil Market to be held on the same date.

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Acting Assistant General Counsel for International and Legal Policy, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 202–586–6738.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notices are provided:

I. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on April 15, 1995, at the headquarters of the OECD, 2, rue Andre-Pascal, Paris, France, beginning at 9:30 a.m. The agenda for the meeting is as follows:

1. Introductory Remarks
2. Adoption of the Agenda
3. Approval of the IAB Record Notes
4. Long Term Security Issues Conference
   (a) Short Term Issues
   (i) ISAG Perspective on the Scenarios
   (ii) Policy Actions that Could Improve the Effectiveness of the IEA Response
   (b) Long Term Issues
   (i) ISAG Perspective on the Scenarios
   (ii) Policy Actions that Could Improve the Effectiveness of the IEA Response
   (c) Possible Improvements to IEP Response Mechanisms
5. Discussion of Past IEA Activities
   (a) Report of ISAG Training Program
   (b) Emergency Data Test
6. Discussion of Future IEA Activities
   (a) SEQ Work Program 1996
   (b) SEQ Work Program 1997 Preliminary Plans
   (c) Maintenance of IEA Emergency Preparedness
7. Future Work

II. A meeting of the IAB will be held on April 15, 1996, at the OECD offices at the address identified above, beginning at 2:30 p.m. The purpose of this meeting is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ) which is scheduled to be held at the OECD on the same date. The agenda for the meeting of the SEQ is under the control of the SEQ. It is expected that the agenda will be as follows:

1. Adoption of the Agenda
2. Approval of Summary of the 86th Meeting
3. Policy and Legislative Developments in Member Countries
   —Energy Policy and Conservation Act (EPCA)
   —Other Country Developments
4. SEQ Work Programme
   —Adjustments to SEQ 1996 Work Programme
   —Preparations for Work Programme of 1997
   —IEA Medium Term Strategy
5. Emergency Response Reviews
   —Updated Schedule of Reviews
6. Industry Advisory Boards
   —Current and Planned IAB Activities
7. Joint SEQ/SOM Meeting of 16th April
   —Preliminary Discussion of SEQ Aspects of the Disruption Scenarios
8. Emergency Reserve Situation of IEA Countries
   —Emergency Reserve and Net Import Situation of IEA Countries on 1st January 1996
   —Historical Trends and Future Prospects for IEA Emergency Reserves
9. Proposals on IEA Emergency Response
   —Follow-up by the SEQ to Governing Board Discussions of 29th February 1996
10. Emergency Response Issues in IEA Candidate Countries
11. Emergency Data System and Related Questions
   —Comparison of QuB Test Data with MOS
   —MOS for December 1995
   —MOS for January 1996
   —BPFC–Q195–Q495
12. Emergency Reference Guide
   —Update of Emergency Contact Points List
13. Reduction of Document Volume
14. Review of SEQ Work Procedures
15. Any Other Business
   —Participation in SEQ Activities by Candidate Countries

III. A meeting of the IAB will be held on April 16, 1996, at the Australian Embassy, 4, rue Jean Ray, Paris, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and Standing Group on the Oil Market (SOM) which is scheduled to be held at the same location on the same date. The agenda for the meeting is under the control of the SEQ and the SOM. It is expected that the agenda will be as follows:

1. Objectives of the Meeting
2. Oil Disruption in the mid-1990s
   (a) How the market might respond
   —The first days
   —Qualitative comments on overall price rise
   —Contango or backwardation
   —Regional and product price differentials (e.g. Gulf Crisis)
   —Role of the futures markets
   (b) Industry Response to Market Changes
   —Strategy on oil purchases and inventories in 4Q95/1Q96
   —Changes in crude oil/product distribution; implications of destination restrictions
   —Changes in refinery operations
   (c) Comments by IAB Supply Experts
   (d) IEA Actions and Response and Member Country Contributions to Joint Response
   (e) Response strategy of US, France Japan and Germany
   (f) Comments by other country experts
   (g) Industry Experts Discuss the Effect of IEA Actions on the Market including
   —Stockdraw
   —Demand Restraint
   —Changes or Improvements to the Emergency Sharing System
   —Activation and implementation issues raised by the scenarios
   (h) General Discussion
   —Other IEA countries comment on IEA action
   —Effect of significant volumetric disruption elsewhere (e.g. light, sweet crude from Libya)
3. Oil Disruptions Longer Term
   (a) Outlook for 2010
   —Global and regional changes in demand and supply (2010 versus 1995)
   —Projected export levels from the Middle East/Saudia Arabia
   (b) Changes in Global Oil Supply/Demand Environment
   —Factors increasing/decreasing security of supply
   —Industry response to growing demand
   —Importance of spare capacity
   (c) The four speakers in 2a) and b)

discuss the impact of the disruption concentrating on changes from the disruption discussed in 2

(d) Open discussion on what the IEA should do

—Under what circumstances would the various available measures be most effective?

4. IEA Long-Term Oil Security Strategy

(a) Outlook for IEA Country Response

—Stockdraw, demand restraint and other measures

(b) Summary list of steps that could improve security of supply in the medium/long term

—General discussion, suggested additions to the list and possible follow up

5. Summing Up

As permitted by 10 C.F.R. Section 209.32, the usual 7-day period for publication of the notice of these meetings in the Federal Register has been shortened because unanticipated circumstances pertaining to the IEA's scheduling of these meetings delayed the issuance of this notice.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), these meetings are open only to representatives of members of the IAB and their counsel, representatives of members of the SEQ, the SOM representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of the Congress, the IEA, and the European Commission, and invitees of the IAB, the SEQ, SOM or the IEA.

Issued in Washington, D.C., April 4, 1996.

Douglas W. Smith,

Deputy General Counsel for Energy Policy.

[FR Doc. 96–8783 Filed 4–8–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP96–185–000]

Algonquin Gas Transmission Company; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 1996, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, the following rate sheets, effective May 1, 1996:

Fourth Revised Volume No. 1

Twelfth Revised Sheet No. 21
Twelfth Revised Sheet No. 22
Ninth Revised Sheet No. 23
Ninth Revised Sheet No. 24
Ninth Revised Sheet No. 25
Fifth Revised Sheet No. 26
Ninth Revised Sheet No. 27
Fifth Revised Sheet No. 28
Eighth Revised Sheet No. 29
Eighth Revised Sheet No. 31
Eighth Revised Sheet No. 35

Original Volume No. 2

Ninth Revised Sheet No. 259
Eighth Revised Sheet No. 343
Sixth Revised Sheet No. 431

Algonquin states that this limited Section 4 filing is submitted in compliance with Article IV, Section 2 of the Stipulation and Agreement approved by the Commission on July 8, 1994 in Docket Nos. RP93–14–000, et al.

Algonquin further states that copies of this filing were mailed to all customers of Algonquin and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission in accordance with 18 CFR Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should 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 in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8720 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–196–000]

ANR Pipeline Company; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 1996, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, the following revised tariff sheets, to become effective May 1, 1996:

Second Revised Volume No. 1

Third Revised Sheet No. 2
Thirteenth Revised Sheet No. 17
Fourth Revised Sheet No. 17A
Second Revised Sheet No. 194

Original Volume No. 2

Sixth Revised Sheet No. 14
Second Revised Sheet No. 15

ANR states that the above-referenced tariff sheets are being submitted pursuant to the ''Deferred Transportation Cost Adjustment'' tariff provision contained in Section 31 of the General Terms and Conditions of Second Revised Volume No. 1 of ANR's FERC Gas Tariff. ANR states that the net result is a reimbursement to its customers of $7.149 million inclusive of carrying charges. ANR proposes to make the revised tariff sheets effective May 1, 1996.

ANR states that all of its Volume No. 1 and Volume No. 2 customers and interested State Commissions have been mailed a copy of this filing.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 in accordance with 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8721 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–4–48–000]

ANR Pipeline Company; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 1996, ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, the tariff sheets which ANR proposes to be effective May 1, 1996:

Second Revised Volume No. 1

Twelfth Revised Sheet No. 17

Original Volume No. 2

Second Revised Sheet No. 13
Fifth Revised Sheet No. 14

ANR states that the referenced tariff sheets are being submitted to update the ''Eligible Throughput Actually Experienced'' as required in Sections 26.4 and 27.3 of ANR's FERC Gas Tariff Second Revised Volume No. 1 to adjust the Volumetric Buyout Buydown Surcharge and Upstream Pipeline Surcharge, commencing May 1, 1996.

With respect to the Volumetric Buyout Buydown Surcharge, the proposed changes are designed to recover the same amount on an annual basis as what is designed in the currently effective Buyout Buydown Volumetric Surcharge. With respect to the Upstream Pipeline Surcharge, the proposed charges are designed to recover $1.4 million less on an annual basis than the currently effective Upstream Pipeline Surcharge.

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, DC 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8722 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–197–000]

Carnegie Interstate Pipeline Company; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on April 1, 1996, Carnegie Interstate Pipeline Company (CIPCO) tendered for filing Commission to become part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheet, to become effective on May 1, 1996:

Seventh Revised Sheet No. 7

CIPCO states that this is its quarterly filing pursuant to Section 32.2 of the General Terms and Conditions of its FERC Gas Tariff to reflect prospective changes in transportation costs associated with unassigned upstream capacity held by CIPCO on Texas Eastern Transmission Corporation for the 3-month period commencing May 1, 1996 and ending July 31, 1996. The filing reflects an increase in the Transportation Cost Rate (TCR) from $0.8283 to $0.8558. The new TCR includes a TCR Adjustment of $1.3463 and a TCR Surcharge credit of $0.4905.

CIPCO states that copies of its filing were served on all jurisdictional customers and interested state commissions.

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 §§ 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8723 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–188–000]

CNG Transmission Corporation; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 1996, CNG Transmission Corporation (CNG), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Eighteenth Revised Sheet No. 32
Eighteenth Revised Sheet No. 33

CNG requests an effective date of May 1, 1996, for these proposed tariff sheets.

CNG states that the purpose of this filing is to submit CNG's quarterly revision of the Section 18.2.B. Surcharge, effective for the three-month period commencing May 1, 1996. According to CNG, the charge for the current quarter has been zero, as authorized by Commission order dated January 30, 1996, in Docket No. RP96–95. CNG states that its proposed Section 18.2.B surcharge for the next quarterly period is $0.0017 per Dt. The revIsed surcharge is designed to recover approximately $9,000 in Stranded Account No. 858 Costs, which CNG incurred for the period of October, 1995, through December, 1995.

CNG states that copies of this letter of transmittal and enclosures are being mailed to CNG's customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with §§ 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8724 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR96-190-000]

Colorado Interstate Gas Company; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 1996, Colorado Interstate Gas Company (CIG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in Appendix A to the filing, to become effective May 1, 1996. The proposed rates changes (motion rates) would increase revenues from jurisdictional service by approximately $30 million based on the 12-month period ending December 31, 1995, as adjusted. However, CIG notes that the underlying supporting statements and schedules developing cost-of-service and billing-determinant levels based on 12-months ending December 31, 1995, as adjusted, support rates (''indicated rates'') which would increase revenues by $46 million annually. CIG is proposing to not place into effect a portion of the indicated rate increase, in the interests of market stability, as explained further below.

Specifically, CIG is proposing at this time to implement approximately $30 million of its overall $46 million rate increase. CIG states that such $46 million rate increase would be necessary to: (1) compensate CIG for the inflation in operating costs that has occurred since its last general rate case in 1993; (2) recover the cost of service of necessary capital additions made by CIG since 1993, (including safety-related system integrity, as well as substantial electronic and computer enhancements, the need for which has evolved since Order No. 636 restructuring); (3) modify rates to reflect CIG's current business and discounting profile; and (4) allow CIG to earn a rate of return on CIG's assets, at a level that will be competitive

in capital markets. As noted above, CIG does not believe the market will accept this rate level, and considers it inappropriate to place the full indicated increase into effect subject to refund. Accordingly, while not modifying any of its underlying positions on specific issues, CIG has voluntarily waived implemention of 12.5 percent of the total reservation-rate level as to Rate Schedules TF–1 and TF–2, and has adjusted the Rate Schedule TI–1 rate to be consistent with the resulting Rate Schedule TF–1 level.

CIG states that the tariff sheets listed in Appendix A to the filing include the creation of two new transportation services and the substantial modification of its two ''no-notice'' delivery services, as well as multiple conforming tariff modifications. Further, CIG states, the tariff sheets provide for a tracking provision to flow through to CIG's former jurisdictional sales customers the benefit of the ''Mesa Settlement Surcharge,'' as further explained in the filing. Last, CIG states that the tariff sheets include the necessary authority to implement the Commission's policy on negotiated rates, pursuant to the policy statement issued January 31, 1996 in Docket No. RM95–6.

CIG states that a full copy or abbreviated copy of its filing are being served on all jurisdictional customers, applicable state commissions and interested parties that have requested service.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street Washington, DC 20426, in accordance with 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in § 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 in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8725 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–5–70–000]

Columbia Gulf Transmission Company; Notice of Filing

April 3, 1996.

Take notice that on March 29, 1996, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing with the Federal Energy Regulatory Commission, Twelfth Revised Sheet No. 018 and Twelfth Revised Sheet No. 019, to be effective April 1, 1996.

Columbia Gulf states that the purpose of the instant filing is to correct an inadvertent mathematical error in the calculation of the fuel retainage factors for Columbia Gulf's mainline zone, which was calculated and reflected at 3.232% in Columbia Gulf's March 1, 1996 filing in Docket No. TM96–4–70. The total mainline quantities used in the calculation of the mainline retainage percentage for the projected period were incorrectly overstated by 1 MMDth. This filing corrects the error by changing the percentage to 3.063%. Also enclosed is Appendix A to the filing that supports the correct calculation. The unrecovered component of the retainage factor is not being adjusted in the instant filing. The offshore and onshore laterals remain unaffected by this error.

Columbia Gulf is serving copies of the instant filing on its customers and affected State Commissions.

Any person desiring to be heard or to protest the 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 Section 385.214 and Section 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8726 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–7–23–001]

Eastern Shore Natural Gas Company; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 28, 1996, Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, revised tariff sheet in the above captioned docket, with a proposed effective date of April 1, 1996.

ESNG states the purpose of the instant filing is to supplement ESNG's March 13, 1996 Fuel Retention and Storage Tracker filing in Docket No. TM96–7–23–000, in order to correct an error that Transco made in its March 1, 1996 Fuel Tracker filing as supplemented on March 21, 1996 in Docket No. TM96–10–29–000 to correct its fuel retention percentage under Rate Schedule WSS.

ESNG states that it also includes herewith for filing in Docket No. TM96–7–23–000 working paper Schedule ID D1, Record ID 01, Text ID 9, Working Paper 1, Page #5 which was inadvertently omitted from the original filing.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR Section 385.211). All such 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8727 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ96–6–23–000 and TM96–8–23–000]

Eastern Shore Natural Gas Company; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 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 May 1, 1996.

ESNG states that the revised tariff sheets included herein are being filed pursuant to Sections 21 and 23, respectively, 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 $0.0963 per dt in the Demand Charge and an overall decrease of $0.3602 per dt in the Commodity Charge, as measured against the following ESNG instant filings; Docket No. TQ96–5–23–000, Out-Of-Cycle Quarterly PGA filed on March 28, 1996 proposed to be effective April 1, 1996; and Docket No. TM96–7–23–000, et al., a tracking filing submitted on March 13, 1996 and supplemented on March 28, 1996 proposed to be effective April 1, 1996.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

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 Section 385.211 and Section 385.214). All such motions or protests must be filed on or before 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8728 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT96–51–000]

Equitrans, L.P.; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on April 1, 1996, Equitrans, L.P. (Equitrans) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective April 1, 1996.

Second Revised Sheet No. 400
Second Revised Sheet No. 401
Sheet Nos. 402–403

Equitrans states that this filing is made to update Equitrans' index of customers. In Order No. 581 the Commission established a revised format for the Index of Customers to be included in the tariffs of interstate pipelines and required the pipelines to update the index on a quarterly basis to reflect changes in contract activity. Equitrans is making this quarterly update filing pursuant to Order No. 581. Equitrans requests a waiver of the Commission's notice requirements to permit the tariff sheets to take effect on April 1, 1996, the first day of the calendar quarter, in accordance with Order No. 581.

Equitrans states that a copy of its filing has been served upon its customers and interested state commissions.

Any person desiring to be heard or to protest this 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 Section 385.211 and 385.214 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Action Secretary.

[FR Doc. 96–8729 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–187–000]

Iroquois Gas Transmission System, L.P.; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 1996, Iroquois Gas Transmission System, L.P. (Iroquois) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective May 1, 1996:

Title Page
Third Revised Sheet No. 1
Third Revised Sheet No. 11
First Revised Sheet No. 11A
First Revised Sheet No. 11B
Second Revised Sheet No. 12
Second Revised Sheet No. 13
Third Revised Sheet No. 16
Third Revised Sheet No. 28
Third Revised Sheet No. 30
Second Revised Sheet No. 41
Third Revised Sheet No. 47
Third Revised Sheet No. 49
Fourth Revised Sheet No. 58
Fourth Revised Sheet No. 59
First Revised Sheet No. 67
Second Revised Sheet No. 68
First Revised Sheet No. 75C
Second Revised Sheet No. 82
Second Revised Sheet No. 87
Fifth Revised Sheet No. 118
Second Revised Sheet No. 136
Second Revised Sheet No. 137
Second Revised Sheet No. 145
Second Revised Sheet No. 146
Second Revised Sheet No. 153
Second Revised Sheet No. 164
Second Revised Sheet No. 171
Second Revised Sheet No. 172
Second Revised Sheet No. 173
Second Revised Sheet No. 174
Second Revised Sheet No. 175
Second Revised Sheet No. 176
Original Sheet No. 176–A
Second Revised Sheet No. 177
Second Revised Sheet No. 178
Second Revised Sheet No. 182
Third Revised Sheet No. 183
Third Revised Sheet No. 184
Third Revised Sheet No. 185
Third Revised Sheet No. 186

Iroquois states that one purpose of the proposed changes is to comply with changes mandated by the Commission in Order Nos. 581 and 582. Iroquois further states that the instant filing also corrects typographical errors which it has discovered in its currently effective tariff and makes certain editorial changes which are set forth more fully in the cover letter.

Iroquois states that copies of this filing were served upon all customers and interested state regulatory agencies.

Any person desiring to be heard or protest the subject 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 18 CFR 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 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 available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8730 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–194–000]

Mississippi River Transmission Corporation; Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 1996, Mississippi River Transmission Corporation (MRT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1 the following tariff sheets to be effective April 1, 1996:

Sixteenth Revised Sheet No. 5
Sixteenth Revised Sheet No. 6
Thirteenth Revised Sheet No. 7

MRT states that the purpose of the instant filing is to adjust MRT's Rate Schedule ITS and Authorized Overrun rates from the winter months' cap of 5¢ per MMBtu to the summer months' cap of 3¢ per MMBtu pursuant to Section 16.3(e) of the General Terms and Conditions of MRT's tariff and Article IV of the Base Stipulation and Agreement in Docket Nos. RP93–4, RP94–68 and RP94–190.

MRT states that copies of its filing have been mailed to all of its affected customers and the State Commissions of Arkansas, Missouri and Illinois.

Any person desiring to be heard or protest the subject 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 385.211 and 385.214 of the Commission's Rules of Practice and Procedure: 18 CFR 385.211 and 385.214. All such motions and 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 available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8731 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–192–000]

NorAm Gas Transmission Company; Notice of Filing

April 3, 1996.

Take notice that on March 29, NorAm Gas Transmission Company (NGT) made its annual FT and IT Cash Balancing Revenue Credit filing and its annual IT Revenue Credit filing, pursuant to Sections 5.7(c)(ii)(2)(B), 23.2(b)(iv) and 23.7 of the General Terms and Conditions of NGT's FERC Gas Tariff, Fourth Revised Volume No. 1.

NGT states that its filing addresses the period from February 1, 1995 through January 31, 1996, and also reflects the costs and revenues for the period September 1, 1994 through January 31, 1995, which period was subject to tariff provisions that are no longer in effect but which was not addressed in any previous revenue crediting filing. The calculations made in accordance with Section 23.9 of NGT's General Terms and Conditions result in an IT Revenue Credit and FT and IT Cash Balancing Credits of zero. Because the credits reflected in NGT's current tariffs are zero, NGT is making no adjustment to its tariffs as a result of this filing.

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 Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 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 with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8732 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–3–31–000]

NorAm Gas Transmission Company; Notice of Filing

April 3, 1996.

Take notice that on March 29, 1996, NorAm Gas Transmission Company (NGT) tendered for filing to become part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets, to be effective May 1, 1996:

Second Revised Sheet No. 5
Second Revised Sheet No. 6

NGT states that these revised tariff sheets are filed to adjust NGT's fuel percentages pursuant to Tariff Sheet No. 321A, contained in Docket No. RP94–343, as filed on February 12, 1996.

Any person desiring to be heard or protest the proposed tariff sheets 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 Rules 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 with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8733 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–137–001]

Northern Natural Gas Company; Notice of Compliance Filing

April 3, 1996.

Take notice that on March 29, 1996, Northern Natural Gas Company (Northern), tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, proposed to be effective March 1, 1996:

Substitute Original Sheet No. 237B
Original Sheet No. 237C

Northern asserts that the purpose this filing is to comply with the Commission's order issued February 29, 1996 which required Northern to include an Order No. 528 surcharge true-up mechanism.

Northern states that Sheet Nos. Substitute Original Sheet No. 237B and Original Sheet No. 237C are being modified by addition of the provision for the true-up mechanism.

Northern states that copies of the filing were served upon the company's customers and interested State Commissions.

Any person desiring to protest said 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 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. All protests will be considered by the Commission in determining the appropriate action to be taken in this

proceeding, but will not serve to make protestant a party to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8734 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–189–000]

Ozark Gas Transmission System; Notice of Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 1996, Ozark Gas Transmission System (Ozark) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No.1, Thirteenth Revised Sheet No. 4, to become effective May 1, 1996.

Ozark states that the proposed changes would decrease revenues from jurisdictional service by $4.9 million based on the 12-month period ending December 31, 1995, as adjusted.

Ozark asserts that the purpose of this filing is to comply with the December 22, 1994 Stipulation and Agreement approved by the Commission in Docket No. RP94–105–000, et al., Ozark Gas Transmission System, 71 FERC ¶ 61,138 (1995).

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Washington, DC 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8735 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP96–193–000]

Panhandle Eastern Pipe Line Company; Notice of Filing

April 3, 1996.

Take notice that on March 29, 1996, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing its Annual Flow Through Of Cash-Out Revenues in Excess Of Costs and Scheduling Charges Assessed Against Affiliates in accordance with Section 25 of the General Terms And Conditions of Panhandle's FERC Gas Tariff, First Revised Volume No. 1.

Panhandle states that pursuant to Section 25(e) of the General Terms and Conditions, the level of cash-out revenues in excess of costs and scheduling charges assessed against affiliates for the twelve months ended January 31, 1996, and the carryover amount established in Docket No. TM95–4–28–000 were not of a sufficient magnitude to result in a reservation charge credit of at least one cent or a commodity charge credit of at least .01 cents. Accordingly, there will be no Section 25 adjustment in effect for the period May 1, 1996 through April 30, 1997.

Panhandle states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, DC 20426, in accordance with §§ 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8736 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–186–000]

Southern Natural Gas Company; Notice of GSR Revised Tariff Sheets

April 3, 1996.

Take notice that on March 29, 1996, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets with the proposed effective date of April 1, 1996:

Third Revised Sheet No. 14a
Tenth Revised Sheet No. 15a
Third Revised Sheet No. 16a
Tenth Revised Sheet No. 17a
Fourth Revised Sheet No. 18a

Southern submits the revised tariff sheets to its FERC Gas Tariff, Seventh Revised Volume No. 1, in accordance with Article VII of the Stipulation and Agreement in Docket Nos. RP89–224–012, et al. (Settlement), approved by Commission order on September 29, 1995. Under Article VII, Southern is required to adjust the GSR volumetric surcharge that was placed into effect on January 1, 1996, based on the actual GSR costs incurred as of December 31, 1995 and the actual GSR revenues collected in 1994 and 1995 from parties supporting the Settlement. As a result of the adjustment, the volumetric surcharge will decrease from $0.0644/MMBtu to $0.0628/MMBtu, effective April 1, 1996.

Southern states that copies of the filing were served upon affected parties and interested state commissions.

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 §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. 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 Southern's filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8737 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–191–000]

Southern Natural Gas Company; Notice of GSR Revised Tariff Sheets

April 3, 1996.

Take notice that on March 29, 1996, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets with the proposed effective date of April 1, 1996:

Tariff Sheets Applicable to Contesting Parties:

First Substitute Eighth Revised Sheet No. 14
First Substitute Thirtieth Revised Sheet No. 15

First Substitute Eighth Revised Sheet No. 16
First Substitute Thirtieth Revised Sheet No. 17
First Substitute Eighteenth Revised Sheet No. 18
First Substitute Nineteenth Revised Sheet No. 29
First Substitute Nineteenth Revised Sheet No. 30
First Substitute Nineteenth Revised Sheet No. 31

Tariff Sheets Applicable to Supporting Parties:

First Substitute Second Revised Sheet No. 14A
First Substitute Ninth Revised Sheet No. 15A
First Substitute Second Revised Sheet No. 16A
First Substitute Ninth Revised Sheet No. 17A

Southern submits the revised tariff sheets to its FERC Gas Tariff, Seventh Revised Volume No. 1, to reflect a change in its FT/FT–NN GSR Surcharge, its other transition cost surcharge, and its Interruptible Transportation Rates due to a decrease in the FERC interest rate and to an increase in GSR billing units effective April 1, 1996.

Southern states that copies of the filing were served upon all parties listed on the official service list compiled by the Secretary in these proceedings.

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 §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. 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 Southern's filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8738 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–64–001]

Tennessee Gas Pipeline Company; Notice of Cashout Report Filed

April 3, 1996.

Take notice that on March 29, 1996, Tennessee Gas Pipeline Company (Tennessee) tendered for filing its cashout report for the September 1993 through August 1994 period.

Tennessee states that the cashout report reflects a total cashout loss during this period of $14,046,552, consisting of a net loss of $2,050,342 from cashout sales and $11,996,210 in costs under pricing differential contracts used for system balancing purposes.

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 § 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before April 10, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8739 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–195–000]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

April 3, 1996.

Take notice that on March 29, 1996, Tennessee Gas Pipeline Company (Tennessee) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets to become effective May 1, 1996:

Seventh Revised Sheet No. 20
Eleventh Revised Sheet No. 21A
Sixteenth Revised Sheet No. 22
Eleventh Revised Sheet No. 22A
Seventh Revised Sheet No. 23
Second Revised Sheet No. 23B
Fourteenth Revised Sheet No. 24
Ninth Revised Sheet No. 25
Seventh Revised Sheet No. 26B
Sheet Nos. 660–700 Reserved for Future Use

Tennessee states that the purpose of the filing is to recover gas supply realignment costs (GSR costs) paid or known and measurable at the time of the filing, consistent with the GSR cost recovery provisions reflected in Section XXVI of the General Terms and Conditions of Tennessee's Fifth Revised FERC Gas Tariff. The charges include a GSR demand surcharge applicable to firm customers and a unit GSR component applicable to Tennessee's interruptible services.

Any person desiring to be heard or to protest this 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 §§ 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 proceeding. Any person wishing to become a party must file with the Commission a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8740 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–284–000]

Transcontinental Gas Pipe Line Corporation; Notice of Application

April 3, 1996.

Take notice that on March 28, 1996, Transcontinental Gas Pipe Line Corporation (TGPL), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP96–284–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain firm sales service provided to Elizabethtown Gas Company (Elizabethtown), under TGPL's Rate Schedule FS, which was authorized in Docket No. CP88–391 *et al.*, all as more fully set forth in the application on file with the Commission and open to public inspection.

TGPL states that it entered into two firm sales agreements with Elizabethtown on August 1, 1991, under which TGPL sells gas to Elizabethtown under Rate Schedule FS with Daily Sales Entitlements of 10,000 Mcf/day, and 14,702 Mcf/day (as amended, ''FS Agreements''). The FS Agreements were amended effective April 1, 1995.

TGPL states that, in accordance with Paragraph 1 of Article IV of the FS Service Agreements, TGPL delivers gas to Elizabethtown at various upstream points of delivery. TGPL states that it acts as agent for Elizabethtown for the purpose of arranging for the transportation of gas purchased from the points of delivery to the points of redelivery identified in each of Elizabethtown's FS Agreements.

TGPL states that, by this application, TGPL seeks authorization to abandon the FS Agreement for Daily Sales Entitlement of 10,000 Mcf effective March 31, 1996, pursuant to

Elizabethtown's election to terminate that agreement.

TGPL states that Paragraph 2 of Article II of the FS Agreement between TGPL and Elizabethtown provides that at the end of the primary term, and on each anniversary date thereafter, the term of the Service Agreement will be extended by successive one Contract Year periods unless either party notifies the other in writing not less than two Contract Years prior to the end of the primary term or two Contract Years prior to any anniversary date thereafter, as the case may be, of its election not to extend the term of the Service Agreement. TGPL states that Paragraph 1 of Article II of the FS Agreement provides that for purposes of the FS Agreement, ''Contract Year'' is defined as the period from the effective date (specified as November 30, 1990) through March 31, 1991, and each twelve month period thereafter for the term of the agreement.

TGPL further states that the primary term of the 10,000 FS Agreement ended July 31, 1994, but its term was extended in accordance with Paragraph 2 of Article II of the FS Agreement. TGPL states that, by letter dated March 28, 1994, Elizabethtown provided TGPL with its two-year notice to terminate the FS Agreement, effectively terminating the FS Agreement as of March 31, 1996.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 24, 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 permission and approval for the proposed abandonment are 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 TGPL to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8741 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–292–000]

Transcontinental Gas Pipe Line Corporation; Notice of Application for Authorization To Abandon Service

April 3, 1996.

Take notice that, on April 1, 1996, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed an abbreviated application in Docket No. CP96–292–000, pursuant to Section 7(b) of the Natural Gas Act and the Rules and Regulations of the Commission, for authorization to abandon certain firm sales service agreements (FS Agreements) and thereby the firm sales service that Transco provides, under the FS Agreements and its Rate Schedule FS, to Atlanta Gas Light Company (AGL), Delmarva Power & Light Company (Delmarva), PECO Energy Company—formerly Philadelphia Electric Company (PECO), and the Public Service Company of North Carolina (PSNC), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Transco states that its Rate Schedule FS was established by a ''Stipulation and Agreement Regarding Service Restructuring'' (Settlement) that Transco filed in Docket No. CP88–391 *et al.*, on September 17, 1990, that the Commission issued an order on June 19, 1991, approving the Settlement, and that Transco then entered into the subject FS Agreements with AGL, Delmarva, PECO, and PSNC on August 1, 1991. Transco further states that the daily sales entitlements under the FS Agreements (as amended) are 20,000 Mcf/day for AGL, 10,000 Mcf/day for Delmarva, 18,648 Mcf/day for PECO, and 8,102 Mcf/day for PSNC.

According to Transco, it delivers gas to AGL, Delmarva, PECO, and PSNC at various upstream points of delivery, in accordance with Paragraph 1 of Article IV of their FS Agreements, and then acts as agent for AGL, Delmarva, PECO, and PSNC, for the purpose of arranging for the transportation of gas purchased from the points of delivery to the points of re-delivery, in accordance with Paragraph 2 of Article IV of their FS Agreements.

Transco also states that AGL, Delmarva, PECO, and PSNC have provided Transco with the necessary 2-year notice to terminate their respective FS Agreements, required under Paragraph 2 of Article II of their FS Agreements, that all four firm sales service buyers will continue to receive service under other firm sales agreements (under Transco's Rate Schedule FS), and that Transco is not seeking to abandon any of service rendered under those other service agreements with AGL, Delmarva, PECO, and PSNC.

Transco seeks authorization to abandon the subject FS Agreements, effective March 31, 1997, pursuant to AGL, Delmarva, PECO, and PSNC's elections to terminate their FS Agreements.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before April 24, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or 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 the 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, or 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 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8742 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–198–000]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

April 3, 1996.

Take notice that on April 1, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), filed pursuant to Section 4 of the Natural Gas Act and the Commission's ''Order Issuing Certificate, Authorizing Refunctionalization, Approving Abandonment, and Determining Jurisdictional Status of Facilities'' issued February 21, 1996 in Docket Nos. CP95–235–000 and CP95–236–000, requesting Commission approval of the proposed termination of Williston Basin's gathering services currently being provided through the facilities authorized to be abandoned by sale to Interenergy Corporation (Interenergy) in Docket No. CP95–235–000. The termination of gathering services by Williston Basin will be effective May 1, 1996, at which time gathering services by Interenergy through the facilities being sold will commence.

Any person desiring to be heard or to make any protest with reference to 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 Rules 211 and 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 on or before April 10, 1996. 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 to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8743 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC96–15–000, et al.]

Duquesne Light and Company, et al.; Electric Rate and Corporate Regulations Filings

April 3, 1996.

Take notice that the following filings have been made with the Commission:

1. Duquesne Light Company

[Docket No. EC96–15–000]

Take notice that on March 28, 1996, Duquesne Light Company filed an application under Section 203 of the Federal Power Act to transfer its interest in the jurisdictional transmission facilities associated with the Fort Martin Generating Unit 1 to AYP Capital, Inc., a subsidiary of the Allegheny Power System, Inc.

Copies of the application were served on the Pennsylvania Public Utility Commission.

Comment date: April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. MidAmerican Energy Company

[Docket No. EC96–16–000]

Take notice that on March 29, 1996, MidAmerican Energy Company filed an application for an order authorizing corporate reorganization. Specifically, MidAmerica proposes to form a holding company to be known as MidAmerican Energy Holdings Company (Holdings) which, upon completion of the reorganization, will own all of the outstanding common stock of MidAmerican and two of its current subsidiaries.

The proposed reorganization will be accomplished through a statutory share-for-share exchange whereby the holders of MidAmerican common stock will receive one share of Holdings common stock in exchange for each share of MidAmerican common stock as set forth in the Exchange Agreement entered into by MidAmerica and Holdings. This transaction will result in Holdings becoming the owner of all of the outstanding shares of MidAmerican common stock and MidAmerican becoming a wholly-owned subsidiary of Holdings. Immediately after the share exchange, MidAmerican will transfer its ownership of the capital stock of InterCoast Energy Company (InterCoast) and Midwest Capital Group, Inc. (Midwest Capital) to Holdings. As a result of these transfers, InterCoast and Midwest Capital will become wholly-owned subsidiaries of Holdings. MidAmerican states that Holdings has a good faith basis upon which to claim an exemption from registration as a holding company under the Public Utility Holding Company Act of 1935, as amended, pursuant to Section 3(a)(1) and Rule 2 thereof.

MidAmerican, an Iowa corporation, is engaged in the generation, transmission and distribution of electric energy to retail and wholesale customers in Iowa, Illinois and South Dakota and the transmission and distribution of natural gas to retail customers in Iowa, Illinois, South Dakota and Nebraska. Holdings was incorporated on January 24, 1996, for the purpose of becoming the parent of MidAmerican and effectuating the reorganization proposed by MidAmerican.

Comment date: April 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Kansas City Power & Light Company and UtiliCorp United Inc.

[Docket No. EC96–17–000]

Take notice that on March 29, 1996, UtiliCorp United Inc. (UtiliCorp), Kansas City Power & Light Co. (KCPL) (collectively, the ''Applicants'') filed a Joint Application pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's regulations requesting authorization and approval of the merger described therein between UtiliCorp and KCPL. UtiliCorp and KCPL will be merged with and into KC United Corp. (KCU), with KCU being the surviving corporation. KCU will provide electric service through separate control areas in Colorado, Missouri-Kansas, and West Virginia. KCU will directly own UtiliCorp's and KCPL's existing subsidiaries, including Aquila Power Corp. and KLT Power Inc. (which holds a majority interest in Northwest Power Marketing Company). KCU will also operate the existing gas operations of UtiliCorp.

The Applicants have submitted testimony and other evidence in support of the request that the merger be approved. The Applicants have requested that the Commission issue its approval of the merger expeditiously without conducting an evidentiary hearing.

Comment date: April 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. New Hampshire Electric Cooperative Inc. v. New Hampshire Public Service Company

[Docket No. EL96–43–000]

Take notice that on March 27, 1996, New Hampshire Electric Cooperative, Inc. tendered for filing a complaint and request for the initiation of proceedings against the New Hampshire Public Service Company under section 206 of

the Federal Power Act, and a motion for deferral of action pending the conclusion of a proceeding before the New Hampshire Public Utilities Commission.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall be due on or before May 3, 1996.

5. Alabama Power Company

[Docket No. EL96–44–000]

Take notice that on March 29, 1996, Alabama Power Company (APCo) tendered for filing a petition for waiver of Commission's fuel adjustment clause regulations to permit the recovery from its full and partial requirements wholesale customers of an appropriate share of the cost of one-one (70,000 ton) buyout under a long-term supply agreement. APCo states that its purchase of replacement coal at more favorable prices will produce cumulative savings to its customers in excess of the buyout costs that it proposes to recover as fuel costs through the fuel cost recovery mechanisms applicable to these customers. The waiver is proposed to be made effective April 1, 1996.

Comment date: April 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Modesto Irrigation District

[Docket No. EL96–45–000]

Take notice that on March 26, 1996, Modesto Irrigation District tendered for filing an Application for an Order Directing the Establishment of Physical Interconnection of Facilities Pursuant to Sections 202 and 210 of the Federal Power Act and Part 32 of the Commission's Regulations, 18 CFR 32 (1995). The application seeks an order requiring Pacific Gas and Electric Company to interconnect its transmission system with Modesto's Linde Substation in the City of Pittsburg, California.

Modesto also seeks an order requiring Pacific Gas and Electric Company to file an interconnection agreement or electric tariff establishing just and reasonable terms, conditions and charges under which such interconnection shall be operated and maintained.

Comment date: April 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Western Resources, Inc.

[Docket No. ER96–1371–000]

Take notice that on March 22, 1996, Western Resources, Inc., (Western Resources) tendered for filing a proposed change in its Rate Schedule FERC No. 264 and to Kansas Gas and Electric Company's (KGE) Rate Schedule FERC No. 183. Western Resources states that the change is in accordance with its Electric Power Transmission and Service Contract with Kansas Electric Power Cooperative (KEPCo) and further that the proposed change for KGE is in accordance with the Electric Power, Transmission and Service contract between KGE and KEPCo. Revised Exhibits B set forth Nominated Capacities for transmission, distribution and dispatch service for the contract year beginning June 1, 1996 and for the four subsequent contract years, pursuant to Article IV, Section 4.1 of Rate Schedule FERC Nos. 264 and 183. Revised Exhibits C set forth KEPCO's Nominated Capacities for the Points of Interconnection, pursuant to Article IV, Section 4.1 of Rate Schedule FERC No. 264 and 183. Revised Exhibits D set forth KEPCo's load forecast and KEPCo's Capacity Resources intended to provide power and energy to meet the forecast requirements for ten years into the future, pursuant to Article V, Section 5.1 of Rate Schedule FERC Nos. 264 and 183.

Copies of the filing were served upon Kansas Electric Power Cooperative, Inc. and the Kansas Corporation Commission.

Comment date: April 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Illinois Power Company

[Docket No. ER96–1380–000]

Take notice that on March 25, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Enron Power Marketing, Inc. will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Comment date: April 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Illinois Power Company

[Docket No. ER96–1381–000]

Take notice that on March 25, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which The Cincinnati Gas & Electric Company (CG&E), an Ohio corporation, PSI Energy, Inc. (PSI), an Indiana corporation, (collectively Cinergy Operating Companies) and Cinergy Services, Inc. (Cinergy Services, a Delaware corporation, as an agent on behalf of the Cinergy Operating Companies) will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Comment date: April 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Illinois Power Company

[Docket No. ER96–1382–000]

Take notice that on March 25, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which KN Marketing, Inc. will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Comment date: April 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Washington Water Power

[Docket No. ER96–1384–000]

Take notice that on March 25, 1996, Washington Water Power Company, tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, two signed service agreements under FERC Electric Tariff Volume No. 4 with Coral Power, L.L.C. and Federal Energy Sales, Inc.

Comment date: April 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. New Energy Ventures, Inc.

[Docket No. ER96–1387–000]

Take notice that on March 25, 1996, New Energy Ventures, Inc. (NEV) applied to the Commission for acceptance of NEV Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

NEV intends to engage in wholesale electric power and energy purchases and sales as a marketer. NEV is not in the business of generating, transmitting, or distributing electric power. NEV is not affiliated with any other entity.

Comment date: April 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Entergy Services, Inc.

[Docket No. ER–96–1389–000]

Take notice that on March 25, 1996, Entergy Services, Inc. (Entergy Services), on behalf of the Gulf States

Utilities (GSU), tendered for filing a letter, dated March 13, 1996, from the Executive Committee of the Western Systems Power Pool (WSPP) approving GSU's application for membership in the WSPP. Entergy Services requests GSU be permitted to become a member of the WSPP. In order to receive the benefits of pool membership, Entergy Services requests waiver of the Commission's prior notice requirement to allow GSU's membership to become effective as soon as possible, but in no event later than 60 days from this filing.

