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Presidential Documents

Title 3—

The President

Proclamation 6944 of October 21, 1996

National Forest Products Week, 1996

By the President of the United States of America

A Proclamation

For much of our Nation's history, forests, like other natural resources, were considered inexhaustible. In this century, we began to recognize that forests are a precious birthright for all Americans—not only for us and for our children, but also for future generations. As part of this recognition, we observe National Forest Products Week.

Forests are an important source of fuel and building materials, and they provide many valuable jobs. They also offer us unmatched recreational environments, as well as a spiritual refuge from city life. They provide essential habitat for myriad species of plants and animals, including hundreds that are endangered or threatened. Increasingly, their trees, shrubs, herbs, fungi, and microorganisms are yielding new and wondrous medicinal products and foods. And thanks to better planning and resource management that replace harvested lands with new forests, thousands of Americans will continue to earn their livelihood from our Nation's forests, even as we protect them. Today, the same citizens who are reaping the forests' bounty are personally and professionally involved in efforts to preserve it for future generations.

Government, citizens, and the forestry industry now work hand-in-hand in a new cooperative stewardship that emphasizes healthy, diverse, and sustainable forests. Using the best available science and complying with all current environmental laws, we are examining past and present forest management practices to find the best mix of resource use, conservation, and recycling that will ensure continued productivity. America must promote environmental responsibility and observe the highest possible standards of conservation to lead the way for other nations.

One of our most important tools in this endeavor is investment in forest research. Forest research is developing new wood products that extend raw material supplies, new technologies to extract and process wood products with less waste and fewer harmful byproducts, and new ways of reducing demand for forest raw materials through recycling. It is also unlocking the potential of forests to provide new products that will benefit people. With proper care, these lands can remain healthy, diverse, and resilient, capable of sustaining the lives—human and animal—that are dependent on them.

In recognition of the central role forests play in the long-term welfare of our Nation, the Congress, by Public Law 86-753 (36 U.S.C. 163), has designated the week beginning on the third Sunday in October each year as ''National Forest Products Week'' and has authorized and requested the President to issue a proclamation in observance of this commemoration.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 20 through October 26, 1996, as National Forest Products Week. I call upon the people of the United States to honor the vital role forests play in our national life and to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of October, 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 twenty-first.

William J. Clinton

[FR Doc. 96–27351
Filed 10–22–96; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13021 of October 19, 1996

Tribal Colleges and Universities

By the authority vested in me as President by the Constitution and laws of the United States of America, in reaffirmation of the special relationship of the Federal Government to American Indians and Alaska Natives, and, for the purposes of helping to: (a) ensure that tribal colleges and universities are more fully recognized as accredited institutions, have access to the opportunities afforded other institutions, and have Federal resources committed to them on a continuing basis; (b) establish a mechanism that will increase accessibility of Federal resources for tribal colleges and universities in tribal communities; (c) promote access to high-quality educational opportunity for economically disadvantaged students; (d) promote the preservation and the revitalization of American Indian and Alaska Native languages and cultural traditions; (e) explore innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs; and (f) support the National Education Goals (20 U.S.C. 5812), it is hereby ordered as follows:

Section 1. *Definition of Tribal Colleges and Universities.* Tribal colleges and universities (''tribal colleges'') are those institutions cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978, (25 U.S.C. 1801 *et seq.*), and Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95-471, title II (25 U.S.C. 640a note).

Sec. 2. *Board of Advisors.* (a) *Establishment.* There shall be established in the Department of Education a Presidential advisory committee entitled the President's Board of Advisors on Tribal Colleges and Universities (''Board''). Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), with respect to the Board, shall be performed by the Secretary of Education (''Secretary''), in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) *Composition.* The Board shall consist of not more than 15 Members who shall be appointed by the President. The Board shall include representatives of tribal colleges. The Board may also include representatives of the higher, early childhood, elementary, and secondary education communities; tribal officials; health, business, and financial institutions; private foundations; and such other persons as the President deems appropriate. Members of the Board will serve terms of 2 years and may be reappointed to additional terms. A Member may continue to serve until his or her successor is appointed. In the event a Member fails to serve a full term, an individual appointed to replace that Member will serve the remainder of that term. All terms will expire upon the termination of the Board.

(c) *Role of Board.* The Board shall provide advice regarding the progress made by Federal agencies toward fulfilling the purposes and objectives of this order. The Board shall also provide recommendations to the President and the Secretary at least annually on ways tribal colleges can:

(1) utilize long-term development, endowment building, and master planning to strengthen institutional viability;

(2) utilize the Federal and private sector to improve financial management and security, obtain private sector funding support, and expand and complement Federal education initiatives;

(3) develop institutional capacity through the use of new and emerging technologies offered by both the Federal and private sectors;

(4) enhance physical infrastructure to facilitate more efficient operation and effective recruitment and retention of students and faculty; and

(5) help achieve National Education Goals and meet other high standards of education accomplishment.

(d) *Scheduled Meetings.* The Board shall meet at least annually to provide advice and consultation on tribal colleges and relevant Federal and private sector activities, and to transmit reports and present recommendations.

Sec. 3. *Office of White House Initiative.* There shall be established in the Department of Education the White House Initiative on Tribal Colleges and Universities (''Initiative''). The Initiative shall be authorized to: (a) provide the staff support for the Board;

(b) assist the Secretary in the role of liaison between the executive branch and tribal colleges;

(c) serve the Secretary in carrying out the Secretary's responsibilities under this order; and

(d) utilize the services, personnel, information, and facilities of other Federal, State, tribal, and local agencies with their consent, and with or without reimbursement, consistent with applicable law. To the extent permitted by law and regulations, each Federal agency shall cooperate in providing resources, including personnel detailed to the Initiative, to meet the objectives of the order.

Sec. 4. *Department and Agency Participation.* Each participating executive department and agency (hereinafter collectively referred to as ''agency''), as determined by the Secretary, shall appoint a senior official, who is a full-time officer of the Federal Government and who is responsible for management or program administration, to serve as liaison to the White House Initiative. The official shall report directly to the agency head, or agency representative, on agency activity under this order and serve as liaison to the White House Initiative. To the extent permitted by law and regulation, each agency shall provide appropriate information in readily available formats requested by the White House Initiative staff pursuant to this order.

Sec. 5. *Five-Year Federal Plan.* (a) *Content.* Each agency shall, in collaboration with tribal colleges, develop and document a Five-Year Plan of the agency's efforts to fulfill the purpose of this order. These Five-Year Plans shall include annual performance indicators and appropriate measurable objectives for the agency. The plans shall address among other relevant issues:

(1) barriers impeding the access of tribal colleges to funding opportunities and to participation in Federal programs, and ways to eliminate the barriers;

(2) technical assistance and information that will be made available to tribal colleges regarding the program activities of the agency and the preparation of applications or proposals for grants, cooperative agreements, or contracts; and

(3) an annual goal for agency funds to be awarded to tribally controlled colleges and universities in:

(A) grants, cooperative agreements, contracts, and procurement;

(B) related excess property-type acquisitions under various authorities such as section 923 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2206a) and the Federal Property and Administrative Services Act of 1949, chapter 288, 63 Stat. 377 (codified as described at 40 U.S.C. 471 note); and

(C) the transfer of excess and surplus Federal computer equipment under Executive Order 12999.

In developing the Five-Year Plans required by this order, agencies shall strive to include tribal colleges in all aspects and activities related to the attainment of the participation goals described in Executive Order 12928, ''Promoting Procurement with Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals, Historically Black Colleges and Universities, and Minority Institutions.'' The Plans may also emphasize access to high-quality educational opportunity for economically disadvantaged Indian students; the preservation and revitalization of American Indian and Alaska Native languages and cultural traditions; innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs; and the National Education Goals.

(b) *Submission.* Each agency shall submit its Five-Year Plan to the White House Initiative Office. In consultation with the Board, the White House Initiative Office shall then review these Five-Year Plans and develop an integrated Five-Year Plan for Assistance to Tribal Colleges, which the Secretary shall review and submit to the President. The Five-Year Plan for Assistance to Tribal Colleges may be revised within the 5-year period.

(c) *Annual Performance Reports.* Each agency shall submit to the White House Initiative Office an Annual Performance Report that shall measure each agency's performance against the objectives set forth in its Five-Year Plan. In consultation with the Board, the White House Initiative Office shall review and combine Annual Performance Reports into one annual report, which shall be submitted to the Secretary for review, in consultation with the Office of Management and Budget.

Sec. 6. *Private Sector.* In cooperation with the Board, the White House Initiative Office shall encourage the private sector to assist tribal colleges through increased use of such strategies as: (a) matching funds to support increased endowments;

(b) developing expertise and more effective ways to manage finance, improve information systems, build facilities, and improve course offerings; and

(c) increasing resources for and training of faculty.

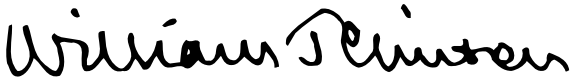
Sec. 7. *Termination.* The Board shall terminate 2 years after the date of this Executive order unless the Board is renewed by the President prior to the end of that 2-year period.

Sec. 8. *Administration.* (a) *Compensation.* Members of the Board shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707).

(b) *Funding.* The Board and the Initiative shall be funded by the Department of Education.

(c) *Administrative Support.* The Department of Education shall provide appropriate administrative services and staff support for the Board and the Initiative. With the consent of the Department of Education, other agencies participating in the Initiative shall provide administrative support to the White House Initiative Office consistent with statutory authority and shall make use of section 112 of title 3, United States Code, to detail agency employees to the extent permitted by law. The Board and the White House

Initiative Office shall have a core staff and shall be supported at appropriate levels.



THE WHITE HOUSE,
October 19, 1996.

[FR Doc. 96–27352
Filed 10–22–96; 8:45 am]
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Rules and Regulations

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–AAL–19]

Revision of Class E Airspace; Aniak, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Aniak Airport, AK. The development of a Global Positioning System (GPS) instrument approach to RWY 10 at Aniak, AK, has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for IFR operations at Aniak Airport, AK.

EFFECTIVE DATE: 0901 UTC, January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, System Management Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863.

SUPPLEMENTARY INFORMATION:

History

On July 31, 1996, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Aniak was published in the Federal Register (61 FR 39919). The development of a GPS instrument approach procedure to RWY 10 at Aniak Airport, AK, has made this action necessary.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposals were received, thus, the rule is adopted as written.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designated as 700/1200 foot transition areas are published in Paragraph 6005 of Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which are incorporated by reference in 14 CFR 71.1 (61 FR 48403; September 13, 1996). The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace located at Aniak, AK, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing instrument landing and departing procedures.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

* * * * *

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

* * * * *

AAL AK E5 Aniak, AK [Revised]

Aniak Airport, AK
(Lat. 61°34′53″ N, long. 159°32′35″ W)
Aniak NDB
(Lat. 61°35′25″ N, long. 159°35′52″ W)
Aniak Localizer
(Lat. 61°34′36″ N, long. 159°31′32″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Aniak Airport and within 4 miles north and 8 miles south of the 265° bearing of the Aniak NDB to 16 miles west of the NDB and within 2.5 miles each side of the Aniak NDB 113° bearing extending from the 6.5-mile radius of the airport to 14.7 miles east of the airport and 4 miles each side of the Aniak Localizer front course extending from the 6.5-mile radius of the airport to 14.8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 4 miles south of the Aniak Localizer front course extending from the airport to 27 miles west of the airport and within 4 miles north and 8 miles south of the Aniak NDB 113° bearing extending from 5.6 miles east of the airport to 21.6 miles east of the airport.

* * * * *

Issued in Anchorage, AK, on October 15, 1996.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 96–27189 Filed 10–22–96; 8:45 pm]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 94–ASW–14]

RIN 2120–AA66

Alteration of VOR Federal Airways; Louisiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule realigns nine Federal airways located in Louisiana. The New Orleans Very High Frequency

Omnidirectional Range/Tactical Air Navigation (VORTAC) will be decommissioned because the platform on which it is located is deteriorating. As a result, the Reserve, LA, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the Harvey, LA, VORTAC will be upgraded and the airways will be realigned using these navigational aids.

EFFECTIVE DATE: 0901 UTC, December 5, 1996.

FOR FURTHER INFORMATION CONTACT: Bill Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On February 2, 1995, the FAA proposed to amend Title 14 of the Code of Federal Regulations part 71 (14 CFR part 71) to realign nine Federal airways located in Louisiana (60 FR 6462). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, a radial change in V–20 from ''083°'' to ''084°''; radial changes in V–114 from ''083°'' to ''084°'' and from ''115°'' to ''112°''; and the amendment to V–114 that was published in the Federal Register on July 3, 1996, Airspace Docket (ASD) No. 93–ASW–4 (61 FR 34722) with an effective date of October 10, 1996, that supported the Dallas/Fort Worth Metroplex Plan but did not alter V–114 in the state of Louisiana; an amendment to V–566 that was published in the Federal Register on October 20, 1994, ASD No. 94–ASW–9 (59 FR 52895) with an effective date of December 8, 1994, that changed the name ''Shreveport to ''Belcher''; this amendment is the same as that proposed in the notice. Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The airways listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 realigns nine Federal airways located in Louisiana. The New Orleans, LA, VORTAC will be decommissioned because the platform on which it is located is deteriorating. As a result, the Reserve, LA, VOR/DME and the Harvey, LA, VORTAC will be upgraded and the airways will be realigned using the navigational aids. This action enhances air traffic procedures and accommodates concerns of airspace users.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–9 [Revised]

From Leeville, LA; McComb, MS; Jackson, MS; Sidon, MS; Gilmore, AR; Malden, MO; Farmington, MO; St. Louis, MO; Capital, IL; Pontiac, IL; INT Pontiac 343° and Rockford, IL, 169° radials; Rockford; Janesville, WI; Madison, WI; Oshkosh, WI; Green Bay, WI; Iron Mountain, MI; to Houghton, MI.

* * * * *

V–20 [Revised]

From McAllen, TX, via INT McAllen 038° and Corpus Christi, TX, 178° radials; 10 miles 8 miles wide, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; INT Corpus Christi 054° and Palacios, TX, 226° radials; Palacios; Hobby, TX; Beaumont, TX; Lake Charles, LA; Lafayette, LA; Reserve, LA; INT Reserve 084° and Gulfport, MS, 247° radials; Gulfport; Semmes, AL; INT Semmes 048° and Monroeville, AL, 231° radials; Monroeville; Montgomery, AL; Tuskegee, AL; Columbus, GA; INT Columbus 068° and Athens, GA, 195° radials; Athens; Electric City, SC; Sugarloaf Mountain, NC; Barretts Mountain, NC; South Boston, VA; Richmond, VA; INT Richmond 039° and Brooke, VA, 132° radials; INT Patuxent, MD, 228° and Nottingham, MD, 174° radials; to Nottingham. The airspace on the main airway above 14,000 feet MSL from McAllen to 49 miles northeast and the airspace within Mexico is excluded. The airspace within R–4007A and R–4007B is excluded.

* * * * *

V–114 [Revised]

From Amarillo, TX, via Childress, TX; Wichita Falls, TX; INT Wichita Falls 117° and Blue Ridge, TX, 285° radials; Blue Ridge; Quitman, TX; Gregg County, TX; Alexandria, LA; INT Baton Rouge, LA, 307° and Lafayette, LA, 042° radials; 7 miles wide (3 miles north and 4 miles south of centerline); Baton Rouge; INT Baton Rouge 112° and Reserve, LA, 323° radials; Reserve; INT Reserve 084° and Gulfport, MS, 247° radials; Gulfport; INT Gulfport 344° and Eaton, MS, 171° radials; to Eaton, excluding the portion within R–3801B and R–3801C.

* * * * *

V–240 [Revised]

From Harvey, LA, via Harvey 065° and Semmes, AL, 224° radials; to Semmes.

* * * * *

V–455 [Revised]

From Reserve, LA, via Picayune, MS; Eaton, MS; to Meridian, MS.

* * * * *

V–543 [Revised]

From Leeville, LA, via INT Leeville 356° and Eaton, MS, 221° radials; Eaton; INT Eaton 010° and Meridian, MS, 221° radials; Meridian.

* * * * *

V–552 [Revised]

From Beaumont, TX, via INT Beaumont 056° and Lake Charles, LA, 272° radials; Lake Charles; INT Lake Charles 064° and Lafayette, LA, 281° radials; Lafayette; Tibby, LA; Harvey, LA; Picayune, MS; Semmes, AL; INT Semmes 063° and Monroeville, AL, 216° radials; to Monroeville.

* * * * *

V–555 [Revised]

From Picayune, MS, via McComb, MS; INT McComb 019° and Jackson, MS, 169° radials; Jackson; INT Jackson 010° and Sidon, MS, 159° radials; to Sidon.

* * * * *

V–566 [Revised]

From Gregg County, TX, via Belcher, LA; INT Belcher 176° and Alexandria, LA, 302° radials; Alexandria; INT Alexandria 109° and Reserve, LA, 323° radials; to Reserve; excluding the portion within R–3801B and R–3801C.

* * * * *

Issued in Washington, DC, on October 16, 1996

Jeff Griffith,

Program Director for Air Traffic Airspace Management.

[FR Doc. 96–27182 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

27 CFR Part 16

[T.D. ATF–385]

RIN 1512–AB62

Implementation of the Debt Collection Improvement Act of 1996 (Public Law 104–134) With Respect to the Civil Penalties Provision of the Alcoholic Beverage Labeling Act of 1988 (96R–023P)

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule implements the provisions of the Debt Collection Improvement Act of 1996 with respect to the civil penalties provision of the Alcoholic Beverage Labeling Act of 1988 (ABLA). This regulation implements the statute by increasing the maximum civil monetary penalty from $10,000 to $11,000 for violations of the provisions of the ABLA.

EFFECTIVE DATE: The effective date of this final rule is October 23, 1996.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

Debt Collection Improvement Act of 1996

The Debt Collection Improvement Act of 1996 (Pub. L. 104–134, § 31001(s), 110 Stat. 1321–358, 1321–373), enacted on April 26, 1996, amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, 104 Stat. 890, hereinafter ''the Act''), 28 U.S.C. 2461 note, by requiring the inflation adjustment of civil monetary penalties. A ''civil monetary penalty'' is defined in the Act as any penalty, fine or other such sanction that (1) is for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; (2) is assessed or enforced by an agency pursuant to Federal law; and, (3) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. The purpose of the law is to provide more effective tools for collections of delinquent debts owed to the Government.

The amendment to the Act requires that the head of each Federal agency shall, not later than 180 days after the date of enactment of the Debt Collection Improvement Act of 1996, and at least once every 4 years thereafter, adjust each civil monetary penalty provided by law within the jurisdiction of the respective agency by the inflation adjustment described under section 5 of the Act. The adjustment of the civil monetary penalty must be done by regulation and published in the Federal Register. The first inflation adjustment is required by October 23, 1996, 180 days after the date of enactment of the Debt Collection Improvement Act of 1996.

Any increase in a civil monetary penalty made pursuant to the amendment will apply only to violations which occur after the date the increase takes effect. The amendment also provides that the first adjustment of a penalty made pursuant to the amendment may not exceed 10 percent of such penalty.

Certain civil monetary penalties are excluded from the mandatory inflation adjustment. The statute specifically provides that the inflation adjustment does not apply to penalties under the Internal Revenue Code of 1986, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970, and the Social Security Act. Most of the civil monetary penalties administered by ATF are imposed by the Internal Revenue Code of 1986, and are thus not subject to the inflation adjustment mandated by the Act. Accordingly, the only civil monetary penalty enforced by ATF which is subject to the inflation adjustment is the civil monetary penalty imposed by the Alcoholic Beverage Labeling Act (ABLA), 27 U.S.C. 218.

Alcoholic Beverage Labeling Act

On November 18, 1988, the Alcoholic Beverage Labeling Act of 1988, Title VIII of the Anti-Drug Abuse Act of 1988, was enacted. The law requires that the following health warning statement appear on the labels of all containers of alcoholic beverages sold or distributed in the United States, as well as on containers of alcoholic beverages that are sold, distributed, or shipped to members or units of the U.S. Armed Forces, including those located outside the United States:

Government Warning: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

See 27 U.S.C. 215. The health warning statement requirement applies to alcoholic beverages bottled on or after November 18, 1989.

Section 207 of the ABLA, 27 U.S.C. 218, provides that any person who violates the provisions of the ABLA is subject to a civil penalty of not more than $10,000, with each day constituting a separate offense.

Civil Monetary Penalty Inflation Adjustment for Non-Compliance With the ABLA

The Act provides that the inflation adjustment will be determined by increasing the maximum civil monetary penalty by the cost-of-living adjustment. The ''cost-of-living'' adjustment is the percentage by which the consumer price index for all-urban consumers (CPI) for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law. Any increase determined under section 5 of the Act must be rounded in accordance with the provisions of that section, which provides that for penalties less than or equal to $10,000, the increase shall be rounded to the nearest multiple of $1,000.

Since the ABLA was enacted in 1988, the inflation adjustment is achieved by calculating the percentage by which the CPI for June of 1995 (456.7) exceeds the CPI for June of 1988 (353.5). This results in an inflation factor of approximately 1.29. Thus, the maximum penalty amount after increase and rounding would be $13,000. However, the Debt Collection Improvement Act of 1996 provides that the first adjustment of a civil monetary penalty may not exceed 10 percent of such penalty. Accordingly, the regulations in Part 16 are amended to provide that the maximum penalty amount for violations of the ABLA is $11,000 ($10,000×10%=$1,000; $10,000×$1,000=$11,000).

The regulations in 27 CFR Part 16 implement the statutory requirement for a health warning statement under the ABLA; however, the current regulations do not specifically reference the penalty imposed by 27 U.S.C. 218. ATF is accordingly amending the regulations to include a new section 16.33 which will set forth the $10,000 penalty imposed by the ABLA. The new regulation will

also explain that this civil penalty shall be periodically adjusted for inflation in accordance with the provisions of the Federal Civil Penalties Inflation Adjustment Act of 1990. Finally, the regulation shall state that for violations occurring after October 23, 1996, the civil penalty shall be not more than $11,000 for each offense.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined in E.O. 12866, because any economic effects flow directly from the underlying statute and not from this final rule. Therefore, a regulatory assessment is not required.

Administrative Procedure Act

Because this document merely implements the law and because immediate guidance is necessary to implement the provisions of the law, it is found to be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because the agency was not required to publish a notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Pub. L. 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The author of this document is James P. Ficaretta, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 16

Beer, Consumer protection, Customs duties and inspection, Health, Imports, Labeling, Liquors, Packaging and containers, Safety, and Wine.

Authority and Issuance

27 CFR Part 16—ALCOHOLIC BEVERAGE HEALTH WARNING STATEMENT is amended as follows:

Paragraph 1. The authority citation for 27 CFR Part 16 is revised to read as follows:

Authority: 27 U.S.C. 205, 215, 218; 28 U.S.C. 2461 note.

Par. 2. Section 16.33 is added to Subpart D to read as follows:

§ 16.33 Civil penalties.

(a) *General.* Any person who violates the provisions of this part shall be subject to a civil penalty of not more than $10,000, and each day shall constitute a separate offense.

(b) *Adjusted penalty for violations occurring after October 23, 1996.* Pursuant to the provisions of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, the civil penalty provided for in paragraph (a) of this section shall be periodically adjusted in accordance with inflation. Accordingly, for violations occurring after October 23, 1996, the civil penalty shall be not more than $11,000.

Signed: September 25, 1996.

John W. Magaw,

Director.

Approved: October 3, 1996.

Timothy E. Skud,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–27083 Filed 10–22–96; 8:45 am]

BILLING CODE 4810–31–P

Office of Foreign Assets Control

31 CFR Parts 500, 515, 535, 550, 560, 575, 585, 590 and 595

Foreign Assets Control Regulations, Cuban Assets Control Regulations, Iranian Assets Control Regulations, Libyan Sanctions Regulations, Iranian Transactions Regulations, Iraqi Sanctions Regulations; Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, UNITA (Angola) Sanctions Regulations, Terrorism Sanctions Regulations; Implementation of Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as Amended by the Debt Collection Improvement Act of 1996

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: This final rule amends the Foreign Assets Control Regulations, Cuban Assets Control Regulations, Iranian Assets Control Regulations, Libyan Sanctions Regulations, Iranian Transactions Regulations, Iraqi Sanctions Regulations, Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, UNITA (Angola) Sanctions Regulations, and Terrorism Sanctions Regulations (collectively, the ''Regulations'') to implement section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation the amount of the civil monetary penalties that may be assessed under the Regulations. The rule also amends the penalty provisions of the Regulations to reflect a 1994 amendment to 18 U.S.C. 1001. Certain of the Regulations are also amended to note the availability of higher criminal fines under 18 U.S.C. 3571.

EFFECTIVE DATE: October 21, 1996.

FOR FURTHER INFORMATION CONTACT: Mrs. B.S. Scott, Chief, Civil Penalties Program (tel.: 202/622–6140); or William B. Hoffman, Chief Counsel (tel.: 202/622–2410), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note), as amended by the Debt Collection Improvement Act of 1996 (Pub.L. 104–134, sec. 31001(s)(1), Apr. 26, 1996, 110 Stat. 1321–373—the ''DCIA'') (jointly, the ''FCPIA''), requires each Federal agency with statutory authority to assess civil monetary penalties (''CMPs'') to adjust CMPs for inflation according to a formula described in section 5 of the FCPIA. The purpose of the FCPIA is to maintain the deterrent effect of CMPs through periodic cost-of-living based adjustments. The first inflation adjustment is required by October 23, 1996—180 days after the enactment of the DCIA. Thereafter, agencies are to make inflation adjustments at least once every four years. Adjustments of CMPs are to be made by regulation published in the Federal Register. Any increase in a CMP made pursuant to the FCPIA applies only to violations that occur after the date the increase takes effect.

Section 5 of the FCPIA requires that each CMP having a specified or maximum monetary amount provided for by Federal law be increased by the percentage by which the Consumer Price Index for all urban consumers (the ''CPI'') for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the calendar year in which the amount of the CMP was last set or adjusted pursuant to law. Section 5 also provides a formula for rounding the final CMP amount. Finally, section 31001(s)(2) of the DCIA mandates that the first inflation adjustment of a CMP may not exceed 10 percent of the penalty prior to adjustment.

The Office of Foreign Assets Control currently imposes CMPs pursuant to three statutes: the Trading with the Enemy Act (50 U.S.C. App. 16—''TWEA''), the International Emergency Economic Powers Act (50 U.S.C. 1705—''IEEPA''), and section 580E of the Iraq Sanctions Act of 1990 (Pub.L. 101–513, 104 Stat. 2049, 50 U.S.C. 1701 note—''ISA''). The CMP amount of $50,000 under TWEA was set in 1992. Thus, pursuant to the FCPIA, the TWEA statutory CMP must be increased by the difference between the CPI for 1995 and the CPI for 1992, or 8.8%, which, after rounding, equals $5,000. Thus, this final rule amends the maximum TWEA-based CMP per violation to be the inflation-adjusted amount of $55,000.

The CMP amount of $10,000 under IEEPA was set in 1977. Applying the CPI inflator of the FCPIA would increase the CMP under IEEPA by 151.2%, exceeding the DCIA's 10% cap. The adjustment is limited to $1,000. Thus, this rule fixes the maximum IEEPA-based CMP per violation at $11,000.

The CMP amount of $250,000 under the ISA was set in 1990. The CPI inflator under the FCPIA (17.4%) again exceeds the DCIA 10% cap of $25,000. Thus, this rule amends the maximum ISA-based CMP per violation to be $275,000.

This rule also amends the penalty provisions of the Regulations to reflect an amendment to 18 U.S.C. 1001 contained in section 330016(1)(L) of Public Law 103–322, Sept. 13, 1994, 108 Stat. 2147. The amendment strikes the $10,000 cap on fines imposed for fraudulent dealing with Federal agencies. Finally, this rule amends the Regulations to note the availability of higher criminal fines pursuant to the formulas set forth in 18 U.S.C. 3571.

Since the Regulations involve a foreign affairs function, Executive Order 12886 and the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

This rule contains no collection of information.

List of Subjects

31 CFR Part 500

Administrative practice and procedure, Banks, banking, Blocking of assets, Cambodia, Exports, Finance, Foreign claims, Foreign investment in the United States, Foreign trade, Imports, Information and informational materials, International organizations, North Korea, Penalties, Publications, Reporting and recordkeeping requirements, Securities, Services, Specially designated nationals, Terrorism, Travel restrictions, Trusts and estates, Vietnam.

31 CFR Part 515

Administrative practice and procedure, Air carriers, Banks, banking, Blocking of assets, Cuba, Currency, Estates, Exports, Foreign investment in the United States, Foreign trade, Imports, Informational materials, Penalties, Publications, Reporting and recordkeeping requirements, Securities, Shipping, Specially designated nationals, Terrorism, Travel restrictions, Trusts and trustees, Vessels.

31 CFR Part 535

Administrative practice and procedure, Banks, banking, Blocking of assets, Currency, Foreign investment in the United States, Iran, Penalties, Reporting and recordkeeping requirements, Securities, Terrorism.

31 CFR Part 550

Administrative practice and procedure, Banks, banking, Blocking of assets, Exports, Foreign investment, Foreign trade, Government of Libya, Imports, Libya, Loans, Penalties, Reporting and recordkeeping requirements, Securities, Services, Specially designated nationals, Terrorism, Travel restrictions.

31 CFR Part 560

Administrative practice and procedure, Agriculture commodities, Banking and finance, Exports, Foreign trade, Imports, Information, Investments, Iran, Loans, Penalties, Reporting and recordkeeping requirements, Services, Specially designated nationals, Terrorism, Transportation.

31 CFR Part 575

Administrative practice and procedure, Banks, banking, Blocking of assets, Exports, Foreign trade, Humanitarian aid, Imports, Iraq, Oil imports, Penalties, Petroleum, Petroleum products, Reporting and recordkeeping requirements, Specially designated nationals, Terrorism, Travel restrictions.

31 CFR Part 585

Administrative practice and procedure, Banking and finance, Blocking of assets, Exports, Federal Republic of Yugoslavia (Serbia and Montenegro), Foreign trade, Imports, Intellectual property, Loans, Penalties, Reporting and recordkeeping requirements, Securities, Services, Shipping, Telecommunications, Transfer of assets, Vessels.

31 CFR Part 590

Administrative practice and procedure, Angola, Exports, Foreign trade, National Union for the Total Independence of Angola, Penalties, Reporting and recordkeeping requirements, Shipping, UNITA, Vessels.

31 CFR Part 595

Administrative practice and procedure, Banking and finance, Blocking of assets, Penalties, Reporting and recordkeeping requirements, Specially designated terrorists, Terrorism, Transfer of Assets.

For the reasons set forth in the preamble, 31 CFR chapter V is amended as follows:

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

1. The authority citation for part 500 is revised to read as follows:

Authority: 50 U.S.C. App. 1044; Pub. L. 104–132, 110 Stat. 1214, 1254 (18 U.S.C. 2332d); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 9193, 7 FR 5205, 3 CFR, 1938–1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943–48 Comp., p. 748.

Subpart G—Penalties

2. Section 500.701 is amended by removing paragraph (a)(6), redesignating existing paragraphs (b) and (c) as paragraphs (c) and (d), respectively, adding a new paragraph (b), and revising introductory paragraph (a), paragraph (a)(3), and redesignated paragraph (c) to read as follows:

§ 500.701 Penalties.

(a) Attention is directed to section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16), as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note), which provides that:

(1) * * *

(2) * * *

(3) The Secretary of the Treasury may impose a civil penalty of not more than $55,000 per violation on any person who violates any license, order, or regulation issued under that act;

(4) * * *

(5) * * *

(b) The criminal penalties provided in the Trading with the Enemy Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

* * * * *

PART 515—CUBAN ASSETS CONTROL REGULATIONS

1. The authority citation for part 515 is revised to read as follows:

Authority: 50 U.S.C. App. 1–44; 22 U.S.C. 6001–6010; 22 U.S.C. 2370(a); Pub. L. 104–132, 110 Stat. 1214, 1254 (18 U.S.C. 2332d); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Proc. 3447 27 FR 1085, 3 CFR 1959–1963 Comp., p. 157; E.O. 9193, 7 FR 5205, 3 CFR, 1938–1943 Comp., p. 1147; E.O. 9989, 13 FR 4891, 3 CFR, 1943–48 Comp., p. 748; E.O. 12854, 58 FR 36587, 3 CFR 1993 Comp., p. 614.

Subpart G—Penalties

2. Section 515.701 is amended by removing paragraph (a)(5), redesignating paragraphs (b), (c), (d) and (e) as paragraphs (c), (d), (e) and (f), respectively, adding a new paragraph (b), and revising introductory paragraph (a), paragraph (a)(3), and redesignated paragraph (d) to read as follows:

§ 515.701 Penalties.

(a) Attention is directed to section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16), as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub.L. 101–410, as amended, 28 U.S.C. 2461 note), which provides that:

(1) * * *

(2) * * *

(3) The Secretary of the Treasury may impose a civil penalty of not more than $55,000 per violation on any person who violates any license, order, or regulation issued under that act;

(4) * * *

(b) The criminal penalties provided in the Trading with the Enemy Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) * * *

(d) Attention is directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

* * * * *

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

1. The authority citation for part 535 is revised to read as follows:

Authority: 50 U.S.C. 1701–1706; Pub. L. 104–132, 110 Stat. 1214, 1254 (18 U.S.C. 2332d); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12170, 44 FR 65729, 3 CFR, 1979 Comp., p. 457; E.O. 12205, 45 FR 24099, 3 CFR, 1980 Comp., p. 248; E.O. 12211, 45 FR 26685, 3 CFR, 1980 Comp., p. 253; E.O. 12276, 46 FR 7913, 3 CFR 1981 Comp., p. 104; E.O. 12279, 46 FR 7919, 3 CFR, 1981 Comp., p. 109; E.O. 12280, 46 FR 7921, 3 CFR, 1981 Comp., p. 110; E.O. 12281, 46 FR 7923, 3 CFR, 1981 Comp., p. 110; E.O. 12282, 46 FR 7925, 3 CFR, 1981 Comp., p. 113; E.O. 12283, 46 FR 7927, 3 CFR, 1981 Comp., p.114; and E.O. 12294, 46 FR 14111, 3 CFR, 1981 Comp., p. 139.

Subpart G—Penalties

2. Section 535.701 is amended by redesignating existing paragraphs (b) and (c) as paragraphs (c) and (d), respectively, adding a new paragraph (b), and revising paragraph (a) and redesignated paragraph (c) to read as follows:

§ 535.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the ''Act'') (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub.L. 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty of not to exceed $11,000 per violation may be imposed on any person who violates any license, order, or regulation issued under the Act;

(2) Whoever willfully violates any license, order, or regulation issued under the Act shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code,

or imprisoned not more than five years, or both.

* * * * *

PART 550—LIBYAN SANCTIONS REGULATIONS

1. The authority citation for part 550 is revised to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–1651; 22 U.S.C. 287c; 49 U.S.C. App. 1514; 22 U.S.C. 2349aa–8 and 2349aa–9; Pub. L. 104–132, 110 Stat. 1214, 1254 (18 U.S.C. 2332d); 3 U.S.C. 301; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12543, 51 FR 875, 3 CFR, 1986 Comp., p. 181; E.O. 12544, 51 FR 1235, 3 CFR, 1986 Comp., p. 183; E.O. 12801, 57 FR 14319, 3 CFR, 1992 Comp., p. 294.

Subpart G—Penalties

2. Section 550.701 is amended by redesignating existing paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e), respectively, adding a new paragraph (b), and revising paragraph (a) and redesignated paragraph (c) to read as follows:

§ 550.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the ''Act'') (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub.L. 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty of not to exceed $11,000 per violation may be imposed on any person who violates any license, order, or regulation issued under the Act;

(2) Whoever willfully violates any license, order, or regulation issued under the Act shall, upon conviction be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

* * * * *

PART 560—IRANIAN TRANSACTIONS REGULATIONS

1. The authority citation for part 560 is revised to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–16512; 22 U.S.C. 2349aa–9; Pub. L. 104–132, 110 Stat. 1214, 1254 (18 U.S.C. 2332d); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 3 U.S.C. 301; E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 256; E.O. 12957, 60 FR 14615, 3 CFR 1995 Comp., p. 332; E.O. 12959, 60 FR 24757, 3 CFR 1995 Comp., p. 356.

Subpart G—Penalties

2. Section 560.701 is amended by redesignating existing paragraphs (b), (c) and (e) as paragraphs (c), (e) and (d), respectively, adding a new paragraph (b), and revising paragraph (a) and redesignated paragraph (c) to read as follows:

§ 560.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the ''Act'') (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub.L. 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty of not to exceed $11,000 per violation may be imposed on any person who violates any license, order, or regulation issued under the Act;

(2) Whoever willfully violates any license, order, or regulation issued under the Act shall, upon conviction be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

* * * * *

PART 575—IRAQI SANCTIONS REGULATIONS

1. The authority citation for part 575 is revised to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–1651; 22 U.S.C. 287c; Pub. L. 104–132, 110 Stat. 1214, 1254 (18 U.S.C. 2332d); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 3 U.S.C. 301; E.O. 12722, 55 FR 31803, 3 CFR, 1990 Comp., p. 294; E.O. 12724, 55 FR 33089, 3 CFR, 1992 Comp., p. 317.

Subpart G—Penalties

2. Section 575.701 is amended by redesignating existing paragraphs (b), (c), (d) and (e) as paragraphs (c), (d), (e) and (f), respectively, adding a new paragraph (b), adding a new final sentence to redesignated paragraph (c), and revising introductory paragraph (a), paragraph (a)(1), and redesignated paragraph (d) to read as follows:

§ 575.701 Penalties.

(a) Section 580E of the Iraq Sanctions Act of 1990 (Public Law 101–513, 104 Stat. 2049), as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub.L. 101–410, as amended, 28 U.S.C. 2461 note), provides that, notwithstanding section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) and section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(b)):

(1) A civil penalty of not to exceed $275,000 per violation may be imposed on any person who, after the enactment of this Act, violates or evades or attempts to violate or evade Executive Order Number 12722, 12723, 12724, or 12725, or any license, order, or regulation issued under any such Executive Order;

(2) * * *

(3) * * *

(b) The criminal penalties provided in the Iraq Sanctions Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) * * * The criminal penalties provided in the United Nations

Participation Act are subject to increase pursuant to 18 U.S.C. 3571.

(d) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

* * * * *

PART 585—FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) AND THE BOSNIAN SERB-CONTROLLED AREAS OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA SANCTIONS REGULATIONS

1. The authority citation for part 585 is revised to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–1651; 22 U.S.C. 287c; 49 U.S.C. App. 1514; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 3 U.S.C. 301; E.O. 12808, 57 FR 23299; E.O. 12810, 57 FR 24347; E.O. 12831, 58 FR 5253.

Subpart G—Penalties

2. Section 585.701 is amended by redesignating existing paragraphs (b), (c), and (d) as paragraphs (c), (d), and (e), respectively, adding a new paragraph (b), adding a new final sentence to redesignated paragraph (c), and revising paragraph (a) and redesignated paragraph (d) to read as follows:

§ 585.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the ''Act'') (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub.L. 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty of not to exceed $11,000 per violation may be imposed on any person who violates any license, order, or regulation issued under the Act;

(2) Whoever willfully violates any license, order, or regulation issued under the Act shall, upon conviction be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) * * * The criminal penalties provided in the United Nations Participation Act are subject to increase pursuant to 18 U.S.C. 3571.

(d) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

* * * * *

PART 590—UNITA (ANGOLA) SANCTIONS REGULATIONS

1. The authority citation for part 590 is revised to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–1651; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 3 U.S.C. 301; E.O. 12865, 58 FR 51005.

Subpart G—Penalties

2. Section 590.701 is amended by redesignating existing paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e), respectively, adding a new paragraph (b), adding a new final sentence to redesignated paragraph (c), and revising paragraph (a) and redesignated paragraph (d) to read as follows:

§ 590.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the ''Act'') (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty of not to exceed $11,000 per violation may be imposed on any person who violates any license, order, or regulation issued under the Act;

(2) Whoever willfully violates any license, order, or regulation issued under the Act shall, upon conviction be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) * * * The criminal penalties provided in the United Nations Participation Act are subject to increase pursuant to 18 U.S.C. 3571.

(d) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

* * * * *

PART 595—TERRORISM SANCTIONS REGULATIONS

1. The authority citation for part 595 is revised to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–1651; 3 U.S.C. 301; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12947, 60 FR 5079.

Subpart G—Penalties

2. Section 595.701 is amended by redesignating existing paragraph (b) as paragraph (c), adding a new paragraph (b), and revising paragraph (a) and redesignated paragraph (c) to read as follows:

§ 595.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the ''Act'') (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or

authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty of not to exceed $11,000 per violation may be imposed on any person who violates any license, order, or regulation issued under the Act;

(2) Whoever willfully violates any license, order, or regulation issued under the Act shall, upon conviction be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

* * * * *

Dated: October 17, 1996.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: October 18, 1996.

James E. Johnson,

Assistant Secretary (Enforcement).

[FR Doc. 96–27285 Filed 10–21–96; 11:00 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 083–0015a; FRL–5633–8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution Control District and South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following Districts: Ventura County Air Pollution Control District (VCAPCD) and South Coast Air Quality Management District (SCAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from the storage and transfer of gasoline and organic liquid storage. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on December 23, 1996 unless adverse or critical comments are received by November 22, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

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

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

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

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 92123–1095

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765–4182

Ventura County Air Pollution Control District, 669 County Square Drive, Second Floor, Ventura, CA 93003

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1197.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: SCAQMD Rule 463, Organic Liquid Storage and VCAPCD Rule 70, Storage and Transfer of Gasoline. These rules were submitted by the California Air Resources Board (CARB) to EPA on May 24, 1994 and August 10, 1995, respectively.

Background

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

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The LA Basin is classified as extreme and the Ventura County Area is classified as severe[2]; therefore, these

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

[2] The LA Basin and Ventura County Area have retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of

Continued

areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on May 24, 1994 and August 10, 1995, including the rules being acted on in this notice. This notice addresses EPA's direct-final action for SCAQMD Rule 463, Organic Liquid Storage and VCAPCD Rule 70, Storage and Transfer of Gasoline. SCAQMD adopted Rule 463 on March 11, 1994 and VCAPCD adopted Rule 70 on May 9, 1995. These submitted rules were found to be complete on July 14, 1994 and October 4, 1995 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V[3] and is being finalized for approval into the SIP.

SCAQMD Rule 463 controls VOC emissions from above-ground stationary tanks used for storage of organic liquids. VCAPCD Rule 70 reduces the emission of VOCs from the storage and transfer of gasoline. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of SCAQMD's and VCAPCD's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for these rules.

EPA Evaluation and Action

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

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to ''fix-up'' their RACT rules. See section 182(a)(2)(A). The CTGs applicable to SCAQMD Rule 463 are entitled, ''Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks'', (EPA 450/2–78–047) and ''Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks'', (EPA 450/2–77–036). The CTGs applicable to VCAPCD Rule 70 are entitled, ''Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals'', (EPA 450/2–77–026); ''Control of Volatile Organic Emissions from Bulk Gasoline Plants'', (EPA 450/2–77–035); and ''Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems'', (EPA 450/2–78–051). Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

SCAQMD's submitted Rule 463, Organic Liquid Storage, includes the following significant changes from the current SIP:

- Emissions from all tanks must now be reduced by at least 90%. Requirements for coaxial Phase I vapor recovery systems, pressure relief valves, and liquid removal devices have added;
- Criteria for opening hatches for visual inspections of delivery vehicles are defined;
- Tanks with capacities less than 550 gallons are exempted from the rule unless they are located at a retail service station;
- The recordkeeping requirements have been updated;
- Testing requirements and test methods have been included;
- Several new definitions have been added to the rule: Altered or repaired, balance system, CARB executive orders, insertion interlock, mobile refueler, rebuilt equipment, Reid vapor pressure, top off, vacuum assist system, and vapor tight.

VCAPCD's submitted Rule 70, Storage and Transfer of Gasoline, includes the following significant changes from the current SIP:

- The format of the rule was restructured to conform with the standard format of subsequent rules;
- An Applicability section was added to the rule to make its format consistent with the standard format of subsequent District rules;
- The Definitions section was expanded to clarify the meaning of terms used in the rule and to ensure that they are used consistently throughout the rule;
- The Requirements section was revised to: (1) Include a self-inspection program; (2) delete the permit requirements for replacement of floating roof tanks seals; (3) include floating roof tank seals categories based on emission control effectiveness; and (4) include a provision for emissions reporting to help streamline annual emissions reporting, recordkeeping and tracking;
- The revised rule includes specific Test Methods for use in evaluating rule compliance or violations.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SCAQMD Rule 473, Organic Liquid Storage and VCAPCD Rule 70, Storage and Transfer of Gasoline are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

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

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revisions should adverse or critical comments be filed. This action will be effective December 23, 1996, unless, by November 22, 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 December 23, 1996.

enactment of the CAA. See 56 FR 56694 (November 6, 1991).

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

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 these rules 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 population of less than 50,000.

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

Unfunded Mandates

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

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved for 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 government or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal government in the aggregate or to the private sector.

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 (OMB) has exempted this regulatory action from Executive Order 12866 review.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(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, Volatile organic compounds.

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

Dated: September 30, 1996.

Felicia Marcus,

Regional Administrator.

Subpart F of Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart F—California

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.220 is amended by adding paragraphs (c)(197)(i)(A)(*2*) and (c)(224)(i)(B) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(197) * * *

(i) * * *

(A) * * *

(*2*) Rule 463, adopted on March 11, 1994.

* * * * *

(224) * * *

(i) * * *

(B) Ventura County Air Pollution Control District.

(*1*) Rule 70, adopted on May 9, 1995.

* * * * *

[FR Doc. 96–26573 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[TN–167–1–9702; FRL–5637–1]

Control Strategy: Ozone; Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving an exemption request from the oxides of nitrogen (NO_X) reasonably available control technology (RACT) and conformity requirements of the Clean Air Act as amended in 1990 (CAA) for the five county Middle Tennessee (Nashville) moderate ozone (O_3) nonattainment area. The request for a NO_X RACT and conformity exemption was submitted on March 21, 1995, by the State of Tennessee through the Tennessee Department of Environment and Conservation (TDEC). The exemption request is based upon the most recent monitoring data, which demonstrate that additional reductions of NO_X would not contribute to attainment of the National Ambient Air Quality Standards (NAAQS). EPA initially published a direct-final rule on July 11, 1996, approving this request. Due to the receipt of adverse comments, EPA withdrew the direct-final rule on September 6, 1996. This document addresses those comments received and grants final approval to the exemption request.

EFFECTIVE DATE: This final rule is effective October 23, 1996.

ADDRESSES: A copy of the exemption request is available for inspection at the following locations (it is recommended that you contact William Denman at (404) 562–9030 before visiting the Region 4 office).

United States Environmental Protection Agency; Air, Pesticides, and Toxics Management Division; Air Planning Branch; Regulatory Planning Section; 100 Alabama Street SW., Atlanta, Georgia 30303.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531, 615/532–0554.

FOR FURTHER INFORMATION CONTACT: William Denman; Regulatory Planning Section; Air Planning Branch; Air Pesticides and Toxics Management Division; U.S. Environmental Protection Agency; 100 Alabama Street SW., Atlanta, Georgia 30303; (404) 562–9030. Reference file TN–167–9702.

SUPPLEMENTARY INFORMATION: The original direct-final rule approving Tennessee's NO_X RACT exemption request was published on July 11, 1996, (61 FR 36502) and provided for a thirty day public comment period which expired on August 12, 1996. Also, on July 11, 1996, a notice of proposed rulemaking for the NO_X RACT exemption was published (61 FR 36534). On August 12, 1996, the New York State Department of Environmental Conservation, the Citizens Commission for Clean Air in the Lake Michigan Basin, and the American Lung Association of Tennessee submitted adverse comments. As a result, a Federal Register document was published on September 6, 1996, withdrawing the direct-final action. In this document, EPA is taking final action on the exemption request and is addressing public comments received on the original direct-final action. The comments received and EPA's responses are given below.

1. The commenter disagrees with EPA viewing the NO_X exemption as non-controversial and taking the direct-final approach to approve the exemption. This view results from the perception that EPA is not granting NO_X exemptions until the New York State's petition for review is decided by the 7th Circuit or settled by the parties.

EPA Response

The approval of this NO_X exemption was published as a direct-final notice because Region 4 felt that all major comments regarding NO_X exemptions had been made on previous actions. These major comments along with the EPA responses were restated in the direct-final rule. The public was in no way impeded from comments under the direct-final format. The other option for approval was to issue only a proposal notice, and then publish a final notice addressing comments. The only difference in the direct-final approach is that, due to the possibility of receiving adverse comments, EPA had simultaneously published a notice of proposed rulemaking, and after withdrawing the direct-final rule now publishes this document as the final rule. EPA has not decided to withhold action on NO_X exemptions until the results of the New York State petition for review before the 7th Circuit are decided.

2. The commenter believes EPA's approval of the Middle Tennessee NO_X exemption request conflicts with section 110(a)(2)(D) of the Clean Air Act because it fails to consider the effects that such action will have on downwind areas. The commenter also believes this action is inconsistent with efforts being taken on state, regional, and national levels to address the problem of transport of NO_X and ozone and that EPA's ''clean data'' policy fails in that it does not address problems of long range transport of ozone.

EPA Response

The requirements for redesignation to attainment of the ozone standard do not currently require areas to address long-range transport. Therefore, since Tennessee's SIP has been determined to contain adequate regulations for continued attainment of the ozone standard and their redesignation request has been determined to meet all the redesignation requirements, Tennessee has met the necessary criteria to be redesignated to attainment. With respect to the requirements under Section 110(a)(2)(D) of the Act, EPA does not believe, nor has the commenter provided any evidence, that granting a NO_X exemption to the Middle Tennessee area will contribute significantly to nonattainment of the ozone standard in another state, or interfere with maintenance of the ozone standard. The matter of long range transport of ozone, NO_X and volatile organic compounds is still under study by EPA.

3. The commenter does not believe the NO_X and VOC programs currently in place in Middle Tennessee are adequate to maintain the ''clean data'' trend for the nonattainment area.

EPA Response

The Nashville ozone nonattainment area has ambient monitoring data that show no violations of the ozone standard during the period of 1992 through 1995 and to date in 1996. EPA has determined that the maintenance plan and contingency measures for the Nashville area are adequate to ensure the attainment of the national ambient air quality standard for ozone. In a separate notice published on July 29, 1996, (61 FR 39326) EPA approved regulations providing for NO_X controls which Tennessee either imposed on major sources prior to attaining the ozone standard or controls which Tennessee used to demonstrate future maintenance of the ozone standard. It should be noted that all major NO_X sources in the area are regulated by the Tennessee regulation for the control of NO_X. This NO_X RACT exemption merely exempts the sources from meeting federal NO_X RACT requirements.

4. The commenter believes that instead of decreasing the focus on nitrogen oxides, recent comprehensive studies indicate we should be increasing efforts to control NO_X as a more effective strategy for controlling ozone in the urban and rural areas of the South. The commenter believes the control of ozone may not be possible without a stronger focus on nitrogen oxides.

EPA Response

As stated previously, the Middle Tennessee ozone nonattainment area attained the national ambient air quality standard for ozone for the three year period 1992 through 1994, including 1995, and has continued to maintain the standard to date. Therefore, not only is the control of ozone in this area possible without a stronger focus on nitrogen oxides, it has been demonstrated since the 1992–1994 attainment period.

5. The commenter believes that the Middle Tennessee Ozone Study Network does not accurately indicate actual ozone and ozone precursor emissions concentrations in the Middle Tennessee moderate ozone nonattainment area.

EPA Response

The Ozone Study Network was not developed for the purpose of determining attainment or nonattainment of the ozone standard. The monitoring network developed and used for the purpose of monitoring attainment or nonattainment ozone levels in the Middle Tennessee ozone nonattainment area meets the requirements of 40 CFR Part 58 and therefore meets the ozone redesignation requirements.

6. The commenter suggests that EPA should reconsider the Middle Tennessee NO_X exemption request, relying upon ambient ozone monitoring data collected in 1992, 1993, and 1994, and review the Southern Oxidant Study 1995 Nashville Intensive Ozone Field Study, and Ozone Transport Assessment Group (OTAG) efforts to characterize, examine, and make regional control recommendations addressing the transport of ozone and ozone precursor emissions. Additionally, the USEPA should await the successful implementation of a ''super-regional'' NO_X strategy prior to approval of the NO_X exemption and must review the

Southern Oxidant Study 1995 Nashville Intensive study and reconcile its results with this NO_X exemption request.

EPA Response

Section 182(f) of the Clean Air Act does not require States to take into account future findings of studies nor future efforts of workgroups when applying for a NO_X exemption. EPA believes Tennessee has met the necessary requirements and has demonstrated through attaining and continued maintenance of the ozone standard for the years 1992 to 1996 that additional NO_X controls are not necessary to meet the national ambient air quality standard for ozone.

7. The ambient monitoring data is suspect due to a sparse ozone monitoring network that consistently fails to accurately monitor elevated ozone concentrations in the Middle Tennessee ozone nonattainment area.

EPA Response

States with areas required to have monitoring networks must meet the requirements of 40 CFR Part 58. EPA has determined that Tennessee's monitoring network meets these requirements. The commenter mentions that on July 12, 1995, during the 1995 Nashville Intensive Ozone Field Study, a Southern Oxidant Study monitor recorded higher levels than the official ozone monitors in the area. The monitoring networks are designed to provide data representative of an entire area's ozone concentration. However, ozone is not distributed evenly throughout the atmosphere and therefore, an infinite number of monitors would be required to determine the exact concentration of ozone at all points.

8. Under 182(f), the Administrator is authorized to waive NO_X RACT and NO_X conformity requirements if the Administrator determines that ''net air quality benefits are greater in the absence of reductions of oxides of nitrogen from the sources concerned,'' or if ''additional reductions of oxides of nitrogen would not contribute to attainment of the national ambient air quality standards for ozone in the area''. The EPA submitted *The Role of Ozone Precursors in Tropospheric Ozone Formation and Control* in July 1993, to meet the 185B requirement of the Clean Air Act. The Administrator must consider the 185B report in evaluating 182(f) NO_X exemption requests.

EPA Response

The middle Tennessee area has three years of attainment data for 1992, 1993, and 1994, and has continued to attain the standard to date in 1996. Therefore, it is obvious that ''additional reductions of oxides of nitrogen would not contribute to attainment of the national ambient air quality standards for ozone in the area'', since the area continues to attain the ozone standard. Therefore, it meets the 182(f) requirement. Under section 185B, the Administrator is not required to consider the report in evaluating the 182(f) NO_X exemption.

9. Approval of the 182(f) NO_X exemption request will have an adverse impact on visibility in the Great Smoky Mountains National Park and the Shenandoah National Park, adversely affect the health of wildlife and fauna in these Class I areas, and should be reevaluated.

EPA Response

Tennessee has adopted and submitted to EPA regulations intended to meet the visibility protection requirements of the CAA. EPA will act on this submittal in a separate notice. EPA does not have the authority under the CAA to regulate NO_X for the purpose of visibility using the requirements intended for meeting the ozone standard. The CAA provides separate regulations to protect visibility in Class I areas.

Final Action

The EPA is today approving Tennessee's request to exempt the Middle Tennessee moderate O_3 nonattainment area from the section 182(f) NO_X RACT and NO_X conformity requirements. Due to the receipt of adverse public comments, the original approval of this request was withdrawn on September 6, 1996. The original proposal notice published on July 11, 1996, proposed the rule for approval and provided for a thirty-day public comment period. Therefore, an additional comment period is not required. This approval is based upon the evidence provided by Tennessee showing compliance with the requirements outlined in the CAA and in applicable EPA guidance. EPA feels all comments received have been adequately addressed and is therefore proceeding with approval of this action.

This action is not a SIP revision and is not subject to the requirements of section 110 of the CAA. The authority to approve or disapprove exemptions from NO_X requirements under section 182 of the CAA was delegated to the Regional Administrator from the Administrator in a memo dated July 6, 1994, from Jonathan Cannon, Assistant Administrator, to the Administrator, titled, ''Proposed Delegation of Authority: 'Exemptions from Nitrogen Oxide Requirements Under Clean Air Act section 182(f) and Related Provisions of the Transportation and General Conformity Rules' Decision Memorandum.'' This action will be effective on October 23, 1996.

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.

Administrative Requirements

A. Executive Order 12866

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 (OMB) has exempted this regulatory action from E.O. 12866 review.

B. 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. section 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.

Granting the NO_X RACT exemption makes less burdensome the requirements on those small entities in middle Tennessee that are regulated under the State's ozone control plan. Accordingly, the Administrator hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates

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 rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to 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.

EPA has determined that the approval action 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 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.

D. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

E. Petitions for Judicial Review

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 December 23, 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 7, 1996.

A. Stanley Meiburg,

Acting Regional Administrator.

Part 52 of chapter I, title 40, *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 RR—Tennessee

2. Section 52.2237 is added to read as follows:

§ 52.2237 NO_X RACT and NO_X Conformity Exemption.

Approval. EPA is approving the section 182(f) oxides of nitrogen (NO_X) reasonably available control technology (RACT) and NO_X conformity exemption request submitted by the Tennessee Department of Environment and Conservation on March 21, 1995, for the five county middle Tennessee (Nashville) ozone moderate nonattainment area. This approval exempts the area from implementing federal NO_X RACT on major sources of NO_X and exempts Tennessee from NO_X conformity. This approval does not exempt sources from any State required or State Implementation Plan (SIP) approved NO_X controls. If a violation of the ozone NAAQS occurs in the area, the exemption from the requirement of section 182(f) of the CAA in the applicable area shall not apply.

[FR Doc. 96–26875 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[MT001–0001a; FRL–5635–6]

Clean Air Act Approval and Promulgation of State Implementation Plan for Montana; Revisions to the Montana Air Pollution Control Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA approves the State implementation plan (SIP) revisions submitted by the Governor of Montana on May 22, 1995. The revisions being approved in this document include; changes to the State's open burning rules which, among other things, address deficiencies and add new rules for the open burning of Christmas tree waste and open burning for commercial film or video productions; and changes to numerous State regulations to make minor administrative amendments and to update incorporation by reference citations. EPA is approving these revisions because they are consistent with the Clean Air Act (Act).

DATES: This action is effective on December 23, 1996 unless adverse comments are received by November 22, 1996. If the effective date is delayed, 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: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2405; Montana Department of Environmental Quality, 1520 East 6th Avenue, P.O. Box 200901, Helena, Montana 59620–0901; and The Air and Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, 8P2–A, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, (303) 312–6445.

SUPPLEMENTARY INFORMATION: On May 22, 1995, the Governor of Montana submitted two SIP submittals which are being acted on in this document. One submittal included changes to the State's open burning rules. The second submittal included changes to numerous State regulations to make minor administrative amendments. This document evaluates the State's submittals for conformity with the corresponding Federal regulations and the requirements of the Act.

I. Procedural Analysis of the State's Submissions

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

The EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) and 57 FR 13565, April 16, 1992). The EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V. The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law under section 110(k)(a)(B) if a completeness determination is not made by EPA

within six months after receipt of the submission.

The State of Montana held public hearings on May 20, 1994 for the revisions to the open burning rules and on September 16, 1994 for the other revisions to entertain public comment on the SIP revisions, and the rule revisions were subsequently adopted at the respective public hearings by the State. These rule revisions were formally submitted to EPA for approval in the SIP as two separate SIP submittals on May 22, 1995.

The SIP revisions were reviewed by EPA to determine completeness shortly after their submittal, in accordance with the completeness criteria referenced above. The submittals were found to be complete, and a letter dated July 27, 1995 was forwarded to the Governor indicating the completeness of the submittals and the next steps to be taken in the processing of the SIP submittals.

II. Evaluation of the State's Submittals

A. Revisions to the Open Burning Rules

Numerous revisions were made to the State's open burning provisions in rules 16.8.1301–1310 of the Administrative Rules of Montana (ARM). Revisions were made to address EPA's January 2, 1992 disapproval of the State's previous revisions to its open burning rules (see 57 FR 23–24) and to add new provisions addressing open burning of Christmas tree waste and open burning for commercial film or video productions. In addition, the State made other revisions to its open burning rules to add public participation requirements for major open burning permits, to add more specific requirements for open burning for firefighter training, to add requirements for the issuance of conditional open burning permits, and to extend the essential agricultural burning period to be the same as prescribed wildland open burning periods and add new provisions for these types of open burning.

On January 2, 1992, EPA disapproved the State's previous SIP revision of its open burning rules because the State had relaxed its rules by allowing the open burning of creosote-treated railroad ties (which were previously prohibited from being open-burned), and the State did not adequately demonstrate that the SIP relaxation would not adversely impact attainment and/or maintenance of the particulate matter national ambient air quality standards (NAAQS). In the State's May 22, 1995 SIP revision, the State reinstated the prohibition on open burning of creosote-treated railroad ties, thus addressing EPA's January 2, 1992 disapproval.

EPA's review of the new ARM 16.8.1309 and 16.8.1310, which allow open burning of Christmas tree waste and open burning for commercial film or video productions, found these rules to be consistent with corresponding Federal requirements. The State's rules will only allow these types of open burning if such burning will not endanger public health or welfare or cause or contribute to a violation of the NAAQS.

In a May 18, 1994 letter commenting on these regulatory changes, EPA requested that the State provide documentation that the extension of the essential agricultural open burning season will not adversely impact Montana's PM–10 nonattainment areas. The State's response indicated that the majority of essential agricultural open burning ''is done in areas sufficiently removed from the PM–10 nonattainment areas'' and that Montana's fall smoke management program, which is also used to regulated prescribed wildland open burning, will minimize the impact from smoke during the fall season from essential agricultural open burning. EPA concurs with the State's response and believes the State's smoke management plan will help to ensure the NAAQS are met.

EPA has reviewed the other revisions to the State's open burning rules and believes that the revisions are consistent with the requirements of the Act. Consequently, EPA is approving the State's revisions to its open burning regulations in ARM 16.8.1301–1310 submitted on May 22, 1995.

B. Other Minor Administrative Regulatory Revisions

The State's second May 22, 1995 SIP submittal being acted on in this document contained minor administrative revisions and updated the incorporation by reference citations for both Federal regulations and State procedures. EPA has reviewed the revisions and found the revisions to be consistent with the requirements of the Act. Therefore, EPA is approving the revisions to ARM 16.8.708, 16.8.946, 16.8.1120, 16.8.1429, 16.8.1702, 16.8.1802, and 16.8.2003 submitted on May 22, 1995.

III. Final Action

EPA is approving the revisions to the Montana SIP submitted by the State on May 22, 1995, which affect the State's open burning rules and make other minor administrative changes. Specifically, EPA is approving revisions to the following sections of the ARM: 16.8.1301–1310, as in effect on September 9, 1994, and 16.8.708, 16.8.946, 16.8.1120, 16.8.1429, 16.8.1702, 16.8.1802, and 16.8.2003, as in effect on October 28, 1994.

EPA is publishing this action 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. Under the procedures established in the May 10, 1994 Federal Register (59 FR 24054), this action will be effective December 23, 1996 unless, by November 22, 1996, adverse or critical comments are received.

If such comments are received, 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 November 22, 1996.

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

IV. Administrative Requirements

A. Executive Order 12866

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 (OMB) has exempted this regulatory action from E.O. 12866 review.

B. 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 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 Act, preparation of a 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. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

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 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, 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.

EPA has determined that the approval action promulgated 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 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.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

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 December 23, 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 must 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, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: September 26, 1996.

Patricia D. Hull,

Acting Regional Administrator.

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 BB—Montana

2. Section 52.1370 is amended by adding paragraph (c)(43) to read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(43) On May 22, 1995, the Governor of Montana submitted revisions to the plan, which included revisions to the State's open burning regulation and other minor administrative revisions.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana (ARM), 16.8.1301–1310, effective September 9, 1994; and

(B) Revisions to the ARM, 16.8.708, 16.8.946, 16.8.1120, 16.8.1429, 16.8.1702, 16.8.1802, and 16.8.2003, effective October 28, 1994.

* * * * *

[FR Doc. 96–27006 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[Region 2 Docket No. NJ12–3–157a, VI2–3–158a; FRL–5637–8]

Clean Air Act Approval and Promulgation of Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program; New Jersey and the U.S. Virgin Islands

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is fully approving the State Implementation Plan (SIP) revisions submitted by the States of New Jersey and the U.S. Virgin Islands for the establishment of Compliance Advisory Panels under their Small Business Stationary Source Technical and Environmental Compliance Assistance Programs. The SIP revisions were submitted by New Jersey and the Virgin Islands to satisfy the Federal mandate, found in the Clean Air Act (CAA), that states create a Compliance Advisory Panel which is authorized to determine the state's effectiveness in ensuring that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. 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 rule is effective on December 23, 1996 unless adverse or critical comments are received by November 22, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of all of New Jersey's and the Virgin Islands' submittals are available for inspection during normal business hours at the EPA Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866. In addition, copies can be found at the New Jersey Department of Environmental Protection, Office of Permit Information and Assistance, 401 East State Street, Trenton, New Jersey, attention: Chuck McCarty; and the Virgin Islands Department of Planning and Natural Resources, Division of Environmental Protection, Wheatley Shopping Center #2, St. Thomas, VI 00802, attention: Marilyn Stapleton.

All comments should be addressed to: Ronald J. Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007–1866.

FOR FURTHER INFORMATION CONTACT: Christine Fazio, Permitting Section, Air Programs Branch, at the above EPA address or at telephone number (212) 637–4015.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the provisions of the Clean Air Act (CAA), as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that states adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the Federally approved SIP. In addition, the CAA directs the Environmental Protection Agency (EPA) to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of Title V of the CAA. In February 1992, EPA issued *Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments (Final Guidelines*) in order to delineate the federal and state roles in meeting the new statutory provisions and as a tool to provide further guidance to the states on submitting acceptable SIP revisions.

In order to gain full approval, the state submittal must provide for each of the following PROGRAM components: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP.

EPA proposed to conditionally approve New Jersey's and the U.S. Virgin Islands' SIPs on December 21, 1993 (58 FR 67383) and finalized the conditional approval on July 5, 1994 (59 FR 34383). A detailed discussion of New Jersey's and the Virgin Islands' PROGRAM and EPA's evaluations of the PROGRAM is contained in the above cited Federal Registers. EPA found that New Jersey and the U.S. Virgin Islands lacked the requisite authority to establish a CAP. Therefore, EPA conditionally approved New Jersey's and the U.S. Virgin Islands' section 507 programs and stated that full approval will be granted once authority to establish a CAP has been enacted and submitted as a SIP revision.

II. Summary of Submittal

Section 507(e) requires the State to establish a CAP that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the State legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program. The Governor of New Jersey signed Chapter 188 of the Laws of New Jersey on August 2, 1995. New Jersey's law specified the CAP's make-up, terms, and duties consistent with section 507 of the CAA. The Governor of the U.S. Virgin Islands signed Act No. 6011 on September 2, 1994 which authorizes the establishment of a CAP. Act No. 6011 specifies the CAP's make-up, terms, and duties consistent with the requirements in section 507 of the CAA.

III. Final Action

EPA is fully approving the SIP revisions submitted by New Jersey and the U.S. Virgin Islands. The revisions satisfy the requirements of section 507 of the CAA.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective December 23, 1996 unless, by November 22, 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 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 December 23, 1996.

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.

Administrative Requirements

Executive Order 12866

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 (OMB) has exempted this regulatory action from E.O. 12866 review.

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 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.

By today's action, EPA is fully approving State programs created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The programs being fully approved today do not impose any new regulatory burden on small businesses; they are programs under which small businesses may elect to take advantage of assistance provided by the State. Therefore, because the full approval does not impose any new regulatory requirements on small businesses, EPA certifies that this action does not have a significant economic impact on any small entities affected.

Unfunded Mandates

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 rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to 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.

EPA has determined that the approval action promulgated 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 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.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Petitions for Judicial Review

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 December 23, 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, Small business assistance program.

Dated: September 30, 1996.

William J. Muszynski,

Acting Regional Administrator.

For the reasons set forth in the preamble, the State implementation Plan revisions which were conditionally approved and listed in 40 CFR 52.1607 and 52.2782 (59 FR 34386, July 5, 1994) are fully approved.

[FR Doc. 96–27130 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 271

[FRL–5638–1]

Ohio: Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Ohio submitted an application seeking final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976, as amended (RCRA). The application included a program description, a statement by the Ohio Attorney General, a memorandum of agreement, and the revisions to Ohio's Administrative Code. The Environmental Protection Agency (EPA) has reviewed Ohio's application and has reached a decision, subject to public review and comment, that these hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Ohio to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter HSWA).

EFFECTIVE DATE: Final authorization for Ohio shall be effective on December 23, 1996 unless EPA publishes a prior Federal Register (FR) action withdrawing this immediate final rule. All comments on Ohio's final authorization must be received by 4:30 p.m. central time on November 22, 1996. If an adverse comment is received, EPA will publish either: a withdrawal of this immediate final rule or a document containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

ADDRESSES: Copies of Ohio's final Authorization Revision Application are available for inspection and copying from 9 a.m. to 4 p.m., at the following addresses: Ms. Kit Arthur, Ohio Environmental Protection Agency, 1800 WaterMark Drive, Columbus, Ohio 43215, Phone 614/644–3174; Mr. Timothy O'Malley, U.S. EPA Region 5, DR–7J, 77 W. Jackson, Chicago, Illinois 60604, Phone 312/886–6085. Written comments should be sent to Mr. Timothy O'Malley, U.S. EPA Region 5, DR–7J, 77 W. Jackson (DR–7J), Chicago, Illinois, 60604, Phone (312) 886–6085.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy O'Malley, Ohio Regulatory Specialist, U.S. EPA Region 5, DR–7J, 77 West Jackson Blvd., Chicago, Illinois, 60604, (312) 886–6085.

SUPPLEMENTARY INFORMATION

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984, hereinafter HSWA) allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive interim authorization for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

In accordance with 40 CFR 271.21, revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 124, 260–266, 268, and 270.

B. Ohio

Ohio initially received final authorization for its program effective June 30, 1989 (54 *FR* 27170). Subsequently, Ohio received authorization for revisions to its program, which became effective on June 7, 1991 (56 *FR* 14203), August 19, 1991 (56 *FR* 28008), and September 25, 1995 (60 *FR* 38502). On September 10, 1996, Ohio submitted a final program revision application for additional program approvals. Today, Ohio is seeking approval of this program

revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Ohio's application, and has made an immediate final decision that Ohio's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Ohio. The public may submit written comments on EPA's immediate final decision up until November 22, 1996. Copies of Ohio's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Ohio's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) A withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

On December 23, 1996, Ohio will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

Federal requirement	Analogous State authority
HSWA Codification Rule—Corrective Action, July 15, 1985, (50 FR 28702).[1].	Ohio Administrative Code (OAC) 3745–55–011 (A) and (B); effective June 29, 1990. OAC 3745–50–46 (A)(1)(b)(vii) and (B); 3745–54–90(A); effective February 11, 1992.
HSWA Codification Rule 2—Permit Application Requirements Regarding Corrective Action, December 1, 1987, (52 FR 45788)[1].	Ohio Administrative Code (OAC) 3745–50–44 (B) and (D), (D)(1)(a)–(e), (D)(2) and (D)(3); effective April 15, 1993.
HSWA Codification Rule 2—Corrective Action Beyond the Facility Boundary, December 1, 1987, (52 FR 45788).[1].	Ohio Administrative Code (OAC) 3745–55–01(E), (E) (1) and (2); effective February 11, 1992. OAC 3745–55–011(C); effective June 29, 1990.

[1] Indicates HSWA requirement.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization, and which were issued by EPA prior to the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on June 30, 1989, June 7, 1991, August 19, 1991, and September 25, 1995, the effective dates of Ohio's final authorization for the RCRA base program, and for subsequent program revisions.

Ohio is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Ohio's program revision meets all of the statutory and regulatory requirements established by RCRA described in its revised program application, subject to the limitations of the HSWA. Accordingly, EPA grants Ohio final authorization to operate its hazardous waste program as revised. Ohio currently has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program and its amendments. Ohio also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

D. Codification in Part 272

EPA incorporates by reference authorized State programs in Part 272 of 40 CFR to provide notice to the public of the scope of the authorized program in each State. Incorporation by reference of the Ohio program will be completed at a later date.

Compliance With Executive Order 12866

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

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. The section 202 and 205 requirements do not apply to today's action because it is not a ''Federal mandate'' and because it does not impose annual costs of $100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the Ohio program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a ''Federal mandate'' duties that arise from participation in a voluntary Federal program. Ohio's participation in an authorized hazardous waste program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of $100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Ohio program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of State programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under existing State law which are being authorized by EPA, and, thus, are not

subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office. Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

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

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

Dated: October 8, 1996.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 96–26917 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 11

[FO Docket Nos. 91–301 and 91–171; FCC 94–288]

Emergency Alert System; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published Monday, November 6, 1995, (60 FR 55999). The regulations related to the Emergency Alert System.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Frank Lucia, (202) 418–1220.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections affect the Emergency Alert System protocol and message format.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

List of Subjects in 47 CFR Part 11

Emergency Alert System.

PART 11—EMERGENCY ALERT SYSTEM (EAS)

Accordingly, 47 CFR Part 11 is corrected by making the following correcting amendments:

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

Authority: 47 U.S.C. 151, 154 (i) and (o), 303(r), 544(g) and 606.

2. In § 11.31, paragraph (c) is revised to read as follows:

§ 11.31 EAS protocol.

* * * * *

(c) The EAS protocol, including any codes, must not be amended, extended or abridged without FCC authorization. The EAS protocol and message format are specified in the following representation. Examples are also provided in the EAS Operating Handbook.

[PREAMBLE] ZCZC - ORG - EEE - PSSCCC + TTTT - JJJHHMM - LLLLLLLL -
(one second pause)
[PREAMBLE] ZCZC - ORG - EEE - PSSCCC + TTTT - JJJHHMM - LLLLLLLL -
(one second pause)
[PREAMBLE] ZCZC - ORG - EEE - PSSCCC + TTTT - JJJHHMM - LLLLLLLL -
(at lease a one second pause)
(transmission of 8 to 25 seconds of Attention Signal)
(transmission of audio, video or text messages)
(at least a one second pause)
[PREAMBLE] NNNN
(one second pause)
[PREAMBLE] NNNN
(one second pause)
[PREAMBLE] NNNN
(at least one second pause)

[PREAMBLE] This is a consecutive string of bits (sixteen bytes of AB hexadecimal [8 bit byte 10101011]) sent to clear the system, set AGC and set asynchoronous decoder clocking cycles. The preamble must be transmitted before each header and End Of Message code.

ZCZC- This is the identifier, sent as ASCII characters ZCZC to indicate the start of ASCII code.

ORG- This is the Originator code and indicates who originally initiated the activation of the EAS. These codes are specified in paragraph (d) of this section.

EEE- This is the Event code and indicates the nature of the EAS activation. The codes are specified in paragrah (e) of this section. The Event codes must be compatible with the codes used by the NWS Weather Radio Specific Area Message Encoder (WRSAME).

PSSCCC- This is the Location code and indicates the geographic area affected by the EAS alert. There may be 31 Location codes in an EAS alert. The Location code uses the Federal Information Processing System (FIPS) numbers as described by the U.S. Department of Commerce in National Institute of Standards and Technology publication 772. Each state is assigned an SS number as specified in paragraph (f) of this section. Each county is assigned a CCC number. A CCC number of 000 refers to an entire State or Territory. P defines county subdivisions as follows: 0 = all or an unspecified portion of a county, 1 = Northwest, 2 = North Central, 3 = Northeast, 4 = West Central, 5 = Central, 6 = East Central, 7 = Southwest, 8 = South Central, 9 = Southeast. Other numbers may be designated later for special applications. The use of county subdivisions will probably be rare and generally for oddly shaped or unusually large counties. Any subdivisions must be defined and agreed to by the local officials prior to use.