Comment date: April 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Louisville Gas and Electric Company

[Docket No. ER96–1390–000]

Take notice that on March 26, 1996, Louisville Gas and Electric Company (LG&E), tendered for filing a service agreement between LG&E and Virginia Electric and Power Company under Rate PSS—Power Sales Service.

A copy of the filing has been mailed to the Kentucky Public Service Commission.

Comment date: April 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Calpine Corporation

[Docket No. QF96–54–000]

On March 27, 1996, Calpine Corporation of 50 W. San Fernando Street, San Jose, California 95113, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to Section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the topping-cycle cogeneration facility, which will be located in Pasadena, Texas, will consist of a gas turbine generator and a steam turbine generator, and a heat recovery steam generator. The primary energy source will be natural gas. The thermal output of the facility will be sold to Phillips Petroleum Company for use at the Houston Chemical Complex for various process uses. The maximum net electric power production capacity of the facility is 223 MW. Electric power produced by the facility is to be sold to Houston Lighting & Power Company. Installation of the facility is scheduled to commence in November of 1996.

Comment date: Thirty days after the date of publication of this notice in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8829 Filed 4–8–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5456–5]

Agency Information Collection Activities: Proposed Collection; Comment Request; Information Collection Request for the National Pollutant Discharge Elimination System (NPDES)/Compliance Assessment Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): National Pollutant Discharge Elimination System (NPDES/ Compliance Assessment Information, OMB Control Number 2040–0110; expiration date, September 30, 1996. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 10, 1996.

ADDRESSES: Interested persons may obtain a copy of the ICR without charge from U.S.E.P.A., Office of Wastewater Management, Permits Division (4203), 401 M. St., S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Shirley Dorrington, (202) 260–6961; Facsimile Number, (202) 260–9544; Email Number, dorrington.shirley@epamail.epa.gov

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which are issued NPDES discharge permits for the discharge of domestic wastewater, industrial wastewater, and storm water, and for the use and disposal of sewage sludge.

Title: Agency information collection activities: Proposed collection; comment request; Information Collection Request for the National Pollutant Discharge Elimination System (NPDES)/ Compliance Assessment Information; OMB Control Number 2040–0110; expiration date, September 31, 1996.

Abstract: Pollutant discharge limits in a NPDES permit are designed to be protective of the environment and the public. Permitting authorities must assess whether the permittee is complying with these discharge limits on a consistent basis. Compliance is assessed by reviewing records, compliance schedule reports, and noncompliance reports for a bypass, upset, or maximum daily violation. Permittees must maintain such records, meet compliance schedules, and submit reported violations as mandated in 40 CFR Parts 122 and 501. The information that is collected can lead the permitting authority to follow through with informal discussions with the permittee (telephone and/or letters), permit modification, or enforcement action.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: The information collection for compliance assessment and certification activities will involve an estimated 23,673 respondents and 205,896 record keepers. The annual costs to respondents and record keepers is estimated to be $19,883,261. The total annual cost to both respondents, record keepers, and government (excluding Federal government) is estimated to be $20,556,817. There will be approximately 27,859 annual responses submitted by the 23,673 respondents resulting in 1.177 responses per year. The time required for a response ranges from 15 minutes to 41 hours, with an average response time of 2.36 hours per response. The average annual record keeping burden per record keeper is estimated to be 3.17 hours. The compliance assessment and certification activities will entail an annual burden of 652,873 hours of record keeping and 65,712 hours of reporting for a total of 718,585 burden hours. These activities will also entail 23,395 burden hours for State governments as users of data.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: March 29, 1996.

Alfred Lindsey,

Acting Director, Office of Wastewater Management.

[FR Doc. 96–8816 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5455–6]

Performance Evaluation Reports for Fiscal Year 1995: Section 105 Grants; Missouri, Kansas, Iowa, Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of grantee performance evaluation reports.

SUMMARY: The EPA's grant regulations (40 CFR 35.150) require the Agency to conduct yearly performance evaluations on the progress of the approved State/EPA Agreements. The EPA's regulations (40 CFR 56.7) require that the Agency make available to the public the evaluation reports. The EPA has conducted evaluations on the Missouri Department of Natural Resources, Nebraska Department of Environmental Quality, Iowa Department of Natural Resources, and Kansas Department of Health and Environment. These evaluations were conducted to assess the agencies' performance under the grants made to them by the EPA pursuant to section 105 of the Clean Air Act.

EFFECTIVE DATE: April 9, 1996.

ADDRESSES: Copies of the evaluation reports are available for public inspection at the EPA's Region VII Air, RCRA, and Toxics Division; 726 Minnesota Avenue; Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: John Pawlowski at (913) 551–7920.

Dated: March 28, 1996.

William Rice,

Acting Regional Administrator.

[FR Doc. 96–8812 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5456–1]

Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act for the D.C. Franche Site in Chicago, Illinois

AGENCY: Environmental Protection Agency (''U.S. EPA'').

ACTION: Proposal of Prospective Purchaser Agreement pursuant to the Comprehensive Environmental Response, Compensation and Liability Act for the D.C. Franche Site in Chicago, Illinois.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9601, et seq., notice is hereby given that a proposed prospective purchaser agreement for the D.C. Franche Site in Chicago, Illinois has been executed by the Wabansia Corporation (''Wabansia''). The Attorney General has approved the agreement. The proposed prospective purchaser agreement would resolve certain potential claims of the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and Section 7003 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6973, against Wabansia. The proposed settlement would require Wabansia to pay $35,000 to U.S. EPA.

DATE: Comments on the proposed prospective purchaser agreement must be received by U.S. EPA within thirty (30) days of the publication date of this notice. If requested prior to the expiration of this public comment period, U.S. EPA will provide an opportunity for a public meeting in the affected area.

ADDRESS: A copy of the proposed prospective purchaser agreement is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Andrew Warren at (312) 353–5485, prior to visiting the Region 5 office.

Comments on the proposed prospective purchaser agreement should be addressed to Andrew Warren, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code CS–29A), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Andrew Warren at (312) 353–5485, of the U.S. EPA Region 5 Office of Regional Counsel.

A 30-day period, commencing on the date of publication of this notice, is open for comments on the proposed prospective purchaser agreement. Comments should be sent to the addressee identified in this notice.

Valdas V. Adamkus,

Regional Administrator, U.S. Environmental Protection Agency, Region 5.

[FR Doc. 96–8814 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5455–9]

Proposed CERCLA Section 122(g)(4) De Minimis Administrative Order on Consent for the Bohaty Drum Site in Medina, Ohio

AGENCY: U.S. Environmental Protection Agency (''U.S. EPA'').

ACTION: Proposal of CERCLA Section 122(g)(4) *De Minimis* Administrative Order on Consent for the Bohaty Drum Site in Medina, Ohio.

SUMMARY: U.S. EPA proposes to address the potential liability of one party under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA''), 42 U.S.C. 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''SARA''), Public Law 99–499,

for past and future costs incurred in connection with a federal fund lead removal action conducted at the Bohaty Drum Site (''the Site'') located in Medina, Ohio. The U.S. EPA proposes to address the potential liability of PPG Industries, Inc. (''PPG'') by execution of a CERCLA Section 122(g)(4) *De Minimis* Administrative Order on Consent (''AOC'') prepared pursuant to 42 U.S.C. 9622(g)(4). The key terms and conditions of the AOC may be briefly summarized as follows: (1) U.S. EPA has determined that the amount of hazardous substances contributed to the Site by PPG and the toxic or other hazardous effects of the hazardous substances contributed to the Site by PPG are minimal in comparison to other hazardous substances at the Site within the meaning of Section 122(g)(1)(A) of CERCLA, 42 U.S.C. 9622(g)(1)(A); (2) PPG agrees to pay U.S. EPA 10,875.00 in satisfaction of claims for past and future costs incurred at the Site in connection with the removal and disposal of approximately 1000 drums and their contents; (3) PPG agrees to waive all claims against the United States that arise out of response activities conducted at the Site; and (4) U.S. EPA affords PPG a covenant not to sue for past and future costs incurred at the Site and contribution protection as provided by CERCLA Sections 113(f)(2) and 122(g)(5) upon satisfactory completion of obligations under the Settlement. The Site is not on the NPL, and no further response activities at the Site are anticipated at this time. The Attorney General has approved the Settlement.

DATE: Comments on the proposed AOC must be received by U.S. EPA on or before May 9, 1996.

ADDRESS: A copy of the proposed AOC is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Andrew Warren at (312) 353–5485, prior to visiting the Region 5 office.

Comments on the proposed AOC should be addressed to Andrew Warren, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code CS–29A), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Andrew Warren at (312) 353–5485, of the U.S. EPA Region 5 Office of Regional Counsel.

A 30-day period, commencing on the date of publication of this notice, is open pursuant to Section 122(i) of CERCLA, 42 U.S.C. 9622(i), for comments on the proposed AOC. Comments should be sent to the addressee identified in this notice.

Valdas V. Adamkus,

Regional Administrator, U.S. Environmental Protection Agency, Region 5.

[FR Doc. 96–8813 Filed 4–8–96; 8:45 am]

BILLING CODE 6560–50–M

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting; Farm Credit Administration Board; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the April 11, 1996 regular meeting of the Farm Credit Administration Board (Board) will not be held.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

Dated: April 4, 1996.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 96–8899 Filed 4–5–96; 10:42 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket 96–45; DA–96–535]

Sunshine Act Meeting; Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The purpose of the notice is to inform the general public of a meeting that will be held by the Federal-State Joint Board on universal service.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Accounting and Audits Division, Common Carrier Bureau, at (202) 418–0844.

SUPPLEMENTARY INFORMATION: The Federal-State Joint Board in CC Docket 96–45 will hold an Open Meeting on Friday, April 12, 1996 at 9:00 a.m., in Room 856 at 1919 M Street NW., Washington, DC. At the meeting, the Federal-State Joint Board will hear from four panels of experts addressing universal service issues set forth in Section 254 of the Telecommunications Act. Specifically, the panelists will address the telecommunications needs of low income consumers; schools, libraries, and health care providers; and consumers living in rural, insular and high cost areas.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–8922 Filed 4–5–96; 3:38 pm]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, 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 new, revised, or continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the reinstatement, without change, of a previously approved collection for which approval has expired.

OMB Control Number: 3067–0024.

Title: General Admissions Application and National Fire Academy Roster of Course Completion.

Type of Review: Reinstatement of a previously approved collection.

Form Numbers: FEMA Form 75–5, General Admissions Application; FEMA Form 75–9, National Fire Academy Roster of Course Completion.

Abstract: The National Emergency Training Center's National Fire Academy and Emergency Management Institute use FEMA Form 75–5, General Admissions Application, to admit applicants to resident courses and programs offered at the NETC. Information from the application form is maintained in the Student Record System. The system:

(1) Provides a consolidated record of all FEMA training taken by a student which can be used to support the student's consideration for professional advancement.

(2) Identifies or verifies participation in any prerequisite courses.

(3) Produces a transcript which can be used by the student in requesting college credit or continuing education units for courses completed. Presently, most of the resident courses and many off-campus courses can be considered

for credit by degree granting institutions.

In addition, Public Law 93–498 authorizes the United States Fire Administration to provide stipends to students attending NFA courses. The General Admissions Application is also used to determine which students receive stipend payments. Stipends are not paid to Federal employees, private industry employees, or foreign students.

FEMA Form 75–9, National Fire Academy Roster of Course Completion, is used to admit applicants to NFA off-campus courses. To assist the NFA in achieving its mission to advance the professional development of fire service personnel, a strong cooperative partnership has been established with State and local fire training systems. This partnership has resulted in the on-going development and delivery of a series of courses which constitute the NFA's off-campus program curriculum. NFA off-campus courses offer short term intensive training designed to provide maximum participation by fire service/rescue personnel and allied professionals. Because many volunteer and career fire service personnel can not afford the time required for attending on-campus resident programs, these off-campus courses provide training opportunities within the State and local community. The National Fire Academy Roster of Course Completion is used by the State and local sponsoring agency, and is completed by the student when the class is conducted.

Affected Public: Individuals or households, Not-for-profit institutions, and State, local or tribal governments.

FEMA form No.	Number of responses	Time per response	Total burden hours
FEMA Form 75–5	33,000	9 minutes	4,950
FEMA Form 75–9	15,000	3 minutes	750
	48,000	6 minutes (average)	5,700

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Direct all comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection can be obtained by contacting the person listed in the **ADDRESSES** section of this notice.

Dated: April 1, 1996.

Mike Bozzelli,

Acting Director, Program Services Division, Operations Support Directorate.

[FR Doc. 96–8771 Filed 4–8–96; 8:45 am]

BILLING CODE 6718–01–P

[FEMA–1106–DR]

Maine; 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 Maine, (FEMA–1106–DR), dated March 13, 1996, and related determinations.

EFFECTIVE DATE: March 26, 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 Maine, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 13, 1996:

Androscoggin, Franklin, Oxford and Penobscot Counties for Public Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–8776 Filed 4–8–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1107–DR]

Oregon; 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 Oregon (FEMA–1107–DR), dated March 19, 1996, and related determinations.

EFFECTIVE DATE: March 19, 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 March 19, 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 Oregon, resulting from severe storms and high wind on December 10–12, 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 Oregon.

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 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 Oregon to have been affected adversely by this declared major disaster:

Benton, Columbia, Douglas, Lane, Lincoln, Linn, Tillamook, and Yamhill Counties for Public Assistance and Hazard Mitigation Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

James L. Witt,

Director.

[FR Doc. 96–8774 Filed 4–8–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–3117–EM]

Texas; Amendment to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Texas, (FEMA–3117–EM), dated February 23, 1996, and related determinations.

EFFECTIVE DATE: March 28, 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 an emergency for the State of Texas, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of February 23, 1996:

Gregg County for emergency assistance as defined in the amended declaration letter of February 29, 1996.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–8773 Filed 4–8–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1098–DR]

Virginia; 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 Commonwealth of Virginia (FEMA–1098–DR), dated January 27, 1996, and related determinations.

EFFECTIVE DATE: March 19, 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 March 19, 1996, the President amended the major disaster declaration of January 27, 1996, under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia, resulting from flooding on January 19 through February 1, 1996, is of sufficient severity and magnitude to warrant the expansion of the incident type to include damage resulting from severe storm effects to include high winds and wind driven rain in the major disaster declaration of January 27, 1996, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act'').

All other conditions specified in the original declaration remain the same.

Please notify the Governor of the Commonwealth of Virginia and the Federal Coordinating Officer of this amendment to my major disaster declaration.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–8775 Filed 4–8–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203–011279–004.

Title: Caribbean and Central America Discussion Agreement

Parties:

Central America Discussion Agreement
Panam Discussion Agreement
Southeastern Caribbean Discussion Agreement
Hispaniola Discussion Agreement
U.S./Jamaica Discussion Agreement
Puerto Rico/Caribbean Discussion Agreement
Venezuela American Maritime Association
Caribbean Shipowners Association
Aruba Bonaire Curacao Liner Association

Synopsis: The proposed modification changes the name of the Agreement to the ''Western Hemisphere Discussion Agreement''; adds the West Coast of South America and Brazil, Argentina, Paraguay, and Uruguay to the scope of the Agreement; and revises Article 7 to provide that an individual ocean common carrier may become a party to the Agreement. The modification also restates the Agreement.

Agreement No.: 203–011525–001.

Title: Navieras/Tropical Caribbean Basin Agreement.

Parties:

NPR, Inc. (''Navieras'')
Tropical Shipping & Construction Co., Ltd.

Synopsis: The proposed modification adds a new subsection to Article 5.7 whereby Navieras will withdraw from serving to and from Eastern Caribbean ports in Antiqua, Montserrat, St. Barths, St. Kitts, St. Maarten and the British Virgin Islands. In return, Tropical will make every effort to provide service to the stated ports for Navieras' customers.

Agreement No.: 217–011540.

Title: Blue Star/Fesco Space Charter Agreement.

Parties:

Blue Star (North America) Limited
Ocean Management Incorporated d/b/a Fesco Australia North America Line

Synopsis: The proposed Agreement permits the parties to charter space to

and from one another in the trade between U.S. Pacific Coast Ports and ports in Australia and New Zealand.

Dated: April 3, 1996.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96–8715 Filed 4–8–96; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Rescission of Order of Revocation

Notice is hereby given that the Order of Revocation revoking the license of Aces, Ltd., has been rescinded by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License No.	Name/address
2865	Aces, Ltd., 114 Front Street, Scituate, MA 02066.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 96–8692 Filed 4–8–96; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Revocations

The Federal Maritime Commission hereby gives notice that the following freight forwarder licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, effective on the corresponding revocation dates shown below:

License Number: 1388
Name: Rex Air & Ocean Freight, Inc.
Address: 9032 N.W. 12th Street, Miami, FL 33172
Date Revoked: February 13, 1996
Reason: Surrendered license voluntarily.

License Number: 3816
Name: TC International Marketing Network, Inc.
Address: 1430 S. Eastman Ave., #200, Los Angeles, CA 90023
Date Revoked: February 15, 1996
Reason: Failed to maintain a valid surety bond.

License Number: 2332
Name: Dusan Jovanovic dba Sar Express International
Address: 14934 Rhinestone Dr., Sherman Oaks, CA 91403
Date Revoked: February 15, 1996
Reason: Failed to maintain a valid surety bond.

License Number: 3161
Name: Mace International, Inc.
Address: P.O. Box 320282, Birmingham, AL 35232
Date Revoked: February 22, 1996
Reason: Failed to maintain a valid surety bond.

License Number: 3899
Name: Action Cargo International, Inc.
Address: 3333 Holly Hall, Houston, TX 77021
Date Revoked: February 28, 1996
Reason: Failed to maintain a valid surety bond.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 96–8693 Filed 4–8–96; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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:

James H. Abbs, Ph.D., University of Wisconsin-Madison: Based on an investigation conducted by the Division of Research Investigations, ORI found that James H. Abbs, Ph.D., engaged in scientific misconduct by falsifying and fabricating certain figures and research results supported by Public Health Service (PHS) grants P01 NS13274 and P30 HD03352 and reported in ''Orofacial motor control impairment in Parkinson's disease'' (*Neurology* 37:394–398, 1987) (*Neurology* paper).

ORI found that Dr. Abbs falsified Figure 1 in the *Neurology* paper, which displays orofacial motor control instability in a Parkinson's disease patient reported as non-tremorous, by (1) tracing the waveforms from those of a tremorous patient that had previously been published as Figure 6 in the *Journal of Speech and Hearing Research* (26:616–621, 1983); (2) eliminating the apparent tremors from the waveforms depicted in Figure 6; (3) falsifying the standard force levels and structures from those of Figure 6; and (4) misrepresenting the identity of the actual subject reported in Figure 1. ORI also found that Dr. Abbs falsified and fabricated the data for Figures 2 and 4 in the *Neurology* paper by (1) falsifying the number of trials run on each subject; (2) misrepresenting the number of measurements made on each of the waveforms; and (3) fabricating the numbers used to calculate the force instability results presented for Figure 2. Dr. Abbs used the same fabricated numbers in Figure 4.

To avoid the uncertainty and expense of litigation, Dr. Abbs and ORI agreed to resolve the case through a negotiated settlement (Agreement), which the parties agreed shall not be construed as an admission of liability or wrongdoing on the part of Dr. Abbs. As part of the Agreement, Dr. Abbs submitted a letter to ORI in which he addresses each of ORI's findings and explains in more detail the reasons for his decision to settle this matter on these terms. Dr. Abbs has agreed not to appeal ORI's jurisdiction or its findings and has further voluntarily agreed:

(1) To exclude himself voluntarily from serving in any advisory capacity to PHS, including but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three (3) years beginning on March 28, 1996;

(2) That any institution which submits an application for PHS support for a research project that proposes Dr. Abbs' participation or that uses Dr. Abbs in any capacity on PHS supported research, or that submits a report of PHS funded research in which Dr. Abbs is involved, must concurrently submit a plan for supervision of Dr. Abbs' duties, designed to ensure the scientific integrity of Dr. Abbs' research, for a period of three (3) years beginning on March 28, 1996;

(3) That any institution employing Dr. Abbs be required to submit, in conjunction with each application for PHS funds or report of PHS funded research in which Dr. Abbs is involved, a certification that the data provided by Dr. Abbs are based on actual experiments or are otherwise legitimately derived and that the data, procedures, and methodology are accurately reported in the application or research report for a period of three (3) years beginning on March 28, 1996; and

(4) To submit a letter to the journal *Neurology* advising it of ORI's request to retract the *Neurology* paper.

FOR FURTHER INFORMATION CONTACT:

Director, Division of Research Investigations, Office of Research

Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

Lawrence J. Rhoades,

Acting Director, Office of Research Integrity.

[FR Doc. 96–8685 Filed 4–8–96; 8:45 am]

BILLING CODE 4160–17–M

Agency for Toxic Substances and Disease Registry

[Announcement 604]

Environmental Health Education for Health Professionals and Communities

Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the expected availability of fiscal year (FY) 1996 funds for a cooperative agreement program for the development and implementation of environmental health education for health professionals in support of ATSDR's site-specific health activities program.

ATSDR is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of ''Healthy People 2000,'' see the section ''Where to Obtain Additional Information.'')

Authority

This program is authorized under Sections 104(i)(14) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9604 (i) (14) and (15)].

Smoke-Free Workplace

ATSDR strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Eligible applicants are national health professional organizations that provide environmental health education and training for their defined membership and constituency.

Availability of Funds

The Government's obligation under this grant project is contingent upon the availability of appropriated funds from which payment for grant purposes can be made. No legal liability on the part of the government for any payment may arise until funds are made available to the grantee through the formal award of a cooperative agreement.

It is expected that approximately $500,000 will be available in FY 1996 to fund 3 to 5 awards. The awards are expected to range from $60,000 to $200,000 and will begin on or about September 30, 1996, for a 12-month budget period, with a 3-year project period. Funding estimates may vary and are subject to change.

Continuation awards within the project period are made on the basis of satisfactory progress and availability of funds.

Purpose

The proposed cooperative agreement is intended to meet the demand for environmental health expertise and strengthen environmental public health activities by developing educational and training programs in health risk communication; to improve information access and transfer between and among local, State, tribal, and Federal agencies; to build the capacity of local health care professionals to respond to community concerns related to hazardous waste sites by providing training and guidance in addressing issues of community concern; to provide environmental health education for health professionals in communities; to support primary health care providers by providing environmental health education and access to clinical expertise for diagnosing and treating environmental health problems; and to serve as a referral service for primary health care providers.

This cooperative agreement comprises a core program and additional enhancement activities. All applicants must address the Core Program in their application. The provision of environmental health education services comprises the Core Program which includes the following as minimum components:

1. Needs assessment for health education
2. Development and implementation of health education programs
3. Evaluation of the effectiveness of health education programs
4. Coordination of provision of health education services; service as a health education resource
5. Communication of health and health education needs, concerns, and resources to constituency groups.

Applicants must describe the method(s) by which the health education will be delivered (examples include short courses, annual meetings, video libraries, electronic seminars, newsletters, and regional training).

Applicants may further address Enhancement Activities as applied to their respective constituency. Examples of Enhancement Activities include:

1. Risk communication training
2. Technical referral
3. Environmental information training, including assessment of provider capability, and
4. Medical and nursing education concerning the health impact of hazardous substances.

Program Requirements

In conducting activities to achieve the purpose of the program, all awardees shall be responsible for conducting activities under Recipient Core Program Component Activities, listed in A. below, and awardees may select three to five activities from the Recipient Enhancement Program Activities, listed in B. below. ATSDR will be responsible for conducting activities under ATSDR Activities, listed in C. below.

A. Recipient Core Program Component Activities

1. Develop and provide education and training for members and constituents of recipient organizations about (a) hazardous substances as defined by CERCLA, (b) health risks resulting from exposure to hazardous substances in the environment, and (c) the concerns of those impacted by issues associated with hazardous waste sites.

Note: Health education programs addressing health risks or health issues not related to CERCLA issues (e.g., occupational) are not acceptable under this program.

2. Develop and implement environmental health education for members and constituents of recipient organizations related to *site-specific* concerns and issues.

3. Develop standard environmental health education materials related to ATSDR's *site-specific* health activities programs.

4. Develop and implement an evaluation plan specifying the methods of measuring success in meeting each objective defined by the applicant and evaluating the change in knowledge, attitudes, awareness, skill, behaviors, or other attributes of the participants.

B. Recipient Enhancement Program Activities

1. Provide environmental health education related to site-specific concerns and issues to primary health care providers regarding prevention and interventions.

2. Act as a clinical referral resource for health care providers and diagnose and treat health effects related to exposure to hazardous substances.

3. Develop, conduct, and evaluate environmental health symposia on scientific and medical issues and provide technical support and materials on the effects of hazardous exposure for environmental education activities at medical and nursing schools, national conferences, continuing education programs, and public learning institutes.

4. Develop culturally appropriate health education materials for use by health professionals. Include priority content, teaching methods, appropriate channels to best reach target audiences, promotion of activities and appropriate evaluation strategies based on the type of audience.

5. Conduct electronic educational teleconferences for constituents on topics of environmental health at least monthly.

6. Catalogue and disseminate environmental health curriculum modules, clinical case studies, publications, videotapes, and other resources through a clearinghouse/lending library whose use is not restricted solely to the applicant's membership.

7. Provide for the electronic dissemination of environmental health information developed by the applicant or other health agencies and provide an electronic forum for the discussion of environmental health issues to any interested party.

C. ATSDR Activities

1. Provide required information and instructional resources about National Priority List (NPL) sites for course development and presentation.

2. Assist in identification of priority target audiences and their environmental education needs.

3. Provide technical assistance and collaboration for NPL site-specific education materials and activities.

4. Provide assistance in establishing a communication and environmental resource network between clinics, State and local health departments, and other environmental organizations.

5. Provide assistance in the planning, implementation, and evaluation of risk communication training programs.

6. Provide technical assistance for conducting needs assessments.

7. Assist in evaluating training activities.

8. Annually provide list of priority sites for environmental health education activities.

Evaluation Criteria

The application will be reviewed and evaluated according to the adequacy of the proposal relative to the following criteria:

A. Proposed Project and Appropriateness of Project Design—50%

1. Applicant's understanding of the project's purpose.

2. Applicant's understanding and justification of the need or problem to be addressed.

3. Identification of target group and needs.

4. Quality of project objectives in terms of specificity, measurability, and feasibility.

5. Specificity and feasibility of the proposed schedule for implementing project activities.

6. Appropriateness and thoroughness of the methods used to evaluate the project.

B. Proposed Project Management—30%

1. Ability of the applicant to provide appropriate program staff and support staff to the project.

2. Ability of the applicant to provide staff time, facilities, space, equipment, and financial resources required to accomplish responsibilities of the project.

3. Extent to which the applicant has provided an administration plan, outlined strategic and operational plans for the 3-year project period, and designated a qualified administrator to manage the project.

C. Other—20%

Applicants will have environmental health activities within their organization and submit documentation of this activity.

D. Proposed Project Budget—(not Scored)

The extent to which the proposed budgets are reasonable, clearly justified with budget narratives, and consistent with the intended use of cooperative agreement funds.

Executive Order 12372 Review

This program is not subject to the Executive Order 12372.

Public Health Reporting System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.161.

Other Requirements

A. Cost Recovery

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, provides for the recovery of costs incurred for response actions at Superfund sites from potentially responsible parties. The awardee would agree to maintain an accounting system that will keep an accurate, complete, and current accounting of all financial transactions on a site-specific basis, i.e., individual time, travel, and associated costs, including indirect costs, as appropriate for the site. Awardee would also maintain documentation that describes the site-specific actions taken with respect to the site, e.g., contracts, work assignments, progress reports, and other documents, that describe the work performed related to a site. Awardee will retain the documents and records to support these financial transactions, for possible use in a cost recovery case, for a minimum of ten years after submission of a final Financial Status Report (FSR). However, if there is a litigation, claim, negotiation, audit, or other action involving the specific site, then the records will be maintained until resolution of all issues at the specific site.

B. Materials Developed

1. Any materials developed by awardee with ATSDR funds are to carry the following statement: This material was developed under a cooperative agreement (Announcement No. 604) from the Agency for Toxic Substances and Disease Registry, Public Health Service, U.S. Department of Health and Human Services, with funding from the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986.

2. Material developed under funding by ATSDR will not be copyrighted and will remain in the public domain to encourage wide distribution. However, awardee is allowed to charge fees for conferences, workshops, computer programs, etc., at a level below or equal to other similar programs offered by awardee. These fees may be retained by awardee and used to offset the development and cost of the material. ATSDR will receive final copies of all material developed by awardee including course notebooks, brochures, computer programs (with appropriate operating software and instructions),

pamphlets, but not excluding other materials not mentioned here.

Application Submission and Deadline

Applicants must submit an original and two copies of application form PHS 5161–1 (OMB Number 0937–0189) to Ron S. Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road NE., Room 300, Atlanta, GA 30305, on or before June 3, 1996. (By formal agreement, the Centers for Disease Control and Prevention (CDC) Procurement and Grants Office will act on behalf of and for ATSDR on this matter.)

A. Deadline

Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

B. Late Applications

Applications which do not meet the criteria in A.1. or A.2. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

To receive additional written information call (404) 332–4561. You will be asked to leave your name, address and phone number and will need to refer to Announcement 604. You will receive a complete program description, information on application procedures and application forms. The announcement is also available through the CDC home page on the Internet. The address for the CDC home page is http://www.cdc.gov.

If you have questions after reviewing the contents of all the documents, business management assistance may be obtained from Maggie Slay, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road NE., Room 300, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6797, or INTERNET address MCS9@ops.pgo1.em.cdc.gov. Programmatic technical assistance may be obtained from Maureen Lichtveld, Division of Health Education, ATSDR, 1600 Clifton Road, Mailstop E–33, Atlanta, GA 30333, telephone (404) 639–6206, or INTERNET address MYL1@atsod3.em.cdc.gov.

Please refer to Announcement 604 when requesting information and submitting an application.

A copy of ''Healthy People 2000'' (Full Report, Stock No. 017–001–00474–0) or ''Healthy People 2000'' (Summary Report, Stock No. 0117–001–00473–1) referenced in the ''Introduction'' may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20401–9325, telephone (202) 512–1800.

Dated: April 3, 1996.

Claire V. Broome,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 96–8779 Filed 4–8–96; 8:45 am]

BILLING CODE 4163–70–P

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

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. Needs Assessment for the National AIDS Education and Training Centers (AETC) Program—New—The National AIDS Education and Training Centers (AETC) Program is a network of fifteen regional centers with more than 75 local performance sites that conduct targeted multidisciplinary HIV education and training programs for health care providers. The normal process for AETCs is to conduct an assessment of the health care providers' learning needs before designing the training programs they intend to offer. How AETCs conduct their needs assessments has not been specified in the past. The AETCs have used a number of different techniques, resulting in data that are not comparable and cannot be aggregated.

The AETC program has developed a national computerized learning needs assessment tool and protocol, which has been field tested and is now available for use by all fifteen AETCs. The survey instruments will be sent to a random sample of approximately 13,500 health care providers nationally each year. Results from the surveys will be used to identify topical areas in HIV/AIDS treatment in which training is most needed. This will allow the AETCs to develop training programs responsive to the identified needs. The estimated burden is as follows:

Type of respondent	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Physicians:				
Target group*	1,393	1	.25	348
Others	783	1	.12	91
Physician assistants:				
Target group	1,393	1	.25	348
Others	783	1	.12	91

Type of respondent	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Nurses:				
Target group	1,393	1	.25	348
Others	783	1	.12	91
Dentists:				
Target group	850	1	.25	213
Others	1,579	1	.12	184
Dental hygienists:				
Target group	850	1	.25	213
Others	1,579	1	.12	184
Psychosocial/mental health professionals:				
Target Group	1,436	1	.25	359
Others	740	1	.12	86
Total	13,562	1	.19	2,557

*The target group includes those professionals currently serving or likely to serve persons with HIV/AIDS.

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: April 2, 1996.

J. Henry Montes,

Associate Administrator for Policy Coordination.

[FR Doc. 96–8686 Filed 4–8–96; 8:45 am]

BILLING CODE 4160–15–P

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 1996 Funding Opportunities for Knowledge Development and Application Cooperative Agreements

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of Funding Availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS), Center for Substance Abuse Prevention (CSAP), and Center for Substance Abuse Treatment (CSAT) announce that they anticipate that FY 1996 funds will be available for Knowledge Development and Application cooperative agreements for the following activities. These activities are discussed in more detail under Section 4 of this notice.

Activity	Application deadline	Estimated funds available	Estimated No. of awards	Project period
Managed Care	06/10/96	$10 million	21	3 yrs.
Homelessness Prevention	06/10/96	2.6 million	16	3 yrs.
Predictor Variables & Development	06/10/96	4.0 million	9	3 yrs.
Wrap Around Services	06/10/96	2.4 million	2	3 yrs.
Cannabis Dependence Treatment	06/10/96	1.2 million	5	3 yrs.

These programs are being announced prior to the full annual appropriation for FY 1996 for SAMHSA's programs. Applications are invited based on the assumption that sufficient funds will be appropriated for FY 1996 to permit funding of a reasonable number of applications being hereby solicited. These programs are being announced in order to allow applicants sufficient time to plan and to prepare applications. Solicitation of applications in advance of a final appropriation will also enable the award of appropriated grant funds in an expeditious manner and thus allow prompt implementation and evaluation of promising projects. *All applicants are reminded, however, that we cannot guarantee sufficient funds will be appropriated to permit SAMHSA to fund any applications.* Questions regarding the status of the appropriation of funds should be directed to the grants management contacts listed in Section 4 of this notice.

SAMHSA will publish a notice in the Federal Register regarding the amount of funding available for its programs when the final appropriation is enacted.

SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the Federal Register (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The SAMHSA Centers' substance abuse and mental health services activities address issues related to Healthy People 2000 objectives of Mental Health and Mental Disorders; Alcohol and Other Drugs; Clinical Preventive Services; HIV Infection; and Surveillance and Data Systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–783–3238).

GENERAL INSTRUCTIONS: Applicants for grants and cooperative agreements must use application form PHS 5161–1 (Rev. 7/92; OMB No. 0937–0189). Application kits contain the PHS 5161–1, Standard Form 424 (Face Page) and *complete instructions* for preparing and submitting applications. Application kits may be obtained from the organization specified for each activity covered by this notice (see Section 4).

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. This is to ensure receipt of all necessary forms and information,

including any specific program review and award criteria.

APPLICATION SUBMISSION: Applications must be submitted to: SAMHSA Programs, Division of Research Grants, National Institutes of Health, Suite 1040, 6701 Rockledge Drive MSC–7710, Bethesda, Maryland 20892–7710* (* Applicants who wish to use express mail or courier service should change the zip code to 20817.)

APPLICATION DEADLINES: The deadlines for receipt of applications are listed in the table above. Please note that the deadlines may differ for the individual categories of cooperative agreements.

Competing applications must be received by the indicated receipt dates to be accepted for review. An application received after the deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing.

Applications received after the deadline date and those sent to an address other than the address specified above will be returned to the applicant without review.

FOR FURTHER INFORMATION CONTACT: Requests for activity-specific technical information should be directed to the program contact person identified for each activity covered by this notice (see Section 4).

Requests for information concerning business management issues should be directed to the grants management contact person identified for each activity covered by this notice (see Section 4).

SUPPLEMENTARY INFORMATION: To facilitate the use of this Notice of Funding Availability, information has been organized as outlined in the Table of Contents below. For each activity, the following information is provided:

- Application Deadline.
- Purpose.
- Priorities.
- Eligible Applicants.
- Cooperative Agreements/Amounts.
- Catalog of Federal Domestic Assistance Number.
- Program Contact.
- Grants Management Contact.
- Application Kits.

Table of Contents

1. Program Background and Objectives
2. Special Concerns
3. Criteria for Review and Funding
3.1 General Review Criteria
3.2 Funding Criteria for Approved Applications
4. FY 1996 Substance Abuse and Mental Health Services Activities
4.1 Cooperative Agreements
4.1.1 Managed Care and Vulnerable Populations Cooperative Agreements
4.1.2 Cooperative Agreements for CMHS/CSAT Collaborative Program to Prevent Homelessness
4.1.3 Cooperative Agreements for Prevention Intervention Studies on Predictor Variables by Developmental Stage
4.1.4 Cooperative Agreements for Wrap Around Services for Clients in Substance Abuse Treatment Programs: Demonstrating Utility and Cost Effectiveness in the Context of Changes in Health Care Financing
4.1.5 Cooperative Agreements for a Multisite Study of the Effectiveness of Brief Treatment for Cannabis (Marijuana) Dependency
5. Public Health System Reporting Requirements
6. PHS Non-use of Tobacco Policy Statement
7. Executive Order 12372

1. Program Background and Objectives

SAMHSA's mission within the Nation's health system is to improve the quality and availability of prevention, early intervention, treatment, and rehabilitation services for substance abuse and mental illnesses, including co-occurring disorders, in order to improve health and reduce illness, death, disability, and cost to society.

Reinventing government, with its emphases on redefining the role of Federal agencies and on improving customer service, has provided SAMHSA with a welcome opportunity to examine carefully its programs and activities. As a result of that process, SAMHSA is moving assertively to create a renewed and strategic emphasis on using its resources to generate knowledge about ways to improve the prevention and treatment of substance abuse and mental illness and to work with State and local governments as well as providers, families, and consumers to effectively use that knowledge in everyday practice.

The agency has worked to transform its demonstration portfolio from service-based projects to true knowledge-acquisition studies. For FY 1996, SAMHSA has developed an agenda of new programs designed to answer specific important policy-relevant questions. These questions, specified in this and subsequent Notices of Funding Availability, are designed to provide critical information to improve the nation's mental health and substance abuse treatment and prevention services.

The new agenda is the outcome of a process whereby providers, services researchers, consumers, Council members and other interested persons participated in special meetings or responded to calls for suggestions and reactions. From this input, each SAMHSA Center developed a ''menu'' of suggested topics. The topics were discussed jointly and an agency agenda of critical topics was agreed to. The selection of topics depended heavily on policy importance and on the existence of adequate research and practitioner experience on which to base studies. While SAMHSA's FY 1996 programs will sometimes involve the evaluation of some delivery of services, they are really services studies, not merely evaluation, since they are aimed at answering policy-relevant questions.

SAMHSA differs from other agencies in focussing on needed information at the services delivery level, and in its question-focus. Dissemination is an integral, major feature of the programs. SAMHSA believes that it is important to get the information into the hands of providers as effectively as possible. Technical assistance, training, preparation of special materials will be used, in addition to normal communications means.

2. Special Concerns

SAMHSA's FY 1996 Knowledge Development and Application activities discussed below do not provide funds for mental health and substance abuse treatment and prevention services except for incremental costs required by the particular activity's study design. Applicants are required to propose true knowledge acquisition studies. Applications seeking funding for services projects will be considered nonresponsive. Applications that are incomplete or nonresponsive to the guidance for applicants will be returned to the applicant without further consideration.

3. Criteria for Review and Funding

Consistent with the statutory mandate for SAMHSA to support activities that will improve the provision of treatment, prevention and related services, including the development of national mental health and substance abuse goals and model programs, competing applications requesting funding under the specific project activities in Section 4 will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures.

3.1 General Criteria

As published in the Federal Register on July 2, 1993 (Vol. 58, No. 126), SAMHSA's ''Peer Review and Advisory Council Review of Grant and Cooperative Agreement Applications and Contract Proposals,'' peer review groups will take into account, among

other factors as may be specified in the application guidance materials, the following general criteria:

- Potential significance of the proposed project;
- Appropriateness of the applicant's proposed objectives to the goals of the specific program;
- Adequacy and appropriateness of the proposed approach and activities;
- Adequacy of available resources, such as facilities and equipment;
- Qualifications and experience of the applicant organization, the project director, and other key personnel; and
- Reasonableness of the proposed budget.

3.2 Funding Criteria for Approved Applications

Applications recommended for approval by the peer review group and the appropriate Advisory Council (if applicable) will be considered for funding on the basis of their overall technical merit as determined through the review process.

Other funding criteria will include:

- Availability of funds.

Additional funding criteria specific to the programmatic activity may be included in the application guidance materials.

4. Special FY 1996 Substance Abuse and Mental Health Services Activities

4.1 Cooperative Agreements

Five major activities for SAMHSA cooperative agreement programs are discussed below. Substantive Federal programmatic involvement is required in cooperative agreement programs. Federal involvement will include planning, guidance, coordination, and participating in programmatic activities (e.g., participation in publication of findings) and on steering committees. Periodic meetings, conferences and/or communications with the award recipients may be held to review mutually agreed-upon goals and objectives and to assess progress. Additional details on the degree of Federal programmatic involvement will be included in the application guidance materials.

4.1.1 Cooperative Agreements for Managed Care and Vulnerable Populations

- Application Deadline: June 10, 1996.
- Purpose: Cooperative agreements will be awarded for a program designed to enhance knowledge about how managed care in the public sector affects the provision of substance abuse (alcohol and other drugs—AOD) and mental health (MH) services. Applications are being solicited for Study Sites to conduct research on a single well-defined approach to managed care for provision of AOD and MH services in comparison to a traditional, publicly-funded approach to care and to collaborate with other program participants in developing generalizable findings across sites. Applications are also being sought for a Coordinating Center to provide overall coordination of the program, to manage and analyze the common data collected across Study Sites, and to design and conduct a national survey of managed care organizations.