+TTTT- This indicates the valid time period of a message in 15 minute segments up to one hour and then in 30 minute segments beyond one hour; i.e., +0015, +0030, +0045, +0100, +0430 and +0600.

JJJHHMM- This is the day in Julian Calender days (JJJ) of the year and the time in hours and minutes (HHMM) when the message was initially released by the originator using 24 hour Universal Coordinated Time (UTC).

LLLLLLLL- This is the call sign or other identification of the broadcast station, or NWS office transmitting or retransmitting the message. These codes will be automatically affixed to all outgoing messages by the EAS encoder.

NNNN- This is the End of Message (EOM) code sent as a string of four ASCII N characters.

* * * * *

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–27136 Filed 10–22–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 68

[FCC 96–1]

Labelling Requirements; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published Thursday, August 15, 1966 (61 FR 42386). The regulations related to labelling requirements contained in § 68.300(c).

EFFECTIVE DATE: November 13, 1996.

FOR FURTHER INFORMATION CONTACT: Bill von Alven, Senior Engineer, (202) 418–2342 or Marian Gordon, Special Counsel, Networks Services Division, Common Carrier Bureau, (202) 418–2337.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections set forth the labelling requirements that must be followed to register equipment under Part 68.

Need for Correction

As published, the final regulations contain an error which may prove to be misleading and is in need of clarification.

List of Subjects in 47 CFR Part 68

Registered terminal equipment, Telephone.

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Accordingly, 47 CFR Part 68 is corrected by making the following correcting amendment:

1. The authority citation for Part 68 continues to read as follows:

Authority: 47 U.S.C. 151, 154, 155, 201–205, 208, 215, 218, 220, 226, 227, 303, 313, 314, 403, 404, 410, 412, 522.

§ 68.300 [Corrected]

2. Section 68.300 is amended by removing the second paragraph ''(c)'' designator and adding in its place the paragraph designator ''(d)''.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–27135 Filed 10–22–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129019–6019–01; I.D. 101696B]

Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component of Pollock in the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the second seasonal allowance of the pollock total allowable catch (TAC) allocated to vessels harvesting pollock for processing by the offshore component in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), October 17, 1996, until 2400 hrs, A.l.t., December 31, 1996.

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

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(3)(iii), the second seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996), and subsequent reserve apportionment (61 FR 16085, April 11, 1996) as 419,623 metric tons (mt).

The Director, Alaska Region, NMFS (Regional Director) has established a directed fishing allowance of 397,623 mt and set aside the remaining 22,000 mt as bycatch to support directed fishing for other species in the BS. The Regional Director has determined in accordance with § 679.20(d)(1)(iii), that the second seasonal allowance of pollock TAC for vessels catching pollock for processing by the offshore component in the BS soon will be reached. Consequently, NMFS is closing directed fishing for pollock by vessels catching pollock for processing by the offshore component in the BS.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under § 679.20 and is exempt from review under E.O. 12866.

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

Dated: October 16, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27080 Filed 10–17–96; 4:13 pm]

BILLING CODE 3510–22–F

50 CFR Part 679

[I.D. 082796E]

Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery Closure; Correction

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

ACTION: Correction to a closure notification.

SUMMARY: This document contains a correction to a closure notification (I.D. 082796E), which was published

Tuesday, September 3, 1996 (61 FR 46399).

EFFECTIVE DATE: 0800 hours, Alaska local time (A.l.t.), August 27, 1996, through 2400 hours, A.l.t., June 30, 1997.

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

SUPPLEMENTARY INFORMATION:

Background

On September 3, 1996, NMFS published notification in the Federal Register announcing closure of the directed fishery for scallops in the Kamishak Bay District of Registration Area H (Cook Inlet). The closure was intended to be effective through the end of the current fishing year, 2400 hours, A.l.t., June 30, 1997. The action was necessary to prevent exceeding the total allowable catch (TAC) of scallops in this area.

Need for Correction

In accordance with § 679.62(c), the Director, Alaska Region, NMFS, determined that the scallop TAC for this area had been reached and NMFS prohibited the taking and retention of scallops in this area effective at 0800 hours, A.l.t., August 27, 1996. Under § 679.62(a)(2)(ii), annual scallop TACs are specified for the 12-month time period extending from July 1 through June 30 of the following year. Therefore, this closure should only have been effective through the end of the current fishing year which expires at 2400 hours, A.l.t., June 30, 1997. However, the closure notification published September 3, 1996, inadvertently extended the closure through 1159 hours, A.l.t., July 1, 1997.

Correction of Publication

Accordingly, the publication on September 3, 1996, of the closure (I.D. 082796E), which was the subject of FR Doc. 96–22369, is corrected as follows:

On page 46400, in the first column, the **EFFECTIVE DATE** section should read as follows: **EFFECTIVE DATE**: 0800 hours, Alaska local time (A.l.t.), August 27, 1996, through 2400 hours, A.l.t., June 30, 1997.

On page 46400, in the third column, the third and fourth lines should read as follows:

August 27, 1996, through 2400 hours, A.l.t., June 30, 1997.

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

Dated: October 16, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27076 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 206
Wednesday, October 23, 1996

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–65–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300–600 and A310 Series Airplanes Equipped With Pre-Modification 5844D4829 Rudders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Airbus Model A300–600 and A310 series airplanes, that currently requires repetitive visual inspections and tap tests of the rudder skin panels to detect disbonding; and repairs, if necessary. That AD was prompted by reports of weakening of the bonding material between the core of the rudder and its inner and outer skin, and cracking of the core. The proposed action would add repetitive elasticity laminate checker (ELCH) inspections of the rudder in place of the currently required tap tests. It also would require replacement of the rudder with a modified rudder, which would terminate the repetitive inspections. These actions are intended to detect and prevent disbonding of the rudder, which, if not corrected, could reduce the structural integrity of the rudder, and consequently lead to a reduction in its ability to sustain limit loads.

DATES: Comments must be received by December 2, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–65–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ‘‘Comments to Docket Number 96–NM–65–AD.’’ The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–65–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On May 25, 1990, the FAA issued AD 90–12–13, amendment 39–6625 (55 FR 23190, June 7, 1990), which is applicable to Airbus Model A300–600 and A310 series airplanes equipped with pre-modification 5844D4829 rudders. That AD requires repetitive visual inspections and tap tests of the rudder skin panels to detect disbonding and cracking; and repairs, if necessary. That AD was prompted by reports of disbonding and cracking in the layers of the rudder skin panels, as well as rupture of the honeycomb core of the rudder. The requirements of that AD are intended to prevent loss of stiffness in the rudder which, if not corrected, could reduce the structural integrity of the rudder, and consequently lead to a reduction in its ability to sustain limit loads.

At the time AD 90–12–13 was issued, the FAA considered it to be interim action because the manufacturer was attempting to determine the extent and nature of the disbonding and cracking within the fleet, and was developing a repetitive inspection schedule. Additionally, the manufacturer had advised that it was developing a modification of the rudder that would preclude the need for repetitive inspections.

Actions Since Issuance of Previous AD

Since the issuance of that AD, the Direction Générale de l’Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that it has received additional reports indicating that disbonding had occurred on certain Airbus Model A310 series airplanes between the inner skin and the honeycomb core of the rudder; this disbonding had led to cracking and rupture of the core and outer skin of the rudder. The affected airplanes had accumulated between 9,500 and 15,000 hours time-in-service, and between 5,200 and 15,000 flight cycles.

Investigation has revealed that 80 Model A300–600 and A310 series airplanes, among the earliest manufactured, may have a rudder in which the bond between the honeycomb core and the inner and outer skins was made using a bridging layer of aramide carbon hybride laminate. Laboratory analysis has shown that flight cycles,

over time, gradually weaken this bond, leading to areas of disbonding and cracking, which can spread rapidly throughout the rudder. This condition, if not corrected, could reduce the structural integrity of the rudder, and consequently lead to a reduction in its ability to sustain limit loads.

Additionally, the manufacturer recently has developed an elasticity laminate checker (ELCH) inspection, which relies on a vacuum principle to detect and assess areas of disbonding and cracking. This inspection, which can detect disbonding defects as small as 120 mm in diameter, is considered to be more reliable than the tap test that is currently required by AD 90–12–13.

The manufacturer also has developed a modified rudder which, if installed, would eliminate the need for both types of repetitive inspections.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A300–55–6008 (for Model A300–600 series airplanes) and A310–55–2010 (for Model A310 series airplanes), both dated December 10, 1990, which describe procedures for repetitive visual and ELCH inspections of the rudder to detect disbonding. The service bulletins also describe procedures for repairs. The DGAC classified these service bulletins as mandatory, and issued French airworthiness directive (CN) 90–0098–112(B)R1, dated May 2, 1991, in order to assure the continued airworthiness of these airplanes in France.

Airbus also has issued Service Bulletins A300–55–6010 (for Model A300–600 series airplanes) and A310–55–2012 (for Model A310 series airplanes), both dated April 18, 1991, which describe procedures for replacement of the rudder with a modified rudder. Installation of the modified rudder will preclude the addressed cracking and disbonding problems, and will eliminate the need for repetitive inspections of the area for those defects. The DGAC classified these service bulletins as optional.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 90–12–13 to continue to require repetitive visual inspections of the rudder skin panels. It would eliminate the currently required tap tests, and instead require ELCH inspections of the rudder skin panels. If defects are detected, repair would be required. All inspections and the repair of smaller areas of disbonding or cracking would be required to be carried out in accordance with the applicable inspection service bulletins described previously; repairs of the largest defective areas, however, would have to be performed in a manner approved by the FAA.

Until an initial ELCH inspection of the complete rudder is performed, the proposal would require visual inspections of the rudder to be performed weekly or prior to the accumulation of 50 flight cycles, whichever occurs first. Thereafter, visual inspections would be carried out at less frequent intervals, as would subsequent ELCH inspections.

Should a visual inspection prior to the initial ELCH inspection, however, detect possible disbonding or cracking, the proposed AD would require an ELCH inspection of the area in which the suspected defects may be located. If that ELCH inspection confirms any defects, repairs would be made prior to further flight. Regardless of the results of the ELCH inspection of the area in which suspected defects may be located, the proposal would still require that an initial ELCH inspection of the complete rudder be conducted.

The proposed AD also would require replacement of the rudder with a rudder modified by the manufacturer; this action would constitute terminating action for the repetitive visual and ELCH inspections. The replacement of the rudder would be required to be accomplished in accordance with the applicable modification service bulletins described previously.

Difference Between Proposed Rule and Parallel French CN

Unlike French CN 90–098–112(B)R1, which permits installation of the modified rudder as an optional terminating action, this proposed AD would require that the modified rudder be installed within 5 years, as terminating action for the inspections. The FAA has determined that long-term, continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed modification requirement is in consonance with these considerations.

Cost Impact

There are approximately 44 Model A310 and Model A300–600 series airplanes of U.S. registry that would be affected by this proposed AD.

The tap tests that are currently required by AD 90–12–13 take approximately 4 work hours per airplane to accomplish. The average labor rate is $60 per work hour. Based on these figures, the cost impact of these currently-required actions on U.S. operators is estimated to be $10,560, or $240 per airplane, per tap test.

The visual inspections that are currently required by AD 90–12–13 (and retained in this new proposed AD) take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these inspections on U.S. operators is estimated to be $2,640, or $60 per airplane, per inspection.

Each ELCH inspection proposed in this new AD action would take approximately 14 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact these proposed inspections on U.S. operators is estimated to be $36,960, or $840 per airplane, per inspection.

The replacement of the rudder that is proposed by this new AD action would take approximately 42 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed replacement action on U.S. operators is estimated to be $110,880, or $2,520 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator

would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6625 (55 FR 23190, June 7, 1990), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 96–NM–65–AD. Supersedes AD 90–12–13, Amendment 39–6625.

Applicability: Model A300–600 and A310 series airplanes; certificated in any category; equipped with pre-modification 5844D4829 rudders having the following part numbers:

A5547150000000
A5547150000200
A5547150000400
A5547150000600
A5547150000800
A5547150001000
A5547150001200
A5547150001400

Note 1: The pre-modification rudders to which this AD applies were installed at the time of delivery on Model A300–600 and A310 series airplanes specified in the effectivity listings of the Airbus service bulletins that are referenced in this AD. However, such rudders may have been installed after delivery on airplanes other than the ones listed in those service bulletins. Therefore, as specified by the preceding applicability provision, the operator of any Model A300–600 or A310 series airplane equipped with the pre-modified rudder is required to comply with the requirements of this AD.

Note 2: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Note 3: The requirements of paragraphs (a) and (b) of this AD are restatements of paragraphs A. and B. that appeared in AD 90–12–13, amendment 39–6625. These paragraphs require no additional action by operators who already have initiated the specified actions. (As indicated in both paragraphs, these actions are to continue until the new actions required by this AD are initiated.)

Compliance: Required as indicated, unless accomplished previously.

To detect and prevent disbonding which, if not corrected, could reduce the structural integrity of the rudder, and consequently lead to a reduction in its ability to sustain limit loads, accomplish the following:

(a) Visual Inspections (as Required by AD 90–12–13). Within 10 landings after June 20, 1990 (the effective date of AD 90–12–13, amendment 39–6625), perform a visual inspection to detect disbonding of the rudder skin panels, left and right, in accordance with Airbus All Operators' Telex (AOT) 55/90/01, Revision 1, dated April 27, 1990. After the effective date of this AD, perform this inspection in accordance with Airbus Service Bulletin A300–55–6008 (for Airbus Model A300–600 series airplanes), or Airbus Service Bulletin A310–55–2010 (for Airbus Model A310 series airplanes), both dated December 10, 1990, as applicable.

(1) If no defects are found, repeat the visual inspection thereafter at intervals not to exceed 7 days or 50 landings, whichever occurs first, until the requirements of paragraph (c) of this AD are initiated.

(2) If defects are found, prior to further flight, perform a tap test in accordance with paragraph (b) of this AD.

(b) Tap Tests (as Required by AD 90–12–13). Within 300 landings after June 20, 1990, perform a tap test to determine the extent of the damage, in accordance with Airbus AOT 55/90/01, Revision 1, dated April 27, 1990.

(1) If disbonding is less than 100 square cm, repeat the tap test of the affected area every 28 days or 200 landings, whichever occurs first, until the ELCH inspection requirements of paragraph (d) of this AD are initiated. For any signs of additional rudder skin panel disbonding, perform drilling procedures in accordance with paragraph 4.2.2.3. of the AOT; and thereafter repeat the visual inspection of the rudder skin panels specified in paragraph (a) of this AD, until the ELCH inspection requirements of paragraph (d) of this AD are initiated.

(2) If disbonding is more than 100 square cm, but less than 5,000 square cm, repair in accordance with paragraph 4.2.2.3. of the AOT. Thereafter, repeat the visual inspection of the rudder skin panels in accordance with paragraph (a) of this AD; and perform repetitive tap tests of the repaired areas at the following intervals; until the visual inspection requirements of paragraph (c) of this AD are initiated:

(i) Perform the tap test of the repaired area every 500 landings for disbonding greater than 100 square cm but less than 300 square cm;

(ii) Perform the tap test of the repaired area every 250 landings for disbonding greater than 300 square cm, but less than 1,000 square cm;

(iii) Perform the tap test of the repaired area every 75 landings for disbonding that is greater than 1,000 square cm, but less than 5,000 square cm.

(3) If disbonding is greater than 5,000 square cm, or if a crack is found, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(c) New Visual Inspection Requirement. Perform a visual inspection of the complete rudder to detect disbonding and cracking of the rudder skin panels, left and right, in accordance with Airbus Service Bulletin A300–55–6008 (for Airbus Model A300–600 series airplanes), or Airbus Service Bulletin A310–55–2010 (for Airbus Model A310 series airplanes), both dated December 10, 1990, as applicable. Initiation of this inspection constitutes terminating action for the requirements of paragraph (a) and specified portions of paragraph (b) of this AD.

(1) Perform the initial inspection at the later of the times specified in paragraph (c)(1)(i) or (c)(1)(ii) of this AD:

(i) Within 7 days or 50 landings after the effective date of this AD, whichever is first; or

(ii) Within 7 days or 50 landings whichever occurs first after the last visual inspection performed in accordance with AD 90–12–13, amendment 39–6625.

(2) If no disbonding or cracking is detected during this inspection accomplish the actions specified in paragraphs (c)(2)(i) and (c)(2)(ii) of this AD:

(i) Repeat the visual inspection at intervals not to exceed 7 days or 50 landings,

whichever occurs first, until the initial ELCH inspection is accomplished in accordance with paragraph (d) of this AD. And

(ii) After the initial ELCH inspection required by paragraph (d) of this AD has been accomplished, repeat these visual inspections thereafter at intervals not to exceed 350 landings, in accordance with the applicable service bulletin.

(3) If any disbonding or cracking is detected, prior to further flight, conduct an ELCH inspection of the suspected area for signs of disbonding, and accomplish follow-on actions in accordance with the Flow Chart, Figure 2, of the applicable service bulletin. If the confirmed extent of disbonding, however, is greater than 400 square cm in Area I, or greater than 800 square cm in Area II, as those areas of the rudder are defined in the applicable service bulletin, prior to further flight, repair and accomplish subsequent inspections in accordance with the requirements of paragraph (d)(3) of this AD.

(d) ELCH Inspections. Within 6 months after the effective date of this AD, conduct an initial elasticity laminate checker (ELCH) inspection of the complete rudder, in accordance with Airbus Service Bulletin A300–55–6008 (for Model A300–600 series airplanes) or Airbus Service Bulletin A310–55–2008 (for Model A310 series airplanes), both dated December 10, 1990, as applicable. Initiation of this inspection constitutes terminating action for the requirements of paragraph (a) and specified portions of paragraph (b) of this AD.

(1) If no disbonding or cracking is detected, repeat the ELCH inspection at intervals not to exceed 2 years or 3,500 landings, whichever occurs first.

(2) If disbonding or cracking is confirmed by ELCH inspection, and the extent of the disbonding is equal to or less than 400 square cm in Area I, or equal to or less than 800 square cm in Area II, as those areas of the rudder are defined in the applicable service bulletin: Prior to further flight, accomplish follow-on actions in accordance with Flow Chart, Figure 2, of the applicable service bulletin.

(3) If disbonding or cracking is confirmed by ELCH inspection, and the extent of the disbonding is greater than 400 square cm in Area I, or greater than 800 square cm in Area II, as those areas of the rudder are defined in the applicable service bulletin: Prior to further flight, accomplish either paragraph (d)(3)(i) or (d)(3)(ii) of this AD:

(1) Repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Thereafter, continue to conduct ELCH inspections in a manner and at intervals approved by the Manager, Standardization Branch, ANM–113.

(ii) Replace the rudder in accordance with Airbus Service Bulletin A300–55–6010 (for Model A300–600 series airplanes) or Airbus Service Bulletin A310–55 2012 (for Model A310 series airplanes), both dated April 18, 1991, as applicable. After this replacement is accomplished, no further actions are required by this AD.

(e) Terminating Action. Within five years after the effective date of this AD, replace the rudder in accordance with Airbus Service Bulletin A300–55–6010 (for Model A300–600 series airplanes) or Airbus Service Bulletin A310–55 2012 (for Model A310 series airplanes), both dated April 18, 1991, as applicable. This replacement constitutes terminating action for the inspection requirements of this AD.

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

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on October 16, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27125 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–76–AD]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all CASA CN–235 series airplanes. This proposal would require repetitive eddy current inspections to detect fatigue cracks in the nose landing gear (NLG) turning tube, and replacement of cracked tubes. This proposal is prompted by a report of the failure of an NLG turning tube during landing roll; the failure was attributed to fatigue cracking in the turning tube. The actions specified by the proposed AD are intended to ensure that fatigue cracking in the NLG turning tube is detected and corrected before it could cause the failure of the tube and, consequently, degrade the structural integrity of the NLG.

DATES: Comments must be received by December 2, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–76–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Greg Dunn, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2799; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–76–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–76–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Dirección General de Aviación (DGAC), which is the airworthiness authority for Spain, recently notified the FAA that an unsafe condition may exist on all CASA Model CN–235 series airplanes. The DGAC advises that it received a report from one operator who experienced, during landing roll, the failure of the nose landing gear (NLG) turning tube. Investigation revealed that the failure was due to fatigue cracking in the turning tube. The tube had accumulated over 8,600 landings. A subsequent inspection of the fleet revealed fatigue cracking in the NLG turning tubes on other airplanes; in each case, the tube had accumulated more than 8,000 landings. Such cracking, if not detected and corrected in a timely manner, could result in failure of the NLG turning tube. This situation could degrade the structural integrity of the NLG, and adversely effect landing operations.

Explanation of Relevant Service Information

CASA has issued Maintenance Instructions COM 235–092, Revision No. 2, dated May 5, 1995, which describes procedures for conducting repetitive high frequency eddy current (HFEC) inspections to detect fatigue cracking in the NLG turning tube. It also describes procedures for replacing cracked tubes with new units. The DGAC classified this service bulletin as mandatory and issued Spanish airworthiness directive 01/95, Revision 1, dated May 18, 1995, in order to assure the continued airworthiness of these airplanes in Spain.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive eddy current inspections to detect fatigue cracking in the NLG turning tube. If any cracking is detected, the turning tube would be required to be replaced with a new unit prior to further flight. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Interim Action

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

Cost Impact

The FAA estimates that 1 CASA Model CN–235 series airplane of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $480.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Casa: Docket 96–NM–76–AD.

Applicability: All Model CN–235 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 as indicated, unless accomplished previously.

To prevent structural degradation of the nose landing gear (NLG) due to failure of the NLG turning tube, accomplish the following:

(a) At the applicable time specified in either paragraph (a)(1) or (a)(2) of this AD, conduct a high frequency eddy current (HFEC) inspection to detect fatigue cracking in the NLG turning tube, in accordance with the procedures specified in Annex 1 and Annex 2 of CASA Maintenance Instructions COM 235–092, Revision No. 2, dated May 5, 1995.

(1) For Model CN–235 airplanes [Basic model; Maximum Takeoff Weight (MTOW)=31,746 lbs. (14,400 kgs.)]: Conduct the inspection prior to or upon the accumulation of 6,000 landings on the NLG turning tube, or within 50 landings after the effective date of this AD, whichever occurs later.

(2) For Model CN–235–100 series airplanes [MTOW=33,290 lbs. (15,100 kgs.)] and Model CN–235–200 series airplanes [MTOW=34,833 lbs. (15,800 kgs)]: Conduct the inspection prior to or upon the accumulation of 4,800 landings on the NLG turning tube, or within 50 landings after the effective date of this AD, whichever occurs later.

(b) If no cracking is detected during the inspection required by paragraph (a) of this AD, repeat the inspection thereafter at intervals not to exceed 200 landings.

(c) If any cracking is detected during any inspection required by paragraph (a) or (b) of this AD, prior to further flight, replace the NLG turning tube with a new unit in accordance with CASA Maintenance Instructions COM 235–092, Revision No. 2, dated May 5, 1995. After replacement, repeat the HFEC inspection prior to or upon the accumulation of 6,000 landings on the new NLG turning tube installed on Model CN–325 airplanes (basic model); or prior to or upon the accumulation of 4,800 landings on the new NLG turning tube installed on Model CN–325–100 and –200 series airplanes. Thereafter, repeat the inspection at intervals not to exceed 200 landings.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on October 16, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27124 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–93–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320–111, –211, –212, and –231 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A320–111, –211, –212, and –231 series airplanes. This proposal would require reinforcement of the tail section of the fuselage at frames 68 and 69. This proposal is prompted by reports indicating that the tail section has struck the runway during takeoffs and landings. The actions specified by the proposed AD are intended to prevent structural damage to the tail section when it strikes the runway. This condition, if not detected, could result in depressurization of the fuselage during flight.

DATES: Comments must be received by December 2, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–93–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Charles Huber, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2589; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–93–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–93–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A320–111, –211, –212, and –231 series airplanes. The DGAC advises that it has received reports indicating that the tail section of some Model A320 series airplanes has struck the runway during takeoffs and landings. These impacts could damage the structural integrity of the tail section. This condition, if not detected, could cause depressurization of the fuselage during flight.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320–53–1110, dated August 28, 1995, which describes procedures for modification of the tail section of the airplane by reinforcing the fuselage at frames 68 and 69. Should a tail strike go undetected, this modification will provide sufficient margins of strength to protect the fuselage from further damage during flight. The DGAC classified this service bulletin as mandatory and issued French Airworthiness Directive (CN) 96–009–0074(B), dated January 3, 1996, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to

this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require modification of the tail section of the airplane by reinforcement of the fuselage at frames 68 and 69. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Cost Impact

The FAA estimates that 97 Airbus Model A320–111, –211, –212, and –231 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 196 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,140,720, or $11,760 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Airbus Industrie: Docket 96–NM–93–AD.

Applicability: Model A320–111, –211, –212, and –231 series airplanes, as listed in Airbus Service Bulletin A320–53–1110, dated August 28, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 as indicated, unless accomplished previously. To prevent structural damage to the tail section of the airplane when it strikes the runway which, if undetected, could result in depressurization of the fuselage during flight, accomplish the following:

(a) Within 4 years after the effective date of this AD, modify the fuselage by reinforcing frames 68 and 69 in accordance with Airbus Service Bulletin A320–53–1110, dated August 28, 1995.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(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.

Issued in Renton, Washington, on October 16, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27123 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–199–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9, DC–9–80, and C–9 (military) series airplanes, and Model MD–88 airplanes. This proposal would require modification of certain non-regulating shutoff valves on the engine starter. This proposal is prompted by reports of uncontained failures of engine starters during flight and maintenance, which resulted from the application of excessive pressure on the engine starter that was associated with the installation of non-regulating shutoff valves on the starter. The actions specified by the proposed AD are intended to prevent such uncontained failures of the engine starters, which could create a fire hazard in the engine nacelle.

DATES: Comments must be received by December 2, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–

199–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AlliedSignal Aerospace, Technical Publications, Dept. 65–70, P.O. Box 52170, Phoenix, Arizona 85072–2170. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5245; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–199–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–199–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that uncontained failures of engine starters on some McDonnell Douglas Model DC–9–80 series airplanes have occurred during flight and during maintenance. In the former circumstance, the failure of the engine starter occurred when the pneumatic augmentation valve failed in the open position. In the latter circumstance, the engine was being used as a source of compressed air for testing the pneumatic ducts, and the pneumatic augmentation valve was placed in the open position.

In each of these uncontained failures, the valve on the engine starter was a converted non-regulating shutoff valve. This non-regulating shutoff valve initially had been produced as a regulating and shutoff valve; it was later converted to its non-regulating configuration in accordance with procedures described in a service bulletin issued by the valve manufacturer, AlliedSignal Aerospace (formerly Garrett).

An evaluation revealed that elimination of the regulating feature from the engine starter valve can result in the application of excessive pressure on the starter. This condition, if not corrected, could cause an uncontained failure of the starter and, consequently, could create a fire hazard in the engine nacelle.

Since these non-regulating shutoff valves can be installed on any McDonnell Douglas Model DC–9, DC–9–80, and C–9 (military) series airplanes, and Model MD–88 airplanes, all of these models may be subject to this same unsafe condition.

Explanation of Relevant Service Information

The FAA has reviewed and approved AlliedSignal Aerospace Service Bulletin 979410–80–1611, dated November 27, 1995, which describes procedures for modification of certain converted or first production non-regulating shutoff valves on the engine starter by installation of a pressure regulator on the valve. Accomplishment of this modification entails reworking the valve into a regulating and shutoff valve.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require modification of certain converted or first production non-regulating shutoff valves on the engine starter. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Differences Between Proposed Rule and Relevant Service Information

The proposed AD and the referenced service bulletin differ as to the compliance times specified in each: The proposed AD would require that the modification be accomplished within 12 months after the effective date of the AD; however, the service bulletin recommends that the modification be accomplished within 8 months.

In developing an appropriate compliance time for this action, the FAA considered not only the safety implications, but the average utilization rate of the affected fleet, the availability of required modification parts, and normal maintenance schedules of affected operators for timely accomplishment of the modification. After evaluating these factors, the FAA has determined that a 12-month compliance period is appropriate in that:

1. It will allow the modification to be performed during a regularly scheduled maintenance interval at a main base, where necessary tooling and trained personnel will be available. This will minimize any costs that would be associated with the necessary disruption of fight schedules in order to special schedule airplanes for accomplishment of the modification.

2. It also will provide adequate time for the valve manufacturer to ensure that ample modification kits are available for the U.S. fleet; for operators to order and receive the kits; and for the fleet to be modified in an orderly and timely manner.

Cost Impact

There are approximately 1,970 Model DC–9, DC–9–80, and C–9 (military) series airplanes and Model MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,100 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 16 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $400 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,496,000, or $1,360 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would

accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 96–NM–199–AD.

Applicability: Model DC–9, DC–9–80, and C–9 (military) series airplanes and Model MD–88 airplanes, on which a converted or first production non-regulating shutoff valve having AlliedSignal Aerospace part number (P/N) 979410–1–1 or 979410–2–1 has been installed on the engine starter; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 as indicated, unless accomplished previously.

To prevent the application of excessive pressure on the engine starter, which could cause uncontained failure of an engine starter and, consequently, could create a fire hazard in the nacelle of the engine, accomplish the following:

(a) Within 12 months after the effective date of this AD, modify any converted or first production non-regulating shutoff valve, P/N 979410–1–1 or 979410–2–1, on the engine starter by installing a pressure regulator on the valve in accordance with AlliedSignal Aerospace Service Bulletin 979410–80–1611, dated November 27, 1995.

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

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

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

Issued in Renton, Washington, on October 16, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27122 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–11–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Airbus Model A320–111, –211, and –231 series airplanes, that currently requires replacing the existing standby generator control unit (GCU) with a new improved standby GCU. That action was prompted by reports of improper functioning of the standby GCU. This new proposed action would require the replacement of the GCU on addition affected airplanes. For some airplanes, it would require that a wiring modification be accomplished prior to replacement of the GCU. The actions specified by the proposed AD are intended to prevent such improper functioning of the GCU, which could result in the loss of the standby emergency generation system.

DATES: Comments must be received by December 2, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–11–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments

submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–11–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–11–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 28, 1991, the FAA issued AD 91–01–01, amendment 39–6845 (55 FR 51895, December 18, 1990), applicable to certain Airbus Model A320–111, –211, and –231 series airplanes, to require replacement of the existing standby generator control unit (GCU) with a new improved standby GCU. That action was prompted by reports of improper functioning of the standby GCU. The requirements of that AD are intended to prevent loss of the standby emergency generation system, which provides necessary back-up capability when both main generators fail.

Actions Since Issuance of Previous Rule

Since issuance of that AD, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has advised the FAA that additional airplanes have been identified that are subject to the same unsafe condition addressed by AD 91–01–01.

Explanation of Relevant Service Information

Airbus has issued Revision 2 of Service Bulletin A320–24–1035, dated June 2, 1994. This revision of the service bulletin describes procedures for replacement of the GCU and for follow-on operational testing. The procedures described in this revision are essentially identical to those described in Revision 1 of the service bulletin, which was referenced in AD 91–01–01 as the appropriate source of service information. (Both revisions of this service bulletin refer to Vickers Service Bulletin No. 520754–24–01 as an additional source of service information.)

Revision 2 of the service bulletin differs from Revision 1 in that its effectivity listing includes additional airplanes that are subject to the addressed unsafe condition.

Airbus has also issued Service Bulletin A320–24–1022, Revision 1, dated February 27, 1990. This service bulletin describes procedures for modifying the wiring associated with the GCU assembly (wiring in relay box 103VU, the wiring in power center AC/DC emergency 106VU, and the wiring between 103VU and 106VU). This wiring modification must be accomplished prior to replacing the GCU. The procedures described in this service bulletin are applicable to certain airplanes on which the wiring modification was not accomplished prior to delivery.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 89–198–004(B)R1, dated May 27, 1992, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 91–01–01 to continue to require replacement of the existing standby GCU with an improved standby GCU. The proposed AD also would require the identical replacement to be accomplished on additional airplanes. For some airplanes, a wiring modification would be required prior to replacement of the GCU. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Cost Impact

There are approximately 106 Airbus Model A320 series airplanes of U.S. registry that would be affected by this proposed AD. Of this number, 18 currently are subject to the requirements of AD 91–01–01, and the remaining 88 are the airplanes that would be added to the AD applicability by this proposed action.

The replacement of the GCU that would be required by this AD takes approximately 1.5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $450 per airplane. Based on these figures, the cost impact of this proposed action on U.S. operators is estimated to be $57,240 for the entire affected fleet (or $540 per airplane). However, based on the effective date and the compliance time established by AD 91–01–01, the FAA assumes that the 18 airplanes that are currently subject to that AD already have completed the required replacement of the GCU. Therefore, the future cost impact of the replacement action is only $47,520 (for the 88 airplanes that would be added to the applicability of the AD).

For airplanes on which the modification of the wiring assembly is required, it would take approximately 8.5 work hours to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed action on U.S. operators of those airplanes is estimated to be $510 per airplane.

Regulatory Impact

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

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

A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13—[Amended]

2. Section 39.13 is amended by removing amendment 39–6845 (55 FR 51895, December 18, 1990), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 96–NM–11–AD. Supersedes AD 91–01–01, Amendment 39–6845.

Applicability: Model A320 series airplanes; on which a generator control unit (GCU) having part number (P/N) 520915 has not been installed, or on which Airbus Modification 21052 (reference Airbus Service Bulletin A320–24–1022) and Airbus Modification 21736 (reference Airbus Service Bulletin A320–24–1035) have not been accomplished; 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 (c) 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 as indicated, unless accomplished previously.

To prevent loss of the standby emergency generation system, which provides necessary back-up capability when both main generators fail, accomplish the following:

Note 2: Airbus Service Bulletin A320–24–1035 and Airbus Service Bulletin A320–24–1022 refer to Vickers Service Bulletin No. 520754–24–01 as an additional source of specific procedural information.

(a) For Model A320–111, –211, and –231 series airplanes; having serial numbers 003 through 058, inclusive, 060 through 067, inclusive, 069 through 072, inclusive, 074 through 083, inclusive, and 085: Within 150 days after January 28, 1991 (the effective date of AD 91–01–01, amendment 39–6845), remove one generator control unit (GCU) identified as 1XE part number (P/N) 520754, and install a modified GCU identified as 1XE, P/N 520915, in accordance with Airbus Service Bulletin A320–24–1035, Revision 1, dated February 27, 1990, or Revision 2, dated June 24, 1994. Following installation, perform an operational test of the emergency generation system, emergency GCU from the centralized fault display system, and the static inverter, in accordance with the service bulletin.

(b) For airplanes not subject to paragraph (a) of this AD: Within 150 days after the effective date of this AD, accomplish either paragraph (b)(1) or (b)(2) of this AD, as applicable.

Note 4: Replacement of the GCU accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A320–24–1035, Revision 1, dated February 27, 1990, is considered acceptable for compliance with the actions specified in this paragraph.

(1) For airplanes equipped with GCU 1XE having P/N 520754: Replace the GCU 1XE, having P/N 520754, in zone 125 of the avionics compartment, with a modified GCU 1XE, having P/N 520915, in accordance with Airbus Service Bulletin A320–24–1035, Revision 2, dated June 24, 1994. Prior to further flight following accomplishment of the replacement, perform an operational test of the affected components in accordance with that service bulletin.

(2) For airplanes equipped with GCU 1XE having P/N 520738: Accomplish the requirements of paragraphs (b)(2)(i) and (b)(2)(ii) of this AD:

(i) Modify the wiring in relay box 103VU, the wiring in power center AC/DC emergency 106VU, and the wiring between 103VU and 106VU, in accordance with Airbus Service Bulletin A320–24–1022, dated June 16, 1989.

(ii) After modifying the wiring, replace the GCU 1XE, having P/N 520738, located in the nose gear well in zone 125, with a modified GCU 1XE, having P/N 520915, in accordance with Airbus Service Bulletin A320–24–1035, Revision 2, dated June 24, 1994. Prior to further flight following accomplishment of the replacement, perform an operational test of the affected components in accordance with that service bulletin.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on October 16, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27121 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 96–CE–27–AD]

RIN 2120–AA64

Airworthiness Directives; Beech Aircraft Corporation Model 1900D 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 Beech Aircraft Corporation (Beech) Model 1900D airplanes. The proposed action would require inspecting the stabilon attachment angles for the correct thickness, repetitively inspecting for cracks in the attachment angles and replacing the attachment angles with ones of the correct thickness. Recent reports of installing the incorrect size of stabilon attachment angles on certain Beech 1900D airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent separation of the stabilon from the airplane, which could cause loss of airplane stability during flight.

DATES: Comments must be received on or before December 30, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–CE–27–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 Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office,

1801 Airport Rd., Rm. 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4124; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 96–CE–27–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–CE–27–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has recently been notified that certain stabilons with pre-assembled attachment angles, part number (P/N) 114–620024–43 (left) and P/N 114–620024–44 (right), installed on certain Beech Model 1900D airplanes are undersized and may crack and separate from the fuselage of the airplane. Although there have not been any incidents or accidents, these particular attachment angles, which are .071-inch thick, were not designed for use on the Beech Model 1900D airplane.

Instead, these particular attachment angles were designed for the Beech Model 1900C airplane and are not able to support the increased stabilon load of the Model 1900D airplane. Beech Model 1900D airplanes should have a different stabilon attachment angle installed, having a thickness of .090-inch and having P/N 114–620024–47 (left-hand upper), 114–620024–48 (right-hand upper), 114–620024–49 (left-hand lower), and P/N 114–620024–50 (right-hand lower).

Related Service Information

Beech has issued a Mandatory Service Bulletin (SB) No. 2651, Issued January 1996, which specifies inspecting the stabilon attachment angles for proper thickness, repetitively inspecting for cracks, and replacing the attachment angles if either cracks or incorrect size are found.

Evaluation of All Applicable Information

After examining the circumstances and reviewing all available information related to the conditions described above, the FAA has determined that AD action should be taken to prevent separation of the stabilon from the airplane, which could cause loss of airplane stability during flight.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Beech Model 1900D airplanes of the same type design, the proposed AD would require:

—Inspecting the left (upper and lower) and right (upper and lower) stabilon attachment angles for proper thickness, which is .090-inch thick.

—If the attachment angles are the correct thickness, then no further action is required.

—If the attachment angles are not the correct thickness (.090-inch thick), the proposed AD would require:

—Repetitively inspecting the stabilon attachment angles for visible cracks at intervals not to exceed 50 hours time-in-service (TIS), until cracks are visible or until the replacement of the angles is accomplished.

—Replacing the attachment angles with attachment angles of the correct thickness (.090-inch) when cracks become visible.

—If no cracks are visible during any of the required inspections of the proposed AD, replacing the attachment angles with attachment angles of the correct thickness upon the accumulation of 600 hours TIS, after the effective date of the proposed AD.

—The replacement of the stabilon attachment angles with the correct angles P/N 114–620024–47 (left-hand upper), 114–620024–48 (right-hand upper), 114–620024–49 (left-hand lower), and P/N 114–620024–50 (right-hand lower), at any time after the effective date of the proposed AD will terminate the inspection requirements of the proposed AD.

Cost Impact

The FAA estimates that 215 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 hour per airplane to accomplish the proposed initial inspection, and that the average labor rate is approximately $60 an hour. The manufacturer's warranty is providing the labor for the proposed installation and parts at no cost to the owners/operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $12,900 or $60 per airplane. This figure is only accounting for the initial inspection and possible replacement of the stabilon attachment angles and is not considering the number of repetitive inspections that may be incurred over the life of the airplane.

Regulatory Impact

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

For the reasons discussed above, I certify that this 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:

Beech Aircraft Corporation: Docket No. 96–CE–27–AD.

Applicability: Model 1900D airplanes (serial numbers UE–1 through UE–215), 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.

Note 2: The paragraph structure of this AD is as follows:

Level 1: (a), (b), (c), etc.
Level 2: (1), (2), (3), etc.
Level 3: (i), (ii), (iii), etc.

Level 2 and Level 3 structures are designations of the Level 1 paragraph they immediately follow.

Compliance: Required within the next 50 hours time-in-service (TIS) after the effective date of this AD, and thereafter as indicated in the body of this AD, unless already accomplished.

To prevent separation of the stabilons from the airplane, which could cause loss of airplane stability during flight, accomplish the following:

(a) Inspect the left upper and lower, and the right upper and lower stabilon attachment angles for proper thickness, which is .090-inch, in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beechcraft Mandatory Service Bulletin (MSB) 2651, issued January 1996.

(1) If the attachment angles are the correct thickness, then no further action is required.

(2) If the attachment angles are not the correct thickness, accomplish the following in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beechcraft MSB 2651, issued January 1996:

(i) Repetitively inspect the stabilon attachment angles for cracks, at intervals not to exceed 50 hours TIS, until cracks are visible or until the attachment angles are replaced.

(ii) If cracks are visible, prior to further flight, replace the attachment angles with attachment angles of the correct thickness (.090-inch).

(iii) If no cracks are visible during any of the required inspections of this AD, replace the attachment angles with attachment angles of the correct thickness (.090-inch) upon the accumulation of 600 hours TIS, after the effective date of this AD.

(b) The replacement of the correct stabilon attachment angles at any time after the effective date of this AD will terminate the repetitive inspection requirements of this AD.

(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 initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Rd., Rm. 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

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

(e) All persons affected by this directive may obtain copies of this document referred to herein upon request to Beech Aircraft Corporation, P. O. Box 85, Wichita, Kansas 67201–0085; 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 October 16, 1996.

Bobby W. Sexton,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27138 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–243–AD]

RIN 2120–AA64

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Jetstream Model 4101 airplanes, that currently requires a one-time inspection of the airplane records to determine the serial number, the total number of hours time-in-service accumulated, and the date of installation of the yaw damper servo in the autopilot system; and to determine the date of installation of a particular kit, if installed. That AD also requires removing and replacing the yaw damper servo, or rendering the yaw damper servo inoperative. The actions specified by that AD are intended to prevent overheat failure of the Flight Control Computer (FCC), which could result in smoke in the flight deck that could inhibit the ability of the flightcrew to safely operate and land the airplane. This action would require installation of circuit breakers on the avionics relay panel, which, when accomplished, would constitute terminating action for the previous requirements of the AD.

DATES: Comments must be received by December 3, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–243–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–243–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–243–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

On September 4, 1996, the FAA issued AD 96–19–06, amendment 39–9754 (61 FR 48614, September 16, 1996), applicable to certain Jetstream Model 4101 airplanes, to require a one-time inspection of the airplane records to determine the serial number, the total number of hours time-in-service accumulated, and the date of installation of the yaw damper servo in the autopilot system; and to determine the date of installation of a particular kit, if installed. That AD also requires removing and replacing the yaw damper servo, or rendering the yaw damper servo inoperative. That action was prompted by reports of smoke in the flight deck due to overheat failure of the Flight Control Computer (FCC). Investigation revealed that this failure occurred due to contamination and internal corrosion of the yaw damper servo, which is mounted in the tailcone of the airplane. This condition caused corrosion deposits to build up in the pins and shell of the electrical connector of the yaw damper servo and consequent electrical breakdown and high current flow through the connecting wires to the FCC, which is mounted under the flight deck floor. While this current flow was not high enough to trip the 7.5A circuit breaker that protects the FCC, it was sufficient to cause burning of the circuit boards within the FCC. Such burning, if not corrected, could result in smoke in the flight deck, which could inhibit the ability of the flightcrew to safely operate and land the airplane. The actions specified in this AD are intended to prevent such overheat failure.

Actions Since Issuance of Previous Rule

When AD 96–19–06 was issued, it contained a provision for the optional installation of circuit breakers on the avionics relay panel, which, if installed, would constitute terminating action for the requirements of the AD. In the preamble to AD 96–19–06, the FAA indicated that it intended to revise that AD to require the installation of circuit breakers on the avionics relay panel. This action proposes such a requirement.

Explanation of Relevant Service Information

Jetstream issued Service Bulletin J41–22–006, dated July 1, 1996, which describes procedures for installation of circuit breakers on the avionics relay panel (Kit JK42867) that will open when the current through certain autopilot servos is more than a set value. This installation entails installing a bracket and two circuit breakers on the avionics relay panel, re-routing two cables, installing two new cables, and performing an operational test of the autopilot system. Accomplishment of the installation will prevent overheat failure of the FCC when any failure occurs in the rudder/yaw damper servo system or elevator servo system that results in excessive current flow to the servos. In addition, accomplishment of the installation eliminates the need for the one-time inspection, removing and replacing the yaw damper servo and installing a new protective box (if not installed previously), or rendering the yaw damper servo inoperative.

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified this service bulletin as mandatory and issued British airworthiness directive 002–07–96, dated July 1996, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom 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 CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 96–19–06. It would continue to require a one-time inspection of the airplane records to determine the serial number, the total number of hours time-in-service accumulated, and the date of installation of the yaw damper servo in the autopilot system; and to determine the date of installation of a particular kit, if installed. It also would continue to require removing and replacing the yaw damper servo, or rendering the yaw damper servo inoperative. These actions would be required to be accomplished in accordance with Jetstream Alert Service Bulletin J41–22–005, dated July 1, 1996.

This new proposed AD would require installation of circuit breakers on the avionics relay panel. Accomplishment of the installation would constitute terminating action for the previous requirements of the (existing) AD. The installation would be required to be accomplished in accordance with Jetstream Service Bulletin J41–A22–006, dated July 1, 1996, described previously.

FAA's Determination Relative to Terminating Actions

The FAA has determined that long term continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by attempting to eliminate all possible failures of the autopilot rudder/yaw damper servo system or elevator servo system that result in excessive current flow to the servos. The proposed modification requirement is in consonance with this consideration.

Cost Impact

There are approximately 55 Jetstream Model 4101 airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 96–19–06 take approximately 2 to 5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based

on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be between $6,600 and $16,500, or between $120 and $300 per airplane.

The new action (installation) that is proposed in this AD action would take approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact on U.S. operators of the proposed installation requirement of this AD is estimated to be $9,900, or $180 per airplane.

Based on the figures discussed above, the (combined) cost impact of this proposed AD on U.S. operators would be between $16,500 and $26,400, or between $300 and $480 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9754 (61 FR 48614, September 16, 1996), and by adding a new airworthiness directive (AD), to read as follows:

Jetstream Aircraft Limited: Docket 96–NM–243–AD. Supersedes AD 96–19–06, Amendment 39–9754.

Applicability: Model 4101 airplanes having serial numbers 41004 through 41092 inclusive, on which Jetstream Service Bulletin J41–22–006, dated July 1, 1996 (Kit JK42867), has not been accomplished; 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 (c) 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 as indicated, unless accomplished previously.

To prevent overheat failure of the Flight Control Computer (FCC), which could result in smoke in the flight deck that could inhibit the ability of the flightcrew to safely operate and land the airplane, accomplish the following:

(a) Within 14 days after October 1, 1996 (the effective date of AD 96–19–06), perform a one-time inspection of the airplane records to determine the serial number, the total number of hours time-in-service accumulated, and the date of installation of the yaw damper servo in the autopilot system; and to determine the date of installation of Kit JK42716 (reference Jetstream Service Bulletin J41–53–016 or J41–22–007), if installed. Accomplish the inspection in accordance with Part 1 of the Accomplishment Instructions of Jetstream Alert Service Bulletin J41–A22–005, dated July 1, 1996. Thereafter, either remove and replace the yaw damper servo and install Kit JK42716 (if not installed previously), or render the yaw damper servo inoperative, in accordance with Part 2 or 3 of the alert service bulletin, respectively, at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable.

(1) If Kit JK42716 has not been installed: Prior to the accumulation of 1,000 hours total time-in-service on the yaw damper servo, or within 30 days after October 1, 1996, whichever occurs later.

(2) If Kit JK42716 has been installed and the yaw damper servo was installed prior to the installation of Kit JK42716: Prior to the accumulation of 1,000 hours total time-in-service on the yaw damper servo, or within 30 days after October 1, 1996, whichever occurs later.

(3) If Kit JK42716 has been installed and the yaw damper servo was installed after the installation of Kit JK42716: Prior to the accumulation of 3,000 total hours time-in-service on the yaw damper servo, or within 30 days after October 1, 1996, whichever occurs later.

(b) Within 90 days after the effective date of this AD, install circuit breakers on the avionics relay panel (Kit JK42867) in accordance with Jetstream Service Bulletin J41–22–006, dated July 1, 1996. Accomplishment of this installation constitutes terminating action for the requirements of paragraph (a) of this AD.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27239 Filed 10–22–96; 8:45 am]

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14 CFR Part 39

[Docket No. 96–NM–235–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain

McDonnell Douglas DC–9 series airplanes, that currently requires repetitive visual inspections to detect corrosion and cracking of the fuselage upper skin and frames in the area of the loop antenna assemblies of the automatic direction finder (ADF), and repair, if necessary. This action would add a requirement to perform a visual and an eddy current inspection of the fuselage forward upper skin under the antennas, followed by the reinstallation of the ADF antennas using an improved procedure. This proposal is prompted by the development of a modification of the ADF antenna installation that would constitute terminating action for the required repetitive visual inspections. The actions specified by the proposed AD are intended to prevent rapid decompression of the fuselage, significant structural damage, and subsequent reduced structural integrity of the airplane, due to problems associated with corrosion and fatigue cracking in the subject area.

DATES: Comments must be received by December 3, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–235–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–235–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–235–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On March 28, 1996, the FAA issued AD 96–07–51, amendment 39–9562 (61 FR 15882, April 10, 1996), applicable to certain McDonnell Douglas DC–9 series airplanes, to require repetitive internal visual inspections to detect corrosion and cracking of the fuselage forward upper skin and to detect cracking of the fuselage frames in the subject area. That AD also requires repair of any corrosion or cracking found. That action was prompted by a report indicating that severe corrosion and a 39-inch crack of the forward fuselage upper skin was found during scheduled maintenance on a McDonnell Douglas Model DC–9–31 series airplane. Additionally, subsequent inspection of the adjacent structure revealed cracking of the fuselage frame at fuselage station 275. The cracking found has been attributed to fatigue. Corrosion and fatigue cracking in these areas, if not detected and corrected in a timely manner, could result in rapid decompression of the fuselage, significant damage to adjacent structure, and subsequent reduced structural integrity of the airplane.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, McDonnell Douglas has developed a new procedure for the installation of the ADF antennas. Installation of the antennas using the improved installation procedure will eliminate the need for repetitive inspections to detect corrosion and cracking of the fuselage upper skin for cracks and corrosion under the ADF loop antenna.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin DC–9–53–284, dated August 20, 1996, which describes procedures for a one-time visual and a one-time high frequency eddy current inspection to detect corrosion and cracking of the fuselage forward upper skin under the antennas. The service bulletin also describes procedures for repair of certain corrosion or cracking that is within the limits specified by the service bulletin. In addition, the service bulletin describes procedures for modification of the ADF antennas using an improved installation procedure. Accomplishment of the inspections and installation procedure eliminates the need for repetitive visual inspections of the area.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 96–07–51 to continue to require repetitive internal visual inspections to detect corrosion and cracking of the fuselage forward upper skin and to detect cracking of the fuselage frame in the area of the forward and aft loop antenna assemblies of the automatic direction finder (ADF).

The proposed AD would add a requirement for removing the ADF antennas and performing a one-time visual and a one-time high frequency eddy current inspection to detect corrosion and cracking of the fuselage forward upper skin under the antennas; reinstallation of the ADF antennas using an improved installation procedure would constitute terminating action for the previously required repetitive visual inspections. The proposed AD also would require repair of any corrosion or cracking detected that is within the limits specified by the service bulletin. Those actions would be required to be accomplished in accordance with the service bulletin described previously.

If any corrosion or cracking is detected that is beyond the limits specified in the service bulletin, the repair would be required to be

accomplished in acordance with a method approved by the FAA.

FAA's Determination Regarding Terminating Actions

The FAA has determined that long term continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed modification requirement is in consonance with these considerations.

Cost Impact

There are approximately 569 McDonnell Douglas Model DC–9 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 403 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 96–07–51 take approximately 5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be $120,900, or $300 per airplane, per inspection.

The new actions that are proposed in this AD action would take approximately 16 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact on U.S. operators of the proposed requirements of this AD is estimated to be $386,880, or $960 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9562 (61 FR 15882, April 10, 1996), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 96–NM–235–AD. Supersedes AD 96–07–51, Amendment 39–9562.

Applicability: Model DC–9 series airplanes having fuselage numbers 001 through 631 inclusive, 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 (c)(1) 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 as indicated, unless accomplished previously.

To prevent rapid decompression of the fuselage, significant structural damage, and subsequent reduced structural integrity of the airplane, due to problems associated with corrosion and fatigue cracking, accomplish the following:

(a) Within 15 days after April 15, 1996 (the effective date of AD 96–07–51, amendment 39–9562): Perform an internal visual inspection to detect corrosion and cracking of the fuselage forward upper skin and to detect cracking of the fuselage frame in the area of the forward and aft loop antenna assemblies of the automatic direction finder (ADF), in accordance with McDonnell Douglas Alert Service Bulletin DC9–53A282, dated March 20, 1996.

(1) If no corrosion or cracking is detected: Repeat the visual inspection required by paragraph (a) of this AD thereafter at intervals not to exceed six months.

(2) If any corrosion or cracking is detected that is within the limits specified in Chapter 53–04, Figure 29, of the DC–9 Structural Repair Manual (SRM): Prior to further flight, repair in accordance with Chapter 53–04, Figure 29, of the SRM. Repeat the visual inspection required by paragraph (a) of this AD thereafter at intervals not to exceed six months.

(3) If any corrosion or cracking is detected in the fuselage forward upper skin, or if any cracking is detected in the fuselage frame, and that corrosion or cracking is outside the limits specified in Chapter 53–04, Figure 29, of the SRM: Prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(b) Within 24 months after the effective date of this AD: Remove the ADF antennas and perform visual and high frequency eddy current inspections to detect corrosion and cracking of the fuselage forward upper skin under the antennas, in accordance with McDonnell Douglas Service Bulletin DC9–53–284, dated August 20, 1996; and accomplish the requirements of paragraph (b)(1), (b)(2), or (b)(3) of this AD, as applicable, at the times specified. Accomplishment of the actions specified in paragraph (b)(1) or (b)(2) of this AD constitute terminating action for the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) If no cracking or corrosion is detected: Prior to further flight, reinstall the ADF antennas using the improved installation procedure in accordance with the service bulletin.

(2) If any cracking or corrosion is detected that is within the limits specified in Chapter 53–04 of the DC–9 Structural Repair Manual (SRM): Prior to further flight, repair in accordance with Chapter 53–04 of the DC–9 SRM, and reinstall the ADF antennas using the improved installation procedure in accordance with the service bulletin.

(3) If any cracking or corrosion is detected that is outside the limits specified in Chapter 53–04 of the SRM: Prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Certification Office (ACO), FAA, Transport Airport Directorate.

(c)(1) An alternative method of compliance or adjustment of the compliance time that

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

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

(2) Alternative methods of compliance, approved in accordance with AD 96–07–71, amendment 39–9562, are approved as alternative methods of compliance with this AD.

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27238 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ–036–1–0008; FRL–5632–2]

Approval and Promulgation of Implementation Plans; Arizona—Phoenix Nonattainment Area; PM_{10}

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA today proposes to restore its approval of portions of the State implementation plan (SIP) submitted by the State of Arizona for the purpose of bringing about the attainment in the Phoenix Planning Area (PPA) of the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}).

In April 1995, EPA approved the State's ''moderate'' area SIP as satisfying Federal requirements in the Clean Air Act for an approvable nonattainment area PM_{10} plan for the PPA. In May 1996, the United States Court of Appeals for the Ninth Circuit in *Ober* v. *EPA* vacated EPA's approval and directed the Agency to provide an opportunity for comment on issues related to the reasonably available control measure (RACM) and reasonable further progress (RFP) demonstrations in the SIP. The intent of this proposed action is to comply with the Court's opinion by providing such an opportunity.

DATES: Comments on this proposed action must be received in writing by December 23, 1996.

ADDRESSES: Comments must be submitted to Frances Wicher, U.S. Environmental Protection Agency Region 9, 75 Hawthorne Street, San Francisco, CA 94105. Copies of the State's submittal and other information are contained in the docket for this rulemaking. The docket is available for inspection during normal business hours at the above Region 9 address.

FOR FURTHER INFORMATION CONTACT: Frances Wicher (A–2–1) U. S. Environmental Protection Agency, Region 9, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–1248.

SUPPLEMENTARY INFORMATION:

I. Background

A. Clean Air Act Requirements

On the date of enactment of the 1990 Clean Air Act Amendments, PM_{10} areas, including the Phoenix Planning Area (PPA), meeting the conditions of section 107(d) of the Act were designated nonattainment by operation of law. Once an area is designated nonattainment, section 188 of the Act outlines the process for classification of the area and establishes the area's attainment date. In accordance with section 188(a), at the time of designation, all PM_{10} nonattainment areas were initially classified as ''moderate'' by operation of law. See 56 FR 11101 (March 15, 1991). A moderate area may subsequently be reclassified as ''serious'' under section 188(b)(1) of the Clean Air Act (CAA) if at any time EPA determines that the area cannot practicably attain the PM_{10} NAAQS by the applicable attainment date for moderate areas, December 31, 1994. Moreover, a moderate area must be reclassified if EPA determines within six months after the applicable attainment date that, based on actual air quality data, the area is not in attainment after that date. See section 188(b)(2) of the CAA.[1]

The air quality planning requirements for moderate PM_{10} nonattainment areas are set out in subparts 1 and 4 of Title I of the Act. EPA has issued a ''General Preamble'' describing EPA's preliminary views on how the Agency intends to review SIPs and SIP revisions submitted under Title I of the Act, including those state submittals containing moderate PM_{10} nonattainment area SIP provisions. See generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992).

Those states containing initial moderate PM_{10} nonattainment areas were required to submit, among other things, the following provisions by November 15, 1991:

1. Pursuant to section 189(a)(1)(C) of the CAA, provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993;

2. Pursuant to section 189(a)(1)(B), either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable;

3. Pursuant to section 189(c), for plan revisions demonstrating attainment, quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994;[2] and

4. Pursuant to sections 172(c)(2) and 171(1), for plan revisions demonstrating impracticability, such annual incremental reductions in PM_{10} emissions as are required by part D of the Act or may reasonably be required by the Administrator for the purpose of ensuring attainment of the PM_{10} NAAQS by the applicable attainment date.

B. EPA Approval of Arizona's Moderate Area PM_{10} Plan

On July 28, 1994, EPA proposed to approve The State of Arizona's moderate area PM_{10} implementation plan revision for the PPA. 59 FR 38402. In its Notice of Proposed Rulemaking (NPRM), EPA proposed to approve, among other elements in the plan, the State's RFP and RACM demonstrations as meeting the requirements of sections 172(c)(2), 171(1), 172(c)(1), and 189(a)(1)(C) of the CAA. Based on its

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[1] On May 10, 1996, EPA published a final reclassification of the PPA as a serious PM_{10} nonattainment area based on actual air quality data. See 61 FR 21372. Having been reclassified, the area is required to meet the serious area requirements in the CAA, including a demonstration that the area will attain the PM_{10} NAAQS as expeditiously as practicable but no later than December 31, 2001. See sections 188(c)(2) and 189(b).

[2] As will be seen below, the PM_{10} plan for the PPA did not demonstrate attainment by December 31, 1994, but rather included the alternative demonstration that attainment by that date is impracticable. Therefore, section 189(c) does not apply and is not discussed further in this notice.

approval of the RACM demonstration, EPA also proposed to approve, as meeting the requirements of section 189(a)(1)(B), the State's demonstration that even with the implementation of all RACM by December 10, 1993, it was impracticable for the PPA to attain the PM_{10} NAAQS by December 31, 1994.[3]

During the 30 day public comment period on the NPRM, the Arizona Center for Law in the Public Interest (ACLPI) submitted lengthy comments on many aspects of EPA's proposed approval of the State's moderate area PM_{10} plan. Among ACLPI's comments was a claim that the State had failed to submit adequate, or in some instances any, justifications, as required by the CAA and EPA policy guidance, for rejecting certain measures as RACM. In preparing a response to this comment, EPA requested that the State submit additional detail and elaboration on the State's reasoning regarding its RACM determination. The State submitted this information in December 1994 after the close of the public comment period on the NPRM in a document entitled ''Summary of Local Government Commitments to Implement Measures and Reasoned Justification for Nonimplementation for the MAG 1991 Particulate Plan for PM_{10} and Select Measures from the Clean Air Act Section 108(f)'' (MAG Supplementary document). This document is included in the docket for EPA's final action approving the moderate area plan. 60 FR 18010.

ACLPI also disputed EPA's proposed approval of the State's moderate area PM_{10} plan as meeting the CAA's RFP requirements. ACLPI claimed that the State failed to demonstrate any incremental progress in the PPA because under the plan PM_{10} emissions would actually increase from the 1989 base year to 1994, the attainment year.[4]

On April 10, 1995, having considered ACLPI's comments, EPA published a NFRM in the Federal Register approving the State's moderate area PM_{10} SIP for the PPA. 60 FR 18010. In its final action, EPA approved, among other elements of the plan, the State's RACM and RFP demonstrations, and the State's demonstration that even with the implementation of all RACM by December 10, 1993, it was not practicable for the PPA to attain the PM_{10} NAAQS by December 31, 1994.

C. Ninth Circuit Litigation

On May 1, 1995, ACLPI filed, on behalf of two Phoenix residents, a petition for review, *Ober* v. *EPA*, No. 95–70352, of EPA's approval of Arizona's moderate area PM_{10} plan for the PPA in the United States Court of Appeals for the Ninth Circuit. On May 14, 1996, the Court issued its opinion in the *Ober* case vacating EPA's approval of the State's plan.[5]

As an initial matter, the Court concluded that the State was required to address in its SIP the moderate area requirements regarding RFP, RACM and attainment or impracticability for both the 24-hour and the annual PM_{10} NAAQS. The Court found that the State's moderate area SIP improperly addressed the required demonstrations only for the annual standard.[6] The Court then considered EPA's approval of the following annual standard demonstrations in the plan.

With regard to EPA's approval of the State's RACM demonstration, the Court concluded that EPA violated the Administrative Procedure Act and the CAA by not providing an opportunity for public comment on the justifications for rejecting certain control measures as RACM that the State provided to EPA after the close of the public comment period on the Agency's proposed SIP approval action. See MAG Supplementary document.

In addition, with regard to EPA's approval of the RFP demonstration, the Court did not reach the merits of ACLPI's challenge to EPA's interpretation of RFP for moderate PM_{10} areas demonstrating that it was impracticable to attain the PM_{10} NAAQS by the statutory deadline. Instead, the Court found that the Agency improperly substituted its own recalculation of the emission reduction credit attributed to rule 310 without providing the required opportunity for public comment.

Having made the above findings, the Court remanded the case to EPA with instructions to provide an opportunity for public comment on the post-comment period justifications for rejecting certain control measures as RACM and on the RFP demonstration.

II. Today's Actions

A. RACM Demonstration

In today's action, EPA is taking comment on the expanded justifications for rejecting certain control measures as RACM that the State submitted to EPA in December 1994, following the close of the public comment period on EPA's July 1994 proposed approval of the State's moderate area PM_{10} plan. See MAG Supplementary document.

EPA is today reaffirming its analysis of the RACM demonstration in the State's moderate area PM_{10} plan as discussed in the NPRM and the NFRM for the Agency's approval action, and therefore proposes to restore its approval of these elements of the State's plan.[7]

B. RFP Demonstration

As stated above, the *Ober* Court directed EPA to take comment on the appropriate emission reduction credit attributed to Maricopa County rule 310 as it relates to the RFP demonstration in the State's moderate area PM_{10} plan. In preparing to comply with the Court's directive, the Agency reviewed both the emission reduction credits originally assigned by the State to the control measures in the plan, including rule 310, and EPA's recalculation of those credits as described in the NFRM. See 60 FR 18018. In that recalculation EPA had assumed the measures in the plan would yield emission reductions over a greater geographic area than the State had claimed. EPA has, however, concluded from its current review that the emission reduction potential of the measures cited in the NFRM was in error, and that the State's original calculation was appropriate. EPA's review and conclusions are discussed in detail in the Technical Support Document (TSD) for this notice.

In conducting the above review, it also came to the Agency's attention that

[3] The reader should refer to both the NPRM, 59 FR 38402, and the Notice of Final Rulemaking (NFRM), 60 FR 18010 (April 10, 1995), for EPA's interpretation of the certain moderate area PM_{10} requirements of the CAA and the Agency's application of these interpretations to the State's moderate area PM_{10} plan. Those notices should also be consulted for the history of the State's PM_{10} plan submittals and EPA's actions concerning them.

[4] During the Ninth Circuit litigation on EPA's approval of the plan, discussed in section I.C. of this notice, ACLPI elaborated on this claim. ACLPI maintained that EPA had erroneously and improperly recalculated the emission reduction credit assigned by the State to Maricopa County rule 310 (fugitive dust). ACLPI asserted that EPA was not entitled to calculate the control effectiveness of the rule based on the entire nonattainment area (rather than just the urban portion as the State had done). ACLPI claimed that without EPA's unwarranted inflation of the credit assigned to the rule, PM_{10} emissions in the PPA would increase in violation of the CAA's RFP requirements.

[5] The reader is referred to the text of the opinion for the Court's disposition of the range of issues raised by ACLPI in its petition. See 84 F.3d 304 (9th Cir. 1996). Today's notice addresses only a portion of that disposition.

[6] In order to remedy the failure of the State to address the required demonstrations for the 24-hour standard, the Court required EPA to in turn require the State to submit those demonstrations. Today's notice, however, addresses only those aspects of the Court's findings and conclusions with respect to the RACM, RFP and impracticability demonstrations for the annual standard.

[7] EPA intends in a future rulemaking to restore its final approval of several Maricopa County rules in the moderate area PM_{10} plan that were not challenged in the Ninth Circuit, the approval of which were nevertheless vacated by the Court's opinion.

its statements in the NFRM regarding the scope of the emission reductions required to demonstrate RFP under sections 172(c)(2) and 171(1) of the Act for plans demonstrating impracticability may be ambiguous. In order to eliminate any confusion that may have resulted from these statements, EPA is today clarifying its interpretation of the RFP requirements for such plans.

In response to ACLPI's comment on the NPRM that the plan did not demonstrate RFP from the 1989 base year to 1994 because emissions actually increased during that period, EPA in the NFRM noted the 1989 base year inventory and the projected 1994 inventory numbers. EPA then stated that ''* * * the total 1994 projected inventory after application of RACM * * * shows, consistent with EPA's guidance on demonstrating RFP, which is described in greater detail earlier in this notice [at p. 18013] * * * that the area has indeed made progress in reducing emissions from the base year total, and thus has demonstrated it has met the requirements of section 172(c)(2) for the period 1990–1994.'' 60 FR 18018, col. 2.

Elsewhere in the NFRM, in its general discussion of the issue, the Agency stated that plans demonstrating impracticability ''should show that even though the emission reductions achieved through the implementation of all RACM may not be enough to enable the area to demonstrate attainment by the moderate area deadline of December 31, 1994, such implementation has resulted in 'incremental reductions' in emissions of PM_{10} as the RFP definition in section 171(1) specifies.'' 60 FR 18013, col. 2.

EPA intended in the above NFRM discussions to interpret the RFP requirement for areas demonstrating impracticability as being met by a showing that the implementation of all RACM has resulted in incremental emission reductions below pre-implementation levels.[8] That EPA intended this interpretation is demonstrated by the discussion of the RFP issue in the Agency's brief in the *Ober* litigation. See Brief for Respondents, pp. 7–8 and 42.[9]

EPA believes the interpretation presented in the Agency's Ober brief is consistent with the statutory term ''reasonable further progress.'' RFP is defined in section 171(1) as either annual incremental reductions as are required under part D, or such reductions as the Administrator may *reasonably* require ''for the purpose of ensuring attainment of the [NAAQS] by the applicable date.'' However, as mentioned above, the PPA did not demonstrate attainment, but instead demonstrated that it was impracticable to attain the PM_{10} standard by the December 31, 1994 moderate area PM_{10} attainment deadline, even after implementation of RACM. Once EPA has determined that such an area has implemented *all reasonable* control measures that are available, and that the area still would not timely attain, there are no further reductions that would be reasonable to require ''for the purpose of ensuring attainment'' by the moderate area attainment deadline. Thus, the emissions reductions achieved by such an area through implementation of all RACM, by definition, would satisfy the requirement to demonstrate *reasonable* further progress in the period before the State must submit the additional measures needed to produce the net emissions reductions required to bring about attainment.

As discussed in the TSD for this notice, EPA has concluded that the State's original calculation of the emission reduction potential of the control measures in its moderate area PM_{10} plan demonstrates incremental PM_{10} emission reductions from the implementation of all RACM over pre-implementation levels. Therefore, EPA believes that the State has met the RFP requirements, as clarified in today's notice, of section 172(c)(2) for plans demonstrating impracticability. As a result, EPA is today proposing to restore its approval of the RFP demonstration in the State's moderate area PM_{10} plan. EPA is also today reaffirming, with the above clarification, its analysis of the RFP requirements for moderate area PM_{10} plans demonstrating impracticability as discussed in the NFRM at 60 FR 18012–13.

C. Impracticability Demonstration

The *Ober* Court did not specifically address EPA's approval of the State's moderate area demonstration that it was impracticable for the PPA to attain the PM_{10} NAAQS by the statutory deadline. Nor did the Court direct EPA to take any action with respect to that demonstration. Nevertheless, for the reasons discussed below, EPA is today proposing to restore its approval of the State's moderate area impracticability demonstration.

As stated previously, the Ninth Circuit vacated EPA's approval of the State's moderate area PM_{10} plan in its entirety, including the State's demonstration that it was impracticable for the PPA to attain the annual PM_{10} NAAQS by the end of 1994 even with the implementation of all RACM. Clearly the validity of EPA's approval of this impracticability demonstration is dependent on an approved RACM demonstration. The approvability of the RACM demonstration depends in turn on the appropriateness of the State's justification for rejecting certain control measures as RACM. As stated above, EPA is providing an opportunity for comment on a number of these justifications and proposing to restore its approval of the RACM demonstration in today's notice.

EPA believes that because the PPA was reclassified from a moderate to a serious nonattainment area in 1996, the moderate area attainment requirements (demonstration of impracticability or attainment by no later than December 31, 1994) have been superseded by the serious area attainment requirement (attainment by no later than December 31, 2001) and are therefore now moot. Having reviewed the CAA's moderate and serious area PM_{10} attainment provisions, EPA has concluded that when a moderate PM_{10} area has been reclassified after the moderate area attainment deadline has passed and been replaced with a new deadline, the moderate area deadline no longer has any logical, practical or legal significance. Similarly, once such a reclassification has occurred, the approval status of the SIP provisions addressing the previous attainment requirements is no longer of any consequence. Thus, under this interpretation, there would be no need to restore the Agency's approval of the State's moderate area impracticability demonstration for the PPA.

However, in addition to the Ninth Circuit's remedy, addressed in today's notice, for deficiencies related to EPA's approval of the moderate area RFP and RACM demonstrations for the annual

[8] EPA did not intend to suggest, as might be inferred from its response to ACLPI's comment, that a showing in such plans of emission reductions from 1989 (or 1990) to 1994 would be necessary to meet the RFP requirements. As stated in the quoted passage from EPA's response to ACLPI's comment, the Agency simply meant that such a showing would be consistent with EPA's guidance as set forth at 60 FR 18013. Having concluded that the State's original calculation of the emission reduction potential of the control measures in the plan is appropriate, EPA agrees with ACLPI that PM_{10} emissions increased from 1989 to 1994. EPA does not, however, agree that emissions must decrease during that period in order for the plan to meet the section 172(c)(2) RFP requirement.

[9] See also Brief for Respondents at pp. 43–44:

What the Act requires is the implementation of RACM by December 10, 1993. 42 U.S.C. 7513a(a)(1)(C). For that reason * * * EPA has stated that the incremental reductions compelled for moderate areas are those that resulted from the implementation of RACM. 60 Fed. Reg. 18013 * * *. The definition of RFP, 42 U.S.C. 7501(1), does not mandate that EPA require any additional reductions beyond what RACM itself would achieve.

PM_{10} standard, the Court directed EPA to require the State to address the moderate area attainment requirements for the 24-hour standard. See footnote 6. By analogy, EPA assumes that the Court expects that the moderate area attainment requirements for the annual standard must also be met.

When the Court fashioned its remedy requiring the State to address the moderate area attainment requirements for the 24-hour standard, it did so in the context of a pending proposed reclassification of the PPA to serious.[10] However, the Court believed that EPA was proposing the reclassification under section 188(b)(1) of the CAA based on the State's impracticability demonstration. 304 F.3d at 309. In fact, EPA had proposed to reclassify the area either under section 188(b)(1) or, in the alternative, under section 188(b)(2) (after the attainment deadline based on actual air quality data indicating that the area has failed to attain the PM_{10} NAAQS by the statutory deadline). See 60 FR 30046 (June 7, 1995). The area's final reclassification was based on a finding under section 188(b)(2) that the area had failed to attain the PM_{10} NAAQS because of violations of both the annual and 24-hour standards. See 61 FR 21372.

Therefore, EPA believes that, to the extent the Court concluded in fashioning its remedy that an area must continue to meet the moderate area attainment requirements after it has been reclassified to serious, the Court could not have made this judgment based on a consideration of the legal effect of a final reclassification under section 188(b)(2) on the area's pre-existing moderate area attainment requirements. Consequently, EPA believes that it is not precluded by the Court's decision from concluding that, under these circumstances, the moderate area attainment requirements for both the annual and 24 hour NAAQS have been legally superseded by the serious area attainment requirements and therefore are now moot and need not be addressed after the area's reclassification.

While EPA could have sought clarification from the Ninth Circuit in order to apply this conclusion in the context of compliance with the Court's remedies in *Ober*, the Agency does not believe that it would have been in the public interest to do so. Such a review would necessarily have occurred without benefit of a thorough briefing on the issue and in the absence of an administrative record. Thus EPA has chosen to comply with the Court's remedies regarding the moderate area attainment requirements in spite of the Agency's view that the reclassification of the PPA based on air quality rendered those requirements legally ineffective.[11] The Agency does, however, reserve its right to assert its interpretation in any challenge to EPA's implementation of the Court's remedies or in the context of other reclassifications.

III. Administrative Requirements

A. Executive Order 12866

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 (OMB) has exempted this regulatory action from E.O. 12866 review.

B. 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 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 subchapter I, part D of the Clean Air Act, do not create any new requirements, but simply approve requirements that a 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.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

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 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, EPA must select the most cost-effective and least burdensome alternative that achieves that 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 this rule.

EPA has determined that the approval action proposed does not include a federal mandate that may result in estimate 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 pre-existing requirements under state or local law, imposes no new federal requirements. Accordingly, no additional costs to State, local or tribal governments, or to the private sector, results from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Particulate matter, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 26, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–26574 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA 083–0015b; FRL–5633–9]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution Control District and South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which

[10] While neither the reclassification nor its effect on moderate area planning requirements was before the *Ober* Court, the Court was aware of the proposed reclassification when the case was briefed and argued. And it is clear from the opinion that the Court believed EPA was required to promulgate a final reclassification. 304 F.3d at 309–311. EPA published its final reclassification of the PPA to a serious nonattainment area on May 10, 1996, four days before the Ninth Circuit issued its *Ober* opinion. 61 FR 21372.

[11] Because EPA is not applying this interpretation in today's rulemaking, it does not constitute final agency action.

concern the control of volatile organic compound (VOC) emissions from the storage and transfer of gasoline and organic liquid storage.

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). 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 this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

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

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765–4182.

Ventura County Air Pollution Control District, 669 County Square Drive, Second Floor, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1197).