The following types of questions should be considered by applicants for Study Sites:

What is the impact of managed care on utilization, outcomes and costs for the defined population with mental health or substance use problems? Does the impact vary for important subgroups within the target population?

What is the experience of providers, families, and consumers with managed care; e.g., how satisfied are they with their managed care plan compared with other persons served in traditional, publicly-funded programs?

Are there different patterns of services provided to enrollees and their dependents under managed care than are provided in traditional programs? For example, are there differences in the prevention, rehabilitation, or wraparound services being provided?

Across Study Sites, the following types of questions should be considered:

What are the comparative costs and benefits of different approaches to managed care for AOD and MH services for specific target populations? Across populations?

Are there specific aspects of managed care (type of provider organization; level and type of financial risks; etc.) that produce better outcomes than others?

Funds will be awarded and cooperative agreements administered jointly by CMHS, CSAP and CSAT.

- Priorities: Applicants for Study Sites must propose to study one, and only one, of the specific target populations that follow. Applicants who wish to study more than one population must submit a separate complete application for each population group to be studied.

(1) Women and children who are categorically eligible for Medicaid. Within this broader population, families with children with serious emotional disturbances (SED) are of particular interest and will be oversampled when necessary.

(2) Adults who are seriously chemically dependent.

(3) Adults with serious mental illness (SMI).

- Eligible Applicants: Applications may be submitted by public and by private nonprofit and for-profit entities.
- Cooperative Agreements/Amounts: Approximately 20 individual Study Sites awards at an estimated $450,000 each per year in total costs. One Coordinating Center award at an estimated $1,250,000 per year in total costs. Actual funding levels will depend upon the availability of funds at the time of the award.
- Catalog of Federal Domestic Assistance Number: 93.230
- Program Contact: For programmatic or technical assistance, contact:

For substance abuse treatment issues: Mady Chalk, Ph.D., CSAT, Rockwall II, Room 840, (301) 443–8796.

For substance abuse prevention issues: Ms. Ulonda Shamwell, CSAP, Rockwall II, 9th Floor, (301) 443–9110.

For mental health issues: Roger B. Straw, Ph.D., CMHS, Parklawn, Room 11C–26, (301) 443–3606.

Questions related to the cross-site aspects of the Coordinating Center should be directed to Roger Straw (contact information above); questions related to the survey should be directed to: Nancy Kennedy, Dr. P.H., CSAP, Rockwall II, 9th Floor, (301) 443–9453.

Grants Management Contact: For business management assistance, contact: Ms. Mable Lam, CSAT, Rockwall II, 6th Floor, (301) 443–9360.

The mailing address for all of the individuals listed above is: 5600 Fishers Lane, Rockville, Maryland 20857.

- Application Kits: Application kits are available from: National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, Maryland 20847–2345, (800) 729–6686.

4.1.2 Cooperative Agreements for CMHS/CSAT Collaborative Program To Prevent Homelessness

- Application Deadline: June 10, 1996.
- Purpose: Cooperative agreements will be awarded to support projects that will document homelessness prevention interventions for individuals with serious mental illness and/or substance use disorders who are formerly homeless or at risk for homelessness, and who are engaged with the mental health and/or substance abuse treatment systems. A second goal is to evaluate appropriate homelessness prevention interventions for individuals with serious mental illnesses and/or substance use disorders that address the following four topic areas: housing

instability and eviction from housing; discharge planning from psychiatric and substance abuse treatment facilities; models of family respite services; and resource management and representative payee models.

This program is intended to answer the following question:

What is the relative effectiveness of alternate models for preventing homelessness among adults with serious mental illnesses and/or substance use disorders who are engaged with the treatment system?

Funds will be awarded and cooperative agreements administered jointly by CMHS and CSAT.

- Priorities: None.
- Eligible Applicants: Applications may be submitted by public and by private nonprofit and for-profit entities. Applicants must have an infrastructure in which the prevention program can be provided for the target population and must have provided prevention services for a minimum of two years prior to the date of the application. Applicants must also be licensed, accredited, certified, or chartered to provide substance abuse and mental health treatment services by appropriate certification or credentialing bodies.
- Cooperative Agreements/Amounts: Approximately 16 awards at an estimated $165,000 in total costs each for the first year. Actual funding levels will depend upon the availability of funds at the time of the award.
- Catalog of Federal Domestic Assistance Number: 93.230.
- Program Contact: For programmatic or technical assistance, contact:

Lawrence Rickards, Ph.D. or Walter Leginski, Ph.D., CMHS, Parklawn, Room 11C–05, (301) 443–3706.

Hector Sanchez, M.S.W. or Joyce Johnson, D.O., M.A., CSAT, Rockwall II, 7th Floor, (301) 443–6534.

- Grants Management Contact: For business management assistance, contact: Stephen J. Hudak, CMHS, Parklawn, Room 15C–05, (301) 443–4456.
- Application Kits: Application kits are available from: Homeless Programs Branch, CMHS, Parklawn, Room 11C–05, (301) 443–3706.

The mailing address for all of the individuals/organizations listed above is: 5600 Fishers Lane, Rockville, Maryland 20857.

4.1.3 Cooperative Agreements for Prevention Intervention Studies on Predictor Variables by Developmental Stage

- Application Deadline: June 10, 1996.
- Purpose: Cooperative agreements will be awarded to support research studies to determine the most effective interventions to change the developmental course of early predictor markers for substance abuse in children at several defined developmental stages. The goal of this program is the generation of new empirical knowledge about effective approaches for changing the developmental trajectory of children at risk of substance abuse. This program is designed to elicit applications for research across identified age ranges that tests interventions designed to (1) build social competence; (2) build self-regulation and control; (3) enhance school bonding and cognitive development in children in the 3–5 age range, school bonding and academic achievement in children in the other age ranges; and (4) develop strong parental/care-giver involvement.

The research question intended to be answered is as follows:

At what developmental stage does enhancement of each of the variables being investigated prove most effective in preventing/reducing negative behaviors that are predictive of substance abuse?

Funds will be awarded and cooperative agreements administered by CSAP. Applications are solicited for two types of cooperative agreements: Research Sites and a Research Coordinating Center.

Funds to support the program are limited to 3 years. Applicants should plan data collection over a period of 2 years, with analysis planned for the last 6 months of the program. Depending on the availability of funds in subsequent years, it is hoped that long-term follow-up and the study of continuing interventions will be permitted.

- Priorities: This program is targeted to children in four different developmental stages—3–5 years, 6–8 years, 9–11 years, and 12–14 years. Children living in inner cities and in poor, rural areas within the age ranges defined are the populations of interest.
- Eligible Applicants: Applications may be submitted by public and by private nonprofit and for-profit entities.
- Cooperative Agreements/Amounts: Approximately 8 awards at an estimated $500,000 each in total costs per year for Research Sites and approximately $200,000 in total costs for a Research Coordinating Center for the first year. Funds for the Research Coordinating Center are expected to increase in years two and three. Actual funding levels will depend upon the availability of funds at the time of the award.
- Catalog of Federal Domestic Assistance Number: 93.230.
- Program Contact: For programmatic or technical assistance, contact: Mary A. Jansen, Ph.D., CSAP, Rockwall II, Room 9C–03, (301) 443–9136.
- Grants Management Contact: For business management assistance, contact: Ms. Mary Lou Dent, CSAP, Rockwall II, Room 640, (301) 443–3958.

The mailing address for all of the individuals listed above is: 5600 Fishers Lane, Rockville, Maryland 20857.

- Application Kits: Application kits are available from: National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, Maryland 20847–2345, (800) 729–6686.

4.1.4 Cooperative Agreements for Wrap Around Services for Clients in Non-Residential Substance Abuse Treatment Programs: Evaluating Utility and Cost Effectiveness in the Context of Changes in Health Care Financing

- Application Deadline: June 10, 1996.
- Purpose: Cooperative agreements will be awarded for the purpose of generating new knowledge about the relative impact of wrap around services on the success of the treatment of addictive disorders and the relative cost-effectiveness of these services in light of changes in health care financing, including managed care, as they relate to substance abuse treatment. The goal of this demonstration is to obtain information about the extent to which the provision of a range of wrap around services (matched to client needs) in conjunction with substance abuse treatment, improves outcome, and at what cost. For the purposes of this study, wrap around services include (1) vocational training; (2) educational services; (3) child care; (4) transportation; and (5) advisory legal services.

The following questions are of interest in assessing the impact of wrap around services as part of comprehensive substance abuse treatment:

(1) What impact on treatment outcome is attributable to the provision of various wrap around services matched to client needs?

(2) What are the unit costs for providing wrap around services matched to client needs?

Funds will be awarded and cooperative agreements administered by CSAT. Applications are solicited for Study Coordinating Center(s) with a consortium of 8–10 substance abuse treatment providers (i.e., Study Sites) each to provide overall study coordination.

- Priorities: The proposed target population is adults (18 years old or older); their primary drug of choice

must be cocaine, including crack-cocaine, or heroin, although the majority of clients are likely to be poly-drug users. To the extent that sampling constraints allow, the proposed sample should be representative of gender and racial/ethnic groups in the United States.

• Eligible Applicants: Applications may be submitted by public and by private nonprofit and for-profit entities.

• Cooperative Agreements/Amounts: Approximately 1–2 awards at an estimated $1.2 million in total costs each for Study Coordinating Centers. Actual funding levels will depend upon the availability of funds at the time of the award. Funds cannot be used to pay for substance abuse treatment or wrap around services.

• Catalog of Federal Domestic Assistance Number: 93.230.

• Program Contact: For programmatic or technical assistance, contact: Mr. Randy Muck, CSAT, Rockwall II, Suite 618, (301) 443–6574.

• Grants Management Contact: For business management assistance, contact: Ms. Mable Lam, CSAT, Rockwall II, Suite 618, (301) 443–9665.

The mailing address for the individuals listed above is: 5600 Fishers Lane, Rockville, Maryland 20857.

• Application Kits: Application kits are available from: National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, Maryland 20847–2345, (800) 729–6686.

4.1.5 Cooperative Agreements for a Multisite Study of the Effectiveness of Brief Treatment for Cannabis (Marijuana) Dependency

• Application Deadline: June 10, 1996.

• Purpose: Cooperative agreements will be awarded to evaluate the effectiveness of brief interventions in the treatment of marijuana (cannabis) dependency. The purpose of the program is to test the efficacy of relatively brief treatments for adults from differing socio-economic and racial and ethnic backgrounds who meet criteria for marijuana dependence as currently defined by DSM-IV and are seeking treatment for this dependence.

The program is intended to provide answers to following questions:

(1) Are brief interventions more effective for selected populations than a single assessment interview and deferred treatment (waiting list control) in reducing marijuana use?

(2) How, for these populations, does a brief (3 sessions) intervention compare in outcome to a still brief but somewhat extended (up to 12 treatment sessions) intervention and to the controls mentioned in number 1?

(3) Are the effects of either of these interventions reflected in better social functioning among patients at follow up? In cognitive functioning (if funds are available)?

Funds will be awarded and cooperative agreements administered by CSAT. Applications are solicited for treatment sites and a coordinating center.

• Priorities: The target population for this program is adults (18 years old and older) dependent on cannabis as currently defined by DSM-IV. Because much of the published work on brief interventions for marijuana dependence was carried out on a largely Caucasian, largely employed patient population, CSAT is interested both in testing the replicability of these findings and in determining to what degree these techniques are applicable to populations with higher proportions of ethnic and racial minorities and/or a higher level of unemployment or under-employment.

• Eligible Applicants: Applications may be submitted by public and by private nonprofit and for-profit entities.

• Cooperative Agreements/Amounts: Approximately $1.2 million will be available to support up to four treatment sites at approximately $225,000 each and a coordinating center at approximately $300,000. Actual funding levels will depend upon the availability of funds at the time of the award.

• Catalog of Federal Domestic Assistance Number: 93.230.

• Program Contact: For programmatic or technical assistance, contact: Mr. George Kanuck, CSAT, Rockwall II, Room 8A–131, (301) 443–6549.

• Grants Management Contact: For business management assistance, contact: Ms. Mable Lam, CSAT, Rockwall II, 6th Floor, (301) 443–9665.

The mailing address for all of the individuals listed above is: 5600 Fishers Lane, Rockville, Maryland 20857.

• Application Kits: Application kits are available from: National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, Maryland 20847–2345, (800) 729–6686.

5. Public Health System Reporting Requirements

The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements.

Application guidance materials will specify if a particular FY 1996 activity described above is not subject to the Public Health System Reporting Requirements.

6. PHS Non-Use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Specific application guidance materials may include more detailed guidance as to how a Center will implement SAMHSA's policy on promoting the non-use of tobacco.

7. Executive Order 12372

Applications submitted in response to all FY 1996 activities listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's

review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Office of Extramural Activities Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: April 4, 1996.

Richard Kopanda,

Acting Executive Officer, SAMHSA.

[FR Doc. 96–8827 Filed 4–8–96; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3961–N–02]

Office of the Assistant Secretary for Community Planning and Development; Fiscal Year 1995 Notice of Funding Availability for the Early Childhood Development Program; Correction

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding availability (NOFA) for fiscal year 1995; correction.

SUMMARY: On March 28, 1996 (61 FR 13950), HUD published a NOFA that announced the availability of $21 million to assist nonprofit organizations in providing early childhood development services for lower-income families who reside in public housing, and for homeless families or those at risk of becoming homeless. The purpose of this notice is to provide a Standard Form-424 (Application for Federal Assistance) that was inadvertently omitted from the March 28, 1996 NOFA.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Bulter, Office of Economic Development, Office of Community Planning and Development, Department of Housing and Urban Development, Room 7134, 451 Seventh Street, SW, Washington, DC 20410, fax (202) 708–7543. A telecommunications device for hearing- or speech-impaired persons (TTY) is available at 1–800–877–8339 (Federal Information Relay Service TTY). (Except for the ''800'' number, these are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: A Notice of Funding Availability (NOFA) announcing HUD's Fiscal Year (FY) of $21 million under the Early Childhood Development Program was published on March 28, 1996 (61 FR 13950). The Early Childhood Development Program is designed to determine the extent to which the availability of early childhood development Services in or near lower-income housing projects facilitates the employability of the parents or guardians of children who are residing in public housing. The program provides early childhood development services in or near low-income housing projects to families who are homeless or at risk of becoming homeless. These funds may be used for the operating expenses and/or for minor renovations of child care facilities located in or near public housing developments.

Attached to the March 28, 1996 NOFA was the application kit for FY 1995 assistance under the Early Childhood Development Program. A copy of the Standard Form-424 (Application for Federal Assistance) should have been included in the application kit. HUD, however, inadvertently failed to include this form in the March 28, 1996 NOFA. This notice provides a Standard Form-424 for use by applicants for FY 1995 assistance under the Early Childhood Development Program.

BILLING CODE 4210–29–M

3

Application for Federal Assistance

OMB Approval No. 0348-0043

	2. Date Submitted	Applicant Identifier
1. **Type of Submission:**	3. Date Received by State	State Application Identifier
	4. Date Received by Federal Agency	Federal Identifier

Application
- ☐ Construction
- ☐ Non-Construction

Preapplication
- ☐ Construction
- ☐ Non-Construction

5. Applicant Information

Legal Name	Organizational Unit
Address (give city, county, State, and zip code):	Name, telephone number, and facsimile number of the person to be contacted on matters involving this application (give area codes)

6. Employer Identification Number (EIN):

☐☐ — ☐☐☐☐☐☐☐

7. Type of Applicant: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify):

8. Type of Application:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

9. Name of Federal Agency:

10. Catalog of Federal Domestic Assistance Number:

1 4 — 8 6 0

Title:

11. Descriptive Title of Applicant's Project:

12. Areas Affected by Project (cities, counties, States, etc.):

13. Proposed Project:		**14. Congressional Districts of:**	
Start Date	Ending Date	a. Applicant	b. Project

15. Estimated Funding:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. Total	$	.00

16. Is Application Subject to Review by State Executive Order 12372 Process?

a. **Yes** This preapplication/application was made available to the State Executive Order 12372 Process for review on:

Date:_____

b. **No** ☐ Program is not covered by E.O. 12372

or ☐ Program has not been selected by State for review.

17. Is the Applicant Delinquent on Any Federal Debt?

☐ Yes If "Yes," explain below or attach an explanation ☐ No

18. To the best of my knowledge and belief, all data in this application/preapplication are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

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form SF-424 (4/92)
Prescribed by OMB Circular A-102

Instructions for the SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, D.C. 20503. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item Entry

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

Dated: April 3, 1996.

Andrew M. Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 96–8749 Filed 4–8–96; 8:45 am]

BILLING CODE 4210–29–C

[Docket No. FR–4019–D–01]

Office of the Assistant Secretary for Housing-Federal Housing Commissioner's Revocation and Redelegation of Authority to Deputy Assistant Secretary for Operations

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of revocation, and redelegation of authority to the Deputy Assistant Secretary for Operations.

SUMMARY: To assist in the efficient management of the Office of Housing, the Assistant Secretary for Housing-Federal Housing Commissioner is herein transferring, from the Deputy Assistant Secretary for Multifamily Housing Programs to the Deputy Assistant Secretary for Operations, authority regarding asset sales of Secretary-held multifamily mortgages.

EFFECTIVE DATE: March 25, 1996.

FOR FURTHER INFORMATION CONTACT: Robert G. Hunt, Director, Management Services Division, Office of Housing, Room 9116, Department of Housing and Urban Development, Washington, DC 20410, (202) 708–0826. A telecommunications device for the hearing impaired (TDD) is available at 202–708–4594. [These are not toll-free numbers.].

SUPPLEMENTARY INFORMATION: In this document, the Assistant Secretary for Housing-Federal Housing Commissioner is transferring responsibilities related to the asset sales of Secretary-held multifamily mortgages. These responsibilities, previously handled by the Deputy Assistant Secretary for Multifamily Housing Programs, will now be handled by the Deputy Assistant Secretary for Operations. The Assistant Secretary for Housing-Federal Housing Commissioner has determined that, from an organizational standpoint, these functions more appropriately belong within the operations section of the Office of Housing.

Accordingly, the Assistant Secretary for Housing-Federal Housing Commissioner redelegates authority as follows:

Section A. Authority Redelegated

The Deputy Assistant Secretary for Operations is redelegated:

1. The authority to recommend the terms and conditions under which the Department offers for sale Secretary-held multifamily mortgages and the accompanying assigned mortgage notes, including all related assets, if any; upon approval of the recommendations, the authority to offer for sale such mortgages and assigned mortgage notes, including all related assets, if any; and the authority to execute agreements in the name of the Secretary pursuant to which the Secretary-held multifamily mortgages and the accompanying assigned mortgage notes, including all related assets, if any, may be sold.

2. The authority to take or cause to be taken, and direct any action necessary to initiate or respond to correspondence on behalf of the Department concerning the sale of Secretary-held multifamily mortgages and the accompanying assigned mortgage notes, including all related assets, if any;

3. The authority to take or cause to be taken, and direct any action necessary to consummate the sale of Secretary-held multifamily mortgages and the accompanying assigned mortgage notes, including all related assets, if any. Without limiting the generality of the

foregoing, this authority shall include the execution, acknowledgement, seal and delivery, on behalf of the Secretary of (i) assignments of the mortgages and/or deeds of trust; (ii) perfection and assignments of UCC financing statements; (iii) document delivery notices; (iv) assignments of collateral mortgage loan documents; (v) mortgage note endorsements, deeds of trust note endorsements and mortgage notes; (vi) release of regulatory agreements; (vii) letters to mortgagors/borrowers, insurance companies and taxing authorities advising them of the sale and/or transfer of the mortgage loans, as well as letters as may be necessary to residents of projects secured by the Secretary-held multifamily mortgage loans; and (viii) such other documents as are necessary to effect the sale and/or transfer of the Secretary-held multifamily mortgages and the accompanying assigned mortgage notes, including any related assets, if any.

4. The authority to take or cause to be taken, and direct any action necessary to compromise and resolve breach notices concerning the sale of Secretary-held multifamily mortgages and the accompanying assigned mortgage notes, including all related assets, if any. Without limiting the generality of the foregoing, this authority shall include the execution, acknowledgement, seal and delivery, on behalf of the Secretary, of all documents responding to, accepting, rejecting or compromising breach notices as well as the taking of such other action as may be necessary on behalf of the Secretary to respond to, accept, reject or compromise breach notices.

5. The authority to coordinate and be deciding official for all of the Office of Housing's responsibilities for litigation concerning the sale of Secretary-held multifamily mortgages and the accompanying assigned mortgage notes, including all related assets, if any.

6. The authority to take all other actions as may be necessary to effect the sale and/or transfer of the Secretary-held multifamily mortgages and the accompanying assigned mortgage notes, including any related assets, if any.

Section B. Authority To Further Redelegate

The Deputy Assistant Secretary for Operations may further redelegate the authority granted within Section A, above.

Section C. Authority Revoked

With regard to the redelegation at 49 FR 1943, published on January 16, 1984, the Assistant Secretary for Housing—Federal Housing Commissioner revokes those portions of the redelegation in which the Deputy Assistant Secretary for Multifamily Housing Programs and the Associate Deputy Assistant Secretary for Multifamily Housing Programs are redelegated ''the authority to execute in the name of the Secretary of HUD, all documents necessary to effectuate the sale of assigned and purchase money multifamily mortgages and deeds of trust including, but not limited to, the endorsement of documents for mortgage insurance.'' This revocation in no way affects the authorities redelegated to the Deputy Assistant Secretary for Multifamily Housing Programs in the redelegation dated September 12, 1980, at 45 FR 60820, or any other redelegations to the Deputy Assistant Secretary for Multifamily Housing Programs currently in effect.

Authority: Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 25, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 96–8750 Filed 4–8–96; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permits Issued

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Permits Issued for the Months of October 1995 through March 1996.

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received in accordance with section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1539, *et seq.*). Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species, and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973, as amended.

Name issued	Permit No.	Date
Dr. Daniel Soluk	PRT 805269	10/23/95
Platteville Public Schools	PRT 806718	([1])
Charles R. Bomar	PRT 808510	3/22/96
U.S. Department of Energy	PRT 809224	1/30/96
Dr. Marian Smith	PRT 809225	1/30/96
3D/Environmental (Virgil Brack)	PRT 809227	2/27/96
Dr. Allen Kurta	PRT 809630	2/27/96
U.S. Department of the Army/COE	PRT 809890	3/4/96
Dr. David Edds	PRT 809949	2/27/96
Dr. Patrick Redig	PRT 810396	3/18/96

[1] Abandoned.

Additional information on these permit actions may be requested by contacting the U.S. Fish and Wildlife Service, Division of Endangered Species, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, telephone 612/725–3536 x250, during normal business hours (7:30 a.m.–4:00 p.m.) weekdays.

Dated: April 3, 1996.

John A. Blankenship,

Assistant Regional Director, Ecological Services, Region 3, Fish and Wildlife Service, Fort Snelling, Minnesota.

[FR Doc. 96–8778 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–55–M

Revised Procedures for Selecting and Funding Federal Aid in Sport Fish and Wildlife Restoration Administrative Projects

AGENCY: Interior, Fish and Wildlife Service.

ACTION: Notice.

SUMMARY: The Service is announcing procedures for obtaining funding for Federal Aid administrative projects and availability of an estimated $1,600,000 for Wildlife Restoration projects and $750,000 for Sport Fish projects. This year's program eliminates several eligibility requirements, updates focus areas, and clarifies documentation needs from the previous year.

DATES: Applications/proposals must be received by June 1, 1996.

ADDRESSES: Proposals must be submitted to: U.S. Fish and Wildlife Service, Chief, Division of Federal Aid, MS 140 ARLSQ, 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Lange, Jr., Chief, Division of Federal Aid, U.S. Fish and Wildlife Service; (703) 358–2156.

SUPPLEMENTARY INFORMATION: The Service publishes a notice in the Federal Register each year announcing the deadline for project proposals, the amount of money available for Sport Fish and Wildlife Restoration projects, and the focus areas identified for the year. Focus areas are used to promote and encourage efforts that address priority needs of the State fish and wildlife agencies.

The focus areas contained in this notice were developed in cooperation with the Grants-in-Aid Committee of the International Association of Fish and Wildlife Agencies and represent that group's assessment of priority projects. The focus areas are provided as a guide so that applicants will know the types of projects that will likely score higher in the rankings.

Several changes have been made since the last year's program. Previously, both eligibility requirements and selection criteria were specified. These have been combined this year to clarify requirements. Also any limitation on the amount of funding that may be requested is eliminated and extending a project longer than three years is possible. Some documentation changes were made to be consistent with standard documentation contained in 43 CFR Part 12. Advance notice is also given that proposals will be required by May 1 in future selection processes following this year.

States, local governments, charitable and educational institutions, and other authorized recipients are authorized to apply for grants according to these procedures. The Department of the Interior has promulgated rules (43 CFR Part 12) adopting common rules developed by the Office of Management and Budget as required by OMB Circulars A–102 and A–110 that contain administrative requirements that apply to these grants. This annual grant program does not contain information collection requirements for which approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995, as specified in 43 CFR Part 12.4 are required. The information collection requirements for this grant program are those necessary to comply with 43 CFR Part 12, which include (a) project narrative; and (b) compliance with Federal laws, regulations, and policies.

Record keeping includes the tracking of costs and accomplishments, monitoring progress and evaluating accomplishments, and reporting requirements. The Standard Form 424 series prescribed by OMB Circulars A–102 and A–110 have the OMB clearance number 0348–0043.

Dated: March 29, 1996.

John G. Rogers,

Deputy Director.

Procedures for Selecting and Funding Federal Aid in Sport Fish and Wildlife Restoration Administrative Projects

A. Purpose

This statement establishes procedures for selecting administrative projects to be funded by the Federal Aid in Sport Fish Restoration and Federal Aid in Wildlife Restoration programs. These projects are funded by grants to States, local governments, charitable and educational institutions, or other authorized recipients to accomplish public purposes relating to administering the Sport Fish and Wildlife Restoration Programs and to facilitate the efforts of the States in implementing these programs.

B. Background

The mission of the two grant programs is to strengthen the ability of State and Territorial fish and wildlife agencies to meet effectively the consumptive and nonconsumptive needs of the public for fish and wildlife resources. The Federal Aid in Sport Fish Restoration Act and the Federal Aid in Wildlife Restoration Act authorize the Secretary of the Interior to cooperate with the States and to use administrative funds for carrying out the purposes of the Acts. The Fish and Wildlife Coordination Act (16 U.S.C. 661) provides the authority to provide financial assistance to Federal, State, and public or private parties to facilitate fish and wildlife programs.

Administrative funds are deducted each year from the total amounts of funds available under the Federal Aid in Sport Fish Restoration Act and the Federal Aid in Wildlife Restoration Act. The statutory provisions related to administrative deductions are as follows:

Federal Aid in Sport Fish Restoration (SFR)—Federal Aid Administrative Funds for sport fish restoration may not exceed 6 percent of the deposits in the SFR Account of the Aquatic Resources Trust Fund. These funds may be used for administrative projects for the ''conduct of necessary investigations, administration, and the execution of this Act and for the aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or fresh waters.'' (Section 4 of the Act as amended by Pub. L. 98–369, 16 U.S.C. 777c)

Federal Aid in Wildlife Restoration (WR)—Federal Aid Administrative Funds for wildlife restoration may not exceed 8 percent of the excise tax receipts deposited in the WR Fund. These funds may be used for the ''administration and execution of this Act and the Migratory Bird Conservation Act.'' (Section 4 of the Act, 16 U.S.C. 669c)

After making administrative deductions as specified above, the remainder of the funds will be apportioned to the States in accordance with the formulas contained in the Acts. The Service will strive to minimize administrative deductions in order to maximize apportionments to the States.

C. Availability of Funds

In fiscal year 1997, the amounts of funds estimated to be available for administrative projects are $750,000 for sport fish restoration and $1,600,000 for wildlife restoration.

D. Interstate Compacts

The Service also will make available a total of $600,000 annually, without competition, for funding The Atlantic States Marine Fisheries Commission, Gulf States Marine Fisheries Commission, and Pacific States Marine Fisheries Commission, as authorized by law. Requests for additional amounts that may be eligible, must compete with other proposals for Administrative Funds. Proposals will be subject to all of the requirements in Section E.

E. Eligibility Requirements

The Service's Division of Federal Aid will review each proposal to determine if proposals are eligible for funding. To be eligible for funding, proposals must meet the following:

1. Authority—The project being proposed must be consistent with the missions of the programs authorized by the SFR/WR laws and regulations.

2. Scope—The problem or need addressed in the proposal is of direct concern to one-half or more of the States or of national significance, but confined to a lesser geographic area. The scope of marine resources proposals must also address a need that is of direct concern to a majority of States on a specific coast.

3. Significance—The problem or need addressed it deserving of the level of attention proposed.

4. Feasibility—The proposed objectives can be attained in the amount of time and with the personnel and resources requested.

5. Cost-effectiveness—The expected results of accomplishing the proposal are worth the costs to be expended.

6. Period—The maximum duration for any approved projects will be three years. New proposals may be submitted to extend a project beyond the original three-year period.

7. Documentation—Proposals must address each section of the documentation as listed under Submission Requirements. Section G.

F. Application Process

1. All proposals including funding requests for administrative projects must be submitted to the Chief, Division of Federal Aid, U.S. Fish and Wildlife Service. 4401 North Fairfax Drive. ARLSQ. 140, Arlington, Virginia 22203. Proposals originating within the Service must have prior approval by the appropriate Regional Director or Assistant Director.

2. Each year, a Notice will be published in the Federal Register announcing the deadline for submitting proposals. The Notice will also announce total funds available for wildlife and sport fish restoration projects. A table with the approximate dates for each step of the process is provided in Appendix A.

G. Submission Requirements

An original and two copies of each proposal for Federal Aid Administrative funds must be submitted in the following format:

1. *Application of Federal Assistance* Standard Form 424 is prescribed by Office of Management and Budget Circular A–110 and the common rule (Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments). The SF 424 consists of a cover sheet and the SF 424b consists of compliance assurances. Proposals received without these forms will be accepted, but the forms must be received before the proposal is considered for award.

2. *Title—A short descriptive name of the proposal.*

3. *Objective—What will this proposal do? State a concise statement of the purpose of the proposal in quantified terms where possible.*

4. *Need—Why address this problem?*

a. State the problem or need that this proposal is intended to address. Make references to any focus areas that the proposal address.

b. Describe the number of states affected by the project, how they will benefit, and expressed support for the proposal. If the proposal is confined to a specific geographic area, describe the national significance of the proposal.

c. Brief status report on the history of previous work conducted by the proposer or others to address this need.

5. *Expected Results or Benefits*—What will be gained by funding this proposal? Describe the significance of accomplishing the project relative to the stated need. Relate benefits of satisfactorily completing the project to the States' fish and wildlife programs. In addition to stating how the results will be useful, describe provisions for making the product or results available and usable to those affected by the problem or need. Benefits should be expressed in quantified terms, i.e., angler days, harvest per unit effort, improvements to State administration, dollars saved, etc.

6. *Approach*—How will the proposed project be conducted? Describe how the work will be conducted including a description of techniques and methods to be used, milestones, and a schedule of accomplishments.

7. *Resumes*—What are the qualifications of key personnel? Include resumes and names of key individuals

who will be involved in the project, stating their particular qualifications for undertaking the project.

8. *Project Costs*—Submit cost estimates showing total project costs and the Federal and non-Federal shares. Multi-year proposals must include an itemized budget showing funds required for each severable part of the proposal. A severable part is defined as that portion of a proposal that results in a completed product or service. The following are to be included as part of the itemized budget:

a. Personnel.

(1) Include salaries of employees (by position title), amount of the salaries to be charged to the project and identify the percent of each person's time to be spent on the project.

(2) Identify fringe benefits (amount only)—This entry should be the proportionate cost of fringe benefits paid for time spent on the project. For example, if an employee spends 20 percent of his/her time on the project, 20 percent of his/her fringe benefits are charged to the project.

b. Consultants—Identify specific tasks and work to be performed by consultants, including the basis for the fee paid, e.g., hourly rate.

c. Contracts—Identify all work to be performed by contract. If a commitment is made with a particular vendor, prior to applying for funding, explain how the vendor was selected, type of contract, deliverables expected, time frame, cost, and basis for the cost.

d. Travel and Per Diem—Identify number of trips to be taken, purpose, and number of people to travel. Itemize estimated costs and include transportation, per diem, and miscellaneous expenses. Travel expenses shall be in accordance with rates specified by Federal travel regulations. Registration fees may also be included.

e. Equipment—Identify equipment or items to be purchased or rented.

f. Supplies—Identify supplies to be purchased specifically for use by the project. Items used in common by several projects may be included in indirect costs.

g. Indirect Costs—Identify those indirect costs that are based on approved indirect costs rates with the Federal Government. Estimates may be included pending approval of a negotiated Federal indirect cost rate.

h. Other Costs—Identify any other costs not identified above that are attributable to the project.

Appendix B contains a sample proposal along with explanations.

H. Focus Areas

Focus areas are those specific areas in which the States are seeking information and assistance in administering or implementing the Sport Fish and Wildlife Restoration programs. Focus areas will be announced each year by the Service, based on recommendations from the Grants-In-Aid Committee (GIAC) in accordance with the bylaws of the International Association of Fish and Wildlife Agencies (IAFW). Each year, the GIAC will be asked to submit recommendations for focus areas after its September meeting. Each year a Federal Register Notice will announce the Focus Areas, along with the amount of funds available for administrative projects.

The following focus areas were identified as priority needs of the States and those proposals addressing these needs will likely be given priority by the States during the ranking in 1996.

1. *Management*—Handling, directing, manipulating, and managing fish and wildlife populations. These focus areas directly link to resource, hands-on responsibilities of fish and wildlife management agencies.

a. Restore, create, enhance, and protect fish and wildlife.

b. Advance, understanding of population dynamics of fish and wildlife populations.

c. Advance or facilitate ecosystem based habitat restoration.

d. Provide for advancement of collection and management of resource data on a regional or national basis.

e. Facilitate river basin/watershed habitat enhancement or restoration.

f. Advance understanding of the impact of harvest on fish and wildlife populations.

g. Coordination on regional, State/Federal management programs, policies, and procedures.

h. Develop alternatives for registering drugs used for fish production.

i. Review or asses impacts of the 1990 Farm Bill on fish and wildlife.

j. Provision of public access.

2. *Education*—Teaching or training people about fish and wildlife resources and the wise use of the resources.

a. Promoting natural resources and environmental education of ''K through 12'' students.

b. Advancing public understanding of the importance of biological diversity in maintaining diverse hunting and fishing opportunities.

c. Better understanding of constituents and their needs.

d. Educating the public on the need for and appropriateness of regulations in natural resource management.

e. New approaches for teaching hunting and fishing ethics.

f. Continuing education and training for State fish and wildlife biologists.

g. Identification and enhancement of innovative training devices, such as interactive video, for use in hunter and aquatic education.

3. *Outreach*—Public information on fishing, hunting, trapping, and wildlife-associated recreation.

a. Innovative approaches to introducing people to hunting and fishing including emphasis on families.

b. Focusing public attention on the value of SFR/WR funds.

c. Involvement in fish and wildlife conservation on private lands.

d. Promotional materials and opportunities advancing public involvement in fish and wildlife resources.

e. Fact sheets and other information to license holders on fish and wildlife status and activities.

4. *Research*—Investigations, inquiries, searches, examinations, and experiments for the discovery and interpretation of facts.

a. Effectiveness of habitat restoration, creation, and enhancement techniques.

b. Testing and evaluating alternative methodologies for management and collection of resource data.

c. Accumulation and synthesis of existing databases.

d. Effects of man-induced activities on the environment.

5. *Administration*—Service, supervisory, and management responsibilities supporting fish and wildlife agency affairs.

a. Measuring the changing social, economic, and political realms within which fish and wildlife must be managed.

b. Evaluations and recommendations relating to future funding needs and sources for wildlife agencies.

c. Identification and documentation of human dimension aspects of fish and wildlife management.

d. Advancement of automated licensing and fiscal data collections for fish and wildlife agencies.

I. Proposal Review and Selection Process

1. Each proposal will be reviewed for eligibility as defined in section E. The review will be conducted by the Washington Office. The final determination for eligibility will be made at a meeting that includes staff from Washington, with the Chair of the GIAC as an observer.

2. All applicants will be notified that their proposal has been determined eligible or ineligible.

3. Copies of eligible proposals will be forwarded to the Chair, GIAC, along with lists of ongoing grants and ineligible proposals. The Chair, GIAC, will forward copies to the voting members of the GIAC.

4. Voting members of the GIAC will review and rate each eligible proposal high, medium or low.

5. All ratings from GIAC voting members and comments from Service Offices will be returned to the Division of Federal Aid in Washington.

6. The Division of Federal Aid will summarize the ratings and comments.

7. A summary of the comments and ratings will be provided to the Chair, GIAC, for review at the GIAC September meeting.

8. During the September meeting of the IAFWA, the GIAC will evaluate and rank eligible proposals based on the needs of the States. The GIAC will forward its rankings and recommendations to the Service in accordance with IAFWA procedures.

9. The Division of Federal Aid will summarize and consolidate all rankings and comments and develop recommendations for proposal selections and awards. The recommendations may be for partial funding of any proposal.

10. The Federal Aid Division's recommendations will be forwarded to the Director of the Service. The Director will review the recommendations and make the final decision on project selections and funding.

11. The Service will notify each eligible applicant in writing of the final disposition of their proposal.

12. The Director will notify the Regional Directors and the Chair, GIAC, of the proposals selected for funding.

K. Lobbying Restrictions

During the review of proposals, grant applicants may not engage in any activities that might be considered as attempts to influence reviewers or approving officials. If the activities are determined to be lobbying, the proposal will be disqualified for Federal Aid Administrative Funds.

J. Awards and Funding

1. The Service's Division of Contracting and General Services will prepare and sign the formal award agreements. The Federal Aid Office may provide technical assistance to the Division of Contracting and General Services in finalizing the award agreements. The formal award agreements will be forwarded to the awardees for signature and must be signed by the Service and authorized awardee officials before they become valid agreements. This process may require up to 60 days to complete. The Service is not responsible for costs incurred prior to the effective date of a signed agreement; therefore, the starting date for all projects should be planned accordingly.

2. All funding must comply with the *bona fide* need rule established by 31 USC 1502a requiring that the entire amount of a project must be obligated in the fiscal year the grant is approved unless the project is severable. A project is severable only if it can be separated into components that independently meet a separate need.

3. Non-profit grantees must maintain a financial management system in accordance with the Office of Management and Budget Circular A–110. State and local governments must maintain a financial management system in accordance with OMB Circular A–102 and 43 CFR Part 12.

K. Project Administration

Proposals awarded funding will be assigned to a Project Officer. Project Officers are those persons representing the Contracting Officer on technical matters relating to the responsibilities of the grantee. They provide assistance that includes:

1. Assisting Service contracting officials in completing the award agreement;

2. Serving as the Service's point of contact after the award agreement is signed;

3. Receiving and approving bills; and

4. Monitoring project performance and assuring that the awardee adheres to the award agreement.

SUMMARY OF EVENTS—APPENDIX A

Target date	Event
April 1	Federal Register Notice announcing availability of Federal Aid Funds and focus areas for grant applications.
June 1	Washington Office receives proposals.
June 30	Washington Office with assistance from the Regions determines eligibility (Chair of the Grants-in-Aid Committee (GIAC) participates as an observer.
July 15	Service forwards copies of eligible proposals to voting members of the GIAC (includes summary list of ongoing grants and list of ineligible proposals).
July 15	Service sends letters to all applicants informing them that their proposal is eligible or ineligible.
August 15	Voting members of the GIAC forward comments and rating to Chief, FA (Ratings of High, Medium or Low).
September 1	Chief, FA, summarizes comments and ratings and forwards to Chair, GIAC, for review at the September meeting.
September 15	GIAC reviews and ranks proposals and forwards rankings and recommendations to Service, along with recommendations for Focus Areas for the following year.
October 31	Federal Aid summarizes all rankings and recommendations for consideration by the Director.
November 15	Director selects proposals for funding.
November 30	Federal Aid notifies applicants and Chair, GIAC, of the final disposition of proposals.
March 1	Contracting and General Services awards grants.

Sample Proposal for Federal Aid Administrative Funds—Submitted by Gwyilt Institute

I. *Title*: Economic Profiles. Data Analysis, and Survey Design for Sport Fishing.

II. *Objective*: The Gywllt Institute (Institute) proposes to produce State-specific reports on the retail sales, jobs, wages and salaries, years of employment, output, and tax receipts generated by sport fishing in each State.

III. *Need*: In the Fall of 1987 the U.S. Fish and Wildlife Service (Service) released the data tapes of the 1985 National Survey of Fishing, Hunting and Wildlife-Associated Recreation. There is no other comprehensive source of national information on the economic impact of sport fishing on State economies. In their current form the data tapes are not easy for the States to use.