SUPPLEMENTARY INFORMATION: This document concerns South Coast Air Quality Management District Rule 463, Organic Liquid Storage, and Ventura County Air Pollution Control District Rule 70, Storage and Transfer of Gasoline, submitted to EPA on May 24, 1994 and August 10, 1995, respectively, by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Rules section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 30, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–26572 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[MT001–0001b; FRL–5635–7]

Clean Air Act Approval and Promulgation of State Implementation Plan for Montana; Revisions to the Montana Air Pollution Control Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the EPA is proposing approval of revisions to the State Implementation Plan (SIP) submitted by the Governor of Montana on May 22, 1995. The revisions included; changes to the State's open burning rules which, among other things, address deficiencies and add new rules for the open burning of Christmas tree waste and open burning for commercial film or video productions; and changes to numerous State regulations to make minor administrative amendments and to update incorporation by reference citations.

In the final rules section of this Federal Register, the EPA is acting on the State's SIP submittals in a direct final rule without prior proposal because the Agency views these submittals as noncontroversial 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, then 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 document should do so at this time.

DATES: Comments on this proposed action must be received in writing by November 22, 1996.

ADDRESSES: Written comments should be addressed to Vicki Stamper, 8P2–A, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466; and Montana Department of Environmental Quality, 1520 East 6th Avenue, P.O. Box 200901, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper at (303) 312–6445.

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.

Dated: September 26, 1996.

Patricia D. Hull,

Acting Regional Administrator.

[FR Doc. 96–27007 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[Region 2 Docket No. NJ12–3–157b, VI2–3–158b; FRL–5637–9]

Clean Air Act Approval and Promulgation of Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program; New Jersey and the U.S. Virgin Islands

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is fully approving the State Implementation Plan (SIP) revisions submitted by the States of New Jersey and the U.S. Virgin Islands for the establishment of Compliance Advisory Panels under their Small Business Stationary Source Technical and Environmental Compliance Assistance Programs. The SIP revisions were submitted by New Jersey and the Virgin Islands to satisfy the Federal mandate, found in the Clean Air Act (CAA), that states create a Compliance Advisory Panel which is authorized to determine the state's effectiveness in ensuring that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. In the final rules section of this Federal Register, the EPA is approving the States' SIP revisions as a direct final rule without prior proposal

because the Agency views these as noncontroversial revision amendments 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 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 notice. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments must be received on or before November 22, 1996.

ADDRESSES: Written comments on this action should be addressed to Ronald J. Borsellino, Chief, Air Programs Branch, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the EPA Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866. In addition, copies of the New Jersey submittal can be found at the New Jersey Department of Environmental Protection, Office of Permit Information and Assistance, 401 East State Street, Trenton, NJ 08625, attention: Chuck McCarty. Copies of the Virgin Islands' submittal can be found at the Virgin Islands Department of Planning and Natural Resources, Division of Environmental Protection, Wheatley Shopping Center #2, St. Thomas, VI 00802, attention: Marilyn Stapleton.

FOR FURTHER INFORMATION CONTACT: Christine Fazio, Permitting Section, Air Programs Branch, at the above EPA address or at telephone number (212) 637–4015.

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: September 30, 1996.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 96–27129 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2360

[WO–350–1430–00 24 1A]

RIN 1004–AC79

National Petroleum Reserve, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to remove 43 CFR part 2360 with the exception of provisions for use authorizations, which will be condensed and rewritten. This action is undertaken because it is not necessary for the provisions proposed for removal to be published in the Code of Federal Regulations. This part consists almost entirely of either provisions found elsewhere in the law or guidance better suited for publication in the BLM manual. In addition, various changes in the law over the last 20 years have made the existing regulations obsolete.

DATES: Submit comments to BLM at the address below on or before November 22, 1996. Comments received which are hand-delivered, postmarked or sent via the Internet after the above date will not necessarily be considered in the decisionmaking process on the final rule.

ADDRESSES: If you wish to comment, you may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW, Washington, DC; or mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW, Washington, DC 20240. You also may transmit comments electronically via the Internet to WOComment@WO0033wp.wo.blm.gov. Please include ''Attn: AC79'', in your name and address in your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 452–5030. 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, except holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Holdren, Realty Use Group, (202) 452–7779.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background and Discussion of Proposed Rule
III. Procedural Matters

I. Public Comment Procedures

Written Comments

Written comments on the proposed rule should be specific, should be confined to issues pertinent to the rule, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal which the comment addresses. BLM will not necessarily consider or include in the Administrative Record for the rule comments which BLM receives that are hand-delivered, postmarked or sent via the Internet after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background and Discussion of Proposed Rule

The management of the National Petroleum Reserve-Alaska is primarily under the Naval Petroleum Reserves Production Act, 42 U.S.C. 6501 *et seq.*, and the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1701 *et seq.* These statutes authorize BLM to promulgate appropriate and necessary regulations for the management of the reserves. In light of the regulatory reform initiative currently underway throughout the administration, BLM has determined that the existing regulations at 43 CFR part 2360 are unnecessary, except for portions pertaining to use authorizations. Much of part 2360 contains language intended to guide BLM officers in the exercise of their discretion. The relocation of this language to the BLM manual would provide BLM more flexibility and adequate guidance. The remainder of this part rephrases statutory provisions. The regulatory reform initiative calls for agencies to streamline their regulations to remove unnecessary material, and reorganize remaining provisions in a way that will make them more accessible and efficient, without weakening their effectiveness. BLM believes that the removal of part 2360, except for use authorizations, satisfies these goals without any material impact on the public at large.

Furthermore, numerous changes in the law have occurred which affect the management of the National Petroleum Reserve in Alaska, rendering the current regulations out-of-date. For example, in 1980 the Reserve was opened to gas leasing and Indian allotments, and the role of the U.S. Geological Survey (USGS) was reduced to activities in the Barrow gas fields. In 1983, USGS transferred its Barrow gas fields to the North Slope Borough. As a result, USGS

no longer has any role in the National Petroleum Reserve management program, and references to USGS at section 2361.1 of this part are outdated and unnecessary. This is typical of the changes that have taken place in the Reserve, and BLM intends to review the program to assess what regulations are necessary to enhance our future role. At present, however, the existing regulations do not reflect these changes in the law, and should be removed in order to eliminate further confusion.

Although the use authorization provisions of 43 CFR section 2361.2 are substantially covered by various sections of the Code of Federal Regulations, we will retain portions of section 2361.2 and 2361.3 in condensed form in part 2360. The new part 2360 will eliminate provisions already covered in the Naval Petroleum Reserves Act, limiting the text to only those portions of the existing regulations that are still necessary and useful to the public at large.

III. Procedural Matters

National Environmental Policy Act

The BLM has prepared an environmental assessment (EA), and has found that the proposed rule would not constitute a major federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified previously. The BLM invites the public to review these documents by contacting us at the addresses listed above (see **ADDRESSES**), and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the Public Comment Procedure section above, or contact us directly.

Paperwork Reduction Act

The rule does not contain information collection requirements which the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.*, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The BLM has determined under the RFA that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the proposed rule is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Unfunded Mandates Reform Act

The proposed rule does not include a Federal mandate that will result in the expenditure by state, local or tribal governments in the aggregate, or by the private sector, of $100,000,000 or more in any one year.

Executive Order 12612

The proposed rule would not have sufficient federalism implications to warrant BLM's preparation of a Federalism Assessment (FA).

Executive Order 12630

The proposed rule does not represent a government action capable of interfering with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically excludes actions abolishing regulations or modifying regulations in a way that lessens interference with private property use from the definition of ''policies that have takings implications'' Since the primary function of the proposed rule is to abolish unnecessary regulations, there will be no private property rights impaired as a result. Therefore, BLM has determined that the rule would not cause a taking of private property, or require further discussion of takings implications under this Executive Order.

Executive Order 12988

The Department of the Interior has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Author

The principal author of this proposed rule is Jeff Holdren, Realty Use Group, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240; Telephone (202) 452–7779.

List of Subjects for 43 CFR Part 2360

Alaska; Environmental protection; Land Management Bureau; Natural resources; Oil and gas reserves; Public lands-withdrawal.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, part 2360, Group 2300, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is proposed to be amended as set forth below:

1. Part 2360 is revised to read as follows:

PART 2360—NATIONAL PETROLEUM RESERVE IN ALASKA

Sec.

2360.1 Use authorizations.

Authority: 30 U.S.C. 181 *et seq.*, 43 U.S.C. 1740.

2360.1 Use authorizations.

(a) Except for petroleum exploration authorized by law, anyone wishing to use National Petroleum Reserve land must first obtain a use authorization from BLM. BLM will issue an authorization only for those uses consistent with the purposes and objectives of the Naval Petroleum Reserves Production Act, 42 U.S.C. 6501 *et seq.*, and subject to any terms and conditions that BLM determines are necessary to protect the Reserve's environmental, fish and wildlife, and cultural, historical or scenic values. Contact BLM for an application. However, unless BLM has otherwise limited or restricted use, you will not need use authorizations for (1) subsistence uses (e.g., hunting, fishing, and berry picking), and (2) recreational uses (e.g. hunting, fishing, backpacking, and wildlife observation). Contact BLM for an application.

(b) Any person who violates or fails to comply with regulations of this part is subject to prosecution, including trespass and liability for damages, pursuant to applicable law.

Dated: October 15, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96–27179 Filed 10–22–96; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 92–77; DA 96–1695]

Charges for Interstate Operator Services Calls From Payphones, Other Away-from-home Aggregator Locations, and Collect Calls From Prison Inmates

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; further comment sought.

SUMMARY: On June 4, 1996 the Commission sought comment on proposals with regard to high charges paid by consumers for interstate operator services from payphones and other aggregator locations and by persons billed for interstate collect calls initiated by inmates of prisons and other correctional institutions. *In the Matter of Billed Party Preference for InterLATA 0+ Calls,* Second Further Notice of Proposed Rulemaking, CC Docket No. 92–77, 11 FCC Rcd 7274 (*Second Further Notice*). The Commission therein authorized its Common Carrier Bureau to obtain additional information if necessary for a more complete record. Comments and reply comments in response to the *Second Further Notice* were received on July 17, 1996 and August 16, 1996, respectively. In a Public Notice released on October 10, 1996, the Bureau seeks additional comment on a number of specific questions relating to this matter. Additional comment is sought on specific questions in order to supplement the record.

DATES: Comments are due on or before November 13, 1996. Reply comments are due on or before December 3, 1996.

ADDRESSES: Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Adrien Auger, Enforcement Division, Common Carrier Bureau, (202) 418–0960.

SUPPLEMENTARY INFORMATION:

Released: October 10, 1996.

Common Carrier Bureau Seeks Further Comment on Specific Questions in OSP Reform Rulemaking Proceeding

In the Matter of Billed Party Preference for InterLATA 0+ Calls, CC Docket 92–77.

Comment Date: November 13, 1996; Reply Comment Date: December 3, 1996. On June 4, 1996, the Commission adopted *In the Matter of Billed Party Preference for InterLATA 0+ Calls,* Second Further Notice of Proposed Rulemaking, CC Docket No. 92–77, 11 FCC Rcd 7274 (*Second Further Notice*), 61 FR 30581 (June 17, 1996). In the *Second Further Notice,* the Commission sought comment on, among other things, a proposed requirement that all providers of operator services at payphone and other aggregator locations (OSPs), before connecting any interstate 0+ call, orally disclose to the party to be billed for such a call the specific rate, as well as applicable aggregator surcharges or premises-imposed-fees (PIFs), if any, allowed by the OSP's contract with the aggregator at the particular location, that the billed party will be charged for the call. The Commission also sought comment on what alternatives to a billed party preference (BPP) system would serve the public interest with respect to charges for interstate 0+ calls from prison inmates. Comments and Reply Comments in response to the *Second Further Notice* were received on July 17, 1996 and August 16, 1996, respectively. Having reviewed the submissions, the Common Carrier Bureau seeks further comment on specific issues relating to the subjects previously noticed in this proceeding. Specifically, interested parties are invited to file comments in response to the attached list of questions. Commenters should restate and underline each question above their responses. Commenters also must provide a brief summary of their comments, not to exceed three sentences per question or three double-spaced pages in total, as a preface to their comments. The comments and comment summary should follow the order of the questions. Comments should be filed on or before November 13, 1996 and Reply Comments on or before December 3, 1996. Interested parties must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. Comments should reference CC Docket No. 92–77.

Parties should send one copy of their comments to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, N.W., Washington, D.C. 20037. Comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

Parties are also asked to submit comments on diskette. Such diskette submissions would be in addition to, and not a substitute for, the formal filing requirements addressed above. Parties submitting diskettes should submit them to Adrien Auger, Common Carrier Bureau, Enforcement Division, 2025 M Street, N.W., Suite 6008, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a ''read only'' mode. The diskette should be clearly labelled with the party's name, proceeding, and date of submission. The diskette should be accompanied by a cover letter.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Attachment

1. Are there any industries in which price disclosure to consumers at the point of purchase is *not* the normal practice? If so, what are those industries and what are the particular circumstances surrounding the developments of those industries?

2. What kinds of technologies (including payphone equipment and associated software) are currently available to provide on-demand call rating information for calls from payphones, other aggregator locations, and phones in correctional institutions that are provided for use by inmates? Commenters should discuss the anticipated declining cost of these technologies, assuming a wide-spread demand for these services.

3. Are there any telecommunications markets outside of the U.S. that already make use of price disclosure prior to call completion, for example, in the U.K.? If so, please provide the technological and financial details behind the implementation of these services and any indication as to the cost and benefits from the perspective of consumers.

4. Some commenters have claimed that price disclosure prior to call completion would create an unacceptable delay to consumers. Are there any studies that substantiate or dispute this contention and are those studies available? Are there any studies available that provide indications of consumer satisfaction or dissatisfaction with 0+ services provided in this fashion?

5. If some or all of embedded base equipment and software are incapable of providing audible notice to consumers for on-demand call rating, what time period would be reasonable for substituting equipment and software that is capable of doing so?

6. What percentage of interstate 0+ calls do calls from correctional

institutions constitute, both in quantity and dollar volume, over the last 5 years?

7. What effects, if any, will the recent Report and Order in *In the Matter of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation,* CC Docket Nos. 96–128, 91–35, FCC 96–388 (released September 20, 1996), 61 FR 52307 (October 7, 1996) have on this proceeding?

[FR Doc. 96–27072 Filed 10–22–96; 8:45 am]

BILLING CODE 6712–01–P

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47 CFR Part 90

[WT Docket No. 96–86; FCC 96–403]

Non-Accredited Standard-Setting Organizations That Develop Standards For Public Safety Wireless Communications Equipment

AGENCY: Federal Communications Commission.

ACTION: Request for Comments.

SUMMARY: This action seeks additional comment on non-accredited standard setting organizations that develop standards for public safety wireless communications equipment. It is necessary for the Commission to receive comment on whether the Communications Act of 1934 generally provides the Commission with authority to impose requirements similar to those identified in Section 273(d)(4) of the Act, and, if so, whether the Commission should exercise this authority. The effect of the action will be to seek additional comment on whether to require open and fair processes, similar to those described in the Act, in the development and adoption of future standards for public safety wireless communications equipment and systems.

DATES: Comments are to be filed on or before October 21, 1996; reply comments are to be filed on or before December 3, 1996.

FOR FURTHER INFORMATION CONTACT: Bob McNamara or John Borkowski, Federal Communications Commission, Wireless Telecommunications Bureau, Washington, D.C. 20554, (202) 418–0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice, released October 9, 1996. The complete (but unofficial) text of this Commission Public Notice is available on the Internet at: http://www.fcc.gov/Bureaus/Wireless/Public__Notices/fcc96403.txt and for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., 20554. The complete text of this Public Notice is available and may be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, Telephone number (202) 857–3800.

Summary of Public Notice

1. On April 5, 1996, the Commission adopted a *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 96–86, 61 F.R. 25185 (May 20, 1996) that seeks comment on the development of operational, technical, and spectrum requirements for meeting Federal, state, and local public safety agency communication requirements through the year 2010. Specifically, the *Notice* asks for comment on: (1) Methods to facilitate the development of interoperable equipment and technologies, including the development of standards to foster interoperability; (2) the service features and system requirements essential to the effective performance of public safety functions; (3) technological issues regarding the enhancement and improvement of public safety wireless communications; (4) regulatory approaches that address the problems of congested spectrum and fragmented public safety allocations; (5) measures that would foster the development of public safety wireless communications that are spectrally-efficient, of high quality, and effective; and (6) the means to promote competition in the supply of goods and services used by public safety agencies.

2. Prior to the adoption of this *NPRM,* the Commission and the National Telecommunications and Information Administration (NTIA) established the Public Safety Wireless Advisory Committee (Advisory Committee) to address many of these same issues. In the discussions of the Advisory Committee's Interoperability Subcommittee, a need was identified to develop a baseline technology to promote interoperability between and among public safety entities. The Subcommittee subsequently recommended a baseline technology for analog applications. It further recommended that a group comprised of experts from government, industry, and users be organized, following the termination of the Committee's work, to examine a baseline interoperability technology that could be used in digital systems. The organization, membership, and charter of the proposed group were not further specified. The Advisory Committee subsequently recommended that follow-up efforts be continued to advise the Commission and NTIA on public safety wireless communications and adopted the Subcommittee's recommendation that future standards be developed in a fair and open process.

3. Section 273(d)(4) of the Communications Act of 1934, as amended (the Act) establishes procedural and other requirements that certain non-accredited entities must follow if they develop industry-wide telecommunications standards or generic network equipment requirements. We believe that the requirements of Section 273(d)(4) of the Act apply specifically to the development of standards for telecommunications equipment, customer premises equipment and software used in the provision of wireline telephone exchange service, and are not applicable to non-accredited standards-setting organizations that develop standards for public safety wireless communications equipment. We seek comment, however, on whether the general principles articulated in Section 273(d)(4) nonetheless may be useful in the development of standards initiated in the future for public safety equipment. Accordingly, we seek comment on whether the Act generally provides the Commission with authority to impose requirements similar to those identified in Section 273(d)(4), and, if so, whether the Commission should exercise this authority. Specifically, we seek additional comment on whether to require open and fair processes, similar to those described in the Act, in the development and adoption of future standards for public safety wireless communications equipment and systems.

4. Comments and replies should be filed in accordance with the procedures established in WT Docket No. 96–86. Interested parties must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. Comments should reference WT Docket No. 96–86. Parties should send one copy of their comments to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, N.W., Washington, D.C. 20037. Comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

List of Subjects in 47 CFR Part 90

Public safety, Radio.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 96–27073 Filed 10–22–96; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of a petition for rulemaking.

SUMMARY: This document denies a petition from Robert Bosch GMBH (Bosch) to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108; Lamps, Reflective devices, and associated equipment to allow the intensity of upper beam headlamps to increase from 75,000 to 140,000 cd.

FOR FURTHER INFORMATION CONTACT: Mr. Jere Medlin, Office of Crash Avoidance Standards, NHTSA, 400 Seventh Street, SW, Washington, D.C. 20590. Mr. Medlin's telephone number is: (202) 366–5276. His facsimile number is (202) 366–4329.

SUPPLEMENTARY INFORMATION: By letter dated June 21, 1996, Bosch petitioned the agency to amend FMVSS No. 108 to allow upper beam headlamps with a maximum intensity at point H–V of 140,000 cd. or alternatively, the upper beam requirements in SAE J1735 JAN95 in place of the current Fig. 15 and Fig. 17 upper beam requirements. Bosch stated that present U. S. photometric requirements for upper beam headlamps allow a maximum candlepower of 60,000 and 75,000 cd. at 12.8 Volts. Bosch states that in Europe the maximum candlepower is limited to 112,500 cd. at approximately 12 Volts (which it claims is approximately 140,000 cd. at 12.8 Volts). Bosch claims that with today's technology and particularly in the future with the results of the Advisory Committee on Visual Aim, (a proposal to permit visual headlamp aim is pending) it will be possible to build a headlamp with the same lower beam pattern for the U. S. and Europe markets. Bosch claims that the different requirements for the upper beam in the U.S. and Europe ask either for a ''bad'' compromise in a headlamp, or the need for two different headlamp assemblies.

Bosch claims that full harmonization between U. S. and European-type headlamps will be possible, with implementation of its petition and the results of the visual aim rulemaking, and thus car manufacturers will be able to install the same type of headlamp on vehicles for both markets. Reduced tool and parts costs will be the result.

The agency has reviewed the claims associated with the petitioner's desired solution. It has found that full photometric harmonization of upper beam headlamp requirements already is possible without this requested action because headlamps designed above European minimum levels and below U.S. maximums are achievable. FMVSS No. 108 requires that upper beam headlamps have a minimum H–V axis intensity of 25,000 cd. to a maximum of 75,000 cd. for some lamps and 40,000 cd. to 75,000 cd. for others when measured at a test voltage of 12.8 Volts. The standard was last amended in 1978 when NHTSA increased the upper beam headlamp maximum allowed intensity from 37,500 cd. to 75,000 cd. NHTSA stated in that rulemaking action that its research has demonstrated that an increase in upper beam intensity to a maximum value of 75,000 cd. (150,000 cd. per vehicle) will enhance seeing ability without any significant increase in glare, but that photometric output exceeding 150,000 cd. results in only a marginal increase in visibility with an increase in glare. The agency has done no similar research work on upper beam headlamps since then nor is it aware of other safety research in this area. Bosch provided no such safety research data.

The agency did inquire as to how the Society of Automotive Engineers (SAE) justified the value it used in SAE J1735 JAN95 for maximum upper beam intensity. An obstacle detection rationale was used. The upper beam intensities which would be required to detect low (7%) luminance (reflectance) obstacles were defined by parametric extrapolations of data from different illumination studies. The light intensities calculated for alerting drivers to detect an obstacle within the potential stopping distance of their vehicle were found to be 243,000 to 284,000 cd. at 65 mph.

NHTSA observes, however, that there may be other criteria beside the ability to stop, for establishing requisite seeing distances, such as the ability to maneuver. The scope of the SAE investigation was limited only to stopping distance and glare was not studied. This justification is not comprehensive enough for NHTSA to reverse its previous decisions about the agency's upper beam intensity research.

Other Factors

In addition, other factors are present in the 18 years that have passed since NHTSA's statements on increased intensity upper beam headlamps. These factors influencing our decision for denial are:

1. State laws specify the distances from other vehicles when upper beam headlamps must be dimmed. These were set at a time when upper beam headlamps had 37,500 cd. maximums. With the doubling in 1978 of upper beam intensity and a redoubling that would result from this petition, the dimming distances to prevent blinding oncoming motorists may have to increase dramatically. Most states have 500 foot approaching, 200 foot following dimming distances. Because the illumination at the eye is proportional to the lamp's intensity and inversely proportional to the square of the distance, an estimate can be made for how dimming laws should be changed. If 500/200 feet were deemed to be acceptable for 37,500 cd. headlamps, then for the 75,000 cd. headlamps, the dimming distance should have been changed to 700/280 feet and for 140,000 cd. lamps the dimming distance should be changed to be 970/390 feet. Drivers of the new cars with such headlamps would have to be reeducated on this or states would have to change their laws. Either is problematic for NHTSA because we cannot compel states to change their laws.

2. The number of aging, glare sensitive U.S. drivers is at an all time high and increasing. This population complains that glare from existing headlamps and auxiliary lamps already is too high. This population is the most sensitive to glare and roadway illumination effects. Glare resistance reduces markedly as drivers age. According to research, the glare resistance of the human eye at age 72 is half as good as it is for age 20. Contrast sensitivity, an important factor in night vision, decreases markedly with age making targets more difficult to perceive. While having more intense upper beams may help older drivers see better, they will be blinded more often by other drivers who choose to use upper beams and do not dim them at greater distances.

3. The window of harmonization for upper beam headlamp intensity appears to be adequate. The European specification for upper beam intensity at the H–V point is 30,000 cd. minimum to 150,000 cd. maximum at 12.0 volts. When converted to testing at 12.8 volts

this is a range from 37,800 to 189,000 cd. Compared to the specification that has been proposed to be changed (40,000 to 75,000), the European specification has a much wider allowable range, yet is harmonious with the current U.S. specification. That is, a headlamp that complies with the 40K to 75K cd. U.S. performance is completely acceptable for European regulations having a range of 37.8K to 189K cd. The only difference is that it may not be as intense as some manufacturers might think that their customers might desire.

What Advantages Are There From Adopting the Higher Intensity?

1. The claimed advantage is the achievement of harmonization. As explained above, there is already substantial harmonization between the U.S. and European standards for upper beams. Thus NHTSA does not find the claimed harmonization advantage persuasive.

2. The higher output would offer a seeing advantage to those drivers that use upper beam headlamps, particularly at higher speeds that may be permissible on autobahns in Europe. While the agency is not aware of any quantitative information on the upper beams that contributed to prevention or causation of crashes, one can imagine that in the less populated areas of the United States where lower density traffic often exists (with limited opposing traffic-and hence no glare problems) and higher nighttime speeds are likely because of the greater distances necessary for travel, upper beam headlamps are likely used for considerably more miles than on the east or west coasts. Thus, there is likely a sizeable population that could benefit from better nighttime vision from more intense upper beams.

What Disadvantages Are There From Adopting the Higher Intensity?

1. As stated above, the changes that have occurred in upper beam performance have the effect of increasing glare when approaching other vehicles; this change would make this situation worse unless dimming distances could be increased.

2. While not an actual disadvantage of increasing the upper beam intensity, NHTSA itself has no research to explain why it was once unsafe to significantly increase the intensity and why today it would be acceptable. We are aware of no new data, only modeling and calculations that say that intensity increases could offer seeing distance improvements.

Since there is no new safety research that is more compelling than the research considered in establishing the present limits, for the maximum intensity of upper beams, NHTSA is denying this petition. In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the specific requirement requested by the petitioner would be issued at the conclusion of a rulemaking proceeding.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: October 17, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–27170 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 61, No. 206
Wednesday, October 23, 1996

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

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Coastal Zone Management Program and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of intent to evaluate.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of Washington, Mississippi, and California Coastal Zone Management Programs and the Rookery Bay National Estuarine Research Reserve in Florida.

These evaluations will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended. The CZMA requires a continuing review of the performance of states with respect to coastal program implementation. Evaluation of Coastal Zone Management programs and National Estuarine Research Reserves requires findings concerning the extent to which a state has met the national objectives, adhered to its coastal program document or reserve management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA. The evaluations will include a site visit, consideration of public comments, and consultations with interested Federal, State, and local agencies and members of the public. Public meetings are held as part of the site visits.

Notice is hereby given of the dates of the site visits for the listed evaluations, and the dates, local times, and locations of public meetings during the site visits.

The Washington Coastal Zone Management Program site visit will be from November 18–22, 1996. A public meeting will be held on Thursday, November 21, 1996, at 7:00 P.M., at the Department of Ecology, 300 Desmond Drive, Olympia, WA.

The Mississippi Coastal Zone Management Program site visit will be from December 2–6, 1996. A public meeting will be held on Wednesday, December 4, 1996, at 7:00 P.M., at the Mississippi Department of Marine Resources, Conference Room, 152 Gateway Drive, Biloxi, Mississippi, 39531.

The Rookery Bay National Estuarine Research Reserve in Florida site visit will be from December 9–13, 1996. A public meeting will be on Wednesday, December 11, 1996, at 7:00 P.M., at the Rookery Bay Headquarters Building, 300 Tower Road, Main Meeting Room, Naples, Florida, 33962.

The California Coastal Management Program site visit will be from December 2–12, 1996. Public meetings will be held on Wednesday, December 4, 1996 from 5:00–7:00 p.m. at the Port Commission Room, Ferry Building, Suite 3100 at the foot of Market Street in San Francisco, California, and on Monday, December 9, 1996 from 5:00–7:00 p.m. at the Ventura City Hall, Community Meeting Room, 501 Poli Street, Ventura, California.

The States will issue notice of the public meeting(s) in a local newspaper(s) at least 45 days prior to the public meeting(s), and will issue other timely notices as appropriate.

Copies of the State's most recent performance reports, as well as OCRM's notifications and supplemental request letters to the States, are available upon request from OCRM. Written comments from interested parties regarding these Programs are encouraged and will be accepted until 15 days after the public meeting. Please direct written comments to Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910. When the evaluation is completed, OCRM will place a notice in the Federal Register announcing the availability of the Final Evaluation Findings.

FOR FURTHER INFORMATION CONTACT: Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, (301) 713–3090, ext. 126.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration.

Dated: October 16, 1996.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone.

[FR Doc. 96–27127 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–08–M

[I.D. 101196A]

Incidental Take of Marine Mammals; Bottlenose Dolphins and Spotted Dolphins

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

ACTION: Notice of issuance of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) as amended, and implementing regulations, notification is hereby given that letters of authorization to take bottlenose and spotted dolphins incidental to oil and gas structure removal activities were issued on this date to Unocal Corporation, 4021–4023 Ambassador Caffery Parkway, Lafayette, Louisiana 70503 and to Burlington Resources, 400 N. Sam Houston Parkway, Houston, Texas 77060.

EFFECTIVE DATE: The letter of authorization is effective from October 11, 1996, through October 11, 1997.

ADDRESSES: The application and letter are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southeast Region, NMFS, 9721 Executive Center Drive N, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713–2055 or Charles Oravetz, Southeast Region (813) 570–5312.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who

engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made and regulations are issued. Under the MMPA, the term ''taking'' means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of bottlenose and spotted dolphins incidental to oil and gas structure removal activities in the Gulf of Mexico were published on October 12, 1995 (60 FR 53139) and remain in effect until November 13, 2000.

Summary of Request

NMFS received requests for letters of authorization on September 30, 1996, from Unocal Corporation and on October 4, 1996, from Burlington Resources. These letters requested a take by harassment of a small number of bottlenose and spotted dolphins incidental to the described activity. Issuance of these letters of authorization are based on a finding that the total takings will have a negligible impact on the bottlenose and spotted dolphin stocks of the Gulf of Mexico.

Dated: October 16, 1996.

Patricia Montanio,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–27079 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 101596B]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held on November 11–15, 1996.

ADDRESSES: These meetings will be held at the Marriott's Grand Hotel, U.S. Highway 98, Point Clear, AL; telephone: (334) 928–9201.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION:

Council

November 13

8:30 a.m.—Convene.

9:00 a.m. - 5:30 p.m.—Receive public testimony on Reef Fish Total Allowable Catch (TAC) and Draft Shrimp Amendment 9.

November 14

8:30 a.m. - 12:00 noon—Continue receiving public testimony on Draft Shrimp Amendment 9.

1:30 p.m. - 4:30 p.m.—Reconvene to receive a report of the Shrimp Management Committee.

4:30 p.m. - 4:45 p.m.—Receive a report of the Budget Committee.

4:45 p.m.- 5:00 p.m.—Receive a report of the Stone Crab Management Committee.

November 15

8:30 a.m. - 10:00 a.m.—Receive a report of the Reef Fish Management Committee.

10:00 a.m. - 10:15 a.m.—Receive a report of the Habitat Protection Committee.

10:15 a.m. - 10:30 a.m.—Receive a report of the International Commission for the Conservation of Atlantic Tunas Advisory Committee.

10:30 a.m. - 11:00 a.m.—Receive a report of Magnuson Act Amendments.

11:00 a.m. - 11:15 a.m. —Receive Enforcement Report.

11:15 a.m. - 11:40 a.m.—Receive Director's Reports.

11:40 a.m. - 12:00 noon—Other business to be discussed.

Committees

November 11

10:30 a.m. - 11:15 a.m.—Convene the Budget Committee.

11:15 a.m. - 12:00 noon—Convene the Stone Crab Management Committee.

1:00 p.m. - 5:30 p.m.—Convene the Reef Fish Management Committee. The committees will hear stock assessment reports for red snapper, vermilion snapper, and amberjack. They will review the recommendations of a scientific stock assessment panel and socioeconomic panel on acceptable biological catch (ABC) and on TAC for these stocks as well as the recommendations of the Scientific and Statistical Committee (SSC) and Red Snapper Advisory Panel. The committee will develop its recommendations to the Council on TAC, bag limits, and commercial quotas for red snapper and vermilion snapper, and management actions for the other stocks.

November 12

8:00 a.m. - 9:30 a.m.—Convene the Habitat Protection Committee.

9:30 a.m. - 12:00 noon and 1:00 p.m. - 5 p.m.—Convene the Shrimp Management Committee. This committee will review summaries of the public comments, obtained from the 14 public hearings held in October, on the bycatch amendment. It will also review the recommendations of the Shrimp Advisory Panel and the SSC on the amendment and will develop its recommendations to the Council on the rules that shall be adopted. The alternatives for rules are as follows:

- Require the installation of a NMFS-certified Bycatch Reduction Device (BRD) in all nets used aboard vessels trawling for shrimp in the exclusive economic zone (EEZ) of the Gulf of Mexico, except for a single test or ''try'' net not exceeding 16 feet in headrope length. Vessels with trawls for groundfish or butterfish and those trawling for royal red shrimp beyond the 100–fathom contour depth are exempted.
- Require the installation of a NMFS-certified BRD in shrimp trawls in the EEZ of the Gulf of Mexico within the 100–fathom contour depth.
- Require the installation of a NMFS-certified BRD in shrimp trawls in the EEZ of the Gulf of Mexico within the 100–fathom contour depth west of Cape San Blas, FL.
- Require the installation of a NMFS-certified BRD in shrimp trawls in the EEZ of the Gulf of Mexico between the 10– and 100–fathom contour depth.
- Require the installation of a NMFS-certified BRD in shrimp trawls in the EEZ of the Gulf of Mexico between the 10– and 100–fathom contour depth and west of Cape San Blas, Fl.
- Establish the following bycatch reduction criteria for a BRD to be certified: It must reduce the bycatch of juvenile red snapper (age 0 and age 1) by 50 percent from the average level of mortality on those age groups during the years 1984–89.
- Establish a framework procedure for modifying the bycatch reduction criteria.

• Establish a framework procedure for establishing BRD certification and decertification criteria and a BRD testing protocol.

The Shrimp Committee will also hear scientific reports of a statistical review committee and from stock assessment analyses related to the accuracy of bycatch estimates of red snapper.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by November 4, 1996.

Dated: October 16, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27077 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 101596D]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 91st meeting.

DATES: The meeting will be held on November 18–21, 1996. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESS: The meeting will be held at the Ala Moana Hotel, Garden Lanai Room, Honolulu, HI; telephone: (808) 855–4811.

Council address: Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1405, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The Council's Standing Committees will meet from 1:00 p.m. to 5:00 p.m. on November 18, and from 8:30 a.m. to 5:00 p.m. on November 19. The full Council will meet from 8:30 a.m. to 5:00 p.m. on November 20–21. A joint meeting of the Marine and Fisheries Advisory Committee (MAFAC) and Council will be held on November 20, from 8:30 a.m. to 12:00 p.m., and from 1:30 p.m. to 2:30 p.m.

The Council will discuss and may take action on the following agenda items:

1. Reports from the islands;
2. Reports from fishery agencies and organizations;
3. Ecosystems and Habitat, including:
Summary of recent issues and activities: coral reef activities, whale sanctuary, Memorandum of Understanding, Midway public use, etc.;
4. Pelagic fishery issues, including:
(a) Gear conflict between handliners and longliners,
(b) Status of Pelagic Fisheries Research Program and other pelagic research,
(c) Bycatch issues,
(d) Single Council designation response,
(e) Status of Albatross Workshop,
(f) Pelagics data amendment, and
(g) Control date for U.S. pelagic fishermen in the Pacific; 5. Crustaceans fishery issues, including:
(a) Report on 1996 Northwestern Hawaiian Islands (NWHI) lobster fishery,
(b) Report on research cruise and handling experiment,
(c) Lobster trap design study,
(d) Preliminary harvest guidelines,
(e) Mandatory Vessel Monitoring System (VMS), and
(f) Size distribution and high grading estimation;
6. Bottomfish issues, including:
(a) Status of Department of Land and Natural Resources management plan for Main Hawaiian Island onaga and ehu,
(b) Council's proposed draft amendment for Main Hawaiian Island onaga and ehu stocks,
(c) Reevaluation of the NWHI bottomfish fishery, and
(d) Report from the Task Force;
7. Enforcement issues, including:
(a) NMFS activities,
(b) Status of violations, and
(c) VMS Committee report;
8. Native rights and indigenous fishing issues, including;
(a) Implication of reauthorized Magnuson Fisheries Conservation and Management Act (Magnuson Act) provisions;
9. Program planning, including;
(a) New provisions of reauthorized Magnuson Act,
(b) Status of Western Pacific Fisheries Information Network, and
(c) Consider changes in the way the Council conducts meetings;
10. Administrative matters, including:
(a) 1997–98 Advisory Panel appointments; and
11. Other business as required.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to meeting date.

Dated: October 16, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27078 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Restraint Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Fiji

October 16, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limit for textile products, produced or manufactured in Fiji and exported during the period January 1, 1997 through December 31, 1997 is based on the limit notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limit for the 1997 period.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299,

published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the ATC, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 338/339/638/639, produced or manufactured in Fiji and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of 1,168,614 dozen of which not more than 973,846 dozen shall be in Categories 338–S/339–S/638–S/639–S [1].

Imports charged to this category limit for the period January 1, 1996 through December 31, 1996 shall be charged against that level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

The limit set forth above is subject to adjustment in the future pursuant to the provisions of the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–27085 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–DR–F

[1] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020; Category 638–S: all HTS numbers except 6109.90.1007, 6109.90.1009, 6109.90.1013 and 6109.90.1025; Category 639–S: all HTS numbers except 6109.90.1050, 6109.90.1060, 6109.90.1065 and 6109.90.1070.

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mauritius

October 16, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being adjusted, variously for swing, special shift and carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on November 19, 1995). Also see 60 FR 62402, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Mauritius and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on October 23, 1996, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels not in a group	
338/339	456,115 dozen.
340/640	516,484 dozen of which not more than 369,315 dozen shall be in Categories 340–Y/640–Y [2].
638/639	382,120 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–27087 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the United Mexican States

October 17, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing levels under the North America Free Trade Agreement.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6711. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In order to implement Annex 300–B of the North America Free Trade Agreement (NAFTA), restrictions and consultation levels for certain cotton, wool and man-made fiber textile products from Mexico are being established for the period beginning on January 1, 1997 and extending through December 31, 1997.

These restrictions and consultation levels do not apply to NAFTA originating goods, as defined in Annex 300–B, Chapter 4 and Annex 401 of the agreement. In addition, restrictions and consultation levels do not apply to textile and apparel goods that are assembled in Mexico from fabrics wholly formed and cut in the United States and exported from and re-imported into the United States under U.S. tariff item 9802.00.90.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to implement levels for the 1997 period.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of NAFTA, but are designed to assist only in the implementation of certain of its provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 17, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and the North America Free Trade Agreement (NAFTA), between the Governments of the United States, the United Mexican States and Canada; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Mexico and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of the following levels:

Category	Twelve-month limit
219	9,438,000 square meters.
313	16,854,000 square meters.
314	6,966,904 square meters.
315	6,966,904 square meters.
317	8,427,000 square meters.
338/339/638/639	650,000 dozen.
340/640	147,378 dozen.
347/348/647/648	650,000 dozen.
410	397,160 square meters.
433	11,000 dozen.
443	168,730 numbers.
611	1,267,710 square meters.
633	10,000 dozen.
643	155,556 numbers.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The levels set forth above are subject to adjustment in the future pursuant to the provisions of Annex 300–B of the NAFTA.

The foregoing levels do not apply to NAFTA originating goods, as defined in Annex 300–B, Chapter 4 and Annex 401 of the agreement. In addition, restrictions and consultation levels do not apply to textile and apparel goods that are assembled in Mexico from fabrics wholly formed and cut in the United States and exported from and re-imported into the United States under U.S. tariff item 9802.00.90.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–27084 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Poland

October 16, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limit for Category 443 is being increased for swing and carryforward. The limit for Category 410 is being reduced to account for the swing being applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 62404, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round

Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Poland and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on October 23, 1996, you are directed to adjust the limits for the following categories, as provided for in the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
410	2,556,603 square meters.
443	228,146 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–27089 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in the Slovak Republic

October 16, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limit for Category 433 is being increased for swing and carryover. The limit for Category 410 is being reduced to account for the swing being applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 62409, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain wool textile products, produced or manufactured in the Slovak Republic and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on October 23, 1996, you are directed to adjust the limits for the following categories, as provided for in the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
410	355,331 square meters.
433	13,313 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–27088 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Turkey

October 16, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6718. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limits for textile products, produced or manufactured in Turkey and exported during the period January 1, 1997 through December 31, 1997 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC), and Memoranda of Understanding (MOUs) dated July 19, 1995, between the Governments of the United States and the Republic of Turkey.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1997 limits. The limits for certain categories have been reduced for carryforward applied in 1996.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff

Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act, the ATC and MOUs, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing (ATC) and Memoranda of Understanding (MOUs) dated July 19, 1995 between the Governments of the United States and the Republic of Turkey; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Turkey and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Fabric Group	
219, 313, 314, 315, 317, 326, 617, 625/626/627/628/629, as a group.	161,772,523 square meters of which not more than 36,968,320 square meters shall be in Category 219; 45,183,501 square meters shall be in Category 313; 26,288,583 square meters shall be in Category 314; 35,325,285 square meters shall be in Category 315; 36,968,320 square meters shall be in Category 317; 4,107,590 square meters shall be in Category 326, and 24,645,548 square meters shall be in Category 617.
Sublevel in Fabric Group	
625/626/627/628/629	16,641,907 square meters of which not more than 6,283,347 square meters shall be in Category 625; not more than 6,656,763 square meters shall be in Category 626; not more than 6,656,763 square meters shall be in Category 627; not more than 6,656,763 square meters shall be in Category 628; and not more than 6,656,763 square meters shall be in Category 629.
Limits not in a group	
200	1,559,836 kilograms.
300/301	7,594,732 kilograms.
335	327,917 dozen.
336/636	772,427 dozen.
338/339/638/639	4,539,664 dozen of which not more than 3,404,749 dozen shall be in Categories 338–S/339–S/638–S/639–S [1].
340/640	1,482,147 dozen of which not more than 421,542 dozen shall be in Categories 340–Y/640–Y [2].
341/641	1,463,690 dozen of which not more than 512,291 dozen shall be in Categories 341–Y/641–Y [3].
342/642	859,872 dozen.
347/348	4,678,286 dozen of which not more than 1,627,311 dozen shall be in Categories 347–T/348–T [4].
350	460,322 dozen.
351/651	735,976 dozen.
352/652	2,471,920 dozen.
361	1,639,587 numbers.
369–S [5]	1,695,021 kilograms.
410/624	1,087,905 square meters of which not more than 662,186 square meters shall be in Category 410.
448	37,330 dozen.
604	1,956,551 kilograms.
611	48,946,785 square meters.

[1] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020; Category 638–S: all HTS numbers except 6109.90.1007, 6109.90.1009, 6109.90.1013 and 6109.90.1025; Category 639–S: all HTS numbers except 6109.90.1050, 6109.90.1060, 6109.90.1065 and 6109.90.1070.

[2] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[3] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054; Category 641–Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

[4] Category 347–T: only HTS numbers 6103.19.2015, 6103.19.9020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.8010, 6112.11.0050, 6113.00.9038, 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–T: only HTS numbers 6104.12.0030, 6104.19.8030, 6104.22.0040, 6104.29.2034, 6104.62.2010, 6104.62.2025, 6104.69.8022, 6112.11.0060, 6113.00.9042, 6117.90.9060, 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.6010, 6304.69.9010. 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[5] Category 369–S: only HTS number 6307.10.2005.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the Uruguay Round Agreements Act, the ATC and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–27086 Filed 10–22–96; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Forms, and OMB Control Number: Personal Information Questionnaire, NAVMC 11064, OMB Number 703–0012.

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Number of Respondents: 16,700.

Responses per Respondent: 1.

Annual Responses: 16,700.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 8,350.

Needs and Uses: The Personal Information Questionnaire (PIQ) is used by the Marine Corps as a standardized method in assisting Officer Selection Officers, a Board of Officers at Headquarters, Marine Corps in determining the personal characteristics of applicants for all Reserve officer programs. The questionnaire is sent to at least six persons to be named by the applicant, for completion and return. All PIQs will be included with the application, and is an attempt to gather specific information about the applicant's character and background. This form provides the Marine Corps with precise data on personal characteristics of applicants which will ensure selection of the highest quality commissioned officer for the Corps. While some objective evaluations can be made from academic records, test results, and employment records, such intangible qualities as personal characteristics can best be evaluated by the objective ratings of those persons who have personal knowledge of the candidate.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: October 17, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–27075 Filed 10–22–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the open portions of the meeting.

DATES: November 14–16, 1996

TIME: November 14—Design and Methodology Committee, and Subject Area Committee #2, 3:00–5:00 p.m., (open); Executive Committee, 5:00–6:00 p.m. (open); 6:00–7:00 p.m. (closed). November 15— Full Board, 9:00 a.m., (open) Achievement Levels Committee 10:00–11:00 a.m., (open), 11:00–12:00 noon, (closed); Subject Area Committee #1, and Reporting and Dissemination Committee, 10:00–12:00 noon, (open); Full Board 12:00 noon–2:00 p.m. (closed), 2:15–4:30 p.m. (open). November 16—Nominiations Committee, 8:00 a.m.–9:00 a.m., (open); Full Board, 9:00 a.m. until adjournment, approximately 12:00 noon (open).

LOCATION: The Hotel Washington, 15th and Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, D.C. 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103–382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

On November 14, from 3:00–5:00 P.M., there will be open meetings of the Design and Methodology Committee and Subject Area Committee #2. The Design and Methodology Committee will discuss several policy areas related to the NAEP redesign including, but not limited to, changing sampling procedures to reduce the burden on states, policy options for states wishing to exercise flexible subject area or grade-level assessments, and options for international benchmarking with NAEP. Subject Area Committee #2 will meet to review the status of the 1997 arts probe and 1998 writing assessment, and to discuss NAEP redesign policy implementation issues. Also, on November 14, the Executive Committee will meet in partially closed session. During the open portion of the meeting, 5:00–6:00 p.m., the Committee will hear an update on the NAEP redesign and review the proposed schedule of assessments for the nest eight to ten years. The Committee will then meet in closed session from 6:00–7:00 p.m. to review official government cost estimates for the 1997 RFP for NAEP programs. Public disclosure of this information would likely have an adverse financial affect on the NAEP program. The discussion of this information would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption (9)(B) of Section 552b(c) of Title 5 U.S.C.

On November 15, the full Board will convene in open session at 9:00 a.m. The agenda for this session of the full Board meeting includes approval of the agenda, the Executive Director's Report, and an update on the NAEP project. Between 10:00 a.m. and 12:00 noon

there will be meetings of three of the Board's standing committees: Achievement Levels, Reporting and Dissemination, Subject Area #1.

The Achievement Levels Committee will meet in partially closed session. During the open portion of the meeting, 10:00–11:00 a.m., the Committee will discuss the 1996 science level-setting process and proposed achievement level descriptions. The Committee will then meet in closed session from 111:00 a.m.–12:00 noon to discuss the results of the current 1996 science level-setting and to review the current analysis of data and proposed exemplar items. This part of the meeting must be conducted in closed session because references will be made to specific items from the assessment and premature disclosure of the information presented for review would be likely to significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption (9)(B) of Section 552b(c) of Title 5 U.S.C.

Between 10:00 a.m. and 12:00 noon, there will be open meetings of the Reporting and Dissemination Committee, and Subject Area Committee #1. Agenda items for the Reporting and Dissemination Committee include a discussion of redesign issues related to timely release of NAEP reports and definitions of standard, comprehensive, and focussed reports. Subject Area Committee #1 will meet to review the status of the 1998 civics and reading assessments, and to discuss NAEP redesign policy implementation issues.

The full Board will reconvene in closed session, beginning at 12:00 noon, to hear a briefing on the proposed achievement levels for the 1996 science assessment. This part of the meeting must be conducted in closed session because reference will be made to specific items from the assessment and premature disclosure of the information presented for review would be likely to significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption (9)(B) of Section 552b(c) of Title 5 U.S.C.

Beginning at 2:15 p.m., the meeting will be open to the public. During the open portion of the meeting the Board will hear two presentations: (1) the New Education Entity—Follow-up to the National Education Summit, and (2) an update on the NAEP redesign initiative.

On November 16, 1 the Nominations Committee will meet in open session from 8:00 a.m.–9:00 a.m. The Committee will review procedures to be used for the solicitation of the names of individuals to succeed the Board members whose terms expire September 30, 1997. The expiring terms are in the following categories: general public, non-public school, business, local board of education, state board of education, state legislator (Republican), and test and measurement specialist.

Beginning at 9:00 a.m., until adjournment at approximately 12:00 noon, the full Board will reconvene. The agenda includes a presentation on international standards and reports from the standing committees—Subject Areas #1 and #2, Achievement Levels, Reporting and Dissemination, Design and Methodology, and Executive.

Summaries of the activities of the closed sessions and related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c), will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, D.C., from 8:30 a.m. to 5:00 p.m.

Dated: October 18, 1996.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 96–27134 Filed 10–22–96; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG96–34–000]

AEP Resources International, Limited; Notice of Surrender of Exempt Wholesale Generator Status

October 17, 1996.

Take notice that on October 7, 1996, pursuant to section 365.7 of the Commission's regulations, 18 CFR 365.7 (1996), AEP Resources International, Limited filed notification that it surrenders its status as an exempt wholesale generator under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27109 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG96–35–000]

AEP Resources Project Management Company, Limited; Notice of Surrender of Exempt Wholesale Generator Status

October 17, 1996.

Take notice that on October 7, 1996, pursuant to section 365.7 of the Commission's regulations, 18 CFR 365.7, AEP Resources Project Management Company, Limited filed notification that it surrenders its status as an exempt wholesale generator under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27110 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–17–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

October 17, 1996.

Take notice that on October 8, 1996, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP97–17–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to construct and operate an interconnection between ANR and Wisconsin Fuel & Light Company (WF&L), in Marathon County, Wisconsin, to accommodate WF&L's continuing growth load. ANR makes such request under its blanket certificate issued in Docket No. CP82–480–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

ANR is proposing to modify its existing Callon tap which is located on ANR's Wittenberg Lateral in Marathon County. ANR mentions that the Callon tap was originally installed as part of the Wittenberg Lateral in 1969, but that ANR never delivered gas at that tap. ANR states that WF&L submitted a request to ANR, in which WF&L requested to tie into the Callon tap in order to accommodate continuing load growth in WF&L's Wausau distribution area. It is indicated that the Callon tap currently consists of a 4-inch underground valve with a high head extension and a blind flange. ANR states that it is proposing to modify the Callon tap so that it would be above ground, making maintenance and repairs more convenient. ANR further states that it proposes to add a flange and an

insulated flange, a reducer, two piping elbows, and approximately eight feet of 2-inch piping at this interconnection, as part of the modification.

ANR avers that approximately 240 Mcf of natural gas during a peak day, will be delivered to this interconnection, and that the delivery quantity will be within WF&L's certificated entitlements. It is estimated that the proposed modification will cost approximately $3,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27100 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–362–001]

ANR Pipeline Co.; Notice of Proposed Changes in FERC Gas Tariff

October 17, 1996.

Take notice that on October 11, 1996, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet to become effective September 1, 1996:

Substitute Nineteenth Revised Sheet No. 18

ANR states that the above-referenced updated tariff sheet is being filed to restate its eleventh Quarterly Dakota Reservation Surcharge to reflect the impact of the update of the Eligible MDQ that is used to calculate those surcharges in compliance with the Commission's letter order dated September 26, 1996.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27107 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT97–4–000]

Distrigas of Massachusetts Corporation; Notice of Filing of Refund Report

October 17, 1996.

Take notice that on October 8, 1996, Distrigas of Massachusetts Corporation (DOMAC) tendered for filing a refund report to comply with the Commission Order issued February 22, 1995, in Docket No. RP95–124–000. The report indicates that on June 25, 1996, DOMAC received a refund of $7,876.00 from the Gas Research Institute (GRI) covering the 1995 Tier 1 refund.

Pursuant to the February 22, 1995 order, member pipelines receiving refunds are required to maker credits pro rata to all eligible firm customers and to file a refund report. DOMAC states that it does not pass through its GRI funding obligations to its firm customers and consequently no firm customer has borne these costs. Instead, DOMAC has funded its obligations to GRI out of its own sales margin. Therefore, DOMAC states that it will not be crediting this refund to any of its firm customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests or motions should be filed on or before October 24, 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 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.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27104 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR96–10–000]

Dow Intrastate Gas Company; Notice of Informal Settlement Conference

October 17, 1996.

Take notice that an informal settlement conference in the above-captioned proceeding will be held on Thursday, October 24, 1996, at 9:00 A.M. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

Attendance will be limited to the parties and Staff. For additional information, please contact Frank Sparber at (202) 208–0335.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27106 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2964–000]

Enserco Energy, Inc.; Notice of Filing

October 17, 1996.

Take notice that on October 10, 1996, Enserco Energy, Inc. tendered for filing an amendment in the above-referenced docket.

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, DC 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 October 28, 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 must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27108 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–20–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

October 17, 1996.

Take notice that on October 9, 1996, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP97–20–000, a request pursuant to Sections 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act (18 FR 157.205 and 157.216(b)) for authorization to abandon 21 small volume measuring station facilities (facilities) located in Iowa, Minnesota, Nebraska, and South Dakota, under the blanket certificate issued in Docket No. CP82–401–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that 21 of its end-users have requested the removal of the facilities from their properties. Northern has included in its filing, a copy of a consent form from each end-user authorizing removal of such facilities. Northern has listed the facilities to be abandoned, with maps detailing their locations, in Attachment A to the filing. Northern asserts that the facilities will be abandoned and removed in accordance with all applicable environmental laws and regulations and the sites restored to their original condition by leveling the sites and reseeding with native vegetation. Northern says the removal will be accomplished with no additional disturbance since no piping associated with the proposed abandonment of the facilities will be abandoned.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27101 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–820–000]

Questar Pipeline Co.; Notice of Application

October 17, 1996.

Take notice that on September 30, 1996, Questar Pipeline Company (Questar) 79 State Street, Salt Lake City, Utah 84111, filed in Docket No. CP96–820–000 an application, pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity for authorization to construct and operate, in two phases, approximately 41.2 miles of 20-inch pipeline loop in Sweetwater County, Wyoming and Daggett County, Utah, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Questar states that it proposes to install, in two phases, 41.2 miles of 20-inch outside diameter pipeline looping facilities that will parallel its existing Main Line No. 58 (ML 58) between Questar's Clay Basin underground natural gas storage field and its Nightingale/Kanda/Coleman Compressor Complex. Questar explains that Phase I of the looping project will comprise the installation of 27.6 miles of pipeline, the construction of which will commence during the spring of 1997, increase mainline transmission capacity by approximately 59,000 Dekatherms per day (Dth/d) and cost an estimated $11,553,000. It is further explained that Phase II of the project will comprise the installation of 13.6 miles of pipeline, the construction of which is expected to commence during 1998, increase mainline capacity by approximately 29,000 Dth/d per day and cost an estimated $6,276,000. In all, Questar states, the construction of both phases of the ML No. 58 project will increase transmission capacity by approximately 88,000 Dth/d at an estimated cost of $17,829,000.

Questar further states that, thus far, it has entered into two new firm transportation service agreements and an amendment to an existing firm-service agreement, totalling 35,000 Dth/d, that support the looping project. It is stated that the net rate impact associated with rolling the combined Phase I and Phase II construction costs and incremental service level into Questar's currently effective rate design is substantially less than five percent and that Questar seeks rolled-in rate treatment for the Phase I and Phase II facility costs. Furthermore, Questar avers that the installation of both phases of the looping project will benefit all existing customers of Questar by (1) providing expanded delivery-point flexibility, (2) offering, through broadened access to gas supplies, additional receipt point flexibility, (3) improving market access for producers located adjacent to Questar's transmission system, (4) enhancing Clay Basin storage service and (5) ensuring long-term service reliability.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1996, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Questar to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27099 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–21–000]

Viking Gas Transmission Company; Notice of Request Under Blanket Authorization

October 17, 1996.

Take notice that on October 10, 1996, Viking Gas Transmission Company (Viking), 825 Rice Street, St. Paul, Minnesota 55117, filed in Docket No. CP97–21–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to add a new delivery point for firm transportation services for RDO Foods Co., a North Dakota corporation (RDO Foods) under Vikings' blanket certificate issued in Docket No. CP82–414–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Viking states that the new RDO Foods delivery point will be located in Grand Forks County, North Dakota at Milepost 2204A–101+15.18 on Viking's system. Viking states that RDO Foods has requested deliveries of up to 1,200 Dth of natural gas per day at the Grand Forks County, North Dakota delivery point. Viking also states that RDO Foods has agreed to reimburse Viking for the costs of the facilities, which consist of a two-inch hot tap, piping, valves, regulation, odorization, measurement, and data acquisition equipment. The estimated cost of these facilities is $144,000.

Viking further states that the total quantities to be delivered by Viking to RDO Foods after the establishment of the new delivery point will not exceed contract quantities, and the changes proposed are not prohibited by Viking's tariff. Viking also states that it has sufficient capacity in its system to accomplish delivery of gas to the proposed Grand Forks County delivery point without detriment or disadvantage to any of Viking's other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27102 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–23–000]

Williams Natural Gas Company; Notice of Request Under Blanket Authorization

October 17, 1996.

Take notice that on October 10, 1996, Williams Natural Gas Company (Applicant), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP97–23–000 a request pursuant to 157.205, 157.212 and 157.216 of the Commission's Regulations under the Natural Gas Act for authorization to (1) to relocate and reinstall the Glacier Petroleum Company, Inc. (Glacier) meter setting, and after relocation, (2) to abandon by sale to Glacier approximately 1.56 miles of the Thrall 3-inch lateral pipeline, all located in Greenwood County, Kansas, under blanket certificate issued in Docket No. CP82–479–000,[1] all as more fully set forth in the request for authorization on file with the Commission and open for public inspection.

Applicant proposes to reclaim the existing Glacier meter setting, originally installed in 1940 and replaced in 1986, from Section 28, Township 23 South, Range 10 East, and to reinstall it at the point where the 3-inch Thrall lateral pipeline branches off Applicant's 4-inch line in Section 16, Township 23 South, Range 10 East. Relocating the meter setting to Applicant's mainline will make it possible to sell in place to Glacier approximately 1.56 miles of 3-inch pipeline downstream of the relocated meter. Applicant states the 3-inch Thrall line was originally installed in 1940 and certificated in Docket No. G–298.

Applicant states the cost to relocate the Glacier meter setting is estimated to be $4,743. Since the existing meter setting will be reinstalled, any meter setting reclaim costs are included in the cost of construction. There are no reclaim costs associated with the pipeline since it will be sold in place for $10. Applicant states that the projected volume of delivery is not expected to exceed the current delivered volume. Applicant states that this change is not prohibited by its existing tariff and that it has sufficient capacity to accommodate the service proposed herein without determent or disadvantage to its other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27103 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[1] *See*, 20 FERC ¶ 62,592 (1982).

[Docket No. ER97–63–000, et al.]

Niagara Mohawk Power Corporation, et al.; Electric Rate and Corporate Regulation Filings

October 16, 1996.

Take notice that the following filings have been made with the Commission:

1. Niagara Mohawk Power Corporation

[Docket No. ER97–63–000]

Take notice that on October 7, 1996, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Service Agreement between NMPC and Williams Energy Services Company (WESCO). This Service Agreement specifies that WESCO has signed on to and has agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2. This Tariff, approved by FERC on April 15, 1994, and which has an effective date of March 13, 1993, will allow NMPC and WESCO to enter into separately scheduled transactions under which NMPC will sell to WESCO capacity and/or energy as the parties may mutually agree.

In its filing letter, NMPC also included a Certificate of Concurrence executed by the Purchaser.

NMPC requests an effective date of September 20, 1996. NMPC has

requested waiver of the notice requirements for good cause shown.

NMPC is serving copies of the filing upon the New York State Public Service Commission and WESCO.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Wisconsin Electric Power Company

[Docket No. ER97–64–000]

Take notice that on October 7, 1996, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an Electric Service Agreement and a Non-Firm Transmission Service Agreement between itself and National Gas & Electric L.P. The Electric Service Agreement provides for service under Wisconsin Electric's Coordination Sales Tariff. The Transmission Service Agreement allows National Gas & Electric L.P. to receive non-firm transmission service under Wisconsin Electric's FERC Electric Tariff, Original Volume No. 7.

Wisconsin Electric requests an effective date of sixty days from date of filing. Copies of the filing have been served on National Gas & Electric L.P., the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Wisconsin Electric Power Company

[Docket No. ER97–65–000]

Take notice that on October 7, 1996, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an Electric Service Agreement and a Non-Firm Transmission Service Agreement between itself and Power Company of America, L.P. The Electric Service Agreement provides for service under Wisconsin Electric's Coordination Sales Tariff. The Transmission Service Agreement allows Power Company of America, L.P. to receive non-firm transmission service under Wisconsin Electric's FERC Electric Tariff, Original Volume No. 7.

Wisconsin Electric requests an effective date of sixty days from date of filing. Copies of the filing have been served on Power Company of America, L.P., the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. New England Power Pool

[Docket No. ER97–66–000]

Take notice that on October 7, 1996, the New England Power Pool Executive Committee filed a signature page to the NEPOOL Agreement dated September 1, 1971, as amended, signed by Citizens Lehman Power Sales (Citizens Lehman). The New England Power Pool Agreement, as amended, has been designated NEPOOL FPC No. 2.

The Executive Committee states that acceptance of the signature page would permit Citizens Lehman to join the over 100 Participants already in the Pool. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make Citizens Lehman a Participant in the Pool. NEPOOL requests an effective date of November 1, 1996 for commencement of participation in the Pool by Citizens Lehman.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER97–67–000]

Take notice that on October 7, 1996, Virginia Electric and Power Company (Virginia Power), tendered for filing an executed version of the service agreement with Koch Power Services, Inc., which it had filed in unexecuted form on September 5, 1996.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Kansas City Power & Light Company

[Docket No. ER97–68–000]

Take notice that on October 7, 1996, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated September 17, 1996, between KCPL and Aquila Power Corporation (Aquila). KCPL proposes an effective date of September, 1996, and requests waiver of the Commission's notice requirement. This Agreement provides for the rates and charges for Non-Firm Transmission Service between KCPL and Aquila.

In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order 888 in Docket No. 0A96–6–000.

Comment date: October 30, 1996, in accordance with Standard paragraph E at the end of this notice.

7. Kansas City Power & Light Company

[Docket No. ER97–69–000]

Take notice that on October 7, 1996, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated September 16, 1996, between KCPL and Minnesota Power & Light Company (MP). KCPL proposes an effective date of September 16, 1996, and requests waiver of the Commission's notice requirement. This Agreement provides for the rates and charges for Non-Firm Transmission Service between KCPL and MP.

In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order 888 in Docket No. OA96–4–000.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Electric Power Company

[Docket No. ER97–70–000]

Take notice that on October 7, 1996, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a transmission service agreement and an electric service agreement between itself and Pennsylvania Power and Light Company (PP&L). The agreement establishes PP&L as a customer under Wisconsin Electric's transmission service tariff (FERC Electric Tariff, Original Volume No. 7) and Coordination Sales Tariff (FERC Electric Tariff, Original Volume No. 2).

Wisconsin Electric respectfully requests an effective date sixty days after filing. Wisconsin Electric is authorized to state that PP&L joins in the requested effective date.

Copies of the filing have been served on PP&L, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Company

[Docket No. ER97–71–000]

Take notice that on October 7, 1996, New England Power Company (NEP), filed an Interconnection Agreement between Green Mountain Power Corporation and NEP, under which the parties have agreed to the interconnection of a 6 MW facility in Searsburg, Vermont with NEP's transmission system. NEP requests an effective date of the day following the date of filing.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Niagara Mohawk Power Corporation

[Docket No. ER97–72–000]

Take notice that on October 7, 1996, Niagara Mohawk Power Corporation

(NMPC), tendered for filing with the Federal Energy Regulatory Commission, an executed Service Agreement between NMPC and Western Power Services, Inc. (Western). This Service Agreement specifies that Western has signed on to and has agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2. This Tariff, approved by FERC on April 15, 1994, and which has an effective date of March 13, 1993, will allow NMPC and Western to enter into separately scheduled transactions under which NMPC will sell to Western capacity and/or energy as the parties may mutually agree.

In its filing letter, NMPC also included a Certificate of Concurrence executed by the Purchaser.

NMPC requests an effective date of September 20, 1996. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC is serving copies of the filing upon the New York State Public Service Commission and Western.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Great Bay Power Corporation

[Docket No. ER97–73–000]

Take notice that on October 7, 1996, Great Bay Power Corporation (Great Bay), tendered for filing two service agreements between Central Maine Power Company and Great Bay and Massachusetts Municipal Wholesale Electric Company and Great Bay for service under Great Bay's revised Tariff for Short Term Sales. This Tariff was accepted for filing by the Commission on May 17, 1996, in Docket No. ER96–726–000. The service agreements are proposed to be effective October 1, 1996.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Entergy Services, Inc.

[Docket No. ER97–74–000]

Take notice that on October 7, 1996, Entergy Services, Inc. (Entergy Services), acting as agent for Entergy Gulf States, Inc., Entergy Mississippi, Inc., Entergy Arkansas, Inc., Entergy Louisiana, Inc., and Entergy New Orleans, Inc. (Entergy Operating Companies) tendered for filing the First Amendment to the Non-Firm Transmission Service Agreement between Entergy Services and Pan Energy Power Services, Inc. Entergy Services requests an effective date of September 9, 1996.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. PacifiCorp

[Docket No. ER97–76–000]

Take notice that on October 8, 1996, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, Service Agreements with AIG Trading Corporation and Citizens Lehman Power Sales under, PacifiCorp's FERC Electric Tariff, Original Volume No. 11.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464–6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Niagara Mohawk Power Corporation

[Docket No. ER97–77–000]

Take notice that on October 7, 1996, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission, an executed Transmission Service Agreement between NMPC and Energy Transfer Group, L.L.C. This Transmission Service Agreement specifies that Energy Transfer Group, L.L.C. has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 2, 1996, will allow NMPC and Energy Transfer Group, L.L.C. to enter into separately scheduled transactions under which NMPC will provide transmission service for Energy Transfer Group, L.L.C. as the parties may mutually agree.

NMPC requests an effective date of August 27, 1996. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and Energy Transfer Group, L.L.C.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Wisconsin Public Service Corporation

[Docket No. ER97–78–000]

Take notice that on October 7, 1996, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and Wisconsin Power & Light Company. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11. WPSC also filed a refund compliance report.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Arizona Public Service Company

[Docket No. ER97–79–000]

Take notice that on October 8, 1996, Arizona Public Service Company (APS), tendered for filing a Service Agreement to provide Non-Firm Point-to-Point Transmission Service to AIG Trading Corporation under APS' Open Access Transmission Tariff filed in Compliance with FERC Order No. 888.

A copy of this filing has been served on the above listed party and the Arizona Corporation Commission. APS requests that the Service Agreement become effective September 11, 1996.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Carolina Power & Light Company

[Docket No. ER97–80–000]

Take notice that on October 8, 1996, Carolina Power & Light Company (CP&L), tendered for filing separate Service Agreements for Non-Firm Point-to-Point Transmission Service executed between CP&L and the following Eligible Transmission Customer, Delhi Energy Services, Inc. Service to each Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER97–81–000]

Take notice that on October 8, 1996, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 14 to add two (2) new Customers to the Standard Generation

Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a waiver of notice requirements to make service available as of October 9, 1996, to National Gas & Electric L.P. and VTEC Energy, Inc.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Baltimore Gas and Electric Company

[Docket No. ER97–82–000]

Take notice that on October 8, 1996, Baltimore Gas and Electric Company (BGE), filed Service Agreements with: CNG Power Service Corporation, dated July 8, 1996; Western Power Services, Inc., dated July 19, 1996; Vastar Power Marketing, Inc., dated July 26, 1996; Pan Energy Power Services, Inc., dated August 26, 1996; The Cincinnati Gas & Electric Company and PSI Energy, Inc., dated August 26, 1996; Enron Power Marketing, Inc.; dated September 3, 1996; and National Gas & Electric L.P., dated September 3, 1996, under BGE's FERC Electric Tariff Original Volume No. 3 (Tariff). Under the tendered Service Agreements, BGE agrees to provide services to the parties to the Service Agreements under the provisions of the Tariff. BGE requests an effective date of September 8, 1996 for the Service Agreements. BGE states that a copy of the filing was served upon the Public Service Commission of Maryland.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, West Penn Power Company (Allegheny Power)

[Docket No. ER97–83–000]

Take notice that on October 8, 1996, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed a Request for Extension to respond to a Commission order issued in the above-referenced docket on September 12, 1996, concerning Supplement No. 12 to its Standard Generation Service Rate Schedule. If the extension is granted, Allegheny Power will file on November 11, 1996, a modified Standard Generation Service Rate Schedule reflecting current corporate functional unbundling practices.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: October 30, 1996, 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.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27097 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP96–153–000]

Southern Natural Gas Company; Environmental Site Visit for the Proposed North Alabama Pipeline Project

October 17, 1996.

On October 23, 1996, the Office of Pipeline Regulation staff will conduct an environmental site visit with affected landowners of the North Alabama Pipeline Project of the locations related to the facilities proposed in Walker and Tuscaloosa Counties, Alabama. All interested parties may attend. Those planning to attend must provide their own transportation.

Information about the proposed project is available from Ms. Alisa Lykens, Environmental Project Manager, at (202) 208–0766.

Kevin P. Madden,

Director, Office of Pipeline Regulation.

[FR Doc. 96–27143 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 10813–011]

City of Summersville; Notice of Availability of Final Environmental Assessment

October 17, 1996.

A final environmental assessment (FEA) is available for public review. The FEA is for an application an amendment to the license for the Summersville Hydroelectric Project (FERC No. 10813) to: (1) substitute two turbine/generator units for the four units in the license; (2) revise the project boundary to include 9.9 miles of new transmission line in place of the licensed 8-mile transmission line; and (3) delete license article 303. The project is located on the Gauley River in Nicholas County, West Virginia. The FEA finds that approval of the application would not constitute a major federal action significantly affecting the quality of the human environment.

The FEA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA can be viewed at the Commission's Reference and Information Center, Room 1C–1, 888 First Street, N.E., Washington, D.C., 20426. Copies can also be obtained by calling the project manager, Heather Campbell at (202) 219–3097.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27105 Filed 10–22–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 5638–8]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Construction Grants Delegation to States

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 the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget

(OMB) for review and approval: Construction Grants Delegation to States; OMB No. 2040–0095; approved for use through 12/31/96. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 22, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 0909.05.

SUPPLEMENTARY INFORMATION:

Title: Construction Grants Delegation to States; OMB No. 2040–0095; EPA ICR No. ICR 0909.05. This is a request for extension of a currently approved collection.

Abstract: The purpose of this ICR is to revise and extend the current clearance for the collection of information under the Construction Grants Program Delegation to States, 40 CFR part 35, subpart J, and Title II of the Clean Water Act (CWA). While the Construction Grants Program is being phased out and replaced by the State Revolving Loan Fund (SRF) program, collection activities for the Construction Grants Program must continue until program completion. The program includes reporting, monitoring and program requirements for municipalities and delegated States.

The information collection activities described in this ICR are authorized under Sections 205(g) and 518(e) of the Clean Water Act as amended, 33 U.S.C. 1251 et seq, and under 40 CFR part 35, subpart J. The requested information provides the minimum data necessary for the Federal government to maintain appropriate fiscal accountability for use of Section 205(g) construction grant funds. The information is also needed to assure adequate management overview of those State project review activities that are most important to fiscal and project integrity, design performance, Federal budget control, and attainment of national goals.

Managers at the State and Federal levels both rely on the information described in this ICR. State managers rely on the information for their own program and project administration. Federal managers rely on this information to assess, control, and predict the impacts of the construction grants program on the Federal Treasury and future budget requirements. Federal managers also use this information to respond to OMB and Congressional requests and to maintain fiscal accountability.

In addition, builders of wastewater treatment plants use the information discussed in this ICR. The builders of these plants assess and use the information in the Innovative/Alternative Technology Data Base File to obtain technical information on innovative or alternative wastewater treatment systems. 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 Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 8/7/96 (61 FR 153); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 58 hours per response. 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 purpose 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.

Respondents/Affected Entities: States and municipalities.

Estimated Number of Respondents: 44.

Frequency of Response: 137 per year.

Estimated Total Annual Hour Burden: 8,457 hours.

Estimated Total Annualized Cost Burden: $284,747.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0909.05 and OMB Control No. 2040–0095 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW., Washington, DC 20460 and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

Dated: October 17, 1996.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 96–27155 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5639–1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et, seq.). 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.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260–2740, please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTAL INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 0220.07; Clean Water Act Section 404 State-Assumed Programs; was approved 10/09/96; OMB No. 2040–0168; expires 10/31/99.

EPA ICR No. 1427.05; National Pollutant Discharge Elimination System (NPDES), Compliance Assessment/Certification Information; was approved 09/23/96; OMB No. 2040–0110; expires 09/30/99.

EPA ICR No. 0261.12; Notification of Regulated Waste Activity; was approved 10/09/96; OMB No. 2050–0028; expires 10/31/99.

EPA ICR No. 1704.03; Alternate Threshold for Low Annual Reportable Amounts, Toxic Chemical Release Reporting; was approved 10/01/96; OMB No. 2070–0143; expires 05/31/98.

EPA ICR No. 0616.06; Compliance Requirements for the Child-Resistant Packaging Act; was approved 10/01/96; OMB No. 2070–0052; expires 10/31/99.

EPA ICR No. 0783.35; Reporting and Recordkeeping Requirements for On-Road Heavy-Duty Engine No_X, PM and

HC. Emission Standards and Durability; was approved 10/02/96; OMB No. 2060–0104; expires 08/31/98.

EPA ICR No. 1655.03; Gasoline Detergents Certification Program (Final Rule); was approved 10/02/96; OMB No. 2060–0275; expires 10/31/99.

EPA ICR No. 1178.04; NSPS for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes—Subpart RRR; was approved 09/30/96; OMB No. 2060–0269; expires 09/30/99.

EPA ICR No. 0994.06; Beach Closing Survey Report on the Great Lakes; was approved 09/30/96; OMB No. 2090–0003; expires 09/30/99.

EPA ICR No. 0801.11; Requirements for Generators, Transporters, and Waste Management Facilities under the Hazardous Waste Manifest System; was approved 09/30/96; OMB No. 2050–0039; expires 09/30/99.

OMB Extension of Expiration Date

EPA ICR No. 1086.03; NSPS for Onshore Natural Gas Processing Plants, Equipment Leaks of VOC, and Emissions of SO_2; Reporting and Recordkeeping for Subparts KKK/LLL; expiration date was extended to 12/31/96.

OMB Disapproval

EPA ICR No. 1230.07; Proposed Revisions to Prevention of Significant Deterioration and Nonattainment Area New Source Review; was disapproved by OMB 09/30/96.

EPA Withdrawals

EPA ICR No. 0818.06; Hazardous Waste Industry Studies Information Collection Request; OMB No. 2050–0042; was withdrawn by EPA 07/31/96.

EPA ICR No. 1552.03; Pretesting and Evaluation of Risk Communication Activities; OMB No. 2010–0022; was withdrawn by EPA 08/15/96.

Dated: October 17, 1996.

Richard Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 96–27154 Filed 10–22–96; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

October 9, 1996.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. 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 control number.

FOR FURTHER INFORMATION CONTACT: Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0687

Expiration Date: 02/28/99.

Title: Access to Telecommunications Equipment and Services by Persons with Disabilities, CC Docket No. 87–124.

Form No.: N/A.

Estimated Annual Burden: 1,635,000 total annual hours; 2 hours per respondent (avg.); 806,100 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $638,500.