All States can use this information to evaluate the benefits of sport fishing to their economies, to support programs that enhance sport fishing opportunities, and assess the effectiveness of their programs. The

Grant-in-Aid Committee has identified a focus area entitled ''projects that provide for standardized economic analysis of fish and/or wildlife resource benefits at the national and State levels'' that this proposal will address.

This data has not been analyzed previously and presented in a user-friendly manner. However the Institute has demonstrated the ability to accomplish the analysis as evidenced by a similar analysis of boating recreation.

IV. *Expected Results of Benefits*: In 1985, 46.4 million anglers spent 976.6 million days and $28.1 billion pursing their sport. It is anticipated that providing economic profiles for each State will allow State Commissioners of fish and game agencies to argue effectively for the necessary dollars to manage the fishery resources from their respective State legislature. We conservatively estimate that an additional 5 percent of shared resources will be reallocated to recreational anglers.

V. *Approach*: The Institute will provide each State with a specially designed software package for State-specific economic impact analysis. The differences between the results of the National Survey and State data collection efforts pertaining to the economic impact of sport fishing will be analyzed by the Institute. The results of this analysis will be used to make recommendations for the design of future surveys, as well as a standardized format for economic questions on State surveys.

A. Description of Work/Objectives

1. The Grantee shall provide to each of the 50 States. Lotus 1–2–3 (or facsimile) spreadsheets that contain trade margins, location quotients, economic multipliers, and tax rates specific to each of the States. The Grantee shall provide a manual to accompany the spreadsheets that will contain detailed instructions on how to use and modify the spreadsheets to derive the economic impacts of sport fishing, hunting, and wildlife-associated recreation.

2. The Grantee shall download all data from the National Survey from the data tapes to State-specific diskettes. The fishing, hunting and wildlife-associated data shall be on separate diskettes. The diskettes must be accompanied by a software package that allows users to download the data from the diskettes to a Lotus 1–2–3 (or facsimile) spreadsheet.

3. The Grantee shall inform State Directors that workshops will be held by the Institute in each of the Regions of the Service to train State agency and Service personnel on how to use the spreadsheets to analyze the economic impact of fishing or other natural resource uses, using State data or Service data. These sessions will be held in conjunction with the Regional Federal Aid meetings or the Regional meetings of the International Association of Fish and Wildlife Agencies. These sessions will be at no cost to the Government.

4. The Grantee shall assist States by compiling and analyzing State-specific studies and work with States toward assembling data into a format useful for economic impact analysis.

5. The Grantee shall develop recommendations for modifications, if needed, to the design of the 1990 Survey and work with the Responsive Management Project on their economic modules.

6. The following milestones are applicable to paragraphs 1 through 5 above.

a. On a monthly basis, the Grantee shall submit written progress reports to the Service Project Officer. Each report shall contain a summary of the Grantee's efforts and activities for the reporting period, including problems encountered and efforts undertaken for their resolution.

b. Within four months after the effective date of this Agreement, the Grantee shall distribute to each of the 50 States the following items:

(1) Data diskettes

(2) Software to access data diskettes

(3) Manual for diskettes and software

c. Within six months after the effective date of this Agreement, the Grantee shall distribute to each of the 50 States the following items:

(1) Economic Impact Spreadsheets

(2) Manual for Economic Impact Spreadsheets, and

(3) Existing State data and studies.

d. During months five through 12, the Grantee shall participate in the planned training sessions. (See section A.3 Description of Work/Objectives.)

e. Within eight months after the effective date of this Agreement, the Grantee shall prepare the State data in the Impact format.

f. Within 10 months after the effective date of this Agreement, the Grantee shall distribute copies of the Economic Impact Manual and comments. One copy shall be submitted to the Service Project Officer.

g. Within 11 months after the effective date of this Agreement, the Grantee shall submit to the Service Project Office an original and one copy of recommendations for the 1990 Survey.

V. *Resumes:* See attached resumes for Mr. Jones, Project Manager; Mr. Smith, Resource Economist; and Ms. Able, consultant.

VI. *Project Cost:*

A. Personnel:		
Project Manager/Senior Economist (2 months)	=$8,000	
Resource Economist (12 months)	=$35,000	
Secretary (six months)	=$10,000	
Subtotal	$53,000	
Fringe benefits @ 20% Total	$63,000	$63,000
B. Consultant:		
Computer Programmer (one month)	$5,000	$5,000
C. Travel and Per Diem (To consult with Federal Aid—Seattle, WA, to Washington, D.C.:		
Size of staff—One		
Duration (days)—Three		
Air Fare	=$385	
Per Diem	=$240	
Rental Car	=$75	
Total	$700	$700
D. Equipment:		
Diskette Storage Cabinet	=$1,300	
Mainframe Computer Time (100 hrs. @ $50)	=$5,000	
Total	$6,300	$6,300
E. Supplies:		

Diskettes (3,500 @ $1.00)	=$3,500	
Printing (50 Manuals @ $20)	=$1,000	
Subtotal	$4,500	$4,500
		$79,500
F. Indirect Costs @ 12% (rate as established by previous Federal audit)	=$9,540	$9,540
Grand Total	$89,040	$89,040

Note: Cost of training sessions is being funded by other than Federal Government sources.

[FR Doc. 96–8589 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Indian Affairs

[K00360–95/35420]

Final Determination for Federal Acknowledgment of the Samish Tribal Organization as an Indian Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final determination.

SUMMARY: This determination is made pursuant to the acknowledgment regulations, 25 CFR Part 83, that became effective October 2, 1978. All citations are to those regulations unless otherwise stated.

Pursuant to 25 CFR § 83.9(h), notice is hereby given that the Assistant Secretary—Indian Affairs has determined that the Samish Tribal Organization (STO) exists as an Indian tribe within the meaning of Federal law.

This notice is based on a determination that the Samish Tribal Organization meets all of the seven mandatory criteria for acknowledgment set forth in 25 CFR § 83.7 and, therefore, meets the requirements necessary for a government-to-government relationship with the United States.

DATES: This determination is final and will become effective 60 days after the date on which this notice appears in the Federal Register unless the Secretary of the Interior requests a reconsideration by the Assistant Secretary—Indian Affairs pursuant to 25 CFR § 83.10(a)–(c).

FOR FURTHER INFORMATION CONTACT: Office of the Assistant Secretary—Indian Affairs, (202) 208–7163.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (ASIA) by 209 DM 8.

This determination is made under the acknowledgment regulations, 25 CFR Part 83, which became effective in 1978. All citations are to those 1978 regulations. Revised acknowledgment regulations became effective March 28, 1994 (59 FR 9280). Petitioners under active consideration at the time the revised regulations became effective on March 28, 1994, were given the option to be considered under the revised regulations or the previous regulations. The Samish Tribal Organization requested in writing to be considered under the 1978 regulations.

A final determination to decline to acknowledge the Samish Tribal Organization as a tribe was published in the Federal Register on February 5, 1987 (52 FR 3709). The Secretary declined a request for reconsideration and the determination became effective May 6, 1987. In 1992 in *Greene* versus *United States*, the court declined to consider whether the STO had treaty fishing rights. However, the court vacated the 1987 determination on the grounds that a formal hearing had not been given to the petitioner on the question of its tribal status in connection with the eligibility of its members for Federal programs. The court ordered that a new hearing be held which conformed to the requirements of the Administrative Procedures Act. The Assistant Secretary's determination does not include a determination of the nature or extent of the rights, if any, of the STO or its members to fish pursuant to any treaty.

Under instructions from the court and agreements between the parties, proceedings before an Administrative Law Judge (ALJ) of the Department of Interior's Office of Hearings and Appeals began in 1992. A formal hearing before the ALJ was held in Seattle, Washington, from August 22 to August 30, 1994. The court's instructions required the ALJ to make a recommended decision to the Assistant Secretary—Indian Affairs on whether the STO should be acknowledged to exist as an Indian tribe.

The ALJ signed a recommended decision to acknowledge the Samish Tribal Organization on August 31, 1995. This recommended decision was forwarded through the Director, Office of Hearings and Appeals, and received by the Assistant Secretary on September 11, 1995. Under the procedures established by the court, the parties and *amici curiae* had 30 days from the receipt of the decision by the ASIA, or until October 11, 1995, to submit comments to the ASIA on the ALJ's recommended decision. The procedures also provided that the ASIA would issue a final determination within 30 days of receipt of comments.

Comments opposing acknowledgment were received from the Swinomish Tribal Community, the Tulalip Tribes Inc., and the Upper Skagit Tribe. Comments were received from the STO urging the approval of the recommended decision, commenting on the implementation process and suggesting remedial actions to the STO deemed necessary. The chairperson of STO by memorandum of September 15 requested a meeting with the ASIA on September 27 to discuss formal recognition and to begin the budget and natural resources process. The requested meeting with the ASIA was not held, although the former tribal chairman did speak with the ASIA briefly at a conference at the end of October. Comments were also provided to the ASIA by the Bureau of Indian Affairs, which did not participate in the deliberations on this decision.

The Assistant Secretary has determined to acknowledge the existence of the STO as an Indian tribe. The reasoning underlying her determination incorporates some of the ALJ's findings and rejects other findings. The determination incorporates additional findings based on the administrative record, including materials presented in the hearing, in order to document in the final determination that the STO satisfied mandatory criteria that the ALJ's decision did not specifically address.

In the 1987 determination, vacated by the court, the STO was found to meet the criteria in §§ 83.7 (d), (f) and (g). Both parties to the 1992 proceedings accepted that those criteria were met by the Samish Tribal Organization. No evidence or arguments were submitted sufficient to refute the proposed finding that the Samish Tribal Organization met criteria d, f, and g. Consequently, they were not at issue in the proceedings before the ALJ. We find for purposes of this decision that the Samish Tribal Organization meets the criteria in

§§ 83.7 (d), (f) and (g) of the 1978 acknowledgment regulations.

We find that the Samish Tribal Organization has been continuously identified throughout history as Indian or aboriginal, has existed as a distinct community since first sustained European contact, has maintained political influence within itself as an autonomous entity and that 80 percent of its members are descendants of the historical Samish tribe or families which became incorporated into that tribe. We conclude, therefore, that the Samish Tribal Organization has met the mandatory criteria for acknowledgment in 25 CFR 83.7, including specifically, the requirements of the criteria in §§ 83.7 (a) through (c) and 83.7(e) of the 1978 acknowledgment regulations. This determination is based on the membership list used for the 1987 administrative decision under 25 CFR Part 83. This list will become the base membership roll of the STO, subject to verification that the individuals on it consent to be listed as members.

The courts have made it clear that the issue of what treaty rights the STO may have, if any, are not an issue on remand to the Department. Therefore, we make no determination as to what rights, if any, the STO or its members may have pursuant to any treaty.

The Joint Status Report filed in July 1992 by the parties to *Greene* v. *Lujan* provided:

The decision of the Assistant Secretary shall be final agency action for the Department of the Interior, unless the Secretary of the Interior determines within 30 days that is [sic] should be reconsidered in accordance with 25 CFR Part 83, in which case the Secretary shall state the basis for this decision and establish the procedures and timetable to be followed on reconsideration.

At the hearing on the Joint Status Report, the court found that:

The government and the Samish also agree that the Assistant Secretary's decision should constitute final agency action unless the Secretary of the Interior determines within 30 days that the decision should be reconsidered.

Although the amicus argues otherwise, I will order that what the Samish and the government have agreed to will be the order of this Court and it is so ordered.

Two tribes have requested that the Secretary direct the Assistant Secretary to reconsider her decision. The Upper Skagit Indian Tribe by letter of January 3, 1996, requested that the ASIA's decision to acknowledge the STO be reversed and the matter returned to the ALJ for a full hearing on the question of the Upper Skagit Indian Tribe's successorship to the Nuwha'ha. The Swinomish Tribal Community by letter of January 5, 1996, requested that the Secretary direct reconsideration of the ASIA's decision to recognize the Samish Tribe. The Swinomish Tribal Community had been denied the right to participate before the ALJ as a party but had been granted *amicus curiae* status. Under the 1978 regulations, the Secretary can for any reason request the ASIA to reconsider and the Secretary shall make such a request in certain circumstances. *See* 25 CFR 83.10.

The Secretary is considering whether he has authority to direct the Assistant Secretary to reconsider and, if he has that authority, whether he should direct her to reconsider. The question of the Secretary's authority arises from an ambiguity in the Joint Status Report which states that the decision of the Assistant Secretary shall be final agency action but also indicated that reconsideration will be done in accordance with 25 CFR Part 83. There is also an ambiguity with regard to the time within which the Secretary must act since the time for action under Part 83 is 30 days from the date of publication of the notice in the Federal Register and the Joint Status Report simply states the decision will be made within 30 days.

In accordance with §§ 83.9 and 83.10 of the 1978 regulations, this determination will in any event become effective in 60 days from its publication in the Federal Register unless the Secretary of the Interior requests that the Assistant Secretary-Indian Affairs reconsider her decision.

The Samish Tribal Organization has not requested administrative reconsideration of the Assistant Secretary's determination to acknowledge its existence as an Indian tribe. However, STO has filed suit seeking to require a reinstatement verbatim of the ALJ's recommended decision and findings of fact.

The Director, Portland Area Office, Bureau of Indian Affairs, is instructed to verify the membership list and to develop with the tribe a plan and budget for the implementation of the ASIA's decision and the provision of services to the members of the Samish Tribal Organization.

Dated: March 29, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96–8636 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[AK–962–1410–00–P]

Notice for Publication, AA–77255; 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. 19(b) of the Alaska Land Status Technical Corrections Act of October 14, 1992, 106 Stat. 2112, and Sec. 14(h)(5) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(5), will be issued to Calvin John Justin for approximately 160 acres. The lands involved are located within Sec. 18, T. 7 N., R. 14 E., Copper River Meridian, in the vicinity of Nabesna Bar, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. 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 May 9, 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.

Gary L. Cunningham,

Land Law Examiner, ANCSA Adjudication Team, Branch of Gulf Rim Adjudication.

[FR Doc. 96–8611 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–$$–P

[AK–962–1410–00–P]

Notice for Publication, AA–11157; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision approving lands for conveyance under the provisions of Sec. 14(h)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(2), will be issued to Tanalian, Inc. for 79.98 acres. The lands involved are in the vicinity of Port Alsworth,

Alaska, and are described as Lot 1, U.S. Survey No. 9523, Alaska, containing 79.98 acres.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. 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 May 9, 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.

Gary L. Cunningham,

Land Law Examiner, ANCSA Adjudication Team, Branch of 962 Adjudication.

[FR Doc. 96–8770 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–JA–P

[NV–030–1220–00; Closure Notice NV–030–96–002]

Road Closure

SUMMARY: Notice is hereby given that in conformance with the Lahontan Resource Management Plan and Off-Road Vehicle Designation Order NV–03–8801 for the Carson City District, Nevada, certain secondary roads on public lands in the Bailey-Jumbo watershed, Washoe County, Nevada, are closed to all motorized vehicles. This action is being taken in order to protect riparian habitat and reduce soil loss and associated flood sediment damage in nearby urbanized areas.

DATES: This closure goes into effect on June 1, 1996.

FOR FURTHER INFORMATION CONTACT: James M. Phillips, Lahontan Resource Area Manager, Carson City District, 1535 Hot Springs Road, Carson City, Nevada, 89706. Telephone (702) 885–6100.

SUPPLEMENTARY INFORMATION: The authorities for this action are the Lahontan Resource Management Plan, Off-Road Vehicle Designation Order NV–03–8801, 43 CFR 8341.1, 43 CFR 8342 and 43 CFR 8364.1. Any person who fails to comply with a closure or restriction order is subject to arrest and a fine not to exceed $1000 and/or imprisonment not to exceed 12 months.

This closure applies to all motorized vehicles excluding (1) any emergency or law enforcement vehicle while being used for emergency purposes, and (2) any vehicle whose use is expressly authorized in writing by the Lahontan Resource Area Manager.

The roads to be closed are secondary, not primary access routes, and are located on the following public lands within the Bailey-Jumbo watershed:

Mt. Diablo Meridian

T.16N., R.20E.
Sec. 4, NE¼
Sec. 3, N½
T.17N., R.20E.
Sec. 34, S½
Sec. 35, W½

A map of the roads closed to motorized vehicles is posted in the Carson City District Office.

Dated: March 20, 1996.

John O. Singlaub,

Carson City District Manager.

[FR Doc. 96–8716 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–HC–M

[NV–050–1020–001]

Mojave-Southern Great Basin Resource Advisory Council—Notice of Meeting Locations and Times

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council Meeting Locations and Times.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), council meeting of the Mojave-Southern Great Basin Resource Advisory Council will be held as indicated below. The agenda includes a field trip, public meeting, discussion of laws and regulations that pertain to grazing, and a statewide update of standards and guidelines.

All meetings are open to the public. The public may present written comments to the council. Each formal council meeting will have a time allocated for hearing public comments. The public comment period for the council meeting is listed below. Depending on the number of persons wishing to comment, and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need further information about the meetings, or need special assistance such as sign language interpretation or other reasonable accommodations, should contact Michael Dwyer at the Las Vegas District Office, 4765 Vegas Dr., Las Vegas, NV 89108, telephone, (702) 647–5000.

DATES, TIMES: Dates are April 18 and 19, 1996. The council will meet at the Tonopah Convention Center, 301 W. Brougher Ave., Tonopah, NV on April 18 at 7:30 a.m. and will depart for a field trip at 8 a.m. Individuals who want to attend the field trip must provide their own transportation and lunch. A schedule for the field trip will be available prior to departure. The council members and BLM support staff will host an open house for public input on the development of Standards and Guidelines for range reform from 5:30 p.m. to 7:30 p.m. at the Tonopah Convention Center. On April 19, the council will meet at the Tonopah Convention Center from 8 a.m. to approximately 4 p.m.

SUPPLEMENTARY INFORMATION: The purpose of the council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of the public lands.

FOR FURTHER INFORMATION CONTACT: Lorraine Buck, Public Affairs Specialist, Las Vegas District, telephone: (702) 647–5000.

Dated: April 1, 1996.

Gary L. Ryan,

Associate District Manager.

[FR Doc. 96–8769 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–HC–M

[UT–912–06–0777–52]

Notice of Meeting of the Utah Resource Advisory Council

AGENCY: Bureau of Land Management, Utah Interior.

ACTION: Notice of Meeting of the Utah Resource Advisory Council.

SUMMARY: The Utah Resource Advisory Council (RAC) will conduct a field tour of various public land locations in southeastern Utah between May 8–10, 1996. The field tour and meeting will start from Thompson, Utah, on May 8 at 10:00 a.m. The first day agenda includes visits to salt desert shrub range sites in Sego Canyon and the East Coyote Wash riparian area. At approximately 8:00 a.m. on May 9, the Council will depart from La Sal, Utah, for the Sand Island Recreation Site with a brief intermediary stop at a sagebrush/pinyon/juniper range site at Hart's Point. From Sand Island, the Council

will float and camp along the San Juan River; visiting the Butler Wash/River House ruins and other river sites before leaving the river at Mexican Hat during the morning of May 10. From there, the Council will continue their field tour, stopping at Kane Gulch and Comb's Wash before culminating the tour/meeting at Monticello at approximately 5:00 p.m. on May 10. RAC meetings are open to the public; however, transportation, meals, and overnight accommodations are the responsibility of the participating public. Opportunities for members of the public to address the Council will take place at the close of the session on May 10. Any member of the public interested in attending the land-based portions of the field tour or desiring an opportunity to address the Council should contact Sherry Foot, Special Programs Coordinator, (801) 539–4195, by May 3, 1996.

The next Utah RAC meeting is scheduled for June 13–14, 1996, at the Utah State Office of the Bureau of Land Management, 324 South State Street, Salt Lake City, Utah. The meeting will be held in Room 302, beginning at 9:00 a.m. on June 13 and will conclude the afternoon of June 14. The Council will discuss the draft of the Standards and Guidelines for grazing management in Utah. Opportunities for the public to address the Council will take place at the conclusion of the June 14 meeting.

FOR FURTHER INFORMATION CONTACT: Don Banks, Utah State Office, Bureau of Land Management, 324 South State Street, Salt Lake City, UT 84111; phone (801) 539–4021.

Dated: April 1, 1996.

Douglas M. Koza,

Acting Utah BLM State Director.

[FR Doc. 96–8768 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–DQ–M

DEPARTMENT OF INTERIOR

Bureau of Land Management

[AK–020–1430–01; F–91549]

Notice of Realty Action: Recreation and Public Purposes (R&PP) Act Classification; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public lands near Fairbanks, Alaska, have been examined and found suitable for classification for lease or conveyance to the Fairbanks North Star Borough under provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The Fairbanks North Star Borough proposes to use the lands for a solid waste transfer station.

Fairbanks Meridian

U.S. Survey 11793

Within sec. 16, T.1S, R.1E

Containing 10.7 acres more or less.

The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest.

The patent, when issued, will be subject to: the provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior; rights-of-way for ditches and canals constructed by the authority of the United States; reservations of all minerals to the United States, together with the right to prospect for, mine, and remove the minerals; and, those rights for electrical power purposes granted to Golden Valley Electric Association under BLM case file F–86999.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Northern District Office, 1150 University Avenue, Fairbanks, Alaska.

Upon publication of this notice in the Federal Register, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the Federal Register, interested persons may submit comments regarding the proposed conveyance or classification of the lands to the District Manager, Northern District Office, 1150 University Avenue, Fairbanks, Alaska 99709–3899.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a solid waste transfer station. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a solid waste transfer station.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the Federal Register.

Dated: April 2, 1996.

David L. Mobraten,

Acting District Manager.

[FR Doc. 96–8780 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–070–7122–00–7408; COC 35148]

Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Garfield County, Colorado Oil Shale Withdrawal; Partial Revocation

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In response to an application from Garfield County, Colorado, the following public lands have been examined and found suitable for classification for conveyance to Garfield County, under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The lands currently leased to Garfield County for landfill purposes (R&PP lease COC–35148) would continue to be used for landfill purposes. Additional contiguous land (a maximum of 154 acres) would also be used for landfill purposes.

Sixth Principal Meridian

T. 6S., R. 94W.,

Containing 394.64 acres, more or less.

Pending a cadastral survey, certain lands within the above description will be deleted to avoid conflicts with other resources. The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest. For those lands currently leased to Garfield County for landfill purposes that are not conveyed to Garfield County, the R&PP lease and lease classification will be terminated.

The lands are currently encumbered by Executive Order 5327 and Public Land Order 4522, which withdrew the lands for oil shale development. These orders will be partially revoked as to the lands proposed for sale.

A patent, if issued, will be subject to the following reservations, terms, and conditions:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. The United States will reserve the oil and gas, together with the right to prospect for, mine, and remove these reserves.

3. The patentee shall comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances (substance as defined in 40 CFR Part 302.)

4. A right-of-way thereon for ditches and canals constructed by authority of the United States.

5. Those rights for telephone line purposes granted by right-of-way COC–35197.

6. Reservations for oil and gas leases COC–27867 and COC–27868.

7. Garfield County, its successors or assigns, shall defend, indemnify, and save harmless the United States and its officers, agents, representatives, and employees (hereinafter referred to in this clause as the United States), from all claims, loss, damage, actions, causes of action, expense, and liability (hereinafter referred to in this clause as claims) resulting from, brought for, or on account of, any personal injury, threat of personal injury, or property damage received or sustained by any person or persons (including the patentee's employees) or property growing out of, occurring, or attributable directly or indirectly, to the disposal of solid waste on, or the release of hazardous substances from: Sixth Principal Meridian, Colorado, Sec. 17: lots 9, 14, 15 and 16; Sec. 20; lots 1, 2, 3 and 4; Sec. 21; lots 1 and 2, regardless of whether such claims shall be attributable to: (1) the concurrent, contributory, or partial fault, failure, or negligence of the United States, or (2) the sole fault, failure, or negligence of the United States. In the event of payment, loss, or expense under this agreement, the patentee shall be subrogated to the extent of the amount of such payment to all rights, powers, privileges, and remedies of the United States against any person regarding such payment, loss, or expense.

Oil Shale Withdrawal Partial Revocation Comments: Interested parties may submit comments involving the proposed oil shale withdrawal partial revocation.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a landfill.

Comments received on the classification will be answered by the State Director with the right to further comment to the Secretary. Comments on the application will be answered by the State Director with the right of appeal to the Interior Board of Land Appeals.

Upon publication of this notice in the Federal Register, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. The segregative effect shall terminate upon issuance of a patent, upon final rejection of the application, or two years from the date of filing of the application, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested persons may submit comments regarding the proposed classification or conveyance of the lands to the District Manager, Grand Junction District Office, 2815 H Road, Grand Junction, Colorado, 81506. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the Federal Register. Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Grand Junction District, 2815 H Road, Grand Junction, Colorado.

Dated: March 27, 1996.

Mark Morse,

District Manager.

[FR Doc. 96–8713 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–JB–P

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 30, 1996. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by April 24, 1996.

Carol D. Shull,

Keeper of the National Register.

ARKANSAS

Benton County

Bentonville Confederate Monument (Civil War Commemorative Sculpture MPS), Public Sq. Park., near jct. of 2nd and Main Sts., Bentonville, 96000459

Crawford County

Van Buren Confederate Monument (Civil War Commemorative Sculpture MPS), Courthouse Lawn, jct. of 3rd and Main Sts., Van Buren, 96000461

Drew County

Monticello Confederate Monument (Civil War Commemorative Sculpture MPS), Oakland Cemetery, E of jct. of Oakland Ave. and Hyatt St., Monticello, 96000449

Faulkner County

Conway Confederate Monument (Civil War Commemorative Sculpture MPS), SW jct. of Courthouse Lawn, E of jct. of Robinson Ave. and Center St., Conway, 96000455

Garland County

Hot Springs Confederate Monument (Civil War Commemorative Sculpture MPS), Landmark Plaza, bounded by Market St., Ouachita and Central Aves., Hot Springs, 96000457

Jackson County

Jackson Guards Memorial (Civil War Commemorative Sculpture), Jacksonport State Park, jct. of Washington and Avenue Sts., Jacksonport, 96000465

Jefferson County

Pine Bluff Confederate Monument (Civil War Commemorative Sculpture MPS), N side of Jefferson Cty. Courthouse, jct. of Barraque and Main Sts., Pine Bluff, 96000464

Lee County

Gen. Robert E. Lee Monument (Civil War Commemorative Sculpture MPS), City Park, roughly bounded by Court, Chestnut, and Main Sts., Marianna, 96000450

Lincoln County

Star City Confederate Memorial (Civil War Commemorative Sculpture MPS), SW corner of Star City Town Sq., Star City, 96000448

Ouachita County

Camden Confederate Monument (Civil War Commemorative Sculpture MPS), Courthouse Lawn, Jefferson St. between Harrison St. and Scott Alley, Camden, 96000462

Pulaski County

Confederate Soldiers Monument (Civil War Commemorative Sculpture MPS), State Capitol Grounds, E side of the State Capitol Bldg, 4th St., Little Rock, 96000453

David O. Dodd Memorial (Civil War Commemorative Sculpture MPS), 300 W. Markham St., Little Rock, 96000454

Memorial to Company A, Capitol Guards (Civil War Commemorative Sculpture MPS), MacArthur Park, roughly bounded by 9th and 17th Sts. between Rock St. and I–30, Little Rock, 96000451

Monument to Confederate Women (Civil War Commemorative Sculpture MPS), State Capitol Grounds, jct. of W. 7th and Marshall Sts., Little Rock, 96000452

Sebastian County

Ft. Smith Confederate Monument (Civil War Commemorative Sculpture MPS), Courthouse Lawn, near jct. of 6th St. and Rogers Ave., Ft. Smith, 96000460

Union County

El Dorado Confederate Monument (Civil War Commemorative Sculpture MPS), Courthouse Lawn, near jct. of N. Main St. and S. Washington, El Dorado, 96000463

White County

Searcy Confederate Monument (Civil War Commemorative Sculpture MPS), Courthouse Lawn, near jct. of W. Arch Ave. and Spring St., Searcy, 96000458

Yell County

Dardanelle Confederate Monument (Civil War Commemorative Sculpture MPS), SE corner of Courthouse Lawn, near jct. of Union and Front Sts., Dardanelle, 96000456

FLORIDA

Palm Beach County

Rice, Clifton, House, 714 Claremore Dr., West Palm Beach, 96000466

Pasco County

Anderson, Charles B., House, 5744 Moog Rd., Holiday, 96000467

GEORGIA

Chatham County

Ossabaw Island, 7 mi. S of Savannah, bounded by the Atlantic Ocean, Bear R., Ogeechee R., and St. Catherine's Sound, Savannah vicinity, 96000468

MARYLAND

Dorchester County

Oakley, Annie, House, 28 Bellevue Ave., Cambridge vicinity, 96000469

Baltimore Independent City

Old Town Savings Bank (Cast Iron Architecture of Baltimore MPS), 353 N. Gay St., Baltimore (Independent City), 96000470

MASSACHUSETTS

Essex County

Babson—Alling House (Gloucester MPS), 245 Washington St., Gloucester, 96000472

East Gloucester Square Historic District (Gloucester MPS), E. Main St., roughly bounded by Inner Harbor, Smith Cove, Woonson Cove, and Mt. Pleasant Ave., Gloucester, 96000471

Gloucester Fisherman's Memorial (Gloucester MPS), S. Stacy Blvd., near entrance of Stacy Esplanade, Gloucester, 96000473

Gloucester Net and Twine Company (Gloucester MPS), Maplewood Ave., SE jct. of Maplewood Ave. and Grove St., Gloucester, 96000474

Webster—Lane House (Gloucester MPS), 304 Main St., Gloucester, 96000475

Plymouth County

Hanover Center Historic District, Roughly, Silver St. from Lantern Ln. to Hanover St., Hanover, 96000476

MICHIGAN

Washtenaw County

Schuyler Mill—Ford Soybean Plant Complex, 555—600 Michigan Ave., Saline, 96000477

MISSOURI

Mercer County

Leo Ellis Post #22, American Legion Building, 804 Grant St., Princeton, 96000478

MONTANA

Cascade County

Tenth Street Bridge, 10th St. across the Missouri R., Great Falls, 96000480

Gallatin County

Northern Pacific—Story Mill Historic District, Roughly bounded by the Northern Pacific RR right-of-way and the Story Mill spur line from Wye to Bridger Canyon Rd., Bozeman, 96000479

NEW YORK

New York County

Delti Psi, Alpha Chapter, 434 Riverside Dr., New York, 96000484

Oneida County

Brick Store Building, Jct. of US 20 and NY 8, Bridgewater, 96000486

Onondaga County

Estabrook, Charles, Mansion, 7262 E. Genesee St., Fayetteville vicinity, 96000487

Ontario County

Naples Memorial Town Hall, N. Main St. NE corner of jct. of N. Main and Monier Sts., Naples, 96000482

Phelps Town Hall, 79 Main St., Phelps, 96000485

Otsego County

East Springfield Union School, Approximately .5 mi. E of jct. of US 20 and Co. Rd. 31, East Springfield, 96000483

Steuben County

Main Street Historic District, Main St. from the Canisteo R. to the jct. of Main, Steuben, Tuscarora, South Sts. and Valerio Pkwy., Addison, 96000488

NORTH CAROLINA

Buncombe County

Asheville High School, 419 McDowell St., Asheville, 96000481

OKLAHOMA

Blaine County

Noble Hotel, 112 N. Noble St., Watonga, 96000491

Carter County

Lake Murray State Park, 1.9 mi. of jct. of OK 70 and OK 77s, Ardmore vicinity, 96000490

Latimer County

Robbers Cave State Park, 7.3 mi. N of jct. of OK 2 and OK 270, Wilburton vicinity, 96000489

Noble County

Summer School, Co. Rd. N3300, 2 mi. N of US 64, Morrison vicinity, 96000492

SOUTH CAROLINA

Aiken County

Vaucluse Mill Village Historic District, SC 191, 3 mi. N of Graniteville and 6 mi. W of Aiken, Vaucluse, 96000494

Charleston County

Enston, William, House, 900 King St., Charleston, 96000493

VIRGINIA

Halifax County

Brandon Plantation, VA 697, 500 ft. W of jct. with VA 696, Alton vicinity, 96000495

WISCONSIN

Dane County

Hornung Mound Group (Late Woodland Stage in Archeological Region 8 MPS), Address Restricted, Roxbury vicinity, 96000497

Grant County

Hog Hollow Site, Address Restricted, Potosi vicinity, 96000496

[FR Doc. 96–8793 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the continued collection of information on the initial regulatory program; the general requirements for surface coal

mining and reclamation operations on Federal lands; and fee collection and coal production reporting for the abandoned mine reclamation fund.

DATES: Comments on the proposed information collection must be received by June 10, 1996, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 120—SIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection proposal, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that OSM will be submitting to OMB for extension. These collections are contained in (1) 30 CFR 710, Initial regulatory program; (2) 30 CFR 740, General requirements for surface coal mining and reclamation operations on Federal lands; and (3) 30 CFR 870, Abandoned mine reclamation fund—fee collection and coal production reporting.

OSM has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents, or programmatic changes. OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collecting the information. A summary of the public comments received will accompany OSM's submission of the information collection request to OMB.

The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

Title: Initial regulatory program.

OMB Control Number: 1029–0095.

Summary: Information collected in Part 710 is used to ensure States are conducting minesite inspections and enforcement under the initial regulatory program established by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Information collected is also used to grant small operators exemptions from some of the initial regulatory program requirements.

Frequency of Collection: On occasion.

Description of Respondents: Coal mine operators.

Total Annual Responses: 1.

Total Annual Burden Hours: 1.

Title: General requirements for surface coal mining and reclamation operations on Federal lands.

OMB Control Number: 1029–0027.

Summary: Section 522 of the Surface Mining Control and Reclamation Act of 1977 (Act) requires that a Federal lands program be established to govern surface coal mining and reclamation operations on Federal lands. The information requested is needed to assist the regulatory authority in determining the eligibility of the applicant and compliance with the requirements of the Act.

Frequency of Collection: On occasion.

Description of Respondents: Coal mine operators on Federal lands.

Total Annual Responses: 30.

Total Annual Burden Hours: 643

Title : Abandoned mine reclamation fund—fee collection and coal production reporting.

OMB Control Number: 1029–0090.

Summary: Section 402 of the Surface Mining Control and Reclamation Act of 1977 requires fees to be paid to the Abandoned Mine Reclamation Fund by coal operators on the basis of coal tonnage produced. This information collection requirement is needed to support verification of the moisture deduction allowance. The information will be used by the regulatory authority during audits to verify that the amount of excess moisture taken by the operator is appropriate.

Frequency of Collection: On occasion (recordkeeping)

Description of Respondents: Coal mine operators.

Total Annual Responses: 1,050.

Total Annual Burden Hours: 2,100.

Dated; April 4, 1996.

Andrew F. DeVito,

Acting Chief, Office of Technology Development and Transfer.

[FR Doc. 96–8821 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[USITC SE–96–05]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 18, 1996 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–745 (Preliminary) (Steel Concrete Reinforcing Bars from Turkey)—briefing and vote.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: April 4, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–8937 Filed 4–5–96; 3:39 pm]

BILLING CODE 7020–02–P

[USITC SE–96–06]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 19, 1996 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. 701–TA–367 (Preliminary) (Certain Laminated Hardwood Flooring from Canada)—briefing and vote.
5. Inv. No. 731–TA–744 (Preliminary) (Certain Brake Drums and Rotors from the People's Republic of China)—briefing and vote.
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: April 4, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–8938 Filed 4–5–96; 3:39 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of March, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–31,921; Pope & Talbot, Inc., Eau Claire, WI

TA–W–31,819; Electro-Scan, Inc., Garfield, NJ

TA–W–31,730; United Technologies Automotive, West Olive, MI

TA–W–31,831; Silver Leaf Paper Corp., DBA Fletcher Paper Co., Columbus, OH

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–32,009; Chevron Overseas Petroleum, Inc., San Ramon, CA

TA–W–32,023; Cleo, Inc., McAllen, TX

TA–W–31,822; Ingersoll-Dresser Pump Co., Phillipsburg, NJ

TA–W–31,947; Masland Industries, Masland Lewistown, Lewistown, PA

TA–W–31,792; International Paper, Masonite Div., Pilot Rock, OR

TA–W–31,907; National Metal Products, Bensonville, IL

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–31,804; Brazier Forest Industries, Inc., Seattle, WA

TA–W–32,101; Breed Technologies, Inc., Breed Automotive L.P., Brownsville, TX

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

TA–W–31,951; Riedell Shoes, Inc., Red Wing, MN: Februrary 6, 1995.

TA–W–31,908; Quality Stitch, Sparta, GA: January 24, 1995.

TA–W–32,051; United Technologies Automotive, Wiring Systems Div., Bennettsville, SC: February 20, 1995.

TA–W–31,738; Easton Composites, Inc., Easton Composites Mfg., Inc., San Diego, CA: December 4, 1994.

TA–W–32,007; Gerber Childrenswear, Inc., Fort Kent, ME: February 26, 1995.

TA–W–32,094; Girvin, Inc., Woonsocket, RI: March 4, 1995.

TA–W–31,987; Daniel Green Co., Dolgeville, NY: February 16, 1995.

TA–W–32,018; SKF USA, Inc., Shippensburg, PA: February 22, 1995.

TA–W–32,043; Alps Electric USA, Inc., Alps Manufacturing, Garden Grove, CA: February 15, 1995.

TA–W–32,003; Inland Steel Co., Chicago, IL: January 4, 1995.

TA–W–32,027; Parsons Footwear, A Div. of Carter Footwear, Inc., Parsons, WV: February 29, 1995.

TA–W–31,817; B.B. & H. Manufacturers, Inc., Moselle, MS: December 19, 1994.

TA–W–32,100; Cole Haan Manufacturing Div., Lewistown, ME: March 11, 1995.

TA–W–31,998 & A; Farrel Corp., Ansonia, CT & Derby, CT: February 27, 1995.

TA–W–31,982; Treibach Schleifmittel Corp., Niagara Falls, NY: February 8, 1995.

TA–W–31,971; J.E. Mrogan Knitting, Inc., New Market, VA: February 13, 1995.

TA–W–31,973; Key Tronic Corp., Spokane, WA: February 2, 1995.

TA–W–31,976; Neptune Swimsuit Co., Neptune, NJ: February 7, 1995,

TA–W–32,102, TA–W–32,103, TA–W–32,104: LaSevilla Fashions, Inc., Mangham Plant, Mangham, LA, Laundry Div., Columbia, LA, Winnsboro, LA: March 13, 1995.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of March, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) that sales or production, or both, of such firm or subdivision had decreased absolutely,

(3) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–00879 & A; Stokely USA, Inc., Grandview, WA & Walla Walla, WA

NAFTA–TAA–00885; James River Corporation, Packaging Business, Wausau, WI

NAFTA–TAA–008370; Blue Chip Products, Inc., Morrisville, PA

NAFTA–TAA–00800; National Metal Products, Bensonville, IL

NAFTA–TAA–00839; Whisper Woods (A Div. of Jessup Door Co), Redmond, OR

NAFTA–TAA–00836; Square ''D'' Co., Lexington, KY

NAFTA–TAA–00834; SCT Yarn, Inc., Cherryville Plant, Cherryville, NC

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–00875; Freedom Institute of El Paso, El Paso, TX

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

Affirmative Determinations NAFTA–TAA

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

NAFTA–TAA–00891; Cole Haan, Cole Haan Manufacturing Div., Lewiston, ME: March 11, 1995.

NAFTA–TAA–00843; General Electric Co., Residential Transformer. Hickory, NC: February 10, 1995.

NAFTA–TAA–00821; Masland Industries, Masland-Lewistown, Lewistown, PA: February 7, 1995.

NAFTA–TAA–00847; Daniel Green Co., Dolgeville, NY: February 21, 1995.

NAFTA–TAA–00851; Alps Electric USA, Inc., Alps Manufacturing, Garden Grove, CA: February 15, 1995.

NAFTA–TAA–00858; United Technologies Automotive Wiring Systems Div., Bennettsville, SC: February 20, 1995.

NAFTA–TAA–00854; United Technologies Automotive Interior Systems Div., Morganfield, KY: February 21, 1995.

I hereby certify that the aforementioned determinations were issued during the month of March 1996. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 3, 1996.

Russell Kile,

Acting Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–8801 Filed 4–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–32,074]

Carolina Lace Corp., Robbins, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 25, 1996 in response to a worker petition which was filed on behalf of workers and former workers at Carolina Lace Corporation, located in Robbins, North Carolina (TA–W–32,074).

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 28th day of March 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–8803 Filed 4–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,922]

JPS Elastomerics Corp., Rubber Products Group, Stuart, VA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 20, 1996 in response to a worker petition which was filed on January 17, 1996, on behalf of workers at JPS Elastomerics Corporation, Rubber Products Group, Stuart, Virginia.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 27th day of March, 1996.

Russell Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–8804 Filed 4–8–96: 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other person showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than April 19, 1996.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than April 19, 1996.

The Petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W. Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of March, 1996.

Russell Kile,

Acting Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX.—PETITIONS INSTITUTED ON 3/25/96

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
32,061	Kentucky Apparel (Wkrs)	El Paso, TX	03/07/96	Gap Jeans & Shorts.