Description: In CC Docket No. 87–124, the Commission adopted rules that, among other things, require telephones with electro-magnetic coil hearing aid compatibility to be stamped with the letters HAC. Section 68.112(b)(3)(E) requires that employees with fifteen or more employees provide emergency telephones for use by employees with hearing disabilities and that the employers ''designate'' such telephones for emergency use. Section 68.224(a) requires a notice to be contained on the surface of the packaging of a non-hearing aid compatible telephone that the telephone is not hearing aid compatible.

OMB Control No.: 3060–0400

Expiration Date: 09/30/99.

Title: Tariff Review Plan.

Form No.: N/A.

Estimated Annual Burden: 3,172 total annual hours; 61 hour per respondent (avg.); 52 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Description: Certain local exchange carriers are required annually to submit Tariff Review Plan in partial fulfillment of cost support material required by 47 CFR Part 61. The information is used by FCC and the public to determine the justness and reasonableness of rates, terms and conditions in tariffs as required by the Communications Act of 1934, as amended.

OMB Control No.: 3060–0734

Expiration Date: 09/30/99.

Title: Implementation of the Telecommunications Act of 1996: Accounting Safeguards Under the Telecommunications Act of 1996—CC Docket No. 96–150.

Form No.: N/A.

Estimated Annual Burden: 140,419 total annual hours; 2988 hours per respondent (avg.); 47 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $632,500.

Description: OMB approved the requirements contained in the Notice of Proposed Rulemaking (NPRM) issued in CC Docket No. 96–150. In the NPRM, the Commission considered rules to implement the accounting safeguards provisions of Sections 260 and 271 through 276 of the Telecommunications Act of 1996. These provisions relate to the carriers entry into the following services: interLATA telecommunications and information services, telecommunications equipment and customer premises equipment manufacturing, electronic publishing, alarm monitoring services and payphone service. The NPRM sought comment on certain reporting requirements to implement the accounting safeguards provisions of Sections 260 and 271 through 276 of the 1996 Act.

OMB Control No.: 3060–0736

Expiration Date: 09/30/99.

Title: Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communication Act of 1934, as amended—CC Docket No. 96–149.

Form No.: N/A.

Estimated Annual Burden: 555 total annual hours; 111 hours per respondent (avg.); 5 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Description: OMB approved the requirements contained in the Notice of Proposed Rulemaking (NPRM) issued in CC Docket No. 96–149. In the NPRM, the Commission solicited comment on several collections of information including network disclosure, installation and maintenance reporting, procurement procedures, nondiscriminatory information provisions, and third party reporting, compliance monitoring and other information collection requirements. All of the collections are to be used to ensure that Bell Operating Companies comply with the nondiscrimination requirements under the Telecommunications Act of 1996.

OMB Control No.: 3060–0738

Expiration Date: 09/30/99.

Title: Implementation of the Telecommunications Act of 1996: Telemessaging, Electronic Publishing, and Alarm Monitoring Services—CC Docket No. 96–152.

Form No.: N/A.

Estimated Annual Burden: 88,200 total annual hours; 63 hours per respondent (avg.); 1400 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Description: OMB approved the requirements contained in the Notice of Proposed Rulemaking (Notice) issued in CC Docket No. 96–152. In the Notice, the Commission sought comment on, among other things, whether nondiscrimination safeguards under the Computer III regulatory regime and Open Network Architecture (''ONA'') are consistent with the nondiscrimination requirements of Sections 260 and 275 of the Telecommunications Act of 1996 relating to provision by incumbent LECs of telemessaging and alarm monitoring, and Section 274, relating to BOC provision of electronic publishing. The Notice sought comment on the following requirements: installation and maintenance reporting, network disclosure, annual report, and a biannual tariff report. All the requirements are to be used to ensure that incumbent LECs comply with the nondiscrimination requirements under Sections 260 and 275 of the 1996 Act, and that BOCs comply with the nondiscrimination requirements of Section 274.

OMB Control No.: 3060–0720

Expiration Date: 09/30/99.

Title: Report of Bell Operating Companies of Modified Comparably Efficient Interconnection Plans.

Form No.: N/A.

Estimated Annual Burden: 42 total annual hours; 6 hours per respondent (avg.); 7 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Description: Bell Operating Companies (BOC) must submit initial Comparably Efficient Interconnection (CEI) plans describing how they intend to comply with CEI equal access parameters with regard to payphones. This will ensure that the BOCs do not discriminate in favor of its own payphones.

OMB Control No.: 3060–0722

Expiration Date: 08/31/99.

Title: Initial Report of Bell Operating Companies of Comparably Efficient Interconnect Plans.

Form No.: N/A.

Estimated Annual Burden: 350 total annual hours; 50 hours per respondent (avg.); 7 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Description: Bell Operating Companies (''BOCs) must submit initial Comparably Efficient Interconnection (CEI) plans describing how they intend to comply with CEI equal acccess parameters with regard to payphones. This will ensure that the BOCs do not discriminate in favor of its own payphones.

OMB Control No.: 3060–0725

Expiration Date: 08/31/99.

Title: Annual Filing of Nondiscrimination Reports (on Quality of Service, Installation, and Maintenance) by Bell Operating Companies.

Form No.: N/A.

Estimated Annual Burden: 350 total annual hours; 50 hours per respondent (avg.); 7 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Description: Bell Operating Companies (BOCs) must submit non-discrimination report with regard to payphones. This will prevent BOCs from discriminating in favor of their own payphones.

OMB Control No.: 3060–0701

Expiration Date: 05/31/99.

Title: Revision of Filing Requirements—CC Docket No. 96–23.

Form No.: FCC Form 492.

Estimated Annual Burden: 45,686 total annual hours; 387 hours per respondent (avg.); 118 respondents.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Description: OMB approved the Commission's proposal in CC Docket No. 96–23 to eliminate certain reporting requirements and to reduce the frequency of other reporting requirements. These reporting requirements are variously applicable to interexchange carriers, Bell Operating Companies, other local telephone companies, and record carriers. The actions will improve the quality of information available to the Commission, while at the same time reducing the reporting burden imposed on carriers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–27137 Filed 10–22–96; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: 10:00 a.m.—November 6, 1996.

PLACE: Hearing Room One—800 North Capitol Street, N.W., Washington, D.C.

STATUS: Closed.

MATTER(S) TO BE CONSIDERED: 1. Docket No. 90–08—*Military Sealift Command* v. *Sea-Land Service, Inc., et al.*—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Joseph C. Polking,

Secretary.

[FR Doc. 96–27255 Filed 10–18–96; 5:11 pm]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 6, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Gary Najeeb Solomon and Martha Newman Solomon, New Orleans, Louisiana; to acquire an additional 21.62 percent, for a total of 43.25 percent, of the voting shares of CB&T Holding Corporation, New Orleans, Louisiana, and thereby indirectly acquire Crescent Bank & Trust, New Orleans, Louisiana.

Board of Governors of the Federal Reserve System, October 17, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–27113 Filed 10-22-96; 8:45 am]

BILLING CODE 6210-01-F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*)

(BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 15, 1996.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Menomonie Financial Services Inc., Retirement Plan, Menomonie, Wisconsin; to become a bank holding company by acquiring an additional 19 percent, for a total of 25.67 percent of the voting shares of Menomonie Shares, Inc., Menomonie, Wisconsin, Menomonie Financial Services, Inc., Menomonie, Wisconsin, and thereby indirectly acquire First Bank and Trust, Menomonie, Wisconsin.

2. Norwest Corporation, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of West Columbia National Bank, West Columbia, Texas.

Board of Governors of the Federal Reserve System, October 17, 1996.

Jennifer J. Johnson

Deputy Secretary of the Board

[FR Doc. 96–27112 Filed 10-22-96; 8:45 am]

BILLING CODE 6210-01-F

Notice of Proposals to Engage in Permissible Nonbanking Activities or To Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 6, 1996.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Capitol Bancorporation, Inc., Britton, South Dakota; to engage *de novo* in lending activities, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. Fulda Bancorporation, Inc., Britton, South Dakota; to engage *de novo* in lending activities, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 17, 1996.

Jennifer J. Johnson

Deputy Secretary of the Board

[FR Doc. 96–27111 Filed 10-22-96; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee for Energy-Related Epidemiologic Research: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Advisory Committee for Energy-Related Epidemiologic Research.

Times and Dates: 9 a.m.–5 p.m., November 7, 1996. 9 a.m.–12 noon, November 8, 1996.

Place: Radisson Barcelo Hotel, 2121 P Street NW., Washington, DC 20037, telephone 202/293–3100, FAX 202/857–0134.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: This committee is charged with providing advice and recommendations to the Secretary of Health and Human Services (HHS); the Assistant Secretary for Health; the Director, CDC; and the Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), on the establishment of a research agenda and the conduct of a research program pertaining to energy-related analytic epidemiologic studies. The Committee will take into consideration information and proposals provided by the Advisory Committee for Environment, Safety, and Health which was established by the Department of Energy (DOE) under the guidelines of a Memorandum of Understanding between HHS and DOE, and other agencies and organizations, regarding the direction HHS should take in establishing the research agenda and in the development of a research plan.

Matters to be Discussed: Agenda items will include: updates on the progress of current

studies from the National Center for Environmental Health (NCEH), the National Institute for Occupational Safety and Health, and ATSDR; a discussion of Work Group recommendations, and public involvement activities.

Agenda items are subject to change as priorities dictate.

An unavoidable administrative delay prevented meeting the 15-day publication requirement.

Contact Person for More Information: Nadine Dickerson, Program Analyst, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, (F–35), Atlanta, Georgia 30341–3724, telephone 770/488–7040, FAX 770/488–7044.

Dated: October 18, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–27272 Filed 10–22–96; 8:45 am]

BILLING CODE 4163–18–M

Health Care Financing Administration

[OACT–052–N]

RIN 0938–AH42

Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 1997

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: As required by section 1839 of the Social Security Act, this notice announces the monthly actuarial rates for aged (age 65 or over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for 1997. It also announces the monthly SMI premium rate to be paid by all enrollees during 1997. The monthly actuarial rates for 1997 are $87.50 for aged enrollees and $110.40 for disabled enrollees. The monthly SMI premium rate for 1997 is $43.80.

EFFECTIVE DATE: January 1, 1997.

Copies: To order copies of the Federal Register containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost for each copy is $8. As an alternative, you can view and photocopy the Federal Register document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the Federal Register.

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FOR FURTHER INFORMATION CONTACT: Carter S. Warfield, (410) 786–6396.

SUPPLEMENTARY INFORMATION:

I. Background

The Medicare Supplementary Medical Insurance (SMI) program is the voluntary Medicare part B program that pays all or part of the costs for physicians' services, outpatient hospital services, home health services, services furnished by rural health clinics, ambulatory surgical centers, comprehensive outpatient rehabilitation facilities, and certain other medical and health services not covered by hospital insurance (Medicare Part A). The SMI program is available to individuals who are entitled to hospital insurance and to U.S. residents who have attained age 65 and are citizens, or aliens who were lawfully admitted for permanent residence and have resided in the United States for 5 consecutive years. This program requires enrollment and payment of monthly premiums, as provided in 42 CFR part 407, subpart B, and part 408, respectively. The difference between the premiums paid by all enrollees and total incurred costs is met from the general revenues of the Federal government.

The Secretary of Health and Human Services is required by section 1839 of the Social Security Act (the Act) to issue two annual notices relating to the SMI program.

One notice announces two amounts that, according to actuarial estimates, will equal respectively, one-half the expected average monthly cost of SMI for each aged enrollee (age 65 or over) and one-half the expected average monthly cost of SMI for each disabled enrollee (under age 65) during the year beginning the following January. These amounts are called ''monthly actuarial rates.''

The second notice announces the monthly SMI premium rate to be paid by aged and disabled enrollees for the year beginning the following January. (Although the costs to the program per disabled enrollee are different than for the aged, the law provides that they pay the same premium amount.) Beginning with the passage of section 203 of the Social Security Amendments of 1972 (Public Law 92–603), enacted on October 30, 1972, the premium rate, which was determined on a fiscal year basis, was limited to the lesser of the actuarial rate for aged enrollees, or the current monthly premium rate increased by the same percentage as the most recent general increase in monthly title II social security benefits.

However, the passage of section 124 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) (Public Law 97–248), enacted on September 3, 1982, suspended this premium determination process. Section 124 of TEFRA changed the premium basis to 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees). Section 606 of the Social Security Amendments of 1983 (Public Law 98–21), enacted on April 20, 1983; section 2302 of the Deficit Reduction Act of 1984 (DRA) (Public Law 98–369), enacted on July 18, 1984; section 9313 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA 1985) (Public Law 99–272), enacted on April 7, 1986; section 4080 of the Omnibus Budget Reconciliation Act of 1987 (OBRA 1987) (Public Law 100–203), enacted on December 22, 1987; and section 6301 of the Omnibus Budget Reconciliation Act of 1989 (OBRA 1989) (Public Law 101–239), enacted on December 19, 1989, extended the provision that the premium be based on 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees). This extension expired at the end of 1990.

The premium rate for 1991 through 1995 was legislated by section 1839(e)(1)(B) of the Act, as added by section 4301 of the Omnibus Budget

Reconciliation Act of 1990 (OBRA 1990) (Public Law 101–508), enacted on November 5, 1990. In January 1996, the premium determination basis would have reverted to the method established by the 1972 Social Security Act Amendments. However, section 13571 of the Omnibus Budget Reconciliation Act of 1993 (OBRA 1993) (Public Law 103–66), enacted on August 10, 1993, changed the premium basis to 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees) for 1996 through 1998. In January 1999, the premium determination basis will revert to the method established by the 1972 Social Security Act Amendments.

As determined according to section 1839(a)(3) of the Act, the premium rate for 1997 is $43.80.

A further provision affecting the calculation of the SMI premium is section 1839(f) of the Act, as amended by section 211 of the Medicare Catastrophic Coverage Act of 1988 (Public Law 100–360), enacted on July 1, 1988. (The Medicare Catastrophic Coverage Repeal Act of 1989 (Public Law 101–234), enacted on December 13, 1989, did not repeal the revisions to section 1839(f) made by Public Law 100–360.) Section 1839(f) provides that if an individual is entitled to benefits under section 202 or 223 of the Act (the Old-Age and Survivors Insurance Benefit and the Disability Insurance Benefit, respectively) and has the SMI premiums deducted from these benefit payments, the premium increase will be reduced to avoid causing a decrease in the individual's net monthly payment. This occurs if the increase in the individual's social security benefit due to the cost-of-living adjustment under section 215(i) of the Act is less than the increase in the premium. Specifically, the reduction in the premium amount applies if the individual is entitled to benefits under section 202 or 223 of the Act for November and December of a particular year and the individual's SMI premiums for December and the following January are deducted from the respective month's section 202 or 223 benefits. (A check for benefits under section 202 or 223 is received in the month following the month for which the benefits are due. The SMI premium that is deducted from a particular check is the SMI payment for the month in which the check is received. Therefore, a benefit check for November is not received until December, but has the December's SMI premium deducted from it.) (This change, in effect, perpetuates former amendments that prohibited SMI premium increases from reducing an individual's benefits in years in which the dollar amount of the individual's cost-of-living increase in benefits was not at least as great as the dollar amount of the individual's SMI premium increase.)

Generally, if a beneficiary qualifies for this protection (that is, the beneficiary must have been in current payment status for November and December of the previous year), the reduced premium for the individual for that January and for each of the succeeding 11 months for which he or she is entitled to benefits under section 202 or 223 of the Act is the greater of the following:

(1) The monthly premium for January reduced as necessary to make the December monthly benefits, after the deduction of the SMI premium for January, at least equal to the preceding November's monthly benefits, after the deduction of the SMI premium for December; or

(2) The monthly premium for that individual for that December.

In determining the premium limitations under section 1839(f) of the Act, the monthly benefits to which an individual is entitled under section 202 or 223 do not include retroactive adjustments or payments and deductions on account of work. Also, once the monthly premium amount has been established under section 1839(f) of the Act, it will not be changed during the year even if there are retroactive adjustments or payments and deductions on account of work that apply to the individual's monthly benefits.

Individuals who have enrolled in the SMI program late or have reenrolled after the termination of a coverage period are subject to an increased premium under section 1839(b) of the Act. That increase is a percentage of the premium and is based on the new premium rate before any reductions under section 1839(f) are made.

II. Notice of Monthly Actuarial Rates and Monthly Premium Rate

The monthly actuarial rates applicable for 1997 are $87.60 for enrollees age 65 and over, and $110.40 for disabled enrollees under age 65. Section III of this notice gives the actuarial assumptions and bases from which these rates are derived. The monthly premium rate will be $43.80 during 1997.

III. Statement of Actuarial Assumptions and Bases Employed in Determining the Monthly Actuarial Rates and the Monthly Premium Rate for the Supplementary Medical Insurance Program Beginning January 1997

A. Actuarial Status of the Supplementary Medical Insurance Trust Fund

Under the law, the starting point for determining the monthly premium is the amount that would be necessary to finance the SMI program on an incurred basis; that is, the amount of income that would be sufficient to pay for services furnished during that year (including associated administrative costs) even though payment for some of these services will not be made until after the close of the year. The portion of income required to cover benefits not paid until after the close of the year is added to the trust fund and used when needed.

The rates are established prospectively and are, therefore, subject to projection error. Additionally, legislation enacted after the financing has been established but, effective for the period for which the financing has been set, may affect program costs. As a result, the income to the program may not equal incurred costs. Therefore, trust fund assets should be maintained at a level that is adequate to cover a moderate degree of variation between actual and projected costs in addition to the amount of incurred but unpaid expenses. An appropriate level for assets to cover a moderate degree of variation between actual and projected costs depends on numerous factors. The most important of these factors are: (1) The difference from prior years between the actual performance of the program and estimates made at the time financing was established, and (2) the expected relationship between incurred and cash expenditures. Ongoing analysis is made of the former as the trends in the differences vary over time.

Table 1 summarizes the estimated actuarial status of the trust fund as of the end of the financing period for 1995 and 1996.

TABLE 1.—ESTIMATED ACTUARIAL STATUS OF THE SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND AS OF THE END OF THE FINANCING PERIOD

[In billions of dollars]

Financing period ending	Assets	Liabilities	Assets less liabilities
Dec. 31, 1995	$20.023	$2.726	$17.297
Dec. 31, 1996	25.078	3.596	21.482

B. Monthly Actuarial Rate for Enrollees Age 65 and Older

The monthly actuarial rate for enrollees age 65 and older is one-half of the monthly projected cost of benefits and administrative expenses for each enrollee age 65 and older, adjusted to allow for interest earnings on assets in the trust fund and a contingency margin. The contingency margin is an amount appropriate to provide for a moderate degree of variation between actual and projected costs and to amortize any surplus or unfunded liabilities.

The monthly actuarial rate for enrollees age 65 and older for 1997 was determined by first establishing per-enrollee cost by type of service from program data through 1994 and then projecting these costs for subsequent years. Although the actuarial rates are now applicable for calendar years, projections of per-enrollee costs were determined on a July to June period, consistent with the July annual fee screen update used for benefits before the passage of section 2306(b) of Public Law 98–369.

Accordingly, the values for the 12-month period ending June 30, 1994 were established from program data, and subsequent periods were projected using a combination of program data and data from external sources. The projection factors used are shown in Table 2. Those per-enrollee values are then adjusted to apply to a calendar year period. The projected values for financing periods from January 1, 1994, through December 31, 1997, are shown in Table 3.

The projected monthly rate required to pay for one-half of the total of benefits and administrative costs for enrollees age 65 and over for 1997 is $89.27. The monthly actuarial rate of $87.60 provides an adjustment of −$1.54 for interest earnings and −$0.13 for a contingency margin. Based on current estimates, it appears that the assets are more than sufficient to cover the amount of incurred but unpaid expenses and to provide for a moderate degree of variation between actual and projected costs. Thus, a negative contingency margin is needed to reduce assets to a more appropriate level.

C. Monthly Actuarial Rate for Disabled Enrollees

Disabled enrollees are those persons enrolled in SMI because of entitlement (before age 65) to disability benefits for more than 24 months or because of entitlement to Medicare under the end-stage renal disease program. Projected monthly costs for disabled enrollees (other than those suffering from end-stage renal disease) are prepared in a fashion exactly parallel to the projection for the aged, using appropriate actuarial assumptions (see Table 2). Costs for the end-stage renal disease program are projected differently because of the different nature of services offered by the program. The combined results for all disabled enrollees are shown in Table 4.

The projected monthly rate required to pay for one-half of the total of benefits and administrative costs for disabled enrollees for 1997 is $110.28. The monthly actuarial rate of $110.40 provides an adjustment of −$0.82 for interest earnings and $0.94 for a contingency margin. Based on current estimates, it appears that assets alone are not sufficient to cover the amount of incurred but unpaid expenses and to provide for a moderate degree of variation between actual and projected costs. Thus, a positive contingency margin is needed to build assets to more appropriate levels.

D. Sensitivity Testing

Several factors contribute to uncertainty about future trends in medical care costs. In view of this, it is appropriate to test the adequacy of the rates announced here using alternative assumptions. The most unpredictable factors that contribute significantly to future costs are outpatient hospital costs, physician residual (as defined in Table 2), and increases in physician fees as governed by the program's physician fee schedule that began implementation January 1, 1992. Two alternative sets of assumptions and the results of those assumptions are shown in Table 5. One set represents increases that are lower and is, therefore, more optimistic than the current estimate. The other set represents increases that are higher and is, therefore, more pessimistic than the current version. The values for the alternative assumptions were determined by studying the average historical variation between actual and projected increases in the respective increase factors. All assumptions not shown in Table 5 are the same as in Table 2.

Table 5 indicates that, under the assumptions used in preparing this report, the monthly actuarial rates would result in an excess of assets over liabilities of $21.453 billion by the end of December 1997. This amounts to 24.2 percent of the estimated total incurred expenditures for the following year. Assumptions that are somewhat more pessimistic (and, therefore, test the adequacy of the assets to accommodate projection errors) produce a surplus of $7.538 billion by the end of December 1997, which amounts to 7.7 percent of the estimated total incurred expenditures for the following year. Under fairly optimistic assumptions, the monthly actuarial rates would result in a surplus of $34.382 billion by the end of December 1997, which amounts to 42.7 percent of the estimated total incurred expenditures for the following year.

E. Premium Rate

As determined by section 1839(a)(3) of the Act, the monthly premium rate for 1997, for both aged and disabled enrollees, is $43.80.

BILLING CODE 4120–01–M

Table 2.--PROJECTION FACTORS 1/
12-MONTH PERIODS ENDING JUNE 30 OF 1994-1998
(In Percent)

12-month period ending June 30	Physicians' Services		Outpatient hospital services	Home health agency services 4/	Group practice prepayment plans	Independent lab services
	Fees 2/	Residual 3/				
Aged:						
1994	2.7	2.9	6.7	3.5	15.1	0.3
1995	4.4	2.7	12.6	78.8	11.6	3.0
1996	2.1	1.1	5.7	15.3	42.2	3.3
1997	0.5	5.9	10.0	16.5	18.5	9.9
1998	0.9	5.5	10.1	16.8	16.7	10.3
Disabled:						
1994	2.7	2.7	4.5	0.0	0.7	5.2
1995	4.4	4.6	16.4	0.0	2.3	3.8
1996	2.1	-0.3	9.4	0.0	20.4	1.6
1997	0.5	4.6	13.9	0.0	12.6	12.1
1998	0.9	3.5	13.4	0.0	11.7	11.7

1/ All values are per enrollee.
2/ As recognized for payment under the program.
3/ Increase in the number of services received per enrollee and greater relative use of more expensive services.
4/ Since July 1, 1981, home health agency services have been almost exclusively provided by the Medicare hospital insurance (HI) program. However, for those SMI enrollees not entitled to HI, the coverage of these services is provided by the SMI program. Since all SMI disabled enrollees are entitled to HI, their coverage of these services is provided by the HI program.

Table 3.--DERIVATION OF MONTHLY ACTUARIAL RATE FOR ENROLLEES AGE 65 AND OVER FINANCING PERIODS ENDING DECEMBER 31, 1994 THROUGH DECEMBER 31, 1997

	Financing Periods			
	CY 1994	CY 1995	CY 1996	CY 1997
Covered services (at level recognized):				
Physicians' reasonable charges	$56.41	$59.31	$62.18	$66.17
Outpatient hospital and other institutions	18.89	20.58	22.20	24.43
Home health agencies	0.21	0.29	0.33	0.39
Group practice prepayment plans	9.19	11.74	15.06	17.70
Independent lab	2.47	2.55	2.72	3.00
Total services	87.17	94.47	102.49	111.69
Cost-sharing:				
Deductible	-3.70	-3.72	-3.74	-3.76
Coinsurance	-15.87	-17.29	-18.84	-20.59
Total benefits	67.60	73.46	79.91	87.34
Administrative expenses	1.87	1.82	1.86	1.93
Incurred expenditures	69.47	75.28	81.77	89.27
Value of interest	-2.49	-2.04	-1.98	-1.54
Contingency margin for projection error and to amortize the surplus or deficit	-5.18	-0.14	5.11	-0.13
Monthly actuarial rate	$61.80	$73.10	$84.90	87.60

OACT052N.N mat September 18, 1996 18

Table 4.--DERIVATION OF MONTHLY ACTUARIAL RATE FOR DISABLED ENROLLEES FINANCING PERIODS ENDING DECEMBER 31, 1994 THROUGH DECEMBER 31, 1997

	Financing Periods			
	CY 1994	CY 1995	CY 1996	CY 1997
Covered services (at level recognized):				
Physicians' reasonable charges	$64.66	$68.73	$71.91	$75.37
Outpatient hospital and other institutions	43.09	46.65	50.62	55.38
Home health agencies	0.00	0.00	0.00	0.00
Group practice prepayment plans	2.10	2.34	2.72	3.05
Independent lab	2.95	3.08	3.30	3.63
Total services	112.80	120.80	128.55	137.43
Cost-sharing:				
Deductible	-3.50	-3.52	-3.54	-3.56
Coinsurance	-21.19	-22.77	-24.27	-25.98
Total benefits	88.11	94.51	100.74	107.89
Administrative expenses	2.43	2.34	2.35	2.39
Incurred expenditures	90.54	96.85	103.09	110.28
Value of interest	-1.62	-0.30	-1.03	-0.82
Contingency margin for projection error and to amortize the surplus or deficit	-12.82	9.25	3.04	0.94
Monthly actuarial rate	$76.10	$105.80	$105.10	$110.40

Table 5.--ACTUARIAL STATUS OF THE SMI TRUST FUND UNDER THREE SETS OF ASSUMPTIONS FOR FINANCING PERIODS THROUGH DECEMBER 31, 1997

	This projection			Low cost projection			High cost projection		
	12-Month period ending June 30,			12-Month period ending June 30,			12-Month period ending June 30,		
	1996	1997	1998	1996	1997	1998	1996	1997	1998
Projection factors (in percent):									
Physician fees 1/									
Aged	2.1	0.5	0.9	1.9	-0.7	-0.9	2.4	1.7	2.7
Disabled	2.1	0.5	0.9	1.9	-0.7	-0.9	2.4	1.7	2.7
Utilization of physician services 2/									
Aged	1.1	5.9	5.5	-0.7	3.7	3.0	2.9	8.1	7.9
Disabled	-0.3	4.6	3.5	-3.2	1.7	0.4	2.7	7.6	6.5
Outpatient hospital services per enrollee									
Aged	5.7	10.0	10.1	1.3	5.4	5.2	10.1	14.5	15.1
Disabled	9.4	13.9	13.4	4.0	8.3	7.8	14.7	19.5	19.1
	As of December 31,			As of December 31,			As of December 31,		
	1995	1996	1997	1995	1996	1997	1995	1996	1997
Actuarial status (in billions):									
Assets	$20.023	$25.078	$25.666	$20.023	$28.748	$35.998	$20.023	$21.209	$14.414
Liabilities	2.726	3.596	4.213	0.409	1.165	1.616	5.082	6.072	6.876
Assets less liabilities	$17.297	$21.482	$21.453	$19.614	$27.583	$34.382	14.941	$15.137	$7.538
Ratio of assets less liabilities to expenditures (in percent) 3/	23.7	26.7	24.2	28.3	37.2	42.7	19.4	17.3	7.7

1/ As recognized for payment under the program.
2/ Increase in the number of services received per enrollee and greater relative use of more expensive services.
3/ Ratio of assets less liabilities at the end of the year to total incurred expenditures during the following year, expressed as a percent.

IV. Waiver of Notice of Proposed Rulemaking

The Medicare statute, as discussed previously, requires publication of the monthly actuarial rates and the Part B premium amount in September. The amounts are determined according to the statute. As has been our custom, we use general notices, rather than formal notice and comment rulemaking procedures, to make such announcements. In doing so, we acknowledge that, under the Administrative Procedure Act, interpretive rules, general statements of policy, and rules of agency organization, procedure or practice are excepted from the requirements of notice and comment rulemaking.

We considered publishing a proposed notice to provide a period for public comment. However, we may waive that procedure if we find good cause that prior notice and comment are impracticable, unnecessary, or contrary to the public interest. We find that the procedure for notice and comment is unnecessary because the formula used to calculate the SMI premium is statutorily directed, and we can exercise no discretion in following that formula. Moreover, the statute establishes the time period for which the premium rates will apply and delaying publication of the SMI premium rate would be contrary to the public interest. Therefore, we find good cause to waive publication of a proposed notice and solicitation of public comments.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

(Section 1839 of the Social Security Act; 42 U.S.C. 1395r)

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance)

Dated: September 26, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Dated: October 2, 1996.

Donna E. Shalala,

Secretary.

[FR Doc. 96–27290 Filed 10–21–96; 12:15 pm]

BILLING CODE 4120–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4012–N–03]

Office of the Assistant Secretary for Community Planning and Development; Announcement of Funding Awards for Housing Opportunities for Persons With AIDS Program Fiscal Year 1996

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this notice announces the funding decisions made by the Department in a competition for funding under the Fiscal Year 1996 Housing Opportunities for Persons with AIDS (HOPWA) program. The notice contains the names of award winners and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: Fred Karnas, Jr., Director, Office of HIV/TAIDS Housing, Department of Housing and Urban Development, Room 7154, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 708–1934. The TDD number for the hearing impaired is (202) 708–2565. (These are not toll-free numbers). Information on HOPWA, community development and consolidated planning, and other HUD programs may also be obtained from the Community Connections information center at 1–800–998–9999 (voice) or 1–800–483–2209 (TDD); by e-mail at amcom@aspensys.com; or by internet at gopher://amcom.aspensys.com. The HUD Home Page address on the World Wide Web is http://www.hud.gov.

SUPPLEMENTARY INFORMATION: The purpose of the competition was to award grants for housing assistance and supportive services by three types of projects: (1) Grants for special projects of national significance which, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the needs of low-income persons living with HIV/AIDS and their families; (2) grants for Special Projects of National Significance—HIV Multiple-Diagnoses Initiative (MDI) which, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the needs of low-income persons living with HIV/AIDS and their families who are also homeless and have chronic alcohol and/or other drug abuse problems and/or serious mental illness; and (3) grants for projects which are part of long-term comprehensive strategies for providing housing and related services for low-income persons living with HIV/AIDS and their families in areas that do not receive HOPWA formula allocations.

The HIV Multiple-Diagnoses Initiative is a new feature of the national HOPWA competition and it responds to recommendations expressed during the 1995 White House Conference on HIV and AIDS, to recommendations to HUD by residents and providers of HIV/AIDS housing, and to recommendations and a survey of priority unmet needs of homeless providers and advocates cited in Priority: Home! The Federal Plan to Break the Cycle of Homelessness, issued by the Interagency Council on the Homeless in March, 1994. The HIV Multiple-Diagnoses Initiative is a collaborative effort between HUD and the Department of Health and Human Services to establish, evaluate and disseminate information on model programs to provide the integration of health care and other supportive services with housing assistance for eligible persons. The initiative targets assistance to homeless persons who often have complex needs and for whom service systems are often least developed.

The announced HOPWA assistance is being offered in conjunction with related assistance being announced under the Special Projects of National Significance component of the Ryan White CARE Act under Department of Health and Human Services notices. HHS will fund an Evaluation Technical Assistance Center which will undertake national and multi-site evaluations of the HHS Special Projects of National Significance, including grants for Housing for Homeless Persons with HIV/AIDS and Substance Abuse and/or Mental Illness, and the MDI projects selected under this HUD initiative.

The HOPWA assistance made available in this announcement is authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), as amended by the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and was appropriated by the HUD appropriations act for 1996, the ''Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes'' (Pub. L. 104–134, approved April 26, 1996). The competition was announced in a Notice of Funding Availability (NOFA) published in the Federal Register on February 28, 1996 (61 FR 7664). Applications were rated and selected for funding on the basis of

selection criteria contained in that Notice.

A total of $17,100,000 was awarded for 19 applications under three categories of assistance: $8,171,233 in 8 grants for Special Projects of National Significance—HIV Multiple-Diagnoses Initiative; $7,893,393 in 9 grants for Special Projects of National Significance; and $1,035,374 in 2 grants for Projects which are part of Long-term Comprehensive Strategies for providing housing and related services in areas that do not receive HOPWA formula allocations. The Housing Opportunities for Persons with AIDS is listed in the Catalog of Federal Domestic Assistance 14.241.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing the grantees and amounts of the awards as follows:

FY 1996 HOPWA COMPETITIVE GRANTS

Grant recipient	Project location	Award amount
Awards for Projects That are Part of Long Term Comprehensive Strategies		
Pima County Community Services Division	Tucson, Arizona	$538,902
Burlington Housing Authority	Burlington, Vermont	496,472
Total 1996 Long Term Awards	2 Grants	$1,035,374
Awards for Special Projects of National Significance		
Alameda County Planning Department	Oakland/Alameda Co. California	1,093,125
West Hollywood Community Housing Corporation	West Hollywood, California	1,076,200
City of Savannah	Savannah, Georgia	750,000
Maryland Department of Health and Mental Hygiene	State-wide Maryland	976,800
Santa Fe Community Housing Trust	Sante Fe, New Mexico	1,030,000
The Actors' Fund of America	New York City	750,000
Bailey House, Inc.	New York City and other sites to be selected nation-wide.	717,268
Asociacion de Puertorriquenos en Marcha	Philadelphia, Pennsylvania	750,000
Bailey-Boushay House	Seattle, Washington	750,000
Total 1996 SPNS Awards	9 Grants	7,893,393
Awards for Special Projects of National Significance—HIV Multiple-Diagnoses Initiative		
Bernal Heights Housing Corporation	San Francisco, California	845,541
Lutheran Social Services of Northern California	San Francisco, California	1,200,000
Housing Authority of Santa Cruz	Santa Cruz Co., California	750,000
Housing & Services Inc. (of South Florida)	Miami, Florida	1,090,000
Baltimore Department of Housing and Community Development	Baltimore, Maryland	1,200,000
Catholic Community Services	Jersey City, New Jersey	755,692
United Bronx Parents, Inc.	New York City	1,130,000
Houston Regional HIV/AIDS Resource Group, Inc.	Houston, Texas	1,200,000
Total 1996 SPNS Awards	8 Grants	8,171,233

Note: These projects are located in areas that do not qualify for HOPWA formula allocations.
Total for all categories (19 grants) $17,100,000.

Dated: October 16, 1996.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 96–27116 Filed 10–22–96; 8:45 am]

BILLING CODE 4210–29–P

[Docket No. FR–4001–N–03]

Office of the Assistant Secretary for Public and Indian Housing; Announcement of Funding Awards for the Traditional Indian Housing Development Program—Fiscal Year 1996

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for the Traditional Indian Housing Development Program. This announcement contains the names and addresses of the awardees and the amount of the awards made available by HUD to provide assistance to the Indian Housing Development Program.

FOR FURTHER INFORMATION CONTACT: Bruce Knott, Director, Housing and Community Development Division, Office of Native American Programs, Department of Housing and Urban Development, Room B–133, 451 7th Street, SW, Washington, DC 20410–7000; telephone (202) 755–0068 (this is not a toll-free number). Hearing- or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Indian Housing Development program is authorized by sections 5 and 6, U. S. Housing Act of 1937 (42 U.S.C. 1437c, 1437d), as amended; Section 23 U. S. Housing Act of 1937, as amended by section 554, Cranston-Gonzalez National Affordable Housing Act; section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).

This notice announces FY 1996 funding of approximately $160,000,000 to be used to assist in job training, employment, contracting and other economic opportunities to section 3 residents and section 3 business concerns. The FY 1996 grantees announced in this Notice were selected for funding consistent with the provisions in the NOFA published in the Federal Register on March 29, 1996 (61 FR 14218).

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing the grantees and amounts of the awards in Appendix A.