APPENDIX.—PETITIONS INSTITUTED ON 3/25/96—Continued

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
32,062	Forstmann and Co., Inc. (Wkrs).	Dublin, GA	03/06/96	Wool & Worsted Fabric.
32,063	Crvmman Olson (Wkrs)	Mayfield, PA	03/04/96	Delivery Trucks.
32,064	Turbotville Dress, Inc. (Comp)	Turbotville, PA	03/01/96	Children's Wear.
32,065	Ames Department Store (Wkrs).	Skowhegan, ME	02/08/96	Retail Outlet Stores.
32,066	Grassroots USA, Inc (Comp)	Corinth, MS	03/07/96	Sweat Tops, Bottoms.
32,067	Segerman International (Comp).	New York, NY	02/06/96	Ladies' Knit Garments.
32,068	American Tape Co (Wkrs)	North Bergen, NJ	03/04/96	Masking Tape & Sealing Tape.
32,069	Turnkey Services (Wkrs)	El Paso, TX	01/15/96	Camcorders, Television, etc.
32,070	Marcraft (Wkrs)	Bloomsburg, PA	03/11/96	Knit Apparel.
32,071	Syracuse Lithographing Co (GCIU).	Syracuse, NY	03/11/96	Provide Lithograph Printing.
32,072	Racine Steel Casting Co. (UAW).	Racine, WI	03/12/96	Steel Castings.
32,073	Rust Evader Corp. (Wkrs)	Altoona, PA	03/04/96	Electronic Corrosion Protection System.
32,074	Carolina Lace Corp. (Comp)	Robbins, NC	03/08/96	Lace.
32,075	Coach Leather Ware (Wkrs)	Carlstadt, NJ	03/05/96	Leather Handbags & Accessories.
32,076	Holson Burnes Group (Comp)	N. Smithfield, RI	03/14/96	Photo Frames.
32,077	Kent-Moore (Wkrs)	Jackson, MI	03/05/96	Piston Rings.
32,078	Kent-Moore Distribution (Wkrs)	Roseville, MI	03/05/96	Distribution Center (Piston Rings).
32,079	Nesor Alloy Corp. (Comp)	West Caldwell, NJ	03/12/96	Fine Wire Products.
32,080	Award Lighting (Wkrs)	Miami Lake, FL	02/19/96	Florescent Lights.
32,081	Dallco Industries (Wkrs)	Mt. Union, PA	03/12/96	Sew Ladies' Sleepwear & Sportswear.
32,082	ECC International (Wkrs)	Savannah, GA	03/11/96	Hydrous & Calcined Kaolin.
32,083	ECC International (Wkrs)	Sandersville, GA	03/11/96	Hydrous & Calcined Kaolin.
32,084	Richilene Industries (Wkrs)	New York, NY	02/20/96	Dresses.
32,085	Alcoa Electronic Package (Comp).	San Diego, CA	04/07/96	Ceramic Packages for Microprocessor Chip.
32,086	Osram Sylvania, Inc. (AFGWU).	Wellsboro, PA	03/14/96	Glass—Lighting Products.
32,087	Vans (Wkrs)	Orange, CA	02/06/96	Corporate Office.
32,088	Mobil Research & Develop. (Comp).	Pennington, NJ	03/04/96	Provides Technical Support.
32,089	Paper Converting Machine (UAW).	Green Bay, WI	03/03/96	Machinery for Paper Converting.
32,090	Chicago Pneumatic Tool Co (IAMAW).	Utica, NY	03/11/96	Pneumatic Tools.
32,091	Alcatel Wire and Cable (Wkrs)	Chester, NY	03/12/96	Wire & Cable.
32,092	Superior Garments, Inc. (Wkrs).	Winder, GA	02/29/96	Men's Pants.
32,093	Rodney L. Yetter, Inc. (Wkrs)	Saylorsburg, PA	03/14/96	Ladies' & Jr's Blouses, Jumpers etc.
32,094	Girvin, Inc. (Comp)	Woonsocket, RI	03/04/96	Front Suspension Fork—Bicycles.
32,095	Caraway Manufacturing (Wkrs)	Caraway, AR	03/08/96	Ladies' Night Gowns & Dresses.
32,096	Kinney Shoe Corp. (Wkrs)	Beaver Springs, PA	03/14/96	Men's Women's & Children's Shoes & Boots.
32,097	International Paper (AWPPW)	Gardiner, OR	03/05/96	Liner Board.
32,098	Osh Kosh B'Gosh (Wkrs)	Columbia, KY	03/11/96	Children's wear.
32,099	Stapleton Garment Co. (Wkrs)	Stapleton, GA	03/11/96	Ladies' & Children's Apparel.
32,100	Cole Haan Manufacturing (Comp).	Lewiston, ME	03/11/96	Moccasins.
32,101	Breed Automotive (Wkrs)	Brownsville, TX	03/01/96	Air Bag Sensors & Air Bags.
32,102	LaSevilla Fashions, Inc. (Comp).	Mangham, LA	03/13/96	Men's Dress Pants, Uniform Pants.
32,103	LaSevilla Fashions, Inc. (Comp).	Columbia, LA	03/13/96	Laundered Jeans, Shorts & Shirts.
32,104	LaSevilla Fashions, Inc. (Comp).	Winnsboro, LA	03/13/96	Men's Dress Pants, Uniform Pants.
32,105	Milliken & Co (Wkrs)	Barnwell, SC	03/30/96	Fabric & Yarn.

[FR Doc. 96–8802 Filed 4–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,918]

Takata Seat Belts, Inc. a/k/a Irvin Automotive Products, Del Rio, Texas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 29, 1996, applicable to workers of Takata Seat Belts, Inc., located in Del Rio, Texas. The notice was published in the Federal Register on March 19, 1996 (61 FR 11224).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in material control and accounting functions in support of the production of seat belts. The company reports that some of the workers separated from employment had their unemployment insurance (UI) taxes paid to a separate UI tax account, Irvin Automotive Products, a subsidiary of the parent company, Takata, Inc. Accordingly, the Department is amending the certification to reflect this matter.

The amended notice applicable to TA–W–31,918 is hereby issued as follows:

''All workers of Takata Seat Belts, Inc., a/k/a Irvin Automotive Products, Del Rio, Texas, engaged in material control and accounting functions in support of the production of seat belts who became totally or partially separated from employment on or after January 24, 1995 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 3rd day of April 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–8799 Filed 4–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,958; TA–W–30,958A]

Zenith Distributing Corporation, Santa Fe Springs, California, and Field Sales Offices in the State of Utah; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 26, 1995, applicable to all workers of Zenith Distributing Corporation, located in Santa Fe Springs, California. The notice was published in the Federal Register on July 7, 1995 (60 FR 35435).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The company reports that field sales staff of Zenith Distributing at various locations in Utah were inadvertently excluded from the certification.

The intent of the Department's certification is to include all workers of Zenith Distributing Corporation who were adversely affected by imports. Accordingly, the Department is amending the certification to include workers of the subject firm at various sales offices in the State of Utah.

The amended notice applicable to TA–W–30,958 is hereby issued as follows:

''All workers of Zenith Distributing Corporation, Santa Fe Springs, California (TA–W–30,958) and field sales offices in the State of Utah (TA–W–30,958A), engaged in employment related to the sales and distribution of Zenith electronic products who became totally or partially separated from employment on or after April 24, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 3rd day of April 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–8800 Filed 4–8–96; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00801]

Takata Seat Belts, Inc., a/k/a/ Irvin Automotive Products, Del Rio, Texas; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on February 29, 1996, applicable to workers of Takata Seat Belts, Inc., located in Del Rio, Texas. The notice was published in the Federal Register on March 19, 1996 (61 FR 11224).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in material control and accounting functions in support of the production of seat belts. The company reports that some of the workers separated from employment had their unemployment insurance (UI) taxes paid to a separate UI tax account, Irvin Automotive Products, a subsidiary of the parent company, Takata, Inc. Accordingly, the Department is amending the certification to reflect this matter.

The amended notice applicable to NAFTA—00801 is hereby issued as follows:

''All workers of Takata Seat Belts, Inc., a/k/a/ Irvin Automotive Products, Del Rio, Texas, engaged in material control and accounting functions in support of the production of seat belts who became totally or partially separated from employment on or after January 22, 1995 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, D.C. this 3rd day of April 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–8798 Filed 4–8–96; 8:45 am]

BILLING CODE 4510–30–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT: April 4, 1996.

PREVIOUSLY ANNOUNCED:

TIME AND DATE: 10:00 a.m., Thursday, April 11, 1996.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

CHANGES IN THE MEETING: The discussion of the following item has been postponed:

1. *Secretary of Labor o.b.o. Poddey* v. *Tanglewood Energy, Inc.,* Docket No. WEVA 93–339–D. (Issues include whether the judge erred in applying three section 110(i) criteria in assessing a civil penalty for a section 105(c) violation, and whether the judge erred by deducting unemployment compensation received from the back pay award.)

It was determined by the Commissioners that this item should be heard at a later date.

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5639/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Dated: April 4, 1996.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 96–8971 Filed 4–5–96; 3:59 pm]

BILLING CODE 6735–01–M

Sunshine Act Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 61 FR 15145, April 4, 1996.

PREVIOUSLY ANNOUNCED:

TIME AND DATE: 10:00 a.m., Thursday, April 18, 1996.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

CHANGES IN THE MEETING: The discussion of the following item has been postponed:

1. *Manalapan Mining Co.,* Docket Nos. KENT 93–646 and KENT 93–884. (issues include whether the judge should have assumed the existence of a fire emergency when analyzing whether Manalapan's violation of sections 75.1101 and 77.1109(c) were S&S, and whether the judge correctly determined that Manalapan's violation of section 75.360(a) was not S&S.)

It was determined by the Commissioners that this item should be heard at a later date.

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5639/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Dated: April 4, 1996.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 96–8972 Filed 4–5–96; 3:59 pm]

BILLING CODE 6735–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96–040]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astronomical Search for Origins and Planetary Systems Subcommittee (ORIGINS), Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, ORIGINS Subcommittee.

DATES: Monday, May 6, 1996, 8:30 a.m. to 5:00 p.m.; and Tuesday, May 7, 1996, 8:30 a.m. to 4:30 p.m.

ADDRESSES: NASA Headquarters, Conference Room MIC 6–A/B West, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Edward J. Weiler, Code SA, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—ORIGINS Strategic Planning
—SIRTF, SOFIA, HST Status
—Mt. Palomar and Keck II Interferometry Review
—Gemini South Coronograph Opportunity

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 2, 1996.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 96–8680 Filed 4–8–96; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 030–05373; 030–32163 License Nos. 29–09814–01; 29–09814–02 EA 96–085]

Eastern Testing & Inspection, Inc. Thorofare, New Jersey; Order Suspending Licenses Effective Immediately

I

Eastern Testing & Inspection, Inc., (Licensee or ETI) is the holder of Byproduct Nuclear Material Licenses No. 29–09814–01 and No. 29–09814–02 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. License No. 29–09814–01 authorizes possession and use of iridium-192 and cobalt-60 sealed radiography sources for use in a compatible radiographic source exposure device. The license was last renewed on December 16, 1994 and is due to expire on December 31, 1999. License No. 29–09814–02 authorizes the use of portable gauges, was issued on May 23, 1991, and is due to expire on May 31, 1996.

II

The NRC Office of Investigations (OI) conducted an investigation of ETI and based on that investigation, it appears that with respect to License No. 29–09814–01:

(1) The ETI President, Mr. Himat Soni, deliberately caused the Licensee to create an inaccurate record in violation of 10 CFR 30.9 and 30.10, by signing an ETI radiographer's card, dated June 16, 1995, which certifies that an employee meets the applicable requirements of the SNT–TCI–IA and is authorized to perform the duties of Radiographer Level I per ETI procedures, when the employee had received only a few hours of instruction and told Mr. Soni that the employee had not completed 40 hours of formal classroom training in radiation safety as specified by ETI Radiation Safety Procedures, Procedure No. RS–1, Rev. G, (March 14, 1994), incorporated by reference in Condition 17 of License No. 29–09814–01;

(2) The ETI Radiation Safety Officer (RSO), Mr. Joseph Badiali, deliberately caused the Licensee to create an inaccurate record of an employee's Radiation Safety Examination for Assistant Radiographer, dated June 20, 1995, in violation of 10 CFR 30.9 and 30.10, by providing the employee with answers to the examination;

(3) The ETI RSO deliberately caused the Licensee to create an inaccurate record of an employee's training, in violation of 10 CFR 30.9 and 30.10, by signing a document dated June 20, 1995, representing that he had given the employee an oral quiz as part of a practical examination, when the employee had not been given the oral quiz or a practical examination;

(4) ETI deliberately directed at least one unqualified and untrained employee, the employee referred to in subparagraphs (1)–(3) above, to perform radiography between June 15, 1995, and July 26, 1995, in violation of 10 CFR 34.31;

(5) ETI personnel did not complete utilization records on 97 occasions between January 1, 1994 and August 31, 1995, in violation of 10 CFR 34.27; and

(6) On September 29, 1995, the President of ETI threatened a former employee with physical harm, based on the belief that the former employee may have cooperated with an NRC investigation and/or inspection of ETI.

In addition, on May 24, 1995, July 11 and 13, 1995, and August 1, 2, and 23, 1995, the NRC conducted an inspection at the ETI facility in Thorofare, New Jersey, and at a temporary jobsite in Deepwater, New Jersey. During the inspection, violations of NRC requirements were identified related to the radiography license (No. 29–09814–01). The violations involved:

(1) The provision of a few hours of instruction, rather than 40 hours of formal classroom instruction to an employee, who performed work as a radiographer's assistant between June 15, 1995 and July 26, 1995, in violation

of 10 CFR 34.31(b) and ETI Radiation Safety Procedure No. RS–1, Revision 4, dated March 14, 1994, incorporated by reference in Condition 17 of License No. 29–09814–01;

(2) The failure to maintain records of audits of the radiation program content and implementation for 1994 and 1995, as required by 10 CFR 20.2102(a)(2);

(3) The failure to ''rezero'' pocket dosimeters before the start of each shift on April 12, 1994, May 6, 1994, March 16, 1995, March 28, 1995, July 6, 1995, July 26, 1995, August 8, 1995, and August 23, 1995, as required by 10 CFR 34.33(a) and ETI Radiation Safety Procedures, Procedure No. ETI–1, Revision G, dated March 14, 1994, incorporated by reference in Condition 17 of License No. 29–09814–01;

(4) The failure on January 24 and 25, 1995, and August 31, 1995, to use survey meters calibrated within three months and to maintain records of survey meter calibrations, as required by 10 CFR 34.24;

(5) The failure to complete dosimetry records for the period June 1995 through July 1995, as required by 10 CFR 20.2106(c), in that the names, social security numbers or birth dates of individuals were missing;

(6) The failure to complete utilization logs and return completed utilization logs to the Radiation Safety Officer, for the period June 1994 through August 1995, as required by ETI Radiation Safety Procedures, Procedure No. ETI–1, Revision G, dated March 14, 1994, incorporated by reference in Condition 17 of License No. 29–09814–01;

(7) The failure on August 23, 1995, to perform physical radiation surveys to ensure readings at roped-off boundaries do not exceed 2 millirem in an hour as required by ETI Radiation Safety Procedures, Procedure No. ETI–1, Revision G, dated March 14, 1994, incorporated by reference in Condition 17 of License No. 29–09814–01;

(8) The failure on August 23, 1995, to perform a survey after each exposure to determine that the sealed source has been returned to the shielded position as required by 10 CFR 34.43(b);

(9) The failure on July 12, 1995, to complete a shipping paper prior to transporting licensed material outside the confines of the licensee's plant as required by 10 CFR 71.5(a) and 49 CFR 177.817(a);

(10) The failure on July 12, 1995, to identify the activity or transport index on the RADIOACTIVE label attached to a package containing licensed material transported outside the confines of the licensee's plant, as required by 10 CFR 71.5(a) and 49 CFR 172.403; and

(11) the failure on August 23, 1995, to block and brace packages containing licensed material transported outside the confines of the ETI facility, as required by 10 CFR 71.5(a) and 49 CFR 177.842(d).

The NRC staff performed a follow-up inspection of License No. 29–09814–01 on March 14, 1996, to determine the Licensee's compliance with NRC safety requirements. The staff concludes that the Licensee deliberately falsified documents of radiographer examinations, given during an annual eight hour refresher training course, in violation of 10 CFR 30.9 and 30.10. The responses to the 22 questions on the examination, dated January 16, 1996, were identical in the examination forms of the President of ETI and a radiographer. ETI Invoice No. 32478 and ETI Work Order No. 9512220007, however, document that on January 16, 1996, the radiographer was working at a jobsite in Brooklyn, New York. The work order states that the radiographer arrived at the Brooklyn jobsite at 6:00 a.m. and departed the Brooklyn jobsite at 2:00 p.m. The job-site is approximately a three-hour drive from the Licensee's facility, at which the RSO stated that the training had been given.

The Licensee has a poor enforcement history. Civil penalties have been issued to ETI twice since 1987 for violations of NRC requirements.[1] Some of the violations identified during the subject recent 1995 inspection were repetitive of violations that formed the basis for the $7,500 civil penalty issued on September 17, 1992.[2] The currently identified violation of directing an unqualified employee to perform radiography is repetitive of a 1994 violation.[3] Some of the violations listed in the 1992 action, and to which the licensee admitted, were found to be in careless disregard of NRC requirements, and thus willful.[4]

III

Based on the above, the Licensee has violated numerous NRC requirements, some willfully, and has failed to take appropriate actions to prevent the recurrence of past violations. In particular, the Licensee deliberately created inaccurate records, in violation of 10 CFR 30.9 and 30.10, and threatened a former employee with physical harm, based on the belief that the former employee had cooperated with an NRC investigation or inspection. Also, the Licensee deliberately utilized an employee, with no prior radiography experience, to perform radiography one day after he was hired, even though the individual had not received the required training, and ETI deliberately falsified ETI records representing that the employee was qualified to perform radiography. The Commission must be able to rely on its Licensees to provide complete and accurate information and to otherwise comply with NRC requirements, and to refrain from conduct which could impede NRC inspections or investigations of safety concerns. The Licensee, however, through its President and its Radiation Safety Officer, Mr. Himat Soni and Mr. Joseph Badiali, respectively, has demonstrated an unwillingness to comply with NRC requirements. The actions of the Licensee and its senior officials have raised serious doubt as to whether the Licensee and its employees can be relied upon in the future to comply with NRC requirements and to maintain complete and accurate records of licensed activities.

Consequently, I lack the requisite reasonable assurance that the Licensee's current operations can be conducted under License Nos. 29–09814–01 and 29–09814–02 in compliance with the Commission's requirements and that the health and safety of the public,

[1] On July 24, 1987, a Notice of Violation (EA 87–079) was issued citing 4 violations and a civil penalty of $6500 was proposed, which was subsequently paid in full. On September 17, 1992, a Notice of Violation (EA 92–136) was issued citing 9 violations and a civil penalty of $7500 was proposed, which was subsequently reduced to $5000 in light of financial considerations.

[2] The 1992 and 1995 inspections both found (1) violations of 10 CFR 34.43(b) for failure to survey the entire circumference of the radiographic exposure device, and (2) violations of 49 CFR 177.842(d), failure to block and brace the device in transport.

[3] On July 20, 1994, the NRC issued a Notice of Violation to the Licensee for permitting an individual to act as a radiographer's assistant without having successfully completed a practical field examination, in violation of 10 CFR 34.31(b). By letter dated August 26, 1994, the Licensee stated that its corrective action consisted of administering the practical field examination to all assistant radiographers and including the examination requirement in its training procedures.

[4] The letter transmitting EA 92–136 notes: ''* * * the Radiation Safety Officer (RSO) at the facility was aware of the actions needed to ensure compliance with requirements, but did not take those necessary actions in a timely manner * * * with respect to [certain violations] * * * the RSO indicated that he understood the need for action to comply with the requirements, but just did not get to completing those actions * * * * with respect to the violation involving the movement of a radiographic device in an unauthorized container, the RSO indicated that he understood the requirement for an approved container, but believed that the container fabricated for the transport was safe enough. These failures to ensure that the licensed activities were conducted in accordance with NRC requirements constitute careless disregard on the part of the RSO and therefore are considered willful within the context of the NRC enforcement policy.''

including the Licensee's employees, will be protected. Therefore, the public, health, safety and interest require that License Nos. 29–09814–01 and 29–09814–02 be suspended, pending further investigation. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the violations, and the willfulness of the Licensee's conduct, as described above, are such that the public health, safety, and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 30, it is hereby ordered, effective immediately, that license Nos. 29–09814–01 and 29–09814–02 are suspended in accordance with the following terms, pending further order:

A. All NRC-licensed material in the Licensee's possession shall be placed in locked storage.

B. All activities under its licenses to use licensed material shall be suspended; however, licensed material may be transferred to an authorized recipient after providing written notice (telephonic facsimile is acceptable) to and receiving acknowledgement from the NRC, Region I, at least 72 hours prior to the transfer. The notice shall include the time, date, and location of the proposed transfer, identification of the materials to be transferred, and the name and license number of the recipient. All other requirements of the licenses remain in effect.

C. No NRC-licensed material shall be received while this order is in effect.

D. All records related to licensed activities shall be maintained in their original form and must not be removed or altered in any way.

The Regional Administrator, Region I, may, in writing, relax or rescind this order upon demonstration by the Licensee of good cause.

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for an extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this order and set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Services Section, Washington, D.C. 20555. Copies of the hearing request also should be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406, and to the Licensee if the hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which the individual's interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or a written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland this 29th day of March 1996.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 96–8787 Filed 4–8–96; 8:45 am]

BILLING CODE 7590–01–P

Advisory Committee on the Medical Uses of Isotopes; Renewal Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: This notice is to announce the renewal of the Advisory Committee on the Medical Uses of Isotopes for a period of 2 years.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) has determined that the renewal of the charter for the Advisory Committee on the Medical Uses of Isotopes (ACMUI) for the 2 year period beginning on April 4, 1996, is in the public interest, in connection with duties imposed on the Commission by law. This action is being taken in accordance with the Federal Advisory Committee Act, after consultation with the Committee Management Secretariat, General Services Administration.

The purpose of the (ACMUI) is to provide advice to the NRC on policy and technical issues that arise in regulating the medical use of byproduct material for diagnosis and therapy. Responsibilities include providing guidance and comments on current and proposed NRC regulations and regulatory guidance concerning medical use; evaluating certain non-routine uses of byproduct material for medical use; and evaluating training and experience of proposed authorized users. The members are involved in preliminary discussions of major issues in determining the need for changes in NRC policy and regulation to ensure the continued safe use of byproduct material. Each member provides technical assistance in his/her specific area(s) of expertise, particularly with respect to emerging technologies. Members also provide guidance as to NRC's role in relation to the responsibilities of other Federal agencies, as well as to professional organizations and boards.

Members of this Committee have demonstrated professional qualifications and expertise in both scientific and non-scientific disciplines, including nuclear medicine; nuclear cardiology; radiation therapy; medical physics; radiopharmacy; State medical regulation; patient's rights and care; health care administration; medical

research; medical dosimetry, and Food and Drug Administration regulation.

FOR FURTHER INFORMATION PLEASE CONTACT: Torre Taylor, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, MS T8F5, Washington, DC 20555; Telephone (301) 415–7900.

Dated: April 4, 1996.

Andrew L. Bates,

Federal Advisory Committee Management Officer.

[FR Doc. 96–8785 Filed 4–8–96; 8:45 am]

BILLING CODE 7590–01–P

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Thermal Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on May 9 and 10, 1996, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

Most of the meeting will be closed to public attendance to discuss Westinghouse Electric Corporation proprietary information pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Thursday, May 9, 1996–8:30 a.m. until the conclusion of business

Friday, May 10, 1996–8:00 a.m. until the conclusion of business

The Subcommittee will continue its review of the Westinghouse test and analysis Program being conducted in support of the AP600 design certification. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the scheduling of sessions which are open to the public, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Paul A. Boehnert (telephone 301/415–8065) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: April 3, 1996.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 96–8784 Filed 4–8–96; 8:45 am]

BILLING CODE 7590–01–P

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of April 8, 15, 22, and 29, 1996.

PLACE: Commissioner's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of April 8

There are no meetings scheduled for the Week of April 8.

Week of April 15—Tentative

There are no meetings scheduled for the Week of April 15.

Week of April 22—Tentative

There are no meetings scheduled for the Week of April 22.

Week of April 29—Tentative

Friday, May 3

11:30 a.m.

Affirmative Session (Public Meeting) (if needed)

2:00 p.m.

Meeting with ACMUI and Dr. Robert Adler on Recommendations of NAS Report on Review of Medical Use Program (Public Meeting) (Contact: Larry Camper, 301–415–7231)

ADDITIONAL INFORMATION: By a vote of 3–0 on April 1, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of Proposed Order Affirming Two Director's Decisions in the Yankee Decommissioning Proceeding'' (PUBLIC MEETING) be held on April 1, and on less than one week's notice to the public.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

* * * * *

This notice is distributed by mail to several hundred subscribers: if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1963).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or gkt@nrc.gov.

* * * * *

Dated: April 4, 1996.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 96–8905 Filed 4–5–96; 11:08 am]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Request for Comment on Proposed Collection of Information Under the Paperwork Reduction Act; Survey of Nonparticipating Single Premium Group Annuity Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation intends to request that the Office of Management and Budget extend a previously approved collection of information under the Paperwork Reduction Act. OMB's current approval of this collection of information (OMB control number 1212–0030), expires on August 31, 1996. This voluntary collection of information, which is not contained in a regulation, is a quarterly survey of insurance company rates for pricing annuity contracts. The survey is conducted by the American Council of Life Insurance for the PBGC.

ADDRESSES: All written comments should be addressed to: Office of

General Counsel, Pension Benefit Guaranty Corporation, Suite 340, 1200 K St. NW., Washington, D. C. 20005. The comments will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Marc L. Jordan, Attorney, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005, 202–326–4026 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) establishes policies and procedures for controlling the paperwork burdens imposed by Federal agencies on the public. The Act vests the Office of Management and Budget with regulatory responsibility over these burdens, and OMB has promulgated rules on the clearance of collections of information by Federal agencies.

The Pension Benefit Guaranty Corporation's regulations prescribe actuarial valuation methods and assumptions (including interest rate assumptions) to be used in determining the actuarial present value of benefits under single-employer plans that terminate (29 CFR Part 2619) and under multiemployer plans that undergo a mass withdrawal of contributing employers (29 CFR Part 2676). Each month the PBGC publishes the interest rates to be used under those regulations for plans terminating or undergoing mass withdrawal during the next month.

The interest rates are intended to reflect current conditions in the investment and annuity markets. To determine these interest rates, the PBGC gathers pricing data from the insurance companies that are closing out plans through a quarterly ''Survey of Nonparticipating Single Premium Group Annuity Rates.'' The survey is sent out by the American Council of Life Insurance, which tabulates it to assure that the PBGC receives blind data.

The survey is directed at insurance companies that have volunteered to participate, most or all of which are members of the American Council of Life Insurance. The survey will be conducted quarterly and will be sent to approximately 14 insurance companies. Based on experience under the current approval, the PBGC estimates that 10 insurance companies will complete and return the survey and that each respondent will take 45 minutes to complete it. The annual burden of responding to the survey is therefore estimated to be 30 hours.

The PBGC is specifically seeking public comments to:

(1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) evaluate the accuracy of the 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.

Issued at Washington, D.C., this 3rd day of April, 1996.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 96–8811 Filed 4–8–96; 8:45 am]

BILLING CODE 7708–01–P

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Notice of Meeting

Notice is hereby given of the meetings of the Prospective Payment Assessment Commission on Tuesday and Wednesday, April 16 and 17, 1996, at the Madison Hotel, 15th & M Streets NW., Washington, DC, 202/862–1600.

The Full Commission will convene at 9:00 a.m. on April 16, 1996, and adjourn at approximately 5:00 p.m. On Wednesday, April 17, 1996, the meeting will convene at 9:00 a.m. and adjourn at approximately 12:15 p.m. The meetings will be held in Executive Chambers 1, 2, and 3 each day.

All meetings are open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 96–8601 Filed 4–8–96; 8:45 am]

BILLING CODE 6820–BW–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Revision: Form F–6, SEC File No. 270–270, OMB Control No. 3235–0292.

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'') has submitted to the Office of Management and Budget requests for approval of modification to the following form:

Form F–6—Used for registration of American Depositary Receipts (''ADRs'') of foreign companies. Form F–6 requires disclosure of information regarding the terms of the deposit agreement, the depositary bank, fees charged, and a description of the ADR. No special information regarding the foreign company is required to be prepared or disclosed, although the foreign company must be one which periodically furnishes information to the Commission. Such information is available for public inspection. The disclosure items of Form F–6 reflect the Commission's experience and best judgment as to what information about an issuer and the deposit agreement should be required to be disclosed to protect investor interests.

The Commission proposed to eliminate disclosure requirements that would result in an estimated reduction in burden of .1 hour per submission, for a total reduction in burden from 339 to 306 hours.

General comments regarding the estimated burden hours should be directed to the Desk Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549 and Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: March 21, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8789 Filed 4–8–96; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21871; 812–10024]

EVEREN Unit Investment Trusts, Series 44, et al.

April 3, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: EVEREN Unit Investment Trusts, Series 44 and EVEREN Securities Inc.

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act for an exemption from section 12(d)(3) of the Act, and under sections 6(c) and 17(a) of the Act for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: EVEREN Unit Investment Trusts, Series 44 requests an order on behalf of itself and certain subsequent series (collectively, the ''Series'') to permit (a) certain Series (the ''Defined Ten Series'') to invest up to 10.5% and other Series (the ''Defined Five Series'') to invest up to 20.5% of their respective total assets in securities of issuers that derived more than fifteen percent of their gross revenues in their most recent fiscal year from securities related activities; and (b) certain terminating Series to sell portfolio securities to new Series.

FILING DATE: The application was filed on March 1, 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 applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 29, 1996 and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, D.C. 20549. Applicants, 70 West Wacker, 29th Floor, Chicago, Illinois 60601.

FOR FURTHER INFORMATION CONTACT: Sarah A. Buescher, Staff Attorney, at (202) 942–0573, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Each Series will be a series of EVEREN Unit Investment Trusts (the ''Trust''), a unit investment trust registered under the Act. EVEREN Securities Inc. is the Trust's depositor (the ''Sponsor'').

2. The Defined Ten Series will invest approximately 10%, but in no event more than 10.5%, of the value of the Series' total assets in each of the ten common stocks in the Dow Jones Industrial Average (the ''DJIA''), the Financial Times Index (the ''FT Index'') or the Hang Seng Index with the highest dividend yields as of no more than three days prior to the Series' initial date of deposit, and hold those stocks for a specified period (approximately two years). The Defined Five Series will invest approximately 20%, but in no event more than 20.5%,[1] of the value of the Series' total assets in each of the five lowest dollar price per share stocks of the ten common stocks in the DJIA having the highest dividend yields no more than three business days prior to the Series' initial date of deposit, and hold those stocks for a specified period (approximately two years).

3. The DJIA comprises 30 common stocks chosen by the editors of The Wall Street Journal. The DJIA is the property of the Dow Jones & Company, Inc., which is not affiliated with any Series or the Sponsor and does not participate in any way in the creation of any Series or the selection of its stocks. The FT Index comprises 30 common stocks chosen by the editors of The Financial Times (London) as representative of British industry and commerce. The Hang Seng Index comprises 33 of the stocks listed on the Hong Kong stock exchange and includes companies intended to represent four major market sectors: commerce and industry, finance, properties, and utilities. The Hang Seng Index is a recognized indicator of stock market performance in Hong Kong. The publishers of the FT Index and the Hang Seng Index are unaffiliated with any Series or the Sponsor and do not participate in any way in the creation of any Series or the selection of its stocks.

4. The securities deposited in each Series will be chosen solely according to the formula described above, and will not necessarily reflect the research opinions or buy or sell recommendations of the Sponsor. The Sponsor is authorized to determine the date of deposit, to purchase securities for deposit in the Series and to supervise each Series' portfolio. The Sponsor will have no discretion as to which securities are purchased. Securities deposited in a Series may include securities of issuers that derived more than fifteen percent of their gross revenues in their most recent fiscal year from securities related activities.

5. During the 90-day period following the initial date of deposit, the Sponsor may deposit additional securities while maintaining to the extent practicable the original proportionate relationship among the number of shares of each stock in the portfolio. Deposits made after this 90-day period must replicate exactly (subject to certain limited exceptions) the proportionate relationship among the face amounts of the securities comprising the portfolio at the end of the initial 90-day period.

6. The Series' portfolios will not be actively managed. Sales of portfolio securities will be made in connection with redemptions of units issued by a Series, payment of expenses and at termination of the Series. The Sponsor has no discretion as to when securities will be sold except that it is authorized to sell securities in extremely limited circumstances, such as a default by the issuer in the payment of any of its outstanding obligations, a decrease in the price of the security or other credit factors so that in the opinion of the Sponsor, the retention of the securities would be detrimental to the Series.

7. Each Series will have a contemplated date (a ''Rollover Date'') on which holders of units in that Series (a ''Rollover Trust Series'') may at their option redeem their units in the Rollover Trust Series and receive in return units of a subsequent Series of the same type (a ''New Trust Series'') which is created on or about the Rollover Date.[2] Each Rollover Trust Series will have a portfolio that contains securities (''Equity Securities'') that are

[1] The Sponsor will attempt to purchase equal values of each of the common stocks in a Series' portfolio. However, it is more efficient if securities are purchased in 100 share lots and 50 share lots. As a result, applicants may choose to purchase securities of a securities related issuer which represent over 10%, but in no event more than 10.5% of a Defined Ten Series' assets and over 20%, but in no event more than 20.5%, of a Defined Five Series' assets on the initial date of deposit to the extent necessary to enable the Sponsor to meet its purchase requirements and to obtain the best price for the securities.

[2] Applicants previously received an order under section 11(a) of the Act for an exemption from section 11(c) of the Act to permit certain offers of exchange involving the Trust. *See* Investment Company Act Release Nos. 20991 (Apr. 6, 1995) (notice) and 21043 (May 5, 1995) (order).

(a) actively traded (*i.e.,* have had an average daily trading volume in the preceding six months of at least 500 shares equal in value to at least U.S. $25,000) on an exchange (an ''Exchange'') which is either (i) a national securities exchange which meets the qualifications of section 6 of the Securities Exchange Act of 1934, (ii) a foreign securities exchange that meets the qualifications set out in the proposed amendment to rule 12d3–1(d)(6) under the Act as proposed by the SEC [3] and that releases daily closing prices, or (iii) the Nasdaq National Market System (the ''Nasdaq-NMS'') and (b) included in a published index.

8. There is normally some overlap from one year to the next in the stocks having the highest dividend yields in an index or the lowest priced per share stocks of the highest dividend yielding stocks in the DJIA and, therefore, between the portfolios of a Rollover Trust Series and the related New Trust Series. Upon termination, a Rollover Trust Series will sell all of its portfolio securities on the applicable Exchange or Nasdaq-NMS. In addition, a New Trust Series will acquire its portfolio securities in purchase transactions on an applicable Exchange or Nasdaq-NMS. Because the New Trust Series will likely contain duplicate securities, there may be substantial brokerage commissions on the purchase and sale of portfolio securities of the same issuer that would be borne by the holders of units of both the Rollover Trust Series and the New Trust Series. Applicants therefore request an exemption from section 17(a) to permit a Rollover Trust Series to sell Equity Securities to a New Trust Series and a New Trust Series to purchase those Equity Securities at the closing sales prices of such Equity Securities on the applicable Exchange or Nasdaq-NMS on the sale date, provided applicants comply with rule 17a–7 under the Act (other than certain provisions of paragraph (e) described herein).

9. In order to minimize overreaching, applicants agree that the Sponsor will certify to the trustee, within five days of each sale from a Rollover Trust Series to a New Trust Series, (a) that the transaction is consistent with the policy of both the Rollover Trust Series and the New Trust Series, as recited in their respective registration statements and reports filed under the Act, (b) the date of such transaction, and (c) the closing sales price on the Exchange or Nasdaq-NMS for the sale date of the securities subject to such sale. The trustee then will countersign the certificate, unless, in the unlikely event that the trustee disagrees with the closing sales price listed on the certificate, the trustee immediately informs the Sponsor orally of any such disagreement and returns the certificate within five days to the Sponsor with corrections duly noted. Upon the Sponsor's receipt of a corrected certificate, if the Sponsor can verify the corrected price by reference to an independently published list of closing sales prices for the date of the transactions, the Sponsor will ensure that the price of units of the New Trust Series, and distributions to holders of the Rollover Trust Series with regard to redemption of their units or termination of the Rollover Trust Series, accurately reflect the corrected price. To the extent that the Sponsor disagrees with the trustee's corrected price, the Sponsor and the trustee will jointly determine the correct sales price by reference to a mutually agreeable, independently published list of closing sales prices for the date of the transaction.

Applicants' Legal Analysis

1. Section 12(d)(3) of the Act, with limited exceptions, prohibits an investment company from acquiring any security issued by any person who is a broker, dealer, underwriter, or investment adviser. Rule 12d3–1 under the Act exempts the purchase of securities of an issuer that derived more than fifteen percent of its gross revenues in its most recent fiscal year from securities related activities, provided that, among other things, immediately after such acquisition, the acquiring company has invested not more than five percent of the value of its total assets in securities of the issuer.

2. Section 6(c) of the Act provides that the SEC may exempt any person, transaction, or class of transactions from any provision of the Act or any rule thereunder, if and to the extent that the 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. The Series request an exemption under section 6(c) from section 12(d)(3) to permit a Defined Ten Series to invest up to approximately 10%, but in no event more than 10.5%, of the value of its total assets in securities of an issuer that derives more than fifteen percent of its gross revenues from securities related activities. Applicants also request an exemption from section 12(d)(3) to permitted a Defined Five Series to invest up to approximately 20%, but in no event more than 20.5%, of the value of its total assets in securities of an issuer that derives more than fifteen percent of its gross revenues from securities related activities. Each Series undertakes to comply with all of the conditions of rule 12d3–1, except the condition prohibiting an investment company from investing more than 5% of the value of its total assets in securities of a securities related issuer.

4. Section 12(d)(3) was intended to prevent investment companies from exposing their assets to the entrepreneurial risks of securities related businesses, to prevent potential conflicts of interest, and to eliminate certain reciprocal practices between investment companies and securities related businesses. One potential conflict could occur if an investment company purchased securities or other interests in a broker-dealer to reward that broker-dealer for selling fund shares, rather than solely on investment merit. Applicants believe that this concern does not arise in connection with its application because neither the Series nor the Sponsor have discretion in choosing the portfolio securities or amount purchased. The security must first be included in the appropriate index, which are each unaffiliated with the applicants, and must also qualify as either one of the ten highest dividend yielding stocks or one of the five lowest dollar price per share stocks in the ten highest dividend yielding stocks in the DJIA.

5. Applicants also believe that the effect of a Series' purchase on the stock of parents of broker-dealers would be *de minimis.* The common stocks of securities related issuers represented in the DJIA, the FT Index and the Hang Seng Index are widely held, have active markets, and potential purchases by any Series would represent an insignificant amount of the outstanding common stock and the trading volume of any of these issues. Therefore, applicants believe that it is highly unlikely that purchases of these securities by a Series would have any significant impact on the securities' market value.

6. Another potential conflict of interest could occur if an investment company directed brokerage to a broker-dealer in which the company has invested to enhance the broker-dealer's

[3] Investment Company Act Release No. 17096 (Aug. 3, 1989) (proposing amendments to rule 12d3–1). The proposed amended rule defined a ''Qualified Foreign Exchange'' to mean a stock exchange in a country other than the United States where: (1) trading generally occurred at least four days a week; (2) there were limited restrictions on the ability of acquiring companies to trade their holdings on the exchange; (3) the exchange had a trading volume in stocks for the previous year of at least U.S. $7.5 billion; and (4) the exchange had a turnover ratio for the preceding year of at least 20% of its market capitalization. The version of the amended rule that was adopted did not include the part of the proposed amendment defining the term ''Qualified Foreign Exchange.''

profitability or to assist it during financial difficulty, even though that broker-dealer may not offer the best price and execution. To preclude this type of conflict, applicants agree, as a condition of this application, that no company held in the portfolio of a Defined Ten or Defined Five Series nor any affiliate thereof will act as a broker for any Series in the purchase or sale of any security for such Series' portfolio. In light of the above, applicants believe that their proposal meets the section 6(c) standards.

7. Section 17(a) of the Act generally makes it unlawful for an affiliated person of a registered investment company to sell securities to or purchase securities from the company. Investment companies under common control may be considered affiliates of one another. The Series may be under common control because they have a common sponsor.

8. Pursuant to section 17(b), the SEC may exempt a proposed transaction from section 17(a) if evidence establishes that: (a) the terms of the proposed transaction are reasonable and fair and do not involve overreaching; (b) the proposed transaction is consistent with the policy of each registered investment company concerned; and (c) the proposed transaction is consistent with the general purposes of the Act. Under section 6(c), the SEC may exempt classes of transactions from the Act. Applicants believe that the proposed sales of Equity Securities from a Rollover Trust Series to a New Trust Series satisfy the requirements of sections 6(c) and 17(b).

9. Rule 17a–7 under the Act permits registered investment companies that might be deemed affiliates solely by reason of common investment advisers, directors, and/or officers, to purchase securities from or sell securities to one another at an independently determined price, provided certain conditions are met. Paragraph (e) of the rule requires an investment company's board of directors to adopt and monitor procedures for these transactions to assure compliance with the rule. A unit investment trust does not have a board of directors and, therefore, may not rely on the rule. Applicants represent that they will comply with all of the provisions of rule 17a–7, other than paragraph (e).

10. Applicants represent that purchases and sales between Series will be consistent with the policy of a Rollover Trust Series and a New Trust Series, as only securities that would otherwise be bought and sold on the open market pursuant to the policy of each Series will be involved in the proposed transactions. Applicants further believe that the current practice of buying and selling on the open market leads to unnecessary brokerage fees on sales of securities and is therefore contrary not only to the policies of a Series but to the general purposes of the Act.

Applicants' Conditions

Applicants and each Series agree that any order granting the application will be made subject to the following conditions:

A. *Condition with respect to exemption from section 12(d)(3):*

No company held in the Defined Ten Series' portfolio or the Defined Five Series' portfolio, nor any affiliate thereof, will act as broker for any Defined Ten Series or any Defined Five Series in the purchase or sale of any security for such Series' portfolio.

B. *Conditions with respect to exemption from section 17(a):*

1. Each sale of Equity Securities by a Rollover Trust Series to a New Trust Series will be effected at the closing price of the securities sold on the applicable Exchange or the Nasdaq-NMS on the sale date, without any brokerage charges or other remuneration except customary transfer fees, if any.

2. The nature and conditions of such transactions will be fully disclosed to investors in the appropriate prospectus of each future Rollover Trust Series and New Trust Series.

3. The trustee of each Rollover Trust Series and New Trust Series will (a) review the procedures discussed in this application relating to the sale of securities from a Rollover Trust Series and the purchase of those securities for deposit in a New Trust Series and (b) make such changes to the procedures as the trustee deems necessary that are reasonably designed to comply with paragraphs (a) through (d) of rule 17a–7.

4. A written copy of these procedures and a written record of each transaction pursuant to this order will be maintained as provided in rule 17a–7(f).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8707 Filed 4–8–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21869; 811–5613]

Global Income Plus Fund, Inc.; Notice of Application for Deregistration

April 2, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Global Income Plus Fund, Inc.

RELEVANT ACT SECTION: Order requested under section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on March 6, 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 April 29, 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, N.W., Washington, D.C. 20549. Applicant, 1285 Avenue of the Americas, New York, N.Y. 10019.

FOR FURTHER INFORMATION CONTACT: Mary T. Geffroy, Staff Attorney, at (202) 942–0553, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a registered closed-end investment company, organized as a Maryland corporation. On July 13, 1988, applicant filed with the SEC a registration statement on Form N–2 pursuant to the Securities Act of 1933. The registration statement was declared effective on August 24, 1988 and the initial public offering commenced on August 25, 1988.

2. On February 15, 1995, applicant's board of directors approved a resolution to adopt an Agreement and Plan of Reorganization and Liquidation (''Plan'') between applicant and PaineWebber Global Income Fund (''Income Fund''), a series of PaineWebber Investment Series. The Plan provided that Income Fund would, on June 30, 1995 (''Closing Date''), acquire all of the assets and liabilities of applicant in exchange solely for Class A shares of beneficial interest in the Income Fund (''Closing Shares'').[1]

3. On March 22, 1995, applicant filed with the SEC a registration statement on Form N–14 which included a combined prospectus relating to the shares of Income Fund to be issued in connection with the reorganization , and a form of proxy. The registration statement became effective on April 7, 1995. On or about April 18, 1995, the combined prospectus and form of proxy were distributed to the shareholders of the applicant, and on May 25, 1995, the shareholders approved the Plan and the transactions contemplated thereunder.

4. On Closing Date, applicant: (1) received from Income Fund a number of Closing Shares having an aggregate net asset value equal to the aggregate value of applicant's assets transferred to Income Fund as of the Closing Date; and (2) distributed to applicant's shareholders the Closing Shares in exchange for the shareholder's holdings of applicant's common stock. This distribution of the Closing Shares was accomplished by opening accounts on the books of Income Fund in the names of the shareholders of applicant and transferring thereto the Closing Shares credited to the account of applicant on the books of Income Fund. Each shareholder account so opened was credited with the pro rata number of Closing Shares due each shareholder.

5. As of the Closing Date, there were 26,096,317 shares of common stock, with a par value of $.001 per share, of the applicant outstanding. These shares had an aggregate net asset value of $230,716,946.32 and a per share net asset value of $8.84. There were no other classes of securities of the applicant outstanding.

6. Certain expenses were incurred in connection with the merger, consisting primarily of legal expenses, expenses of printing and mailing communications to shareholders, registration fees, and miscellaneous account and administrative expenses. The expenses totalled approximately $250,000 and were borne by applicant and Income Fund in proportion to their respective net assets. As of the date of the application, applicant had no shareholders, assets, or liabilities, and was not a party to any litigation or administrative proceeding. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

7. On January 31, 1996, applicant and Income Fund filed articles of transfer with, and such articles were approved for record by, the Maryland State Department of Assessments and Taxation. Pursuant to section 3–407 of the Maryland General Corporate Law, applicant intends to promptly file articles of dissolution.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8708 Filed 4–8–96; 8:45 am]

BILLING CODE 8010–01–M

[1] At a meeting held on February 15, 1995, the applicant's board of directors found that the reorganization contemplated by the Plan was in the best interests of applicant's shareholders and that the interests of the shareholders would not be diluted as a result of the reorganization.

[Rel. No. IC–21872; 812–10038]

MAS Funds; Notice of Application

April 3, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: MAS Funds.

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act for an exemption from sections 13(a)(2), 18(f)(1), 22(f), and 22(g) of the Act and rule 2a–7 thereunder, under sections 6(c) and 17(b) of the Act for an exemption from section 17(a)(1) of the Act, and under section 17(d) of the Act and rule 17d–1 thereunder to permit certain joint arrangements.

SUMMARY OF APPLICATION: Applicant requests an order that would permit it to enter into deferred compensation arrangements with its independent trustees.

FILING DATES: The application was filed on March 7, 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 April 29, 1996, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, One Tower Bridge, West Conshohocken, PA 19428.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a Pennsylvania business trust registered under the Act as an open-end management investment company and organized as a series company. One portfolio, the Cash Reserves Portfolio, is a money market fund. Miller Anderson & Sherrerd, LLP (the ''Adviser'') serves as the Fund's investment adviser.

2. Applicant has a board of trustees, a majority of the members of which are not ''interested persons'' of applicant within the meaning of section 2(a)(19) of the Act. Each of the trustees who is not an ''interested person'' receives annual fees which collectively are, and are expected to continue to be, insignificant in comparison to the total net assets of applicant. Applicant requests an order to permit the trustees who are not interested persons (the ''Eligible Trustees'') to defer receipt of all or a portion of their fees pursuant to a deferred compensation plan (the ''Plan''). Under the Plan, the Eligible Trustees could defer payment of trustees' fees (the ''Deferred Compensation'') in order to defer payment of income taxes or for other reasons.

3. Applicant requests that relief be extended to any registered investment company established or acquired in the future, or series thereof, for which the Adviser or any entity controlling, controlled by, or under common control with the Adviser acts in the future as investment adviser and any successors in interest to applicant or its portfolios or any future fund (collectively,

applicant, its portfolios, and any future fund are referred to herein as the ''Fund'').[1]

4. The Adviser was acquired by affiliates of Morgan Stanley Asset Management Inc. (''Morgan Stanley''). The SEC recently issued an order which permits certain funds advised by Morgan Stanley to establish deferred compensation plans for their independent trustees (the ''Morgan Stanley Order'').[2] Because the Fund wishes to adopt a different plan from the one described in the Morgan Stanley Order, the proposed Plan will not be covered by the Morgan Stanley Order. Conversely, the relief requested would not apply to any investment company that adopts the deferred compensation plan described in the Morgan Stanley Order.

5. Trustee's fees include quarterly meeting fees and an annual retainer. Under the Plan, each Eligible Trustee must defer a minimum of 25% of each year's fees. To this end, the Plan provides that each Eligible Trustee's entire annual retainer will be deferred, and such deferral will be deemed to be a deferral of 25% of the Eligible Trustee's fees for the year. Each Eligible Trustee also annually may elect to defer receipt of any or all of the other fees that he or she may receive during the year.

6. Under the Plan, the deferred fees payable by a Fund to a participating Eligible Trustee will be credited to a book reserve account established by the Fund (a ''Deferral Account''), as of the first business day following the date such fees would have been paid to the Eligible Trustee. The deferred fees will accrue income from the date of credit in an account equal to the amount that would have been earned had such fees (and all income earned thereon) been invested and reinvested in shares of one or more designated portfolios of the Fund (''Shares''). An Eligible Trustee will not be able to select Shares if the purchase of such Shares by the Fund would violate sections 12(d)(1) or 13(a)(3) of the Act.

7. The Fund's obligations to make payments of amounts accrued under the Plan will be general unsecured obligations, payable from its general assets and property. The Plan provides that the Fund will be under no obligation to purchase, hold or dispose of any investments under the Plan, but, if the Fund chooses to purchase investments to cover its obligations under the Plan, then any and all such investments will continue to be a part of the respective general assets and property of the Fund.

8. Any Fund or portfolio thereof that values its assets in accordance with a method prescribed by rule 2a–7 will buy and hold the shares that determine the value of the Deferral Accounts in order to achieve an exact match between the Fund's liability to pay deferred fees and the assets that offset such liability.

9. In addition, as a matter of prudent risk management, each Fund that is not a money market fund may purchase Shares in amounts equal to the Deferral Accounts. The Shares will be held solely in the name of the Fund. Thus, when a Fund purchases Shares, liabilities created by the credits to the Deferral Accounts under the Plan are expected to be matched by an equal amount of assets. Such assets would not be held by the Fund if the trustee fees were paid on a current basis. It is not anticipated that any portfolio will purchase its own Shares. Monies that such portfolio might have used to purchase its own Shares will be invested as part of the portfolio's general investment operations.

10. Deferred Compensation generally will become payable in cash when an Eligible Trustee retires. An Eligible Trustee may elect to receive payment in a lump sum or in equal annual installments over a period of five years. In the event of death prior to any distribution, such trustee's Deferral Account will become payable in cash to the trustee's designated beneficiary in a lump sum.

11. The Plan will not obligate any participating Fund to retain a trustee in such a capacity, nor will it obligate any Fund to pay any (or any particular level of) trustees' fees to any trustee.

Applicant's Legal Analysis

1. Applicant requests an order which would exempt the Fund: under section 6(c) of the Act from sections 13(a)(2), 18(f)(1), 22(f), and 22(g) of the Act and rule 2a–7 thereunder, under sections 6(c) and 17(b) of the Act from section 17(a)(1) of the Act, and under section 17(d) of the Act and rule 17d–1 thereunder to the extent necessary to permit the fund to adopt and implement the Plan.

2. Section 18(f)(1) generally prohibits a registered open-end investment company from issuing senior securities. Section 13(a)(2) requires that a registered investment company obtain shareholder authorization before issuing any senior security not contemplated by the recitals of policy in its registration statement. Applicant states that the Plan possesses none of the characteristics of senior securities that led Congress to enact sections 13(a)(2) and 18(f)(1). The Plan would not: (a) induce speculative investments or provide opportunities for manipulative allocation of any Fund's expenses or profits; (b) affect control of any Fund; or (c) confuse investors or convey a false impression as to the safety of their investments. All liabilities created under the Plan would be offset by equal amounts of assets that would not otherwise exist if the fees were paid on a current basis.

3. Section 22(f) prohibits undisclosed restrictions on transferability or negotiability of redeemable securities issued by open-end investment companies. Regardless of whether interests in the Plan may fall within the definition of ''security,'' the Plan would set forth all restrictions on transferability, which would be included primarily to benefit the Eligible Trustees and would not adversely affect the interests of the shareholders of the Fund.

4. Section 22(g) prohibits registered open-end investment companies from issuing any of their securities for services or for property other than cash or securities. This provision prevents the dilution of equity and voting power that may result when securities are issued for consideration that is not readily valued. Applicant believes that the Plan would merely provide for deferral of payment of such fees and thus should be viewed as being issued not in return for services but in return for a Fund not being required to pay such fees on a current basis.

5. Rule 2a–7 imposes certain restrictions on the investments of ''money market funds,'' as defined under the rule, that would prohibit a Fund that is a money market Fund from investing in the shares of any other Fund. Applicant believes that the requested exemption would permit the Funds to achieve an exact matching of Shares with the deemed investments of the Deferral Accounts, thereby ensuring that the deferred fees would not affect net asset value.

6. Section 6(c) provides, in relevant part, that the SEC may 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. Applicant believes that the relief requested satisfies this standard.

[1] ''Successors in interest'' is herein limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization, *e.g.*, a partnership or a corporation.

[2] PCS Cash Fund, Inc., Investment Company Act Release Nos. 21569 (Dec. 5, 1995) (notice) and 21647 (Jan. 3, 1996) (order).

7. Section 17(a)(1) generally prohibits an affiliated person of a registered investment company from selling any security to such registered investment company.[3] The section was designed to prevent, among other things, sponsors of investment companies from using investment company assets as capital for enterprises with which they were associated or to acquire controlling interest in such enterprises. Applicant believes that the sale of securities issued by the Funds pursuant to the Plan does not implicate the concerns of Congress in enacting this section, but merely would facilitate the matching of each Fund's liability for deferred trustees' fees.

8. Section 17(b) authorizes the SEC to exempt a proposed transaction from section 17(a) if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the transaction is consistent with the policies of the registered investment company, and the general purposes of the Act. Applicant believes that the proposed transaction satisfies the criteria of section 17(b). Applicant also requests relief from section 17(a)(1) under section 6(c) to the extent necessary to implement the Deferred Compensation under the Plan on an ongoing basis.[4]

9. Section 17(d) of the Act makes it unlawful for any affiliated person of a registered investment company, acting as principal, to effect any transaction in which the company is a joint or joint and several participant in contravention of such rules and regulations as the SEC may prescribe. Rule 17d–1 permits an affiliated person to engage in a joint transaction if the SEC issues an order. Eligible Trustees will not receive a benefit, directly or indirectly, that would otherwise inure to a Fund or its shareholders. Eligible Trustees will receive tax deferral but the Plan otherwise will maintain the parties, viewed both separately and in their relationship to one another, in the same position as if the deferred fees were paid on a current basis. When all payments have been made to a Eligible Trustee, the Eligible Trustee will be no better off, relative to the Fund, than if he or she had received trustees fees on a current basis and invested them in Shares.

Applicant's Conditions

Applicant agrees that the order granting the requested relief will be subject to the following conditions:

1. With respect to the relief requested from rule 2a–7, the Cash Reserves Portfolio, and any other Fund or portfolio that is a money market fund that values its assets in accordance with a method prescribed by rule 2a–7, will buy and hold the Shares that determine the value of the Deferral Accounts to achieve an exact match between such portfolio's or Fund's liability to pay deferred fees and the assets that offset that liability.

2. If a portfolio or Fund purchases Shares issued by an affiliated portfolio or Fund, the acquiring portfolio or Fund will vote such Shares in proportion to the votes of all other holders of Shares of such affiliated portfolio or Fund.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8791 Filed 4–8–96; 8:45 am]

BILLING CODE 8010–01–M

[3] Section 2(a)(3)(C) of the Act defines the term ''affiliated person'' of another person to include any person controlling, controlled by, or under common control with such other person. Thus, the Fund and each of its portfolios may be subject to the prohibitions of section 17(a)(1).

[4] Section 17(b) may permit only a single transaction, rather than a series of on-going transactions, to be exempted from section 17(a). *See Keystone Custodian Funds, Inc.*, 21 S.E.C. 295 (1945).

[Investment Company Act Release No. 21868; 812–9964]

Norwest Advantage Funds, et al.; Notice of Application

April 2, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Norwest Advantage Funds (the ''Trust'') and Norwest Bank Minnesota, N.A. (the ''Adviser'').

RELEVANT ACT SECTIONS: Order requested under section 17(b) for an exemption from section 17(a).

SUMMARY OF APPLICATION: Applicants request an order under section 17(b) granting an exemption from section 17(a) to permit the Stable Income Fund, Intermediate U.S. Government Fund, and Income Equity Fund (the ''Acquiring Funds'') to acquire all of the assets of the Adjustable U.S. Government Reserve Fund, Government Income Fund, and Income Stock Fund (the ''Transferor Funds,'' or collectively with the Acquiring Funds, the ''Funds''), respectively. Each Fund is a series of the Trust.

FILING DATE: The application was filed on January 30, 1996, and amended on April 1, 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 April 29, 1996, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: The Trust, Two Portland Square, Portland, Maine 04101, Attention: David I. Goldstein; The Adviser, Norwest Center, Sixth and Marquette, Minneapolis, Minnesota 55479–1026, Attention: Jeffrey P. Lund.

FOR FURTHER INFORMATION CONTACT: Mercer E. Bullard, Staff Attorney, (202) 942–0565, or Alison E. Baur, Branch Chief, (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. The Trust is a registered open-end management investment company that is organized as a Delaware business trust. The Adviser is a national bank that is a wholly-owned subsidiary of Norwest Corporation. The Adviser is the investment adviser to each series of the Trust, including the Funds.

2. The Adviser holds of record more than twenty-five percent of the total outstanding shares of each Transferor Fund in a trust, agency, custodial, or other fiduciary or representative capacity. While the Adviser may exercise voting power with respect to the shares, neither the Adviser nor any of its affiliates have any economic interest in the shares to be paid.

3. Each Transferor Fund offers shares in three classes: Class A, Class B, and Class I. Each Acquiring Fund offers one class of shares and recently filed a post-effective amendment to its registration statement to register two additional classes of shares. The amendment

became effective on February 29, 1996, and applicants expect to begin offering the new classes of shares in April 1996. The class and expense structure of each Transferor Fund is similar to the class and expense structure of its corresponding Acquiring Fund.

4. Applicants propose that the Transferor Funds be combined with and into the Acquiring Funds in a tax-free reorganization (the ''Reorganization''). In the Reorganization, each Acquiring Fund will acquire all of the assets and liabilities of its corresponding Transferor Fund in exchange for shares of the Acquiring Fund, which shares will then be distributed to shareholders of the Transferor Fund. Each class of shares of an Acquiring Fund will be exchanged for the corresponding class of shares of a Transferor Fund. The number of Acquiring Fund shares to be issued in exchange for each Transferor Fund share will be determined by dividing the net asset value of a share of a class of a Transferor Fund by the net asset value of a share of the corresponding class of the corresponding Acquiring Fund as of the last business day preceding the closing date of the Reorganization (the ''Exchange Price''). No transactions in shares of the Funds (other than under the terms of the Reorganization) may be effected at the Exchange Price if the order is received or accepted after the calculation of that price.

5. At a meeting on December 29, 1995, the board of the Trust, including the disinterested directors, made the findings required under rule 17a–8 and approved the Reorganization. In doing so, the board considered the following factors: (i) the similarities between each Transferor Fund and its corresponding Acquiring Fund with respect to investment objectives, policies, and restrictions, and risk profiles, (ii) the burdens of marketing two similar Funds, (iii) the benefits to the shareholders of combining the Funds' assets, (iv) the fact that the expense ratios of the Acquiring Funds will be no higher than those of the corresponding Transferor Fund, (v) the more established performance record of the Acquiring Funds, (vi) the treatment of the uncovered distribution charges of the Transferor Funds, (vii) the tax-free nature of the Reorganization, (viii) the terms and conditions of the Reorganization and whether it would result in dilution of shareholder interests, and (ix) the costs of the Reorganization.

6. In approving the Reorganization, the board of the Trust noted that the contractual fees payable by the Acquiring Funds for the advisory and custodial services provided by the Adviser were lower than those payable by the corresponding Transferor Funds. Accordingly, the board approved payment of all expenses incurred in connection with the Reorganization by the Funds, including all expenses related to obtaining exemptive relief from the SEC.

7. On February 14, 1996, the Trust filed a registration statement on Form N–14 with respect to the Reorganization which became effective on March 15, 1996. Shareholders of the Transferor Funds will vote on the Reorganization at a meeting that applicants expect to occur on May 13, 1996. Notwithstanding shareholder approval of the Reorganization, the closing of the Reorganization may be postponed and the board may terminate the Plan of Reorganization at any time prior to closing. Termination of the Plan may relate to one Transferor fund and its corresponding Acquiring Fund without affecting the survival of the Plan with respect to any other Fund. Applicants agree not to make any material change to the reorganization that would affect the application without prior SEC approval.

Applicants' Legal Analysis

1. Section 17(a) of the Act, in relevant part, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security or other property.

2. Section 2(a)(3) of the Act defines the term ''affiliated person'' of another person to include any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting securities of such other person.

3. Section 17(b) of the Act provides that the SEC may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

4. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied.

5. Applicants may not rely on rule 17a–8 in connection with the Reorganization because the Transferor funds and the Acquiring Funds may be deemed to be affiliated for reasons other than those set forth in the rule. As noted above, the Adviser holds of record more than twenty-five percent or the total outstanding shares of each Transferor Fund in a trust, agency, custodial or other fiduciary or representative capacity. The Adviser therefore may be deemed to be an affiliated person of the Transferor Funds because it controls or holds with the power to vote more than five percent of the Funds' outstanding voting securities.

6. Applicants submit that the Reorganization meets the standard for relief under section 17(b), in that the terms of the Reorganization are reasonable and fair and do not involve overreaching on the part of any person concerned; and the Reorganization is consistent with the provisions, policies, and purposes of the Act and with the policies of the Funds.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8711 Filed 4–8–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 33–7277, File No. S7–9–96]

Securities Uniformity; Annual Conference on Uniformity of Securities Law

AGENCY: Securities and Exchange Commission.

ACTION: Publication of release announcing issues to be considered at a conference on uniformity of securities laws and requesting written comments.

SUMMARY: In conjunction with a conference to be held on April 29, 1996, the Commission and the North American Securities Administrators Association, Inc. today announced a request for comments on the proposed agenda for the conference. This meeting is intended to carry out the policies and purposes of section 19(c) of the Securities Act of 1933, adopted as part of the Small Business Investment Incentive Act of 1980, to increase uniformity in matters concerning state and federal regulation of securities, to maximize the effectiveness of securities regulation in promoting investor protection, and to reduce burdens on

capital formation through increased cooperation between the Commission and the state securities regulatory authorities.

DATES: The conference will be held on April 29, 1996. Written comments must be received on or before April 25, 1996 in order to be considered by the conference participants.

ADDRESSES: Written comments should be submitted in triplicate by April 25, 1996 to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Comments also may be submitted electronically at the following E-mail address: rule-comments@sec.gov. Comments should refer to File No. S7–9–96; this file number should be included on the subject line if E-mail is used. Comment letters will be available for public inspection at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. 20549. Electronically submitted comment letters will be posted on the Commission's internet web site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: William E. Toomey or Richard K. Wulff, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, (202) 942–2950.

SUPPLEMENTARY INFORMATION:

I. Discussion

A dual system of federal-state securities regulation has existed since the adoption of the federal regulatory structure in the Securities Act of 1933 (the ''Securities Act'').[1] Issuers attempting to raise capital through securities offerings, as well as participants in the secondary trading markets, are responsible for complying with the federal securities laws as well as all applicable state laws and regulations. It has long been recognized that there is a need to increase uniformity between federal and state regulatory systems, and to improve cooperation among those regulatory bodies so that capital formation can be made easier while investor protections are retained.

The importance of facilitating greater uniformity in securities regulation was endorsed by Congress with the enactment of section 19(c) of the Securities Act in the Small Business Investment Incentive Act of 1980.[2] Section 19(c) authorizes the Commission to cooperate with any association of state securities regulators which can assist in carrying out the declared policy and purpose of section 19(c). The policy of that section is that there should be greater federal and state cooperation in securities matters, including: (1) maximum effectiveness of regulation; (2) maximum uniformity in federal and state standards; (3) minimum interference with the business of capital formation; and (4) a substantial reduction in costs and paperwork to diminish the burdens of raising investment capital, particularly by small business, and a reduction in the costs of the administration of the government programs involved. In order to establish methods to accomplish these goals, the Commission is required to conduct an annual conference. The 1996 meeting will be the thirteenth such conference.

II. 1996 Conference

The Commission and the North American Securities Administrators Association, Inc. (''NASAA'')[3] are planning the 1996 Conference on Federal-State Securities Regulation (the ''Conference'') to be held April 29, 1996 in Washington, D.C. At the Conference, representatives from the Commission and NASAA will form into working groups in the areas of corporation finance, market regulation, investment management, and enforcement, to discuss methods of enhancing cooperation in securities matters in order to improve the efficiency and effectiveness of federal and state securities regulation. Generally, attendance will be limited to representatives of the Commission and NASAA in an effort to promote frank discussion. However, each working group in its discretion may invite certain self-regulatory organizations to attend and participate in certain sessions.

Representatives of the Commission and NASAA currently are formulating an agenda for the Conference. As part of that process the public, securities associations, self-regulatory organizations, agencies, and private organizations are invited to participate through the submission of written comments on the issues set forth below. In addition, comment is requested on other appropriate subjects sought to be included in the Conference agenda. All comments will be considered by the Conference attendees.

III. Tentative Agenda and Request for Comments

The tentative agenda for the Conference consists of the following topics in the areas of corporation finance, investment management, market regulation and oversight, and enforcement.

(1) Corporation Finance Issues

A. Uniform Limited Offering Exemption

Congress specifically acknowledged the need for a uniform limited offering exemption in enacting section 19(c) of the Securities Act and authorized the Commission to cooperate with NASAA in its development. The Commission working with the states toward this goal, developed Rule 505 of Regulation D, the federal exemption for certain limited offerings, while NASAA crafted the complementary Uniform Limited Offering Exemption (''ULOE'').

ULOE provides the framework for a uniform exemption from state registration for certain issues of securities which would be exempt from federal registration by virtue of Regulation D. To date, more than half the states have adopted some form of ULOE. Both the Commission and NASAA continue to make a concerted effort toward its universal adoption.

A Bill pending in the Congress (H.R.3005) would add a new Section 18 to the Securities Act of 1933 and prohibit state blue sky regulation of most securities offerings. Section 18(a) of this proposed legislation would, with specified exceptions, preempt state blue sky regulation over any securities registered under the Securities Act or, subject to a ''uniform scheme'' approach, exempt from Securities Act registration pursuant to Sections 3(b) or 4(2).

The conferees will discuss the possible impact of this Bill on ULOE, and on state-federal cooperation in general. Further, consideration will be given to whether there are alternative exemptive methods which might be suitable for coordination among the states and the federal system, either within or outside of the ULOE framework.

B. Small Business Initiative

On July 30, 1992, and April 28, 1993 the Commission adopted a number of rulemaking changes, often described as the Small Business Initiative, which were designed to streamline and simplify the Commission's regulatory system applicable to the public sale of securities by small businesses, and to provide new opportunities for investors, consistent with the Commission's

[1] 15 U.S.C. 77a et seq.

[2] Pub. L. 96–477, 94 Stat. 2275 (October 21, 1980).

[3] NASAA is an association of securities administrators from each of the 50 states, the District of Columbia, Puerto Rico, Mexico and twelve Canadian Provinces and Territories.

obligations to protect such investors.[4] Among other things, the ceiling for the Regulation A exemption was raised from $1,500,000 to $5,000,000, and issuers contemplating a Regulation A offering were, for the first time, permitted to use a written document to ''test the waters'' for investor interest prior to assuming the expense of an offering.

The participants will discuss the impact of these changes, and the need for any additional exemptive relief in the small business area. The participants will also review their experience with amended Regulation A and the use of ''test the waters'' documents.

On June 27, 1995, the Commission issued three releases that, if adopted, could provide additional assistance to small business: a new section 3(b) exemption for certain California limited issues,[5] relief from Section 12(g) registration for small issuers[6] and revision of the Rule 144 holding periods.[7] The participants will consider these proposals and discuss whether they will have a beneficial effect on small business.

Public comment is invited on the efficacy of the Small Business Initiative as a whole. Comment is also sought with respect to any other exemptions that might be developed to enhance the ability of small issuers to raise capital, while protecting legitimate interests of investors.

C. Disclosure Policy and Standards

a. Electronic Delivery of Disclosure Documents

On October 6, 1995, the Commission issued an interpretive release[8] and related rule proposals[9] addressing the use of electronic media to deliver or transmit information under the federal securities laws. These initiatives reflect the Commission's continuing recognition of the benefits that electronic technology provides to the financial markets. These releases are premised on the belief that the use of electronic media should be at least an equal alternative to the use of paper delivery. However, until such time as electronic media becomes more universally accessible and accepted, the Commission expects that paper delivery of information will continue to be available. Conference participants will consider these matters.

b. June 1995 Initiatives

On June 27, 1995, the Commission issued an additional five releases, four proposing rule changes and one stating interpretive positions, to streamline disclosure, facilitate capital raising and deter abusive practices.[10] The releases related to executive compensation disclosure,[11] accepting abbreviated financial statements[12], and permitting solicitations of interest prior to initial public offerings[13]. The Commission also issued a release[14] proposing amendments to the financial statement requirements for significant acquisitions and proposing to require reporting of unregistered equity sales. The conferees will discuss the releases as well as the public comments received by the Commission.

D. Multinational Securities Offerings

The Commission's recent interpretation of Regulation S, contained in a release stating its views with respect to certain practices in connection with offers, sales and resales of securities purportedly made in offshore transactions pursuant to Regulation S,[15] also will be considered by the conferees. Comment is specifically requested on ways to coordinate federal and state treatment of multinational offerings.

E. Advisory Committee on the Capital Formation and Regulatory Processes

In February 1995, the Commission created an Advisory Committee on the Capital Formation and Regulatory Processes. The objective of the Committee is to assist the Commission in evaluating the efficiency of the regulatory process relating to public offerings of securities, secondary market trading and corporate reporting. Its deliberations have focused on the development of a company registration system for adoption by the Commission. Under the model of a company registration system developed by the Committee, eligible companies would be able to issue securities relying on a more company-focused, as opposed to a transaction-focused system.

Companies would register with the Commission and file periodic reports. Thereafter, routine securities issuances, such as financings, as well as sales by affiliates and sales of what are currently known as restricted shares, could be consummated without significant additional registration procedures.

The Committee has developed three basic goals in connection with its consideration of a company registration system. The first goal is to eliminate unnecessary regulatory costs and uncertainties that impede a company's access to capital, without impairing investor protection.

The second goal is to eliminate the many complexities resulting from the current registration system, including the need for issuers and investors to monitor and maintain the lines between the public registered market and the offshore or private unregistered markets.

The final goal is to enhance the level and reliability of disclosure provided to the markets by all issuers on a continuous basis, not just when the issuer episodically conducts a securities offering.

The Committee plans to issue a report containing its recommendations in the near future. The Commission would then consider the recommendations and either propose rulemaking or legislation, or seek further public comment with respect to the Committee's recommendations. The conferees will consider issues developed by the Advisory Committee with a view to coordinating the federal and state systems of securities regulation.

F. Task Force on Disclosure Simplification

Chairman Arthur Levitt organized the Task Force on Disclosure Simplification in August 1995 to review forms and rules relating to capital-raising transactions, periodic reporting pursuant to the Exchange Act, proxy solicitations, and tender offers and beneficial ownership reports under the Williams Act. The goal was to simplify the disclosure process and, consistent with investor protection, to make regulation of capital formation more efficient.

To aid its review, the Task Force met over a seven-month period with issuing

[4] Securities Act Release Nos. 6949 (July 30, 1992) [57 FR 36442]; 6996 (April 28, 1993) [58 FR 26509].

[5] Securities Act Release No. 7185 California (June 27, 1995) [60 FR 35638].

[6] Securities Act Release No. 7186 (June 27, 1995) [60 FR 35642].

[7] Securities Act Release No. 7187 (June 27, 1995) [60 FR 35645].

[8] Securities Act Release No. 7233 (October 13, 1995) [60 FR 53458].

[9] Securities Act Release No. 7234 (October 13, 1995) [60 FR 53468].

[10] The Commission issued a release proposing to amend the financial statement requirements for significant acquisitions and require reporting of unregistered equity sales. These issues arose out of a review of offshore capital-raising practices. *See* Securities Act Release No. 7189 (June 28, 1995) [60 FR 35656]. In connection with this review, the Commission also issued an interpretive release regarding problematic practices under Regulation S, as discussed below. *See* Securities Act Release No. 7190 (June 28, 1995) [60 FR 35663].

[11] Securities Act Release No. 7184 (June 27, 1995) [60 FR 35633].

[12] Securities Act Release No. 7183 (June 27, 1995) [60 FR 35604].

[13] Securities Act Release No. 7188 (June 28, 1995) [60 FR 35648].

[14] Securities Act Release No. 7189 (June 28, 1995) [60 FR 35656].

[15] Securities Act Release No. 7190 (June 28, 1995) [60 FR 35663].

companies, investor groups, underwriters, accounting firms, lawyers and others who participate daily in the capital markets. These participants helped the Task Force to identify and formulate reforms that reduce costs and regulatory burdens without impairing the transparency and integrity of our capital markets. None suggested wholesale deregulation, and virtually all emphasized the importance of basic regulatory goals to preserve orderly markets.

The Task Force recommendations fall into three broad categories:

(1) Weeding out forms and regulations that are duplicative of other requirements or have outlived their usefulness;

(2) Requiring more readable and informative disclosure documents; and

(3) Reducing the cost of securities offerings and increasing access of smaller companies to the securities markets.

The Conference participants will consider the general recommendations of the Task Force.

G. Derivatives

During the last several years, there has been substantial growth in the use of derivative financial instruments, other financial instruments, and commodity instruments. The Commission recognizes that these instruments can be effective tools for managing exposures to market risk. During 1994, however, some Commission registrant's experienced significant, and sometimes unexpected, losses in market risk sensitive instruments. In light of these losses and the substantial growth in the use of market risk sensitive instruments, the Commission continued its derivatives initiatives in 1995. Included in these initiatives was the release of proposed amendments that would supplement disclosures currently required by generally accepted accounting principles and Commission rules and make information about derivative financial instruments, other financial instruments, and derivative commodity instruments more useful to readers assessing the market risk associated with these instruments. Conferees will discuss this latest Commission initiative, as well as, the application of federal and state securities laws to derivatives and other market sensitive instruments.

(2) Market Regulation Issues

A. Central Registration Depository (''CRD'') Redesign

a. Implementation

The CRD system is a computer system operated by the National Association of Securities Dealers, Inc. (''NASD'') that allows ''one-stop'' filing for registration and that maintains information regarding broker-dealers and their associated persons for regulatory purposes. The NASD is in the process of implementing a comprehensive plan to redesign the CRD and to expand its use by federal and state securities regulators as a tool for broker-dealer regulation. As a result of the NASD's efforts, the redesigned CRD system ultimately is expected to provide the Commission, self-regulatory organizations (''SROs''), and state securities regulators with: (i) streamlined capture and display of data; (ii) better access to registration and disciplinary information through the use of standardized and specialized computer searches; and (iii) electronic filing of uniform registration and licensing forms, including Forms U–4, U–5, BD and BDW, discussed below.

The NASD plans to implement the redesigned CRD in phases. The NASD plans to begin conducting a two-month pilot test of the redesigned CRD. Following completion of the pilot test, the NASD will begin Phase I of the implementation of the redesigned CRD. During Phase I, the NASD will convert broker-dealer registration information contained in the old CRD system to the redesigned CRD format. During Phase II of the implementation process, the Commission, the SROs, and state securities regulators will be provided direct access to broker-dealer registration information (including information filed by applicants for broker-dealer registration) contained in the redesigned CRD system. Among other things, federal and state securities regulators and the SROs will be provided with the ability to search through hundreds of thousands of records to: identify problem brokers, flag problem brokers who have left the industry so that they can be reviewed should they attempt to return to the business, and target firms and branches for examination in a more effective way.

Among other things, the participants will discuss the status of the CRD implementation process, and issues relating to the conversion of existing registration information to the redesigned CRD and electronic filing of uniform forms.

b. Forms Disclosure

In connection with the CRD redesign, NASAA adopted amendments to certain aspects of Form U–4, the uniform form for registration of associated persons of a broker-dealer.[16] These amendments did not include amendments to new Item 22–I, which requires disclosure of certain customer complaints and proceedings. The appropriate level of disclosure of customer complaints, as well as settlements, arbitration awards, and civil judgments, has been the subject of extensive discussions among the securities industry, NASAA, the NASD, and the Commission. The participants will discuss the status of these discussions at the Conference.

B. Books and Records Revisions

The Commission has been working with representatives of NASAA to develop proposed amendments to the books and records requirements of Rules 17a–3 and 17a–4 of the Securities Exchange Act of 1934 (''Exchange Act'') to reflect the concerns of the states. These proposed amendments will include requirements that broker-dealers maintain additional records relating to such matters as sales practices, licensing and compensation of registered representatives, investor suitability, customer complaints, exceptional or unusual commissions or trading frequency, due diligence with respect to recommended securities, correspondence, and marketing materials.

The Commission intends to publish the proposed amendments prior to the Conference and anticipates that the participants will discuss the proposed amendments and related issues at the Conference.

C. Bank Securities Activities

In December 1994, the NASD proposed rules that would govern the conduct of member broker-dealers operating on financial institution premises.[17] The proposed rules are intended to provide guidance with respect to the activities of bank-affiliated broker-dealers and third-party broker-dealers operating on the premises of financial institutions pursuant to a networking arrangement. The NASD recently submitted to the Commission a revised rule proposal designed to address a number of issues

[16] *See* NASAA Reports (CCH) ¶ 4161 (1994). NASAA also adopted similar amendments to Form BD. NASAA Reports (CCH) ¶ 5061 (1995).

[17] *See* NASD Notice To Members 94–94 (December 1994).

raised by commenters with respect to the original NASD proposal.

The proposed rule change sets forth specific requirements for members doing business on the premises of financial institutions as they relate to: (1) setting; (2) networking and brokerage affiliate arrangements; (3) compensation of registered and unregistered persons; (4) customer disclosure and written acknowledgments; (5) use of confidential financial information; and (6) communications with the public. The Commission anticipates that the Conference participants will discuss the NASD's proposed rule change.

D. Regulation of Foreign Broker-Dealers

In October 1995, NASAA adopted amendments to the Uniform Securities Act to permit Canadian broker-dealers, subject to certain conditions, to effect transactions for Canadian citizens temporarily residing in the United States with whom Canadian broker-dealers have a bona fide pre-existing relationship as well as in the Canadian retirement accounts of Canadian citizens residing permanently in the United States, without registering as broker-dealers with the states.[18] Such Canadian broker-dealers also are exempt from all the requirements of the Uniform Securities Act, except the antifraud provisions and the requirements set forth in Section 201–A of the Act. The participants will discuss the NASAA amendments, particularly in light of Rule 15a–6 under the Exchange Act, the federal exemption from broker-dealer registration for foreign broker-dealers effecting transactions primarily with U.S. institutional customers. Rule 15a-6(a)(4)(iii) includes a similar, but not identical, exemption from broker-dealer registration for foreign broker-dealers effecting transactions with foreign persons temporarily present in the United States with whom the foreign broker-dealer has a bona fide, pre-existing relationship. Participants also will discuss the Uniform Securities Act provision in relation to the registration requirements imposed by the Securities Act.

E. Amendments to The Trading Practices Rules

On April 19, 1994, the Commission published a concept release soliciting comment on anti-manipulation regulation of securities offerings. Since these rules were adopted and last significantly amended, there have been substantial changes in the structure of the securities markets, new kinds of trading instruments and strategies, enhanced transparency of securities transactions, expanded surveillance capabilities, and transformation of the capital raising process. In particular, the rise in the number of, and demand for, multinational offerings has required careful coordination of the interaction of the anti-manipulation rules with foreign distribution practices and regulatory requirements. The dominant themes in the comment letters were: (i) restructuring anti-manipulation regulation as non-exclusive safe-harbors; (ii) shortening the cooling-off periods; (iii) easing the application of anti-manipulation regulation in multinational distributions; (iv) allowing investors greater flexibility in conducting non-shareholder dividend reinvestment and stock purchase plans; and (v) providing greater flexibility under Rules 10b–7 and 10b–8. With respect to Rule 10b–6, commenters also recommended: (i) narrowing the definition of ''affiliated purchasers;'' (ii) eliminating the ''same class and series'' analysis for purposes of debt securities; (iii) expanding the exclusion for certain Rule 144A transactions; (iv) permitting the distribution of research reports in the ordinary course of business; and (v) providing greater relief for basket transactions. Participants will discuss issues relating to revision of the trading practices rules.

F. Arbitration

On January 22, 1996, the NASD's Arbitration Policy Task Force (''Task Force'') released its report on securities arbitration. In particular, the report makes recommendations to improve the arbitration of disputes between securities firms and their customers. The participants will discuss the recommendations made by the Task sForce.

G. Municipal Securities Disclosure

In November 1994 the Commission adopted amendments to Rule 15c2–12 in order to further deter fraud in the municipal securities market. The amendments prohibit a broker, dealer, or municipal securities dealer from underwriting a primary offering of municipal securities unless it has reasonably determined that an issuer of municipal securities or an obligated person has undertaken to provide certain annual financial information and event notices to nationally recognized municipal securities information repositories (''NRMSIRs'') and/or the Municipal Securities Rulemaking Board (''MSRB'') and state information depositories.[19] The amendments also prohibit those same entities from recommending the purchase or sale of a municipal security in the secondary market unless they have procedures in place that provide reasonable assurance that they will receive promptly any event notices with respect to that security. The amendments provide certain exemptions, including one for small and infrequent issuers of municipal securities.

The Division of Market Regulation (''Division'') has issued several letters regarding the application of the amendments. The Conference participants will discuss these developments and other matters with respect to municipal securities.

H. Internet Fraud/Electronic Delivery

On October 23, 1995, NASAA announced the formation of a Blue Ribbon panel from industry, academia, and regulatory agencies, including the Commission, to consider key areas of federal-state regulation, including issues relating to the Internet. NASAA also recently adopted a resolution on the development of a uniform policy concerning securities offerings through the Internet. This resolution follows initiatives by various states to exempt Internet offerings from state registration under certain conditions. The Commission staff similarly has established programs to address a wide range of Internet issues. The Commission staff and NASAA have consulted on these and other issues as part of the regular communication concerning the Internet and the use of electronic media.

A leading area of mutual interest to both the Commission staff and NASAA is cyberfraud, and the Commission staff and NASAA have ongoing consultations concerning new issues raised. Other areas of concern include securities offerings through the Internet; industry retention of electronic records and communications; computer security;

[18] *See* NASAA Reports (CCH) ¶ 4861A (1995).

[19] The Division issued six no-action letters recognizing applicants as NRMSIRs for purposes of Rule 15c2–12 under the Exchange Act. NRMSIRs will receive official statements, annual financial information, notices of material events, and notices of a failure to provide annual financial information undertaken to be provided in accordance with Rule 15c2–12. NRMSIRs will make this information available to the public. The entities that received recognition as NRMSIRs are: 1) Bloomberg, L.P. of Princeton, NJ; 2) Thomson Municipal Services, Inc. (a/k/a The Bond Buyer) of New York, NY; 3) Disclosure, Inc. of Bethesda, MD; 4) Kenny Information Systems of New York, NY; 5) Moody's Investors Service of New York, NY; and 6) R.R. Donnelley & Sons Company of Hudson, MA. In addition, the Division has recognized state information depositories in Texas, Idaho, and Michigan.

unregistered brokerage, investment advisory and other regulated financial business conducted through the Internet; foreign exchange and foreign financial sector access to the U.S. through electronic media; and industry and investor education about the use of electronic media for securities business.

In addition, on October 6, 1995, the Commission published an interpretive release expressing its views on the electronic delivery of certain documents, such as prospectuses, annual reports, and proxy solicitation materials.[20] As directed by the Commission in this release, the Division is studying the feasibility of electronic delivery of confirmation statements, as well as other information required under the Exchange Act. The Conference participants will discuss these and other matters concerning the Internet and the use of electronic media.

I. Continuing Education

On February 8, 1995, the Commission approved uniform proposals by the MSRB, NASD, American Stock Exchange, Inc. (''Amex''), Chicago Board Options Exchange, Inc. (''CBOE''), Chicago Stock Exchange, Inc., Pacific Stock Exchange, Inc., and Philadelphia Stock Exchange, Inc. to implement a continuing education program for registered persons. This program includes a Regulatory Element requiring uniform, periodic training in regulatory matters, and a Firm Element requiring broker-dealers to maintain ongoing programs to keep their registered persons up-to-date on job and product related subjects.

A permanent Council on Continuing Education (''Council''), composed of broker-dealer and SRO representatives, is charged with the responsibility of providing ongoing input to the continuing education program. The Council currently is working on substantial revisions to the Regulatory Element to incorporate into the program new and more challenging learning exercises. The Council also is considering the development of a ''sales supervisor'' training module. The participants will discuss issues involving the maintenance and refinement of the program.

J. Compliance Inspections and Examinations Issues

a. Sales Practice Activities/Joint Regulatory Examination Sweep

In November 1995, the Commission completed a joint regulatory sales practice examination sweep (''Sweep'') in cooperation with the NASD, the New York Stock Exchange (''NYSE''), and NASAA (collectively the ''Working Group''). The objective of the Sweep was to identify possible problem registered representatives and to ensure that appropriate supervisory mechanisms are in place or, where necessary, to take appropriate enforcement action against those individuals. The participants will discuss the results of the Sweep, as well as recommendations made by the Working Group as a result of the findings.

b. Coordinated Examinations

On November 28, 1995, the Commission entered into a Memorandum of Understanding (''MOU'') with the examining SROs and NASAA to promote cooperation and coordination among the examining authorities, as well as to eliminate unnecessary and burdensome duplication in the broker-dealer examination process. The key provisions of the MOU provide for: (1) Annual National and Regional Planning Summits among the Commission, Amex, CBOE, the NASD, the NYSE, and NASAA; (2) coordination of broker-dealer examinations by the Amex, CBOE, the NASD, and the NYSE; (3) a computerized tracking system for all broker-dealer examinations; and (4) use of state resources in those areas where they are most needed.

On February 9, 1996, the National Planning Summit was held at the Commission's headquarters in Washington, D.C. The goal was to discuss the coordination of examination schedules and examination priorities, as well as other areas of related interest. The participants will discuss the provisions of the MOU and the actions that need to be taken to fulfill its objectives.

(3) Investment Management Issues

A. Investment Company Disclosure

In recent years, the Commission has launched several initiatives designed to improve the usefulness of the information received by mutual fund investors while at the same time minimizing the regulatory cost and burdens imposed on mutual funds. The conferees will discuss ways to improve the quality of information regarding mutual funds available to investors, as well as federal and state efforts toward more uniform federal and state investment company disclosure requirements.

In March 1995, the Commission issued for public comment a concept release discussing the ways in which investment company risk disclosure can be improved so that investors better understand the risks presented by funds. The Commission received approximately 3700 comment letters from individual investors and others in response to the concept release. The conferees are expected to discuss issues relating to investment company risk disclosure and the comments the Commission has received.

The Commission has worked with the investment company industry and NASAA to develop the concept of a ''profile prospectus.'' The key element of the profile prospectus is a standardized, short form summary that accompanies the full length prospectus and is designed to enable mutual fund investors to better understand what they are buying. Pilot ''profiles'' developed by eight fund groups have been available to investors starting August 1995. The conferees are expected to discuss this initiative.

The Commission recently approved the delivery of electronic prospectuses to potential investors as a method of complying with Securities Act prospectus delivery requirements. The conferees are expected to discuss the development of various means of electronic delivery of information to investors in this rapidly developing area.

The Division of Investment Management has encouraged funds to write prospectuses in simpler, more concise formats that are easier for investors to understand. A number of fund complexes have responded to the Division's initiative and have developed ''prototype'' prospectuses for the Division's review. These prospectuses are designed to be consistent with current Form N–1A disclosure requirements and to provide investors with straight-forward descriptions of essential information about funds. The conferees are expected to discuss this initiative.

B. Investment Advisers

The Commission has sought to develop alternative approaches to shortening the inspection cycles for investment advisers. In a speech at the NASAA annual meeting in October 1995, Chairman Levitt suggested one such approach would be for Congress to change the existing regulatory scheme through legislative action.[21] Under this

[20] Securities Act Release No. 7233 (Oct. 6, 1995), 60 FR 53458 (Oct. 13, 1995).

[21] ''The SEC and the States: Toward a More Perfect Union,'' Remarks by Arthur Levitt, Chairman, U.S. Securities and Exchange Commission, before the North American Securities Administrators Association, Vancouver, British Columbia (Oct. 23, 1995).

approach, Congress would delegate certain registration and examination responsibilities to state regulators, while the Commission would retain exclusive responsibility for larger investment advisers, whose activities tend to be more complicated and have an effect on national markets. The states would regulate and examine smaller advisers who tend to operate locally. The conferees are expected to discuss legislative proposals in this area and other approaches to improving the efficiency of investment adviser regulation and examinations.

Toward the same end, the Commission in July 1995 proposed improved disclosure requirements for money market funds. The revised standards would simplify money market fund prospectuses considerably, making them less costly to prepare and allowing investors to focus on a short document that contains the most essential information about the fund. The conferees are expected to discuss this proposal and the comments the Commission has received.

(4) Enforcement Issues

In addition to the above-stated topics, the state and federal regulators will discuss various enforcement-related issues which are of mutual interest.

(5) Investor Education

The Commission is pursuing a number of programs for investors on how to invest wisely and to protect themselves from fraud and abuse. The States and NASAA have a longstanding commitment to investor education and the Commission is intent on coordinating and complementing those efforts to the greatest extent possible. The participants at the conference will discuss investor education and potential joint projects in some of the working group sessions.

(6) General

There are a number of matters which are applicable to all, or a number, of the areas noted above. These include EDGAR, the Commission's electronic disclosure system, rulemaking procedures, training and education of staff examiners and analysts and sharing of information.

The Commission and NASAA request specific public comments and recommendations on the above-mentioned topics. Commenters should focus on the agenda but may also discuss or comment on other proposals which would enhance uniformity in the existing scheme of state and federal regulation, while helping to maintain high standards of investor protection.

Dated: April 3, 1996.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8788 Filed 4–8–96; 8:45 am]

BILLING CODE 8010–01–P

[Release No. 34–37058; File No. SR-CBOE–96–17]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Options on the CBOE Oil Index

April 2, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 15, 1996, the Chicago Board Options Exchange, Incorporated (''CBOE'' 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 CBOE proposes to list and trade options on the CBOE Oil Index (''Oil Index'' or ''Index'').

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 an 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

The purpose of the proposed rule change is to permit the exchange to list and trade cash-settled, European-style stock index options on the CBOE Oil Index. The Index currently meets all of the generic criteria for listing options on narrow-based indexes as set forth in Exchange Rule 24.2 and the Commission's order approving that Rule (the ''Commission Order'').[2] In accordance with Rule 24.2, CBOE proposes to list and trade options on the Oil Index beginning 30 days from the filing date of this proposed rule change.

The Oil Index consists of 15 stocks of large and widely held intergrated oil companies. Options on the Index will provide investors with a low-cost means to participate in the performance of this sector or to hedge against the risk of investing in this sector.

Index Design

All of the Oil Index stocks are U.S. securities and currently trade on the New York Stock Exchange (''NYSE''). Additionally, all of the stocks are ''reported securities'' as defined in Rule 11Aa3–1 under the Exchange Act.

Each Index stock has a market capitalization in excess of $3 billion. Specifically, the stocks comprising the Index range in capitalization from $3.2 billion to $101.6 billion as of February 21, 1996. The total capitalization as of that date was $432 billion. The mean capitalization was $28.8 billion. The median capitalization was $18.3 billion.

In addition, each of the component stocks in the Index have had average monthly trading volume well in excess of 1 million shares over the six month period through January of 1996. The average monthly volumes for these stocks over the six month period ranged from a low of 3.6 million shares to a high of 27.5 million shares. As of February 21, 1996, 100% of the weight of the Index and 100% of the number of components are eligible for options trading.

The largest stock in the Index by weight comprises 13.72% of the Index, while the smallest represents 1.86% of the Index. The top 5 stocks in the Index account for 54.03% of the Index. Accordingly, the Exchange's generic listing standards for narrow based indexes are met with respect to the criteria of market capitalization, weighting constraints, options eligibility, and trading volume.

Calculation

The Index will be calculated on a real-time basis using last-sale prices by CBOE or its designee, and will be disseminated every 15 seconds by CBOE. If a component stock is not currently being traded, the most recent

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 34157 (June 3, 1994), 59 FR 30062.

price at which the stock traded will be used in the Index calculation. The value of the Index at the close on February 21, 1996 was 186.35.

The Index is price-weighted and reflects changes in the prices of the component stocks relative to the Index base date, January 3, 1995 when the Index was set to 150. Specifically, the Index value is calculated by adding the prices of the component stocks and then dividing this sum by the Index divisor. The Index divisor is adjusted to reflect non-market related changes in the prices of the component securities as well as changes in the composition of the Index. Changes which may result in divisor changes include, but are not limited to, stock splits and dividends, spin-offs, certain rights issuances, and mergers and acquisitions.

Maintenance

The Index will be maintained by CBOE. In addition, the Index is reviewed on approximately a monthly basis by the CBOE staff. CBOE may change the composition of the Index at any time to reflect changes affecting the components of the Index or the oil industry generally. If it becomes necessary to remove a stock from the Index (for example, because of a takeover or merger), CBOE will only add a stock having characteristics that will permit the Index to remain within the maintenance criteria specified in CBOE's Rules and the Commission Order. CBOE will take into account the capitalization, liquidity, volatility, and name recognition of any proposed replacement stock.

CBOE staff will review the Index on the schedule described above to ensure that the Index satisfies the maintenance listing standards set forth in CBOE Rule 24.2(c), where applicable. Absent prior Commission approval, CBOE will not increase to more than 20, nor decrease to fewer than 10, the number of stocks in the Index. In addition, the CBOE will monitor the composition of the Index to determine whether the maintenance criteria are satisfied, including whether any change has occurred to cause fewer than 90% of the stocks by weight, or fewer than 80% of the total number of stocks in the index, qualifying as stocks eligible for equity options trading under CBOE Rule 5.3.[3]

If the Index fails at any time to satisfy the maintenance criteria, the Exchange will immediately notify the Commission of that fact and will not open for trading any additional series of options on the Index unless such failure is determined by the Exchange not to be significant and the Commission concurs in that determination, or unless the continued listing of options on the Oil Index has been approved by the Commission under Section 19(b)(2) of the Exchange Act.

Index Option Trading

The Exchange proposes to base trading in options on the Oil Index on the full value of that Index. The Exchange may list full-value long-term index option series (''LEAPS''), as provided in Rule 24.9. The Exchange also may provide for the listing of reduced-value LEAPS, for which the underlying value would be computed at one-tenth of the value of the Index. The current and closing index value of any such reduced-value LEAP will, after such initial computation, be rounded to the nearest one-hundredth.

Exercise and Settlement

Oil Index options will have European-style exercise and will be ''A.M.-settled index options'' within the meaning of the Rules in Chapter XXIV, including Rule 24.9, which is being amended to refer specifically to Oil Index options. The proposed options will expire on the Saturday following the third Friday of the expiration month. Thus, the last day for trading in a expiring series will be the second business day (ordinarily a Thursday) preceding the expiration date.

Exchange Rules Applicable

Except as modified herein, the Rules in Chapter XXIV will be applicable to Oil Index options. Index option contracts based on the Oil Index will be subject to the position limit requirements of Rule 24.4A. Currently the limit is 9,000 contracts. Ten reduced-value options will equal one full-value contract for such purposes.

CBOE has the necessary systems capacity to support new series that would result from the introduction of Oil Index options. CBOE has also been informed that the Options Price Reporting Authority (''OPRA'') has the capacity to support such new series.[4]

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'') in general and furthers the objectives of Section 6(b)(5) in particular in that it will permit trading in options based on the Oil Index pursuant to rules designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and thereby will provide investors with the ability to invest in options based on an additional index.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE believes that the proposed rule change will impose no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change complies with the standards set forth in the Commission Order,[5] it has become effective pursuant to Section 19(b)(3)(A) of the Exchange Act and Rule 19b–4(e) thereunder. Pursuant to the Commission Order, the Exchange may not list Index options for trading prior to 30 days after March 15, 1996, the date the proposed rule change was filed with the Commission. At any time within 60 days of the filing of the 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 Exchange 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, 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

[3] Telephone conversation between Timothy Thompson, Senior Attorney, CBOE, and Francois Mazur, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, on April 1, 1996.

[4] Letter from Joseph P. Corrigan, Executive Director, OPRA, to William Speth, CBOE, dated March 1, 1996.

[5] *See supra* note 2.

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 File No. SR–CBOE–96–17 and should be submitted by April 30, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8790 Filed 4–8–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37062; File No. SR–NASD–96–11]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Amendments to the Primary Market Maker Standards

April 2, 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 March 27, 1996, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to amend the Primary Market Maker (''PMM'') Standards rule by deleting a provision of the rule that allows a market maker to become a PMM in an issue by registering in the stock and refraining from quoting the issue for five days.[1] Below is the text of the proposed rule change. Proposed deletions are in brackets.

Article III

Rules of Fair Practice

* * * * *

Primary Nasdaq Market Maker Standards

Sec. 49.

* * * * *

(g) In registration situations:

(1) To register and immediately become a Primary Nasdaq Market Maker in a Nasdaq National Market security, a member must be a Primary Nasdaq Market Maker in 80% of the securities in which it has registered. If the market maker is not a Primary Nasdaq Market Maker in 80% of its stocks, it may qualify as a Primary Nasdaq Market Maker in that stock if[:

(i) the market maker registers in the stock but does not enter quotes for five days; or

(ii)] the market maker registers in the stock as a regular Nasdaq market maker and satisfies the qualification criteria for the next review period.

* * * * *

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 June 29, 1994, the SEC approved the NASD's short-sale rule applicable to short sales in Nasdaq National Market (''NNM'') securities.[2] The rule, which has been approved by the Commission on a pilot basis through August 3, 1996,[3] prohibits member firms from effecting short sales[4] at or below the current inside bid as disseminated by the Nasdaq system whenever that bid is lower than the previous inside bid.[5]

In order to ensure that market maker activities that provide liquidity and continuity to the market are not adversely constrained when the short sale rule is invoked, the rule provides an exemption to ''qualified'' Nasdaq market makers.[6] Even if a market maker is able to avail itself of the qualified market maker exemption, it can utilize the exemption from the short sale rule only for transactions that are made in connection with bona fide market making activity. If a market maker does not satisfy the requirements for a qualified market maker, it can remain a market maker in the Nasdaq system; however, it can not take advantage of the exemption from the rule.

From February 1, 1996 to August 3, 1996, a ''qualified'' Nasdaq market maker is defined to be a market maker that satisfies the criteria for a PMM found in Section 49 of the NASD Rules of Fair Practice.[7] To qualify as a PMM, market makers must satisfy at least two of the following four criteria: (1) the market maker must be at the best bid or best offer as shown on the Nasdaq system no less than 35 percent of the time; (2) the market maker must maintain a spread no greater than 102 percent of the average dealer spread; (3) no more than 50 percent of the market maker's quotation updates may occur without being accompanied by a trade execution of at least one unit of trading; or (4) the market maker executes 1½ times its ''proportionate'' volume in the stock.[8] If a market maker is a PMM, a ''P'' indicator is displayed next to its market maker identification to denote that it is a PMM.

The review period for satisfaction of the PMM performance standards is one calendar month. If a PMM has not satisfied the threshold standards after a particular review period, the PMM designation will be removed commencing on the next business day

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[6] 17 CFR 200.30–3(a)(12) (1994).

[1] *NASD Manual*, Rules of Fair Practice, Art. III, Sec. 49 (CCH) ¶ 2200I.

[2] *See* Securities Exchange Act Release No. 34277 (June 29, 1994), 59 FR 34885 (July 7, 1994) (approving, *inter alia,* Article III, Section 48 to the NASD Rules of Fair Practice).

[3] *See* Securities Exchange Act Release No. 36532 (Nov. 30, 1995), 60 FR 62519 (Dec. 6, 1995).

[4] A short sale is a sale of a security which the seller does not own or any sale which is consummated by the delivery of a security borrowed by, or for the account of, the seller. To determine whether a sale is a short sale members must adhere to the definition of a ''short sale'' contained in SEC Rule 3b–3, which rule is incorporated into Nasdaq's short sale rule by Article III, Section 48(l)(1) of the NASD Rules of Fair Practice.

[5] Nasdaq calculates the inside bid and the best bid from all market makers in the security (including bids on behalf of exchanges trading Nasdaq securities on an unlisted trading privileges basis), and disseminates symbols to denote whether the current inside bid is an ''up bid'' or a ''down bid.'' Specifically, an ''up bid'' is denoted by a green ''up'' arrow symbol and a ''down bid'' is denoted by a red ''down'' arrow. Accordingly, absent an exemption from the rule, a member can not effect a short sale at or below the inside bid in a security in its proprietary account or an account of a customer if there is a red arrow next to the security's symbol on the screen. In order to effect a ''legal'' short sale on a down bid, the short sale must be executed at a price at least a 1/16th of a point above the current inside bid. Conversely, if the security's symbol has a green ''up'' arrow next to it, members can effect short sales in the security without any restrictions. The rule is in effect during normal domestic market hours (9:30 a.m. to 4:00 p.m., Eastern Time).

[6] Article III, Section 48(c)(1).

[7] Before the PMM standards went into effect, a ''qualified market maker'' was defined to be a market maker that had entered quotations in the relevant security on an uninterrupted basis for the preceding 20 business days, the so-called ''20-day test.''

[8] For example, if there are 10 market makers in a stock, each dealer's proportionate share volume would be 10 percent; therefore, 1½ times proportionate share volume would mean 15 percent of overall volume.

following notice of failure to comply with the standards. Market makers may requalify for designation as a Primary Market Maker by satisfying the threshold standards for the next review period.

If a market maker is a PMM in 80 percent or more of the securities in which it has registered, it may immediately become a PMM (*i.e.*, a qualified market maker) in an NNM security by registering and entering quotations in that issue. If the market maker is not a PMM in at least 80 percent of its stocks, it may qualify as a PMM in that stock if the market maker registers in the stock but does not enter quotes for five days (the ''five-day quotation delay rule'') or the market maker registers in the stock as a regular Nasdaq market maker and satisfies the qualification criteria for the next review period. The PMM rule also has provisions applicable to initial public offerings, secondary offerings, and merger and acquisition situations.[9]

As discussed above, the ''five-day quotation delay'' rule permits a market maker to become a PMM by registering in a stock and refraining from entering quotes in the issue for five days. If the market maker commences quoting the issue on the sixth day, it is a PMM in that stock until the next PMM review. Thereafter, to retain the PMM designation, the market maker must meet the PMM standards for the next review period. This provision of the PMM standards was originally put into the rule to ensure that market makers were not registering in a stock to take advantage of momentary short-selling opportunities.

The NASD is concerned, however, that the ''five-day quotation delay rule'' could be utilized in a manner that undermines the PMM exemption and diminishes the effectiveness of the NASD's short-sale rule. Specifically, the NASD is concerned that the rule could be used to circumvent the application of the PMM standards[10] and/or inflate the percentage of stocks in which they are a PMM above the 80 percent level, thereby entitling them to be a PMM for all initial public offerings and issues that they register in during the next month. Accordingly, in light of these unintended consequences of the rule, the NASD is proposing to delete the provision from the PMM Rule. In sum, because the ''five-day quotation delay rule'' allows a market maker to become a PMM for reasons wholly unrelated to the quality with which it makes a market, the NASD believes the provision should be deleted because it is consistent with all other qualitative means by which a market maker can become a PMM.

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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general to protect investors and the public interest. Specifically, by amending the PMM Rule to provide that market makers will only be exempt from the NASD's short-sale rule if they have met certain performance standards, the NASD believes its proposal will help to ensure that the market maker exemption is not subject to abuse, thereby promoting the effectiveness of the NASD's short-sale rule.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

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 data if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to SR–NASD–96–11 and should be submitted by April 30, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8710 Filed 4–8–96; 8:45 am]

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[9] *See* Section 49(g)(2) and (3) of the NASD Rules of Fair Practice.

[10] Specifically, it is conceivable that market making affiliates of the same firm could ''swap'' lists of stocks in which they make a market and alternatively receive PMM designation without ever meeting the quanitative PMM standards.

[11] 17 CFR 200.30–3(a)(12).

[Release No. 34–37059; International Series Release No. 963; File No. SR–PHLX–96–10]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to a Change in the Holiday Trading Schedule for Foreign Currency Options for Good Friday 1996

April 2, 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 April 1, 1996, the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 approving this proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX proposes to amend its holiday schedule with respect to the trading of foreign currency options (''FCOs'') on Good Friday, April 5, 1996. Specifically, the PHLX intends to conduct a three-hour [1] FCO trading session from 8 a.m. Eastern Standard Time (''E.S.T.'') through 11 a.m. E.S.T. on Good Friday.

The text of the proposal is available at the Office of the Secretary, the PHLX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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

Recently, the PHLX learned that the U.S. Department of Labor has scheduled the release of employment figures on the morning of Good Friday, April 5, 1996. Under its previously adopted holiday schedule, the PHLX had planned to be closed on Good Friday, April 5, 1996. However, the Foreign Currency Options Committee recommended to the Exchange's Board of Governors, and the Board of Governors by unanimous poll procedures approved for filing with the Commission an amendment to the PHLX holiday schedule to permit a special trading session in FCOs from 8:00 a.m. E.S.T. to 11:00 a.m. E.S.T. on Good Friday, April 5, 1996.

The PHLX represents that the Board of Governors slated the special FCO trading session to accommodate customer interest and to meet competitive demand in light of the fact that the Chicago Mercantile Exchange as well as the Chicago Board of Trade have also scheduled special trading sessions on that date. The case of adverse movements in the underlying currencies while allowing the Exchange to remain competitive with other exchanges and the interbank market, which also will be open for trading on Good Friday.

The PHLX believes that the proposal is consistent with Section 6(b) of the Act, in general, and, in particular, with Section 6(b)(5) in that it is designed to remove impediments to and perfect the mechanism of a free and open market and to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

III. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to Section 19(b)(2) of the Act in order to provide member firms and customers with sufficient notice to prepare for operating during the proposed special trading session slated for 8:00 a.m. E.S.T. to 11:00 a.m. E.S.T. on Good Friday, April 5, 1996.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5).[2] Specifically, the Commission believes that because of the release of the latest employment figures by the U.S. Department of Labor and because the futures exchanges and the interbank market will be open, there may be investor interest in trading FCOs on Good Friday. This limited FCO trading session will provide those investors with the opportunity to hedge their positions in response to movements in the underlying currencies on these other markets.

Moreover, the Commission notes that the Exchange has issued a notice to its membership advising them of this proposed schedule change,[3] and following approval of the proposal will issue a second notice to members, thereby minimizing the possibility of investor confusion. The notice to members also describes the resulting changes in settlement procedures caused by the fact that the Options Clearing Corporation (''OCC'') will be closed on Good Friday. Specifically, all FCO transactions occurring on Good Friday will be processed by OCC on an ''as of April 5'' basis along with FCO transactions occurring on Monday, April 8, 1996. For example, FCOs exercised on Good Friday will be processed using the April 5 trading prices but the actual processing of the exercises will not occur until April 8, 1996. OCC represents that it has adequate systems capacity to process the FCO transactions executed during the special session in this manner. The Commission also notes that OCC has issued a notice to all clearing members notifying them of the special FCO trading session and the modified processing procedures.[4]

Based on the foregoing, the Commission finds that the Exchange's proposal to change the FCO trading hours on Good Friday as described herein is consistent with Section 6(b)(5) of the Act in that it will promote just and equitable principles of trade and remove impediments to a free and open market by allowing customers to trade FCOs on Good Friday while at the same time ensuring the protection of investors and the public interest in the trading of these products.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Accelerating approval of this proposal will provide the Exchange with sufficient time to notify FCO specialist units, member firms, and customers of the schedule change and allow such persons and entities to consider their trading strategies in light of the amended holiday schedule. Accordingly, the Commission believes that granting accelerated approval of the proposed rule change is appropriate and consistent with Sections 6(b)(5) and 19(b)(2) of the Act.

[1] The PHLX clarified that the trading session will last for three hours, rather than two hours, which was the length of the Good Friday trading session conducted in 1994. Telephone conversation between Murray L. Ross, Secretary, PHLX, and Yvonne Fraticelli, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, on March 29, 1996.

[2] 15 U.S.C. 78f(b)(5) (1988 & Supp. V 1993).

[3] *See* Circular 96–76, from Murray L. Ross, Secretary, PHLX, to all members, member organizations, FCO participants and participant organizations, dated March 29, 1996

[4] *See* Memorandum from John Peplinski, Vice President, National Operations, OCC, to all clearing members, dated March 29, 1996.

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. 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 number in the caption above and should be submitted by April 30, 1996.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[5] that the proposed rule change (SR–PHLX–96–10) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8709 Filed 4–8–96; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78s(b)(2) (1982).

[6] 17 CFR 200.30–3(a)(12) (1995).

SOCIAL SECURITY ADMINISTRATION

Representative Payment Advisory Committee; Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice.

DATES: April 29, 1996, 8:30 a.m.–5:30 p.m.; April 30, 1996, 8:30 a.m.–5:30 p.m.

ADDRESSES: Social Security Administration Headquarters, Altmeyer Multi-Purpose Auditorium, 6401 Security Blvd., Baltimore, MD 21235.

SUPPLEMENTARY INFORMATION:

Type of meeting: The meeting is open to the public.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces the fifth meeting of the Representative Payment Advisory Committee. The Committee's discussion will include the following broad categories of representative payment policy: (1) beneficiary (in)capability; (2) payee selection; (3) payee recruitment and retention; (4) standards for payee performance; and (5) payee oversight.

This is a deliberative meeting at which no public testimony will be heard. However, interested parties are invited to attend the meeting and/or submit written comments. The Committee will use this time to discuss and begin concluding its findings.

Agenda: The Committee will meet commencing at 8:30 a.m. to 5:30 p.m. on Monday and Tuesday, April 29 and 30, 1996. Discussion items will include beneficiary (in)capability; payee selection; payee recruitment and retention; standards for payee performance; and payee oversight.

Persons interested in attending this meeting should call the Representative Payment Advisory Committee at (410) 966–4688 so that arrangements for entrance into the meeting can be made. Individuals not making advance arrangements should report to the main lobby. Arrangements for entrance can be made at that time. The Committee welcomes written comments. They may be sent to the Representative Payment Advisory Committee at P.O. Box 17763, Baltimore, MD 21203–7763.

Records are being kept of all Committee proceedings, and are available for public inspection at the office of the Representative Payment Advisory Committee, Room 2–N–24, Operations Building, 6401 Security Boulevard, Baltimore, MD 21235 between the hours of 9:00 a.m. and 4:00 p.m. on regular business days. Anyone requiring information regarding the Committee should contact the Representative Payment Advisory Committee at P.O. Box 17763, Baltimore, MD 21203–7763; Telephone: (410) 966–4688; FAX (410) 966–0980; Internet: adcom@ssa.gov.

Dated: April 2, 1996.

Reba Andrew,

Staff Director, Representative Payment Advisory Committee.

[FR Doc. 96–8763 Filed 4–8–96; 8:45 am]

BILLING CODE 4190–29–P

1994–95 Advisory Council on Social Security; Meeting

AGENCY: Social Security Administration.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces a meeting of the 1994–95 Advisory Council on Social Security (the Council). Relatively short notice is provided because the Chairman wanted to schedule the meeting as soon as possible so as not to further delay the Council's report.

DATES: Saturday, April 13, 1996, 9:00 a.m. to 5:00 p.m.

ADDRESS: Sheraton City Centre, 1143 New Hampshire Avenue, NW, Washington D.C., 20037, (202) 775–0800.

FOR FURTHER INFORMATION CONTACT: By mail—Nick Curabba, 1994–95 Advisory Council on Social Security, Suite 705, 1825 Connecticut Avenue, NW, Washington, DC 20009; By telephone—(202) 482–7119; By telefax—(202) 482–7123.

SUPPLEMENTARY INFORMATION:

I. Purpose

Under section 706 of the Social Security Act (the Act), the Secretary of Health and Human Services (the Secretary) appoints the Council every 4 years. The Council examines issues affecting the Social Security Old-Age, Survivors, and Disability Insurance (OASDI) programs, as well as the Medicare program and impacts on the Medicaid program, which were created under the Act.

In addition, the Secretary has asked the Council specifically to address the following:

- Social Security financing issues, including developing recommendations for improving the long-range financial status of the OASDI programs;
- General program issues such as the relative equity and adequacy of Social Security benefits for persons at various income levels, in various family situations, and various age cohorts, taking into account such factors as the increased labor force participation of women, lower marriage rates, increased likelihood of divorce, and higher poverty rates of aged women.

In addressing these topics, the Secretary suggested that the Council may wish to analyze the relative roles of the public and private sectors in providing retirement income, how policies in both sectors affect retirement decisions and the economic status of the elderly, and how the disability insurance program provisions and the availability of health insurance and health care costs affect such matters.

The Council is composed of 12 members in addition to the chairman: Robert Ball, Joan Bok, Ann Combs, Edith Fierst, Gloria Johnson, Thomas

Jones, George Kourpias, Sylvester Schieber, Gerald Shea, Marc Twinney, Fidel Vargas, and Carolyn Weaver. The chairman is Edward Gramlich.

The Council met previously on June 24–25, 1994 (59 FR 30367), July 29, (59 FR 35942), September 29–30 (59 FR 47146), October 21–22 (59 FR 51451), November 18–19 (59 FR 55272), January 27, 1995 (60 FR 3416), February 10–11 (60 FR 5433), March 8–9 (60 FR 10091), March 10–11 (60 FR 10090), April 21–22 (60 FR 18419), May 19–20 (60 FR 24961), June 2–3 (60 FR 27372) July 27–28 (60 FR 35097), August 31–September 1 (60 FR 41142), October 12–13 (60 FR 50234) December 14 (60 FR 62129).

II. Agenda

The following topics will be presented and discussed:

- Previously developed plans that would revise the OASDI program along different lines;
- The preliminary findings and recommendations of the Advisory Council;
- Other issues before the Advisory Council.

The meeting is open to the public to the extent that space is available. Interpreter services for persons with hearing impairments will be provided. A transcript of the meeting will be available to the public on an at-cost-of duplication basis. The transcript can be ordered from the Executive Director of the Council.

(Catalog of Federal Domestic Assistance Program Nos. 93.802, Social Security-Disability Insurance; 93.803, Social Security-Retirement Insurance; 93.805, Social Security-Survivors Insurance.)

Dated: April 5, 1996.

Timothy Kelley,

Acting Executive Director, 1994–95 Advisory Council on Social Security.

[FR Doc. 96–8973 Filed 4–5–96; 8:45 am]

BILLING CODE 4190–29–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

USTR Announces Allocation of the Tariff-rate Quota Increase for Raw Cane Sugar

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice of the country-by-country allocation of the 200,000 metric ton increase in the tariff-rate quota for imported raw cane sugar for the period that begins October 1, 1995, and ends September 30, 1996. This is in addition to the previous allocations of the tariff-rate quota of 1,817,195 mt for imported raw cane sugar.

EFFECTIVE DATE: April 1, 1996.

ADDRESSES: Inquiries may be mailed or delivered to Tom Perkins, Senior Economist, Office of Agricultural Affairs (Room 421), Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Tom Perkins, Office of Agricultural Affairs, 202–395–6127.

SUPPLEMENTARY INFORMATION: Pursuant to additional U.S. Note 5 to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), the United States maintains a tariff-rate quota for imports of raw sugar. The in-quota quantity of the tariff-rate quota for the period October 1, 1995-September 30, 1996, has been increased by 200,000 metric tons by the Secretary of Agriculture, resulting in a new total of 2,017,195 metric tons, raw value.

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a tariff-rate quota for any agricultural product among supplying countries or customs areas. The President delegated this authority to the United States Trade Representative under paragraph (3) of Presidential Proclamation No. 6763 (60 FR 1007).

I have determined to allocate the increase in the tariff-rate quota among supplying countries or customs areas. Accordingly, the country-by-country tariff-rate quota allocations in metric tons, raw value, for raw cane sugar allowed into the United States at the in-quota quantity tariff rate for the October 1, 1995–September 30, 1996, period are as follows:

1995–96 RAW SUGAR TRQ ALLOCATION

Country/[1 2]	Current FY 1996 allocation	New additional allocation	FY 1996 allocation
Argentina	75,623	10,118	85,741
Australia	145,971	19,529	165,500
Barbados	12,311	0	12,311
Belize	19,346	2,588	21,934
Bolivia	14,069	1,882	15,952
Brazil	255,009	34,117	289,127
Colombia	42,208	5,647	47,855
Congo	7,258	0	7,258
Cote d'Ivoire	7,258	0	7,258
Costa Rica	26,380	3,529	29,910
Dominican Republic	309,528	41,411	350,940
Ecuador	19,346	2,588	21,934
El Salvador	45,726	6,118	51,843
Fiji	15,828	2,118	17,946
Gabon	7,258	0	7,258
Guatemala	84,417	11,294	95,711
Guyana	21,104	2,824	23,928
Haiti	7,258	0	7,258
Honduras	17,587	2,353	19,940
India	14,069	1,882	15,952
Jamaica	19,346	2,588	21,934
Madagascar	7,258	0	7,258
Malawi	17,587	2,353	19,940
Mauritius	21,104	2,824	23,928
Mexico	7,258	0	7,258
Mozambique	22,863	3,059	25,922

1995–96 RAW SUGAR TRQ ALLOCATION—Continued

Country/[1 2]	Current FY 1996 allocation	New additional allocation	FY 1996 allocation
Nicaragua	36,932	4,941	41,873
Panama	51,002	6,832	57,825
Papua New Guinea	7,258	0	7,258
Paraguay	7,258	0	7,258
Peru	72,106	9,647	81,753
Philippines	237,422	0	237,422
South Africa	40,450	5,412	45,861
St. Kitts & Nevis	7,258	0	7,258
Swaziland	28,139	3,765	31,904
Taiwan	21,104	2,824	23,928
Thailand	24,622	3,294	27,916
Trinidad-Tobago	12,311	1,647	13,958
Uruguay	7,258	0	7,258
Zimbabwe	21,104	2,824	23,928
	1,817,195	200,000	2,017,195

[1] Additional increases in the TRQ were not allocated to the Philippines and Barbados at this time because market conditions indicate they are unable to supply additional sugar.

[2] The additional allocation amount is zero for the ten minimum quota-holding countries including: Congo, Cote d'Ivoire, Gabon, Haiti, Madagascar, Mexico, Papua New Guinea, Paraguay, St. Kitts & Nevis, and Uruguay. The previously announced minimum allocation for these countries exceeds the base import quota plus any additional increases in the tariff-rate quota.

Conversion factor: 1 metric ton = 1.10231125 short tons

Michael Kantor,

United States Trade Representative.

[FR Doc. 96–8752 Filed 4–8–96; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

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 April 23, 1996, at 9:30 a.m.

ADDRESSES: The meeting will be held at the FAA Headquarters Building, Room 827, 800 Independence Avenue S.W., 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: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to discuss general aviation operations issues. This meeting will be held on April 23, 1996, at 9:30 a.m., at the FAA Headquarters Building, Room 827, 800 Independence Avenue S.W., Washington DC 20591.

The agenda for this meeting will include status reports from the part 103 (Ultralight 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 April 3, 1996.

Mr. Michael L. Henry,

Acting Assistant Executive Director for General Aviation Operations, Aviation Rulemaking Advisory Committee.

[FR Doc 96–8797 Filed 4–8–96; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 96–027, Notice 01]

Nationwide Survey Regarding Speeding and Other Unsafe Driving Actions

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice and request for comments on data collection.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) plays a key role in the national effort to reduce motor vehicle related traffic injuries and deaths. Speeding has been implicated as a causal factor in about one-third of all fatal motor vehicle crashes. The objective of this study is to develop and implement a nationwide survey of the driving public to determine: (1) the characteristics of drivers who speed or do not obey traffic signals or stop signs; (2) the situations and driver motivations that accompany these unsafe behaviors; (3) the public's attitudes regarding speed limits, including the National Maximum Speed Limit (NMSL), and the enforcement of these limits; and (4) countermeasures the public would support to reduce these unsafe driving actions. Major components of this study include the development and administration of a driver survey among a national probability sample of 6,000 adult drivers. Current data on these issues do not exist. NHTSA invites the general public and other Federal agencies to comment on the need for the

proposed data collection, the types of questions that respondents should be asked, ways to enhance data quality and utility, and ways to minimize the burden of the data collection 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 June 10, 1996.

ADDRESSES: Direct all written comments to NHTSA, Docket Section, Room 5111, Docket #96–027–N01, 400 7th Street SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Marvin M. Levy, Ph.D., Contracting Officer's Technical Representative, Office of Program Development and Evaluation (NTS–30), Washington, DC 20590, Phone Number (202) 366–5597.

SUPPLEMENTARY INFORMATION:

I. Abstract

Speeding—exceeding the posted speed limit or driving too fast for conditions—is a prevalent factor contributing to crashes. In 1994, speed was a factor in 30 percent of all fatal crashes and more than 12,000 lives were lost in speed related crashes. The economic cost of speed related crashes to society is estimated by NHTSA to be more than 23 billion dollars per year. Recently, the NMSL was rescinded and several states now permit higher speed limits. Other unsafe driving behaviors—''running'' red traffic lights and stop signs—contribute to crashes.

NHTSA is committed to the development of effective programs to reduce the number of deaths and injuries related to speeding and other unsafe driving behaviors. The objective of this study is to develop and implement a nationwide survey of the driving public to determine: (1) the characteristics of drivers who speed and do not obey traffic signals or stop signs; (2) the situations and driver motivations that accompany these unsafe behaviors; (3) the public's attitudes regarding speed limits, including the NMSL, and the enforcement of these limits; and (4) countermeasures the public would support to reduce the occurrence of these unsafe driving actions.

II. Method of Data Collection

Data will be collected voluntarily and anonymously from a national probability sample of 6,000 adult drivers. Each respondent contacted will be interviewed with the same questionnaire. Bilingual interviewers will be employed and a Spanish version of the questionnaire will be prepared to increase participation by potential respondents. Interviewers will use computer assisted telephone interviewing to reduce interview length and minimize recording errors.

III. Use of Findings

The findings will provide better specification of the characteristics of drivers who speed and violate the law regarding traffic lights and stop signs; the situations in which such driving infractions commonly occur and, of these, those situations that drivers consider hazardous; the extent to which speed limits influence driving speeds; and the steps that safety officials and enforcement agencies might take to reduce speeding.

The findings will be used to assist NHTSA in formulating programs and in preparing recommendations to Congress dealing with the problem of speeding. Additionally, findings will be used to support decision making by State and local highway safety agencies, law enforcement agencies, and citizen activist groups regarding the effective allocation of resources to address this problem. The data being sought will be instrumental in the development and targeting of countermeasures to reduce speeding and traffic signal and stop sign violations.

IV. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular Submission.

Affected Public: The adult population of the United States living in households with telephones.

Estimated Number of Respondents: 6,000.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden: 2000 hours.

Estimated Cost Per Respondent: $35.

V. Requests for Comments

Comments are invited on: (a) the need for the proposed collection and the uses of the data to meet the objectives of the study, (b) the types of questions that should be asked of respondents, (c) ways to enhance the quality, utility and clarity of the information collected, (d) the accuracy of the burden estimate, and (e) ways to minimize the burden of the collection of information on the respondents.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

James H. Hedlund,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 96–8714 Filed 4–8–96; 8:45 am]

BILLING CODE 4910–59–P

Discretionary Cooperative Agreements to Support Vehicle and Occupant Protection Systems Research

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Announcement of discretionary cooperative agreement to support vehicle occupant protection systems research.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a discretionary cooperative agreement program to support research studies to evaluate potential improvements in occupant protection during motor vehicle crashes and solicits applications for projects under this program.

DATES: Applications must be received at the office designated below on or before May 29, 1996.

ADDRESSES: Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD–30), ATTN: Ms. Amy I. Poling, 400 Seventh Street, S.W., Room 5301, Washington, DC 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–96–H–07150, and identify the program area for which the application is submitted. Interested applicants are advised that no separate application package exists beyond the contents of this announcement.

FOR FURTHER INFORMATION CONTACT: General administrative questions may be directed to Ms. Amy I. Poling, Office of Contracts and Procurement, at (202) 366–9552. Programmatic questions relating to this cooperative agreement program should be directed to Dr. William T. Hollowell, Safety Systems Engineering & Analysis Division (NRD–11), 400 Seventh Street, S.W., Room 6226, Washington, DC 20590 (202) 366–4726.

SUPPLEMENTARY INFORMATION:

Background

Each year in the United States, more than 40,000 deaths and millions of injuries occur as the direct result of motor vehicle traffic accidents. As part of its mission to alleviate this toll, the National Highway Traffic Safety Administration vigorously conducts an extensive research program to develop and evaluate new technologies and methodologies which have the potential for improving the crash worthiness of passenger vehicles and protecting their occupants. NHTSA is conducting crash worthiness research in four broad areas:

I. Accident Statistics Studies and Fleet Characterization
II. Development of New Computer Modeling Methodologies
III. Development of New Experimental and Test Methodologies
IV. Development of New or Enhanced Injury Countermeasures

Objectives

The proposed cooperative research agreement program seeks to establish collaborative research efforts between NHTSA and qualified research organizations to study advanced methodologies for occupant protection in passenger vehicle crashes. The collaboration will include problem definition, sharing of scientific and technical data, and joint research and development of new methodologies and technologies for occupant crash protection.

To improve and better understand occupant crash protection, NHTSA seeks collaborative research efforts in any of the four broad research areas stated above. Examples of specific NHTSA interests are summarized below.

Accident Statistics Studies and Fleet Characterization—Collaborative efforts are being sought in which data from the National Accident Sampling System, the Fatal Accident Reporting System, and from State accident data files are evaluated for investigating:

- Air bag injury reduction effectiveness.
- Vehicle aggressiveness metrics.
- Geometric vehicle-to-vehicle incompatibility including bumper-door sill incompatibility.

Development of New Computer Modeling Methodologies—Collaborative efforts are being sought to advance the state of the art in finite element analysis methodology for:

- Models for simulating human interaction with vehicle structures.
- Models for simulating human interaction with restraints.
- Models of vehicle structures under crash loading.
- Models of humans or human surrogates under crash loading.
- Methods or techniques for rapidly generating finite element models of complex vehicle or biomechanical structures for simulation of response to crash loading.
- Material models for describing the behavior of engineering and biomechanical materials under crash loading.
- Models of the air bag and inflator during the early deployment phase.
- Models which simulate glazing under crash loading.
- Modeling of internal air bag pressure, temperature, flow rates and particulate distribution during deployment and interaction with the occupant.

Development of New Experimental and Test Methodologies—Collaborative efforts are being sought in which nonintrusive measuring techniques are developed including:

- Nonintrusive door velocity measurement instruments for side impact.
- Nonintrusive floorpan intrusion measurement instruments for frontal-offset impacts.
- Nonintrusive measurement of internal air bag pressure, temperature, flow rates and particulate distribution during air bag deployment.

Also, collaborative efforts are being sought for developing improved test methods for detecting and quantifying liquid and/or gaseous fuel leaks in crashes.

Development of New or Enhanced Injury Countermeasures—Collaborative efforts are being sought in the development of new or enhanced countermeasures for reducing crash victim injuries, including research into:

- Advanced occupant restraints.
- Advanced air bag inflator methodologies.
- Non-azide air bag inflators.
- Adaptive air bag Systems to tailor bag deployment over the expected range of crash severities, occupant heights, occupant ages, occupant positioning, etc.
- Advanced occupant seating systems.
- Ejection prevention technologies.
- Internal and/or external air bag systems for higher speed collisions and configurations of other frontal impacts.
- Anticipatory crash sensing technologies and algorithms.
- Pedestrain protection technologies.
- Heavy truck safety technologies.
- Motorcycle safety technologies.

The above list of potential program areas constitutes only a sampling and applicants are encouraged to suggest from these and others those which are believed by the applicant to provide the potential for practical improvement of current occupant crash protection and are most amenable to the special skills and experience of the applicant.

It is envisioned that three broad phases may be applicable to these programs: (1) Preliminary studies identifying the system performance improvement desired, an estimate of additional production costs related to the improvement, the benefits to be appreciated from such improvement, and the approximate magnitude of national injuries and fatalities now occurring due to the absence of the improvement. (2) Prototype development and establishment of reliable production costs. (3) Prototype demonstration. The duration of each phase will vary according to current state-of-the-art and in some instances may be overlapped.

NHTSA Involvement

The NHTSA will be involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide one professional staff person, to be designated as the Contracting Officer's Technical Representative (COTR), to participate in the planning and management of the cooperative agreement and coordinate activities between the cooperative agreement participant organization and the NHTSA.
2. Make available information and technical assistance from government sources, within available resources and as determined appropriate by the COTR.
3. Provide liaison with other government agencies and organizations as appropriate.
4. Stimulate the exchange of ideas, problems, and solutions among cooperative agreement recipients who agree to such sharing, and, if appropriate, NHTSA contractors and other interested parties; and
5. Share nonproprietary information developed at Government expense with the scientific and industrial community.

Period of Support

The research and development effort described in this notice may be supported through the award of a cooperative agreement. The NHTSA reserves the right to make multiple cooperative agreement awards for the effort described in this notice depending upon the relative merit of the applications received and the Federal resources and amount of Federal funding available.

Contingent upon the availability of funds, a cooperative agreement(s) will be awarded to an eligible organization(s) for project periods of up to five years. It is currently intended that no cooperative agreement awarded as a result of this notice shall exceed $50,000 per year.

Eligibility Requirements

In order to be eligible to participate in this cooperative agreement program, an applicant must be a for-profit business organization (small or large), a non-profit organization, or an educational institution. Consortiums of organizations from any of the above categories may apply. Regardless of the

type of organization applying for Federal funding assistance, no fee or profit will be allowed.

Application Procedure

Each applicant must submit one original and two copies of their application package to: Office of Contracts and Procurement (NAD–30), NHTSA, 400 Seventh Street, SW., Room 5301, Washington, DC 20590. Applications are due no later than 45 days after the appearance of this announcement in the Federal Register. Only complete application packages received by the due date shall be considered. Submission of three additional copies will expedite processing, but is not required. The applicant shall specifically identify any information in the application which is to be treated as proprietary, in accordance with the procedures of 49 CFR Part 512, Confidential Business Information.

Application Contents

The application package must be submitted with a Standard Form 424 (rev. 4–88), Application for Federal Assistance, which shall include the certified assurances, and provide a program narrative statement which addresses the following:

1. A description of the research to be pursued which addresses:

a. The objectives, goals, and anticipated outcomes of the proposed research effort;

b. The method or methods that will be used;

c. The source of crash and injury statistics to be used;

d. The primary occupant protection system (e.g., inflatable or padded interior) which will be most probably benefitted;

2. The proposed program director and other key personnel identified for participation in the proposed research effort, including a description of their qualifications and their respective organizational responsibilities.

3. A description of the vehicle occupant population and crash modes to be addressed, test facilities and equipment currently available or to be obtained for use in the conduct of the proposed research and development effort.

4. A description of the applicant's previous experience or on-going research program that is related to this proposed research effort.

5. A detailed schedule and budget for the proposed research effort, including any cost-sharing contribution proposed by the applicant as well as any additional financial commitments made by other sources.

6. A statement of any technical assistance which the applicant may require of NHTSA in order to successfully complete the proposed program.

Review Process and Criteria

Initially, all applications will be reviewed to confirm that the application contains all of the information required by the Application Contents section of this notice.

Each complete application from an eligible recipient will then be evaluated by a Technical Evaluation Committee. The applications will be evaluated and ranked using the following criteria:

1. The applicant's understanding of the purpose and unique problems represented by the research objectives of this cooperative agreement program as evidenced in the description of their proposed research and development effort. Specific attention shall be placed upon the applicant's stated proposed development and demonstration effort.

2. The potential of the proposed research effort accomplishments to make a timely and an innovative and/or significant contribution to occupant protection technology knowledge as it may be applied to saving lives and reducing injuries resulting from motor vehicle crashes.

3. The technical and financial merit of the proposed research effort, including the feasibility of the approach, practicality, planned methodology, and anticipated results. Financial merit will be estimated by the cost of the cooperative agreement to be borne by NHTSA and the in-kind contribution provided by the applicant as compared to the anticipated benefits to vehicle crash occupants or pedestrians.

4. The adequacy of test facilities and equipment identified to accomplish the proposed research effort.

5. The adequacy of the organizational plan for accomplishing the proposed research effort, including the qualifications and experience of the research team, the various disciplines represented, and the relative level of effort proposed for professional, technical, and support staff.

Terms and Conditions of the Award

1. The protection of the rights and welfare of human subjects in NHTSA-sponsored experiments is established in NHTSA Orders 700–1 and 700–3. Any recipient must satisfy the requirements and guidelines of the NHTSA Orders 700 series prior to award of the cooperative agreement. A copy of the NHTSA Orders 700 series may be obtained from the information contact designated in this notice.

2. Prior to award, the recipient must comply with the certification requirements of 49 CFR Part 29—Department of Transportation Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).

3. During the effective period of the cooperative agreement(s) awarded as a result of this notice, the agreement(s) shall be subject to NHTSA's General Provisions for Assistance Agreements; the cost principles of OMB Circular A–21, A–122, or FAR 31.2, as applicable to the recipient, and the requirements of 49 CFR Part 29. Each agreement with a non-profit organization or an educational institution shall also be subject to the general administrative requirements of 49 CFR Part 19.

4. Cooperative agreement(s) awarded as a result of this notice will include the provisions of Federal Acquisition Regulation (FAR) Part 52 contract clause 52.227–11 Patent Rights Retention by the Contractor (Short Form).

Reporting Requirements

1. Written Research Reports

The recipient shall submit bimonthly research reports suitable for public dissemination which shall be due 15 days after the reporting period, and a final research report within 45 days after the completion of the research effort. An original and three copies of each of these research reports shall be submitted to the COTR.

2. Oral Briefings

The recipient shall conduct semiannual oral presentations of research results for the COTR and other interested NHTSA personnel. For planning purposes, assume that these presentations will be conducted at the NHTSA Office of Crash worthiness Research, Washington, DC. An original and three copies shall be submitted to the COTR.

3. Data Reports

Dynamic and other data measured in research, development, and prototype evaluation and demonstration tests will be provided by the recipient(s) within three (3) weeks after the data is obtained, in the format of a data package as described below. The recipient may be relieved of the data package report requirement for certain activities by agreement from the COTR.

A data package consists of high speed film, paper test report, and magnetic tape complying with NHTSA Data Tape

Reference Guide, Volume III: Component Data Base. The NHTSA's Safety Systems Engineering & Analysis Division maintains a Vehicle Crash Test and a Component Data Base which it provides upon request to the public, including educational institutions and other research organizations.

To facilitate the input of data as well as the exchange of information, any recipient of a cooperative agreement awarded as a result of this notice must provide the magnetic tape in the format specified in the ''NHTSA Data Tape Reference Guide.'' A copy of this document may be obtained from the programmatic information contact designated in this notice.

Issued on: April 4, 1996.

William A. Boehly,

Associate Administrator for Research and Development.

[FR Doc. 96–8794 Filed 4–8–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 96–36; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1990 Through 1996 Mercedes-Benz Type 463 Short Wheel Base Gelaendewagen Multi-Purpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Request for comments on petition for decision that nonconforming 1990 through 1996 Mercedes-Benz Type 463 Short Wheel Base Gelaendewagen multi-purpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a decision that 1990 through 1996 Mercedes-Benz Type 463 Short Wheel Base Gelaendewagen MPVs that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is May 9, 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. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. § 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act, 15 U.S.C. § 1397(c)(3)(A)(i)(II)) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility 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.

Europa International, Inc. of Santa Fe, New Mexico (Registered Importer No. R–91–002) has petitioned NHTSA to decide whether 1990 through 1996 Mercedes-Benz Type 463 Short Wheel Base Gelaendewagen MPVs are eligible for importation into the United States. Europa contends that these vehicles are eligible for importation under 49 U.S.C. § 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that 1990 through 1996 Mercedes-Benz Type 463 Short Wheel Base Gelaendewagen MPVs have safety features that comply with Standard Nos. 102 *Transmission Shift Lever Sequence.* * * * (based on visual inspection and operation), 103 *Defrosting and Defogging Systems* (based on inspection and information in owner's manual describing operation of the system), 104 *Windshield Wiping and Washing Systems* (based on operation), 106 *Brake Hoses* (based on visual inspection of certification markings), 107 *Reflecting Surfaces* (based on visual inspection), 113 *Hood Latch Systems* (based on information in owner's manual describing operation of secondary latch mechanism), 116 *Brake Fluids* (based on vendor certification and information in owner's manual describing fluids installed at factory as ''DOT 4 plus''), 119 *New Pneumatic Tires for Vehicles other than Passenger Cars* (based on visual inspection of certification markings), 124 *Accelerator Control Systems* (based on inspection revealing two accelerator return springs), 201 *Occupant Protection in Interior Impact* (based on test data and certification of vehicle to European standard), 202 *Head Restraints* (based on Standard No. 208 test data for 1993 model year vehicle with same head restraint, certification of vehicle to European standard, and head restraint measurements), 204 *Steering Control Rearward Displacement* (based on test film), 205 *Glazing Materials* (based on visual inspection of certification markings), 207 *Seating Systems* (based on test results and certification of vehicle to European standard), 209 *Seat Belt Assemblies* (based on wiring diagram of seat belt warning system and visual inspection of certification markings), 211 *Wheel Nuts, Wheel Discs and Hubcaps* (based on visual inspection), 214 *Side Impact Protection* (based on test results for identically equipped 1995 model year vehicle), 219 *Windshield Zone Intrusion* (based on test results and certification information for identically equipped 1993 model year vehicle), and 302 *Flammability of Interior Materials* (based on composition of upholstery and treatment of fabric with flameproof spray).

The petitioner also contends that 1990 through 1996 Mercedes-Benz Type 463 Short Wheel Base V–8 Gelaendewagen MPVs are capable of being altered to comply with 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) installation of a speedometer/odometer calibrated in miles per hour.

Standard No. 105 *Hydraulic Brake Systems:* placement of warning label on brake fluid reservoir cap. The petitioner states that the vehicle's parking brake was tested and met the requirements of the standard.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model sealed beam headlamps; (b) installation of U.S.-model side marker lamps and reflectors; (c) installation of a high mounted stop lamp on vehicles manufactured after September 1, 1993. The petitioner asserts that testing performed on the taillamp reveals that it complies with the standard, even though it lacks a DOT certification marking, and that all other lights are DOT certified.

Standard No. 111 *Rearview Mirrors:* inscription of the required warning statement on the convex surface of the passenger side rearview mirror.

Standard No. 114 *Theft Protection:* installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 115 *Vehicle Identification Number:* installation of a VIN plate that can be read from outside the left windshield pillar.

Standard No. 118 *Power-Operated Window Systems:* rewiring of the power window system so that the window transport is inoperative when the front doors are open.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* installation of a tire information placard. The petitioner asserts that even though the tire rims lack a DOT certification marking, they comply with the standard, based on their manufacturer's certification that they comply with the German TUV regulations, as well as their certification by the British Standards Association and the Rim Association of Australia.

Standard No. 206 *Door Locks and Door Retention Components:* installation of a push-pull locking mechanism on all door locks.

Standard No. 208 *Occupant Crash Protection:* installation of a complying driver's side air bag and a seat belt warning system. The petitioner asserts that the vehicle conforms to the standard's injury criteria at the front passenger position based on a test report from the vehicle's manufacturer. The petitioner additionally submitted a letter from an engineering concern stating that no difference in occupant restraint characteristics would be anticipated between the Short Wheel Base Gelaendewagen and the Long Wheel Base models that NHTSA has previously decided to be eligible for importation. This representation is based on the observation that the only structural differences in the two vehicles are found well behind the frontal crush zone, and that no structural deformation occurs in that area. The letter further states that the Short Wheel Base Gelaendewagen is 297 pounds lighter that the Long Wheel Base model, representing a weight difference of less 5 percent. The letter states that this weight difference would not be expected to cause performance variation in Standard 208 crash tests. The petitioner states that it intends to meet automatic restraint phase-in requirements for vehicles manufactured after September 1, 1995 by importing other vehicles equipped with passenger-side automatic restraints.

Standard No. 210 *Seat Belt Assembly Anchorages:* insertion of instructions on the installation and use of child restraints in the owner's manual for the vehicle. The petitioner submitted a letter from an engineering concern describing tests performed on a Gelaendewagen to the requirements of this standard. Based on the results of these tests, the petitioner asserts that the vehicle complies with the standard.

Standard No. 212 *Windshield Retention:* application of cement to the windshield's edges. The petitioner asserts that the vehicle complies with the standard based on test results for a Gelaendewagen that NHTSA previously decided to be eligible for importation.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve. The petitioner asserts that the vehicle complies with the standard based on test results for a Gelaendewagen that NHTSA previously decided to be eligible for importation.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 3, 1996.

Marilynne Jacobs,

Director Office of Vehicle Safety Compliance.

[FR Doc. 96–8758 Filed 4–8–96; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 96–33; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1983 Saab 900 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1983 Saab 900 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 1983 Saab 900 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 May 9, 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.

Pierre Enterprises Southeast Inc. of Fort Pierce, Florida (''Pierre'') (Registered Importer 96–098) has petitioned NHTSA to decide whether 1983 Saab 900 passenger cars are eligible for importation into the United States. The vehicle which Pierre believes is substantially similar is the 1983 Saab 900 that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1983 Saab 900 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.

Pierre submitted information with its petition intended to demonstrate that the non-U.S. certified 1983 Saab 900, 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 1983 Saab 900 is identical to its U.S. certified counterpart with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence . . . .,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 111 *Rearview Mirrors,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 118 *Power Window Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 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 System Integrity, and* 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the non-U.S. certified 1983 Saab 900 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) placement of appropriate symbols on the brake failure, parking brake, and seat belt warning lamps; (b) installation of a U.S.-model speedometer/odometer calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamps.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 114 *Theft Protection*: installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 115 *Vehicle Identification Number*: installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 208 *Occupant Crash Protection*: installation of a seat belt warning buzzer. The petitioner states that the vehicle is equipped with seat belt assemblies identical to those found in its U.S. certified counterpart.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 3, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–8759 Filed 4–8–96; 8:45 am]

BILLING CODE 4910–59–P

UNITED STATES INFORMATION AGENCY

Proposed Collection; Comment Request

AGENCY: United States Information Agency.

ACTION: Proposed Collection; Comment Request.

SUMMARY: The United States Information Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on an information collection requirement concerning the public use form entitled ''Application for Certificate of International Educational Character''. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 [Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)].

The information collection activity involved with this program is conducted pursuant to the mandate given to the United States Information Agency under the terms and conditions of the multilateral Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, Public Law 89–634.

DATES: Comments are due on or before June 10, 1996.

COPIES: Copies of the Request for Clearance (OMB 83–I), supporting statement, and other documents that will be submitted to OMB for approval may be obtained from the USIA Clearance Officer. Comments should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for USIA, and also to the USIA Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Ms. Jeannette Giovetti, United States Information Agency, M/ADD, 301 Fourth Street, SW., Washington, D.C. 20547, telephone (202) 619–4408; and OMB review: Ms.

Victoria Wassmer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, D.C. 20503, Telephone (202) 395–3176.

SUPPLEMENTARY INFORMATION: Public reporting burden for this collection of information (Paper Work Reduction Project: OMB No. 3116–0007) is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments are requested on the proposed information collection concerning (a) whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information has practical utility; (b) the accuracy of the Agency's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Send comments regarding this burden estimate or any other aspect of this collection of information to the United States Information Agency, M/ADD, 301 Fourth Street, SW., Washington, D.C. 20547; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, D.C. 20503.

CURRENT ACTIONS: This information collection will be submitted to OMB for the purpose of extending the expiration date and announcing the following changes:

(1) The Public Use form for this Information Collection (IAP–17) has undergone two revisions: The microfilm section on the reverse side of the form has been removed as it is no longer required; and the spelling of ''Materials'' has been corrected under the ''Description of Model'' section.

(2) Under the previous submission the ''number of respondents'' was listed as 2000 and the ''total annual burden'' as 834. Under the current proposed submission, the number of respondents is 400 and the total annual burden is 259. The adjustment in the number of annual hours is due to the fact that there has been a decrease in the number of organizations/individuals submitting applications (number of respondents) for certification. This decrease may be the result of the North American Free Trade agreement between the United States, Canada, and Mexico. Canada is the United States' major trading party with respect to audiovisual materials.

Title: ''Application for Certificate of International Educational Character.''

Form Number: IAP–17.

Abstract: This information collection is used to certify the international character of visual and auditory materials (motion pictures, videotapes, recordings, sound recordings, filmstrips, slides, maps, charts, posters, models, etc.) for producers and distributors who have an interest in exporting their materials abroad in accordance with the provisions of Public Law 89–634 and E.O. 11311.

Proposed Frequency of Responses:

No. of Respondents—400

Recordkeeping Hours—.25

Total Annual Burden—259

Dated: April 1, 1996.

Rose Royal,

Federal Register Liaison.

[FR Doc. 96–8792 Filed 4–8–96; 8:45 am]

BILLING CODE 8230–01–M

Corrections

Federal Register
Vol. 61, No. 69
Tuesday, April 9, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 159 and 160

[CGD 93-055]

RIN 2115-AE58

Approval of Inflatable Personal Flotation Devices (PFDs) for Recreational Boaters

Correction

In rule document 96–7302 beginning on page 13924, in the issue of Thursday, March 28, 1996, make the following corrections:

§159.010-7 [Corrected]

1. On page 13929, in the first column, in §159.010-7 (b)(9)(vii) was designated incorrectly the second time and the paragraph should read ''(viii)''.

§160.048-7 [Corrected]

2. On page 13930, in the first column, in §160.048-7, in the second line, ''(b)'' should read ''(d)''.

§160.077-9 [Corrected]

3. On page 13931, in the second column, in §160.077-9 (a), in the fourth line, ''159.055'' should read ''159.005''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 160

[CGD 94-110]

RIN 2115-AE96

Recreational Inflatable Personal Flotation Device Standards

Correction

In rule document 96–7301 beginning on page 13931, in the issue of Thursday, March 28, 1996, make the following correction:

§160.076-29 [Corrected]

On page 13946, in the third column, in §160.076-29, in the two tables, in the heading of the two tables entitled ''Number of Samples Per Lot (Lot size)'', ''(Lot size)'' should be a separate heading that is located above the word ''Tests:'' in both tables.

BILLING CODE 1505–01–D

federal register

Tuesday
April 9, 1996

Part II

The President

Proclamation 6879—National Former Prisoner of War Recognition Day, 1996

Executive Order No. 12998—Amendment to Executive Order No. 11880

Federal Register
Vol. 61, No. 69
Tuesday, April 9, 1996

Presidential Documents

Title 3—

The President

Proclamation 6879 of April 5, 1996

National Former Prisoner of War Recognition Day, 1996

By the President of the United States of America

A Proclamation

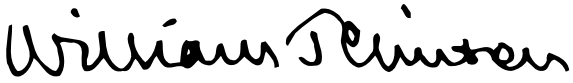
Throughout our history, America's Armed Forces have stood proudly in defense of the United States and of freedom everywhere. Countless courageous service men and women have given their lives for our Nation, and many others have sacrificed their own freedom as prisoners of war so that the cause of liberty might prevail.

Enduring with patience and determination, prisoners of war are a powerful reminder that the indomitable spirit of the American soldier cannot be broken, even by brutal treatment in violation of international law and morality. In Nazi Germany, Japan, North Korea, Vietnam, and Iraq, prisoners of war repeatedly demonstrated their devotion to duty, honor, and country, despite the often terrible suffering inflicted upon them by their captors.

On this day and throughout the year, let us honor all who have borne the indignities of captivity in service to our country, remember the brave soldiers who died as prisoners in foreign lands during our Nation's past struggles, and recognize those at home who anxiously awaited their loved ones' return. Their faith in God, love of family, and trust in our Nation are an inspiration to all Americans, and we will always remember their sacrifices.

NOW, THEREFORE I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 9, 1996, as National Former Prisoner of War Recognition Day. I ask all Americans to join me in honoring former American prisoners of war who suffered at the hands of our enemies, and I call upon Federal, State, and local officials and private organizations to observe this day with appropriate ceremonies, programs, and activities.

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



[FR Doc. 96–9032
Filed 4–8–96; 12:26 pm]
Billing code 3195–01–P

Presidential Documents

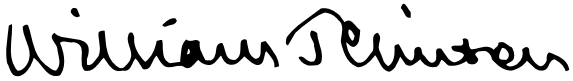
Executive Order 12998 of April 5, 1996

Amendment to Executive Order No. 11880

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including section 3347 of title 5, United States Code, it is hereby ordered that Executive Order No. 11880 of October 2, 1975, as amended, is further amended as follows:

A new section 2 of Executive Order No. 11880 shall be added to read: ''The President may at any time, pursuant to law but without regard to the foregoing provisions of this order, direct that an officer, as defined in 5 U.S.C. 3347, and specified by the President shall act as Secretary of Commerce.''

The present section 2 of Executive Order No. 11880, as amended, shall be redesignated as section 3.



THE WHITE HOUSE,
April 5, 1996.

[FR Doc. 96–9033
Filed 4–8–96; 12:27 pm]
Billing code 3195–01–P

Reader Aids

Federal Register

Vol. 61, No. 69

Tuesday, April 9, 1996

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For additional information	**523–5227**

Presidential Documents

Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**

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NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, APRIL

14233–14464 1
14465–14606 2
14607–14948 3
14949–15176 4
15177–15362 5
15363–15694 8
15695–15874 9

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6874 14233
6875 14603
6876 14605
6877 15177
6878 15363
6879 15871

Executive Orders:
11880 (Amended by EO 12998) 15873
12997 14949
12998 15873

Administrative Orders:
Presidential Determinations:
No. 96–19 of March 19, 1996 14235

5 CFR
890 15177

7 CFR
353 15365
354 15365
985 15695
1208 14951

Proposed Rules:
330 15201
999 15734
1002 14514
1004 14514
3550 15395

9 CFR
78 14237
92 14239
98 15180

Proposed Rules:
77 14982
91 14982
92 14268
94 ..... 14999, 15201

10 CFR

Proposed Rules:
50 15427
437 15736

12 CFR
219 14382
226 14952

13 CFR
301 15371

14 CFR
25 ..... 14607, 15372
39 ..... 14240, 14242, 14608, 14960, 14961, 15184

Proposed Rules:
25 14684
39 ..... 14269, 14271, 14273, 14275, 14515, 15000, 15002, 15430, 15738
71 ..... 15432, 15434, 15740, 15742

15 CFR
30 15697
769 14243
902 14465
922 14963

16 CFR

Proposed Rules:
239 14688
254 14685
406 14686
700 14688
701 14688
702 14688

17 CFR
200 15338

21 CFR
Ch. I 14478
1 14244
2 15699
5 14375
172 14481
173 14481
175 14481
176 14481
177 ..... 14481, 14964
178 14481
180 14481
181 14481
189 14481
341 15700
510 15703
520 15185
522 14482
558 14483
573 15703
814 15186

Proposed Rules:
25 14922
71 14690
170 14690
171 14690
510 15003
886 14277
900 ..... 14856, 14870, 14884, 14898, 14908

22 CFR
92 14375
514 15372

23 CFR
230 14615

24 CFR
0 15350

4....14448
12....14448
100....14378
103....14378
109....14378
200....14396, 14410
207....14396
213....14396
215....14396
219....14396
220....14396
221....14396
222....14396
231....14396
232....14396, 14410
233....14396
234....14396
236....14396
237....14396
241....14396, 14410
242....14396
244....14396
248....14396
265....14396
267....14396
811....14456
3500....14617
Proposed Rules:
50....15340

26 CFR

1....14247, 14248
602....14248
Proposed Rules:
1....14517, 15204, 15743

28 CFR

Proposed Rules:
553....14440

29 CFR

1625....15374
Proposed Rules:
1904....15435
1910....15205
1915....15205
1926....15205
1952....15435
2509....14690
2520....14690
2550....14690

30 CFR

914....15378
943....15380
Proposed Rules:
6....15743
18....15743
19....15743
20....15743
21....15743
22....15743
23....15743
26....15743
27....15743
29....15743
33....15743
35....15743
745....15005
900....15005
901....15005
906....15005
913....15005
914....15435
925....14517
926....15005
931....15005
934....15005
935....15005
936....15005, 15435
944....15005
946....15005
948....15005
950....15005

31 CFR

103....14248, 14382, 14383, 14386
535....15382
Proposed Rules:
321....14444

32 CFR

706....14966, 14967, 14968, 14969
Proposed Rules:
117....15437
619....15010

33 CFR

100....14249
117....14970
175....15162
179....15162
181....15162
Proposed Rules:
165....14518

34 CFR

76....14483
81....14483

36 CFR

7....14617
223....14618
292....14621
1253....14971
Proposed Rules:
242....15014

38 CFR

1....14596
21....15190

39 CFR

Proposed Rules:
111....15205

40 CFR

52....14484, 14487, 14489, 14491, 14493, 14634, 14972, 14974, 14975, 15704, 15706, 15709, 15713, 15715, 15717, 15719
60....14634, 15721
81....14496
148....15566, 15660
167....14497
180....14637, 15192
186....15192
268....15566, 15660
271....15566
403....15566, 15660
716....14596
Proposed Rules:
52....14520, 14521, 14522, 14694, 15020, 15744, 15745, 15751, 15752
59....14531
81....14522
180....14694
261....14696
300....14280

41 CFR

101–25....14978

42 CFR

405....14640
491....14640

43 CFR

Group 8400....15722
Proposed Rules
8000....15753
8300....15753

44 CFR

64....14497, 15723
65....14658, 14661
67....14665
Proposed Rules:
62....14709
67....14715

45 CFR

74....15564
1633....14250
1634....14252
1635....14261

46 CFR

2....15162
159....15162, 15868
160....15162, 15868
514....14979
Proposed Rules:
10....15438
12....15438
15....15438

47 CFR

Ch. I....14672
0....14499
1....15724
2....14500, 15382
15....14500
21....115387
61....15724
63....15724
64....14979
73....14503, 14676, 14981
76....15387, 15388
97....15382
Proposed Rules:
Ch. I....14717
1....15439
2....15206
15....15206
20....15753
36....15208
64....15020
68....15441
69....15208
73....14733, 15022, 15439, 15442, 15443
74....15439

48 CFR

1425....15389
1452....15389
1516....14504
1523....14506
1535....14264
1552....14264, 14504, 14506
1604....15196
1652....15196
Proposed Rules:
9....14946
15....14944
17....14944
31....14944
35....14946
37....14946
52....14944

49 CFR

382....14677
383....14677
390....14677
391....14677
392....14677
395....14677
533....14680
538....14507
541....15390
800....14512
Proposed Rules:
393....14733
544....15443
571....15446, 15449
1002....15208
1100....14735
1101....14735
1102....14735
1103....14735
1104....14735
1105....14735
1106....14735
1107....14735
1108....14735
1109....14735
1110....14735
1111....14735
1112....14735
1113....14735
1114....14735
1115....14735
1116....14735
1117....14735
1118....14735
1119....14735
1120....14735
1121....14735
1122....14735
1123....14735
1124....14735
1125....14735
1126....14735
1127....14735
1128....14735
1129....14735
1130....14735
1131....14735
1132....14735
1133....14735
1134....14735
1135....14735
1136....14735
1137....14735
1138....14735
1139....14735
1140....14735
1141....14735
1142....14735
1143....14735
1144....14735
1145....14735
1146....14735
1147....14735
1148....14735

1149.....14735

50 CFR

251.....14682
611.....14465
625.....15199
641.....14683
650.....15733
655.....14465
663.....14512

Proposed Rules:

17.....15452
23.....14543
100.....15014
230.....15754
630.....15212
646.....14735
651.....14284
676.....14547
681.....15452

REMINDERS

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

Agricultural Marketing Service

Spearmint oil produced in Far West; published 4-9-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:
- California; published 2-9-96
- Indiana; published 2-9-96
- Nebraska; published 2-9-96
- Nevada; published 2-9-96

Radiation protection programs:
- Spent nuclear fuel, high-level and transuranic radioactive wastes management and disposal; waste isolation pilot plant compliance; published 2-9-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:
- Feed amd drinking water of animals--
  - Formaldehyde; published 4-9-96
- Sponsor name and address changes--
  - ALPHARMA, Inc.; published 4-9-96

Chlorofluorocarbon propellants in self-pressurized containers; addition to list of essential uses; published 4-9-96

Human drugs:
- Cold, cough, allergy, bronchodilator, and antiasthmatic products (OTC)--
  - Diphenhydramine citrate or diphenhydramine hydrochloride-containing combination products; published 4-9-96

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:
- Florida citrus endorsement; comments due by 4-15-96; published 3-15-96

AGRICULTURE DEPARTMENT

Farm Service Agency

Conservation and environmental programs:
- 1986-1990 conservation reserve program; comments due by 4-15-96; published 3-15-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Foreign and domestic fishing--
  - Scientific research activity and exempted fishing; comments due by 4-15-96; published 3-15-96
- Northeast multispecies; comments due by 4-15-96; published 3-5-96

Permits:
- Marine mammals; comments due by 4-18-96; published 3-22-96

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Consumer products; energy conservation program:
- Fluorescent and incandescent lamp test procedures; comment period reopening; comments due by 4-15-96; published 2-28-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:
- Alabama; comments due by 4-18-96; published 3-19-96
- Colorado; comments due by 4-18-96; published 3-19-96
- Illinois; comments due by 4-18-96; published 3-19-96
- Indiana; comments due by 4-18-96; published 3-19-96
- Missouri; comments due by 4-17-96; published 3-18-96
- Montana; comments due by 4-18-96; published 3-19-96
- Tennessee; comments due by 4-18-96; published 3-19-96
- Virginia; comments due by 4-18-96; published 3-19-96

Hazardous waste program authorizations:
- Illinois; comments due by 4-15-96; published 3-15-96

Higher education institutions, hospitals, and nonprofit organizations; uniform administrative requirements for grants and agreements (Circular A-110); comments due by 4-15-96; published 2-15-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Avermectin B1 and its delta-8,9-isomer; comments due by 4-19-96; published 3-20-96

Superfund program:
- National oil and hazardous substances contingency plan--
  - National priorities list update; comments due by 4-17-96; published 3-8-96
  - National priorities list update; comments due by 4-17-96; published 3-8-96

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
- Interstate, interexchange telecommunications service providers; tariff filing requirements for non-dominant interexchange carriers for domestic services; comments due by 4-19-96; published 4-3-96
- Satellite communications--
  - Telecommunications Act; direct-to-home video services including direct broadcast satellite service; nongovernmental restrictions preempting; comments due by 4-15-96; published 3-15-96

Personal communications services:
- Broadband D, E, and F blocks; license awards; comments due by 4-15-96; published 3-26-96

Radio frequency devices:
- Biomedical telemetry devices; comments due by 4-16-96; published 1-31-96

FEDERAL TRADE COMMISSION

Industry guides:
- Mirror industry; comments due by 4-15-96; published 3-15-96

GENERAL SERVICES ADMINISTRATION

Federal regulatory review:
- Commercial items; comments due by 4-16-96; published 2-16-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food for human consumption:
- Food labeling--
  - Nutrient content claims and health claims; special requirements; comments due by 4-17-96; published 2-2-96
  - Nutrient content claims and health clams; special requirements; correction; comments due by 4-17-96; published 3-26-96

Medical devices:
- Cigarettes and smokeless tobacco products; restriction of sale and distribution to protect children and adolescents
  - Comment period reopened; comments due by 4-19-96; published 3-20-96

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Low income housing:
- Housing assistance payments (Section 8)--
  - Single room occupancy program for homeless individuals; comments due by 4-15-96; published 2-14-96

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:
- Utah; comments due by 4-19-96; published 3-20-96
- Virginia; comments due by 4-17-96; published 3-18-96

JUSTICE DEPARTMENT

Prisons Bureau

Inmate control, custody, care, etc.:
- Correspondence; restricted special mail procedures; comments due by 4-15-96; published 2-14-96

LABOR DEPARTMENT

Federal Contract Compliance Programs Office

Affirmative action and nondiscrimination obligations of contractors and subcontractors regarding individuals with disabilities; comments due by 4-15-96; published 2-14-96

LABOR DEPARTMENT

Wage and Hour Division

Migrant and seasonal agricultural worker protection:

Workers' compensation information disclosure and transportation liability insurance requirements; comments due by 4-17-96; published 3-18-96

NUCLEAR REGULATORY COMMISSION

Rulemaking petitions:

Portland General Electric Co.; comments due by 4-16-96; published 2-1-96

RAILROAD RETIREMENT BOARD

Railroad Retirement Act:

Railroad employers' reports and responsibilities; comments due by 4-15-96; published 2-15-96

SOCIAL SECURITY ADMINISTRATION

Authority citation revisions; comments due by 4-15-96; published 2-15-96

STATE DEPARTMENT

Foreign missions protection guidelines; CFR part removed; comments due by 4-15-96; published 3-14-96

TRANSPORTATION DEPARTMENT

Coast Guard

Ports and waterways safety:

Arrivals, departures, and certain dangerous cargoes; advance notice; comments due by 4-16-96; published 1-17-96

TRANSPORTATION DEPARTMENT

Large air carriers; international data submissions; changes; comments due by 4-15-96; published 2-15-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air carriers certification and operations:

Flight time limitations and rest requirements for flight crew members; comments due by 4-19-96; published 12-20-95

Airworthiness directives:

Glaser-Dirks Flugzeugbau GmbH; comments due by 4-19-96; published 2-23-96

Jetstream; comments due by 4-18-96; published 3-8-96

Learjet; comments due by 4-17-96; published 3-7-96

SAAB; comments due by 4-19-96; published 3-21-96

Class E airspace; comments due by 4-18-96; published 3-11-96

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards and consumer information:

Truck-camper loading; comments due by 4-15-96; published 2-14-96

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Hazardous materials:

Federal regulatory review; comments due by 4-19-96; published 2-20-96

Pipeline safety:

Hazardous liquid and carbon dioxide pipelines; hydrostatic pressure testing; comments due by 4-15-96; published 3-8-96

TRANSPORTATION DEPARTMENT

Surface Transportation Board

Practice and procedure:

Pipeline common carriers; rate change and other service terms; disclosure and notice; comments due by 4-15-96; published 3-14-96

TREASURY DEPARTMENT

Thrift Supervision Office

Lending and investment; comments due by 4-16-96; published 1-17-96

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List April 8, 1996