Dated: October 16, 1996.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

APPENDIX A

Grantee name and address	Amount	Units
AVCP Housing Authority, P.O. Box 767, Bethel, AK 99559	$11,054,126	58
Akwesasne Housing Authority, Rural Route 1, Box 9A, Hagansburg, NY 13655	571,296	6
Alabama-Coushatta Housing Authority, Route 3, Box 640, Livingston, TX 77351	2,424,863	30
All Indian Pueblo Housing Authority, 5301 Central N.E., Suite 1700, Albuquerque, NM 87109	1,998,402	19
Bad River Housing Authority, P.O. Box 57, Odanah, WI 54861	278,472	3
Bering Straits Regional Housing Authority, P.O. Box 995, Nome, AK 99762	5,767,819	30
Bay Mills Housing Authority, Route 1, Box 3345, Brimley, MI 49715	938,021	10
Blackfeet Housing Authority, P.O. Box 790, Browning, MT 59417	2,441,335	20
Burns Paiute Housing Authority, HC–71 100 Pasigo Street, Burns, OR 97720	1,460,262	12
Campo Tribal Housing Authority, 36206 Church Road, Campo, CA 91906	425,509	3
Cascade Inter-Tribal Housing Authority, 2286 Community Plaza, Sedro Woolley, WA 98284	753,124	5
Chemehuevi Housing Authority, P.O. Box 1889, Chemehuevi Valley, CA 92363	4,975,767	35
Cherokee Nation Housing Authority, P.O. Box 1007, Tahlequah, OK 74465	1,364,984	16
Cheyenne-Arapaho Housing Authority, P.O. Box 997, Clinton, OK 73601	130,026	2
Chickasaw Nation Housing Authority, P.O. Box 668, Ada, OK 74820	528,743	7
Chippewa Cree Housing Authority, R.R. 1, Box 657, Box Elder, MT 59521	2,578,491	20
Choctaw Nation Housing Authority, P.O. Box G, Hugo, OK 74743	11,703,667	132
Comanche Housing Authority, P.O. Box 1671, Lawton, OK 73502	830,261	11
Cook Inlet Housing Authority, 2600 Cordova Street, Suite 201, Anchorage, AK 99503	2,620,334	20
Copper River Basin Housing Authority, P.O. Box 199, Copper Center, AK 99573	3,126,135	20
Creek Nation Housing Authority, P.O. Box 297, Okmulgee, OK 74447	585,037	7
Delaware Housing Authority, #6 Delaware Acres, Chelsea, OK 74016	263,889	4
Forest County Potawatomi Housing Authority, P.O. Box 346, Cranson, WI 54520	935,508	9
Fort Berthold Housing Authority, P.O. Box 310, New Town, ND 58763	344,115	3
Fort Hall Housing Authority, 161 Wardance Circle, Pocatello, ID 83202	1,217,978	10
Fort Sill Apache Tribal Housing Authority, Route 2, Box 121, Apache, OK 73006	1,392,180	15
Grande Ronde Housing Authority, P.O. Box 38, Grande Ronde, OR 97347	1,794,795	15
Grand Traverse Housing Authority, 11244 E. Ki-Dah-Keh-Mi-Kun, Suttons Bay, MI 49682	416,326	13
Ho-Chunk Nation Housing Authority, P.O. Box 546, Tomah, WI 54660	685,157	8
Houlton Maliseet Housing Authority, 13 Clover Circle, Houlton, ME 04730	329,823	5
Karuk Tribe Housing Authority, P.O. Box 1159, Happy Camp, CA 96039	5,520,656	32
Kasigluk Tribal Council Yup'ik Housing Authority, P.O. Box 119, Kasigluk, AK 99609	2,249,255	12
Kickapoo Housing Authority, Route 1, Box 800A, Horton, KS 66439	1,996,344	18
Kickapoo Tribe of Oklahoma Housing Authority, P.O. Box 70, McLoud, OK 74851	1,314,637	15
Klamath Tribal Housing Authority, 905 Main Street, Suite 613, Klamath Falls, OR 97601	948,681	8
Lac du Flambeau Housing Authority, P.O. Box 187, Lac du Flambeau, WI 54538	777,445	9
Makah Housing Authority, P.O. Box 88, Neah Bay, WA 98357	614,982	5
Mesa Grande Housing Authority, 4040 30th Street, Suite 204, San Diego, CA 92104	239,154	2
Modoc-Lassen Indian Housing Authority, P.O. Box 2028, Susanville, CA 96130	3,481,129	24
Mohegan Tribal Housing Authority, P.O. Box 488, Uncassville, CT 06382	2,238,360	15
Navajo Housing Authority, P.O. Box 4980, Window Rock, AZ 86515	16,381,288	131
Nez Perce Tribal Housing Authority, P.O. Box 188, Lapwai, ID 83540	270,478	2
Nooksack Indian Housing Authority, P.O. Box 122, Deming, WA 98244	598,265	5
North Pacific Rim Housing Authority, 4201 Tudor Center Drive, #205, Anchorage, AK 99508	3,126,848	20
Northern Circle Indian Housing Authority, 694 Pinoleville Drive, Ukiah, CA 95482	751,038	5
Northern Ponca Housing Authority, P.O. Box 306, Niobrara, NE 68760	4,409,917	38
Northwest Band of Shoshoni Housing Authority, 695 S. Main, #6, Brigham City, UT 84032	1,812,725	15
Northwest Inupiat Housing Authority, P.O. Box 331, Kotzebue, AK 99752	3,305,508	16
Oneida Indian Nation Housing Authority, 267 Union Street, Oneida, NY 13421	2,438,895	25
Oneida Tribe of Wisconsin Housing Authority, P.O. Box 68, Oneida, WI 54155	1,033,326	10
Owens Valley Indian Housing Authority, P.O. Box 490, Big Pine, CA 93513	258,948	2
Poarch Band of Creek Housing Authority, HCR 69A, Box 85B, Atmore, AL 36502	3,389,447	39
Pokagon Band of Potawatomi, 714 N. Front Street, Dowagiac, MI 49047	1,538,790	15
Pueblo of Laguna Housing Authority, P.O. Box 178, Laguna, NM 87026	1,512,972	13
Puyallup Housing Authority, P.O. Box 1844, Tacoma, WA 98401	1,310,650	10
Pyramid Lake Housing Authority, P.O. Box 213, Nixon, NV 89424	255,592	2
Quechan Tribal Housing Authority, 1860 W. Sapphire Lane, Winterhaven, CA 92283	2,878,544	22
Quileute Housing Authority, P.O. Box 159, La Push, WA 98350	1,365,724	10
Salt River Pima-Maricopa Housing Authority, Route 1, Box 215, Scottsdale, AZ 85256	2,632,135	20
Santee Sioux Housing Authority, Route 2, Box 164, Niobrara, NE 68760	2,146,961	20
Sault Sainte Marie Housing Authority, 2218 Shunk Road, Sault Sainte Marie, MI 49783	2,811,433	25
Siletz Indian Housing Authority, P.O. Box 549, Siletz, OR 97380	709,492	6

APPENDIX A—Continued

Grantee name and address	Amount	Units
Sokaogon Housing Authority, P.O. Box 186, Crandon, WI 54520	1,436,718	15
Southern Puget Sound Inter-Tribal Housing Authority, S.E. 11 Squaxin Drive, Shelton, WA 98584	3,521,464	28
Te-Moak Tribe of Western Shoshone Housing Authority, 504 Sunset Street, Elko, NV 89801	343,590	3
Tonkawa Housing Authority, Rural Route 1, Box 436, Tonkawa, OK 74653	1,116,021	12
Tule River Indian Housing Authority, P.O. Box 748, Porterville, CA 93258	5,163,730	35
Turtle Mountain Housing Authority, P.O. Box 620, Belcourt, ND 58316	2,350,981	20
White Earth Housing Authority, P.O. Box 436, White Earth, MN 56591	2,713,925	25
White Mountain Apache Housing Authority, P.O. Box 1270, Whiteriver, AZ 85941	620,748	6
Wind River Housing Authority, P.O. Box 327, Fort Washakie, WY 82514	2,310,484	20
Yavapai-Apache Housing Authority, P.O. Box 3897, Camp Verde, AZ 86322	106,743	1
Yurok Housing Authority, 1034 Sixth Street, Eureka, CA 95501	2,233,650	15

[FR Doc. 96–27118 Filed 10–22–96; 8:45 am]
BILLING CODE 4210–33–P

[Docket No. FR–4062–N–03]

Office of the Assistant Secretary for Community Planning and Development; Announcement of Funding Award for the Self-Help Homeownership Opportunity Program (SHOP)

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding award.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of the funding awards for the competitive component of the Self-Help Homeownership Opportunity Program (SHOP). These awards will be used to facilitate and encourage innovative homeownership opportunities through the provision of self-help housing where the homebuyer contributes a significant amount of sweat-equity toward the construction of the new dwelling. The purpose of this document is to announce the names and addresses of the award winners and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Office of Affordable Housing Programs, Department of Housing and Urban Development, room 7168, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–3226 EXT. 4589; TDD (202) 708–2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On July 9, 1996 (61 FR 36254), the Department published a Notice of Funding Availability of $15 million in SHOP grants, as authorized by sections 11(c)(2) and 12(b)(1) of the Housing Opportunity Program Extension Act of 1996.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989, 42 U.S.C. 3545(a)(4)(C)), the Department is publishing details concerning the recipients of funding awards, as follows:

Award for the Self-Help Homeownership Opportunity Program

1. Housing Assistance Council, 1025 Vermont Avenue, N.W., Suite 606, Washington, D.C. 20005, telephone (202) 842–8600, $13.5 million.
2. Neighborhood Reinvestment Corporation, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, telephone (202) 376–2412, $1.2 million.
3. Northwest Regional Facilitators, 525 E. Mission Avenue, Spokane, WA 99202, telephone (509) 484–6733, $300,000.

Dated: October 16, 1996.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 96–27117 Filed 10–22–96; 8:45 am]
BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

ACTION: Notice of Receipt of Applications.

SUMMARY: The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit No. 820022

Applicant: Gary Lee Galbraith, Austin, Texas.

The applicant requests a permit to conduct population surveys for the golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapillus*) in Travis, Bosque, and Hill Counties, Texas; and piping plover (*Charadrius melodus*) along the Channel to Port Mansfield, Willacy County, Texas.

Permit No. 820062

Applicant: Ellen DeBruin, Albuquerque, New Mexico.

The applicant requests a permit to survey, census, and document newly discovered populations of Kuenzler's hedgehog cactus (*Echinocereus fendleri var. kuenzleri*) on Fort Stanton Reservation, New Mexico.

Permit No. 820085

Applicant: T. James Fries, Austin, Texas.

The applicant requests a permit to conduct surveys, map previously unknown populations, photograph, and monitor populations throughout the 26 counties within the Texas Hill Country Bioreserve's area of responsibility in Texas for the Tobusch fishhook cactus (*Ancistrocactus tobuschii*), Texas snowbells (*Styrax texana*), South Texas ambrosia (*Ambrosia cheiranthifolia*), and slender rush pea (*Hoffmanseggia tenella*).

Permit No. 820119

Applicant: Dr. Carol McIvor, Tucson, Arizona.

The applicant requests a permit to capture, tag, and determine spawning migration movements of the flannelmouth sucker (*Catostomus latipinnis*), a non-listed species. If either the humpback chub (*Gila cypha*) and/or razorback sucker (*Xyrauchen texanus*) (both listed species) are inadvertently captured, they will be returned to the water unharmed. Fish will be caught in the following tributaries of the Colorado River in Grand Canyon National Park: Paria River, Little Colorado River, Havasu Creek, Kanab Creek and Bright Angel Creek.

Permit No. 820283

Applicant: Dr. David M. Leslie, Stillwater, Oklahoma.

The applicant requests a permit to collect 30 leopard darters (*Percina pantherina*) for research studies to be conducted during 1997, in the Mountain Fork River, McCurtain County, Oklahoma.

Permit No. 820337

Applicant: Terry L. Myers, Springerville, Arizona.

The applicant requests a permit to conduct surveys on Arizona hedgehog cactus (*Echinocereus triglochidiatus var. Arizonicus*) and lesser long-nosed bats (*Leptonycteris curasoae yerbabuena*). Portions of up to 50 plants will be collected during 1997 for genetic analysis for the purpose of recovery of the species. Lesser long-nosed bats will be surveyed by using mist nets for capture and immediately released unharmed in 1997 and subsequent years.

The applicant will also be sampling non-listed fish populations yearly with electrofishing, seines, and dip nets in portions of the Blue and San Francisco Rivers and Eagle Creeks, and their tributaries. Any razorback suckers captured during sampling will be released immediately.

All the above activities will be conducted in the Clifton Ranger District in Apache and Greenlee Counties, Arizona.

DATES: Written comments on these permit applications must be received on or before November 22, 1996.

ADDRESSES: Written data or comments should be submitted to the Legal Instruments Examiner, Division of Endangered Species/Permits, Ecological Services, P.O. Box 1306, Albuquerque, New Mexico 87103.

Please refer to the respective permit number for each application when submitting comments.

All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: U.S. Fish and Wildlife Service, Ecological Services, Division of Endangered Species/Permits, P.O. Box 1306, Albuquerque, New Mexico 87103. Please refer to the respective permit number for each application when requesting copies of documents. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice, to the address above.

Lynn B. Starnes,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 96–27140 Filed 10–22–96; 8:45 am]

BILLING CODE 4510–55–P

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–821107

Applicant: Wesley Skidmore, Provo, UT.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species through conservation education.

PRT–821078

Applicant: Omaha's Henry Doorly Zoo, Omaha, NE.

The applicant requests a permit to import one male captive-born Siberian tiger (*Panthera tigris altaica*) for enhancement of the survival of the species through captive breeding and education.

PRT–821239

Applicant: Derek Baker, San Jose, CA.

The applicant request a permit to import three Asian bonytongue (*Scleropages formosus*) born in captivity from P.S. Bintang Kalbor, Kalimantan, Indonesia for the purpose of the survival of the species through propagation.

PRT–821046

Applicant: Wildlife Conservation Society, Bronx, NY.

The applicant requests a permit to import three male and two female black-necked cranes (*Grus nigricollis*) for enhancement of the survival of the species through captive propagation.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: October 18, 1996.

Caroline Anderson,

Acting Chief Branch of Permits Office of Management Authority.

[FR Doc. 96–27174 Filed 10–22–96; 8:45 am]

BILLING CODE 4310–55–P

Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for Incidental Take Permit for Construction of Schlueter 33, a 33-acre Commercial Development in Travis County, Texas

SUMMARY: 2222 Research Park Limited (applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The applicant has been assigned permit number PRT–817362. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction of commercial development on RM 2222 in Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take applications. A determination of whether jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made before 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received on or before November 22, 1996.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Joseph E. Johnston or Sybil Vosler, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758

(512/490–0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the Austin address above. Written data or comments concerning the application(s) and EA/HCPs should be submitted to the Field Supervisor, Ecological Field Office, Austin, Texas at the address above. Please refer to permit number PRT–817362 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Joseph E. Johnston or Sybil Vosler at the above Austin Ecological Service Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant: 2222 Research Park Limited plans to construct a commercial development in Travis County, Texas. This action will eliminate less than 18 acres of occupied golden-cheeked warbler habitat and indirectly impact less than 25 additional acres of golden-cheeked warbler habitat.

The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by purchasing approximately 71 acres of golden-cheeked warbler habitat located within the same watershed or adjacent habitat in Travis County through an accepted conservation entity and providing for the maintenance of the acquired habitat.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Lynn B. Starnes,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 96–27139 Filed 10–22–96; 8:45 am]

BILLING CODE 4510–55–P

Geological Survey

Earth Observing System (EOS) Land Processes Distributed Active Archive Center (DAAC) Science Advisory Panel

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, the Land Processes DAAC Science Advisory Panel will meet at the U.S. Geological Survey Earth Resources Observation Systems (EROS) Data Center near Sioux Falls, South Dakota. The Panel, comprised of scientists from academic and government institutions, will provide Land Processes DAAC management with advice and consultation on a broad range of scientific and technical topics relevant to the development and operation of DAAC systems and capabilities.

Topics to be reviewed and discussed by the Panel include Land Processes DAAC FY 1996 accomplishments and FY 1997 planned activities, prioritization of 1997 activities, DAAC operations plans, DAAC user services issues, EOS data and information system (EOSDIS) implementation status, digital elevation model (DEM) and ground control point (GCP) activities, information management system (IMS) workshop results, and others.

DATES: November 5–7, 1996, commencing at 8:30 a.m. on November 5 and adjourning at 1:00 p.m. on November 7.

FOR FURTHER INFORMATION CONTACT: Dr. Bryan Bailey, Land Processes DAAC Project Scientist, U.S. Geological Survey, EROS Data Center, Sioux Falls, South Dakota 57198 at (605) 594–6001.

SUPPLEMENTARY INFORMATION: Meetings of the Land Processes DAAC Science Advisory Panel are open to the public.

Dated: October 15, 1996.

Gordon P. Eaton,

Director, U.S. Geological Survey.

[FR Doc. 96–27146 Filed 10–22–96; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Reclamation

Bay-Delta Advisory Council's Ecosystem Roundtable Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bay-Delta Advisory Council's (BDAC) Ecosystem Roundtable will meet to discuss several issues including: Draft operating rules; mission and objectives; and the restoration coordination program. This meeting is open to the public. Interested persons may make oral statements to the Ecosystem Roundtable or may file written statements for consideration.

DATES: The Bay-Delta Advisory Council's Ecosystem Roundtable meeting will be held from 1:00 pm to 3:30 pm on Friday, November 8, 1996.

ADDRESSES: The Bay-Delta Advisory Council will meet at the Resources Building, 1416 Ninth Street, Room 1206, Sacramento, CA.

CONTACT PERSON FOR MORE INFORMATION: Cindy Darling, CALFED Bay-Delta Program, at (916) 657–2666. If reasonable accommodation in needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653–6952 or TDD (916) 653–6934 at least one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan which addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The CALFED Bay-Delta Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long term solutions for the problems affecting the Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA) as the Bay-Delta Advisory Council (BDAC) to advise CALFED on the program mission, problems to be addressed, and objectives for the CALFED Bay-Delta Program. BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BDAC has established a subcommittee called the Ecosystem

Roundtable to provide input on annual workplans to implement ecosystem restoration projects and programs.

Minutes of the meeting will be maintained by the CALFED Bay-Delta Program, Suite 1155, 1416 Ninth Street, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: October 11, 1996.

Roger Patterson,

Regional Director, Mid-Pacific Region.

[FR Doc. 96–27157 Filed 10–22–96; 8:45 am]

BILLING CODE 4310–94–M

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: November 1, 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–752 (Preliminary) (Crawfish Tail Meat from China)—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: October 21, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–27346 Filed 10–21–96; 2:09 pm]

BILLING CODE 7020–20–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

October 17, 1996.

The Department of Labor (DOL) has submitted the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub.L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley (202) 219–5095. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316, within 30 days from the date of this publication in the Federal Register.

The OMB is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Mine Safety and Health Administration.

Title: Mine Operator Dust Data Card.

OMB Number: 1219–0011.

Frequency: Bimonthly.

Affected Public: Business or other for-profit.

Number of Respondents: 1,580.

Estimated Time Per Respondent: 63 minutes.

Total Burden Hours: 67,433.

Total Annualized Capital/Startup Costs: 0.

Total Annual Cost (Operating/Maintaining Systems or Purchasing Services): $1,448,877.

Description: All underground coal mine operators and certain surface coal mine operators as designated by the Mine Safety and Health Administration (MSHA) are required to collect and submit respirable dust samples to MSHA for analysis. Pertinent information associated with identifying and analyzing these samples is submitted on the dust data cards that accompany the samples.

Agency: Mine Safety and Health Administration.

Title: Independent Contractor Register.

OMB Number: 1219–0040.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 13,963.

Estimated Time Per Respondent: 0.1333.

Total Burden Hours: 12,098.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): $196,646.

Description: Mine operators are required to maintain a register of independent contractors work at the mine. The information is used by MSHA during inspections to determine proper responsibility for compliance with safety and health standards.

Agency: Employment and Training Administration.

Title: Baseline Employment Rate for Youth Opportunity Area Demonstration.

OMB Number: 1205–0new.

Frequency: One-time.

Affected Public: Individuals or households.

Number of Respondents: 816.

Estimated Time Per Respondent: 15 minutes.

Total Burden Hours: 204.

Total Annualized Capital/Startup Costs: 0.

Total Annual Cost (Operating/Maintaining Systems or Purchasing Services: 0

Description: The purpose of this data collection is to determine the baseline employment rate and additional demographic characteristics of the three pilot neighborhoods in the Department of Labor's Youth Opportunity Area demonstration.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–27151 Filed 10–22–96; 8:45 am]

BILLING CODE 4510–43–M

Agency Recordkeeping/Reporting Requirements Under Emergency Review by the Office of Management and Budget (OMB)

October 17, 1996.

The Department of Labor has submitted the following (see below) emergency processing public information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995

(Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by November 8, 1996. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley ((202) 219–5095).

Comments and questions about the ICR listed below should be forwarded to Office Information and Regulatory Affairs, Attn: OMB Desk Officer for the U.S. Department of Labor, Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316).

The Office of Management and Budget is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of response.

Agency: Employment and Training Administration, Labor.

Title: Reporting requirements pursuant to *Baker* v. *Reich*.

OMB Number: Not available.

Frequency: A one-time interim report and a quarterly report for six quarters.

Affected Public: State or local government.

Number of Respondents: 40.

Estimated Time Per Respondent: One-time report=1 hour; quarterly report=2 minutes per NAFTA–TAA petition.

Total Burden Hours: 208.

Total Burden Cost (Capital/Startup): None.

Total Burden Cost (Operating/Maintaining): None.

Description: This emergency clearance is needed in order to comply with a Federal Court Order issued on September 9, 1996, regarding individual eligibility determinations for Trade Readjustment Allowance (TRA) benefits under the North American Free Trade Agreement—Transitional Adjustment Assistance (NAFTA–TAA) program. The data to be collected comply with the United States District Court for the District of Columbia's preliminary approval of, pending a final hearing, a settlement of *Baker* v. *Reich* between the Department of Labor and the United Auto Workers Union (UAW).

The Court Order requires the Department to report to the UAW on the States' implementation of the settlement. To comply with the Order, States must provide to the Department by January 3, 1997, either by phone, E-mail, or in writing, a one-time, interim summary by NAFTA–TAA petition number, of the number of workers notified of the proposed settlement and the number of workers who have contacted the State agency for eligibility determinations.

The Court Order also requires that beginning with the quarterly reporting period ending December 31, 1996, the States will provide the Department with quarterly written reports by petition number on: the number of people requesting determination of entitlement; the number of people determined entitled to benefits; and the number of people receiving TRA first payments under this settlement. The States are required to continue to report the data on a quarterly basis for five more quarters.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–27152 Filed 10–22–96; 8:45 am]

BILLING CODE 4510–30–M

Employment and Training Administration

JTPA Title II Quarterly Status Report; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed reinstatement collection of the JTPA Title II Quarterly Status Report (JQSR).

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before December 23, 1996.

The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Ray Palmer, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, N.W., Room N4463, Washington, D.C. 20210; telephone number (202) 219–5305 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The information will be used to assess JTPA statewide financial and participant data. This data will be used to respond to congressional oversight, to prepare budget requests and make annual reports to Congress per statute.

II. Current Actions

Data used to respond to congressional questions, prepare budget requests and reports.

Type of Review: Reinstatement.

Agency: Employment and Training Administration.

Title: JTPA Title II Quarterly Status Report.

OMB Number: 1205–0323.

Agency Number: ETA 9040.

Affected Public: States, the District of Columbia, Puerto Rico, U.S. Virgin Islands, Guam, American Samoa,

Marshall Islands, Micronesia, Northern Marianas, and Palau.

Cite/Reference/Form/etc.: Job Training Partnership Act—Public Law 97–300, 29 U.S.C. 1501; JTPA Title II Quarterly Status Report.

Total Respondents: 59 Respondents.

Frequency: Quarterly.

Total responses: 59.

Average Time per Response: 4.5 hours.

Estimated Total Burden Hours: 1,062.

Total Burden Cost (Startup): N/A.

Total Burden Cost (Maintaining): N/A—Costs associated with data collection and recordkeeping are part of grants to States under JTPA.

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

Dated: October 15, 1996.

Theodore Mastroianni,

Acting Administrator, Office of Job Training Programs.

[FR Doc. 96–27148 Filed 10–22–96; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefits Administration

Working Group on Guidance for Selecting and Monitoring Service Providers; Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting by teleconference of the Working Group on Guidance for Selecting and Monitoring Service Providers of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on November 4, 1996, in Room N5677, U.S. Department of Labor Building, Second and Constitution Avenue, N.W., Washington, D.C. 20210.

The purpose of the open meeting by teleconference, which will run from 2:00 p.m. to approximately 2:30 p.m., is for Working Group members to re-review the group's interim report to the Secretary of Labor before it meets again in Washington for its full and final session for the year on November 12. The working group is studying how to guide plans in selecting and monitoring investment consultants and advisers. The working group's report will be finalized November 12 and formally presented at the Full Council's meeting on November 13.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before October 31, 1996, to Sharon Morrissey, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Individuals or representatives of organizations wishing to address the Working Group on Guidance for Selecting and Monitoring Service Providers should forward their request to the Acting Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by October 31, 1996, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Acting Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before October 31.

Signed at Washington, D.C. this 16th day of October, 1996.

Meredith Miller,

Deputy Assistant Secretary Pension and Welfare Benefits Administration.

[FR Doc. 96–27149 Filed 10–22–96; 8:45 am]

BILLING CODE 4510–29–M

Working Group on the Impact of Alternative Tax Reform Proposals on ERISA Employer-Sponsored Plans; Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting by teleconference of the Working Group on the Impact of Alternative Tax Reform Proposals on ERISA Employer-Sponsored Plans of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on November 4, 1996, in Room N5677, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the open meeting by teleconference, which will run from 2:30 p.m. to approximately 3:00 p.m., is for Working Group members to re-review the group's interim report to the Secretary of Labor before it meets again in Washington for its full and final session for the year on November 12. The working group is studying how to guide plans in selecting and monitoring investment consultants and advisers. The working group's report will be finalized November 12 and formally presented at the Full Council's meeting on November 13.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before October 31, 1996, to Sharon Morrissey, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group on the Impact of Various Tax Reform Proposals of ERISA Employer-Sponsored Plans should forward their request to the Acting Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by October 31, 1996, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Acting Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before October 31.

Signed at Washington, DC this 16th day of October, 1996.

Meredith Miller,

Deputy Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 96–27150 Filed 10–22–96; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of Records Administration, National Archives and Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify

records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATES: Request for copies must be received in writing on or before December 9, 1996. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, College Park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force (N1–AFU–96–29). Medical diagnostic records relating to special cardiographic procedures.

2. Department of the Air Force (N1–AFU–97–1). Authorization for early disposal of short-term temporary records due to closure of Reese Air Force Base and other bases.

3. Department of Health and Human Services, Food and Drug Administration (N1–088–96–3). Update of comprehensive schedule of Center for Biologics Evaluation and Research.

4. Department of Health and Human Services, Administration on Aging (N1–439–96–2). Pre-conference reporting system of the White House Conference on Aging.

5. Department of Justice, Federal Bureau of Investigation (N1–65–96–2). Elimination from the FBI retention plan of duplicative and/or unneeded general criteria for selection of excepted case files.

6. Department of State, Bureau of Administration (N1–59–96–17). The publication Key Officers of Foreign Service Posts.

7. Department of State (N1–59–96–29). International Merchant Purchase Authorization Card (IMPAC) files for all bureaus and offices except Office of Finance.

8. Department of State, Office of the Legal Adviser (N1–76–96–2). Source documentation collected in preparation of U.S.-Iran claims.

9. Environmental Protection Agency (N1–412–96–4). Source data files relating to in-house radiological research.

10. Federal Communications Commission (N1–173–96–1). Reduction in retention period for congressional correspondence.

11. National Archives and Records Administration (N1–64–96–2). Updates to the NARA comprehensive records disposition schedule.

12. Panama Canal Commission (N1–185–96–7). Audiovisual records pertaining to routine administration functions.

13. Social Security Administrative (N1–047–96–4). Referral and monitoring agency records of beneficiary treatments for alcohol and drug addiction.

Dated: October 10, 1996.

James W. Moore,

Assistant Archivist for Records Administration.

[FR Doc. 96–27090 Filed 10–22–96; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Information Collections; Comment Request for Re-Clearance

October 23, 1996.

The National Credit Union Administration (NCUA) intends to submit the following public information collection requests to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (P.L. 104–13, 44 U.S.C. Chapter 35). These information collections are published to obtain comments from the public. Public comments are encouraged and will be accepted for 60 days from the date listed at the top of this page in the Federal Register.

Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Suzanne Beauchesne, (703–518–6412). Comments and/or suggestions regarding the information collection requests should be directed to Ms. Beauchesne, at the National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428; Fax No. (703) 518–6433; E-Mail Address: SUEB@NCUA.GOV within 60 days from the date of this publication in the Federal Register. Comments should also be sent to OMB Desk Officer, Mr. Alexander Hunt, at the following address: OMB Reports Management Branch, New Executive Office Building, Room 10202, Washington DC 20530.

National Credit Union Administration

OMB Number: 3133–0135.

Form Number: 1343.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: ACH Program Data Form.

Description: 12 U.S.C. 1755 and 1782(c). The Code of Federal Regulation 31 CFR Part 206, § 206.4 states: ''(a) All funds are to be collected and disbursed by Electronic Funds Transfer (EFT) when cost-effective, practicable, and consistent with current statutory authority.'' Section 206.4(a)(4) further states: ''EFT will be adopted as the standard method of payment for federal program payments originated by

agencies or their agents.'' On April 26, 1996, President Clinton signed the omnibus budget bill which included the Electronic Funds Transfer Act making it mandatory for all federal agencies to make payments electronically by January 1, 1999.

Respondents: Federal and State Credit Unions.

Estimated Number of Respondents/Recordkeepers: 12,000.

Estimated Burden Hours Per Response: 15 minutes.

Frequency of Response: Once.

Estimated Total Annual Burden Hours: 3,000 hours.

Estimated Total Annual Cost: $8,640.

OMB Number: 3133–0053.

Form Number: 4501 and 9610.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Title: Report of Official.

Description: 12 U.S.C. 1761, The Federal Credit Union Act, expressly mandates that federally-insured credit unions submit a Report of Officials annually to NCUA.

Respondents: Federally-insured Credit Unions.

Estimated Number of Respondents/Recordkeepers: 11,518.

Estimated Burden Hours Per Response: 30 minutes.

Frequency of Response: Annually.

Estimated Total Annual Burden Hours: 5,979.

Estimated Total Annual Cost: None.

By the National Credit Union Administration Board on October 15, 1996.

Becky Baker,

Secretary of the Board.

[FR Doc. 96–27158 Filed 10–22–96; 8:45 am]

BILLING CODE 7535–01–U

NATIONAL INSTITUTE FOR LITERACY

[CFDA No. 84.257M]

Application for Adult Learning System Reform and Improvement Grant: Stage II Collaborative Development of Equipped for the Future (EFF) Adult Literacy Standards Cooperative Agreements

AGENCY: The National Institute for Literacy.

ACTION: Notice.

SUMMARY: The National Institute for Literacy invites applications for a grant to support the development of content standards for the role of parent/family member through a consensus-building process. This grant will be part of the third phase of a four-phased initiative whose ultimate goal is to reform and improve America's adult learning systems in order to enhance progress toward National Education Goal 6. This aim will be achieved through the development of voluntary content standards that communicate a clear vision for what adults need to know and be able to do in their roles as citizen, worker, and parent/family member and the building of consensus about these standards among key constituencies at the grassroots, state, and national levels.

DATES: Applications must be received at the NIFL office by 4:30 pm on December 20, 1996; items delivered after that date will not be accepted.

Note to Applicants: This notice is a complete application package, except for required forms. Together with the NIFL Equipped for the Future Orientation Package, and the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all the information, regulations and instructions needed to apply for a grant under this competition.

FOR FURTHER INFORMATION CONTACT: Sondra Stein, National Institute for Literacy, 800 Connecticut Avenue, NW, Suite 200, Washington, DC 20006, TEL: 202–632–1508; FAX 202–632–1512, e-mail sstien@nifl.gov.

SUPPLEMENTARY INFORMATION:

Definitions

For purposes of this notice, the following definitions apply:

''Literacy'' is an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals and develop one's knowledge and potential (as stated in the National Literacy Act of 1991).

''Adult Literacy System'' means all individuals, programs, and organizations that are involved, directly and indirectly, in the delivery of literacy and basic skills services to adults. This includes, but is not limited to, people and groups involved in literacy policymaking, research and development, technical assistance, and service delivery.

''Adult Roles'' means the following three major arenas of adult life and the obligations that pertain to each:

- Parent/family member.
- Citizen.
- Worker.

''Constituencies'' are national, state or local organizations and individuals (in the public, nonprofit, and private sectors) that have a stake in developing content and performance standards for the relevant role because the quality of role performance impacts their organization's achievement of its goals/mission.

''Consensus-building'' includes the development of a convincing public argument for the use of ''Equipped for the Future'' standards by key constituencies and the conscious, ongoing effort to expand the number of individuals from key constituencies involved in standards development, use, marketing, and dissemination and to leverage the use of the standards at the national, state, and local levels by key segments of the workforce development system.

''Content Standards'' are specific descriptions of what adults need to know and be able to do to perform the key activities identified in the standards framework.

''Generative skills'' are skills or knowledge that are core to the performance of a wide range of tasks found in multiple roles and that are durable over time in face of changes in technology, work processes, and occupational demand.

''National Policy Group'' is the body of nationally-recognized leaders in literacy and workforce development invited by the NIFL to provide policy guidance and consensus-building support to the EFF initiative.

''Performance Indicators'' are descriptions of how achievement of the content standards will be demonstrated. They reflect the consensus of key stakeholders identified for the role being addressed.

''Planning Grant Recipients'' are the eight projects that were funded to complete Phase 2 of the ''Equipped for the Future'' initiative. These grants end September 30, 1997.

''Purposes for Literacy,'' based on NIFL's survey of adult learners, means the following four general purposes that literacy serves in helping adults fulfill their roles:

- Providing access to information so adults can orient themselves in the world.
- Enabling adults to give voice to their ideas and have an impact on the world around them.
- Enabling adults to make decisions and act independently, without needing to rely on others.
- Building a bridge to the future by laying a foundation for continued learning, so adults can keep up with the world as it changes.

The EFF ''Standards Framework'' describes the building blocks for EFF content and performance standards. It provides a consensus definition, for

each adult role, of the broad areas of responsibility, key activities, and skills and knowledge adults require to fulfill these roles; articulates the core elements of a theory for adult learning based on the four learner-identified purposes for literacy; demonstrates how the four purposes enable us to identify the core skills and knowledge that form the basis for content standards; and identifies criteria for EFF content and performance standards for communicate what customers, investors, and partners can expect from the adult literacy system. These elements link the framework explicitly to other standards development and implementation efforts.

''Validation'' demonstrates the degree to which the standards address the important aspects of role performance.

''Human Resource Development System'' is the sum of the myriad of public and private programs that are linked by their focus on building the skills and knowledge of youth and adults including: adults and family literacy programs, welfare-to-work programs, vocational education and training programs, school-to-work programs, industry-based skill standards programs, K–12 education programs, postsecondary education, Job Training Partnership Act programs, community college/postsecondary education programs, employer-sponsored training programs, apprenticeship programs, one-stop career centers, dislocated worker programs, and related programs in the public, private, and nonprofit sectors.

Background

The National Institute for Literacy (NIFL) was created by the National Literacy Act of 1991 to provide a national focal point for literacy activities and to facilitate the pooling of ideas and expertise across a fragmented field. NIFL is authorized to carry out a wide range of activities that will improve and expand the system for delivery of adult literacy services nationwide.

In the first phase of this initiative, the NIFL identified a common framework of four fundamental purposes for literacy that emerge from the writings of 1,500 adults in literacy programs nationwide. As detailed in the NIFL report, Equipped for the Future: A Customer Driven Vision for Adult Literacy and Lifelong Learning, these four purposes are to—

- Gain access to information so adults can orient themselves in the world;
- Give voice to ideas, so that they will be heard and can have an impact on the world around them;
- Make decisions and act independently; and
- Build a bridge to the future, by learning how to learn in order to keep up with the world as it changes.

In October, 1995 the NIFL awarded eight one-year planning grants as the second phase of this multi-year initiative to assure that adults are ''equipped for the future.'' These planning grants provided the NIFL with considerable information regarding how to structure and carry out a national standards development initiative aimed at broad-reaching system reform. The grantees, working collaboratively with each other, with NIFL and its National Policy Group, developed a set of Guiding Principles for the conduct and products of the Equipped for the Future initiative, and produced reports (due at NIFL July 15, 1996) that are currently being synthesized to produce a draft standards framework, defining what adults need to know and be able to do to be effective in their roles as parent/family member, worker, and citizen, that will be the basis for work in Phase 3 of EFF.

This solicitation of grant applications addresses the third project phase: standards development through consensus-building. This phase of the Equipped for the Future initiative will build on the results of Phase I and 2 of EFF to create a strong foundation for national reform of adults and family literacy and basic skills education as well as for an effective national system of workforce development. To achieve this end, this phase of the Equipped for the Future initiative will be developed in partnership with the following Federal agencies: the U.S. Department of Labor, Employment and Training Administrative, for the role of worker; the U.S. Department to Education, Office of Elementary and Secondary Education, for the role of parent/family member.

Eligible Applicants: Applications will be accepted from consortia of public and private for-profit and not-for-profit organizations and agencies that meet the following criteria: (a) Operate at a local, state, regional (multi-state) and national level; (b) include literacy consumer, practitioner, provider, administrator, and funder constituencies; and (c) include technical experts in standards development and assessment. While such consortia may include for-profit organizations, no grant will be made to a for-profit organization.

Deadline for Transmittal of Applications: Applications must be received at the NIFL office by 4:30 pm on December 20, 1996; items delivered after that date will not be accepted.

Available Funds: $200,000.

Estimated Number of Awards: One award for the role of parent/family member.

Estimated Amount of Each Award: Up to $200,000.

Project Period: One year, with an option to renew for up to two additional project years. Funds awarded are for the first year only.

Description of Program

The overall purposes of the Equipped for the Future initiative are to:

- Develop a new customer-driven definition of adult literacy that demystifies the route to success in our society for adult learners and clarifies the contributions of adult literacy programs to building that success.
- Engage broad-based support among key constituencies for a system of human resource development that effectively links literacy with industry skill standards and K–12 academic standards as well as provides a common framework for skills development across myriad and diverse programs.
- Develop a set of voluntary national standards that show the portability of skills across the three adult roles and make clear the knowledge and skills adults need to be ''equipped for the future.''

The specific objectives for grantees funded for Phase 3 of the EFF initiative are to:

(1) Build consensus at the national, state, and local levels for the EFF vision, standards framework, and the standards relevant to the role addressed in the grantee's application;

(2) Develop and refine content standards and performance indicators for the role addressed by the grantee, and, working in collaboration with the National Institute for Literacy, its Federal partners in this initiative, and the other grantees, across all three roles; and

(3) Collaborate with the National Institute for Literacy, its Federal partners, and the other grantees to create a national framework for reform of the adult education and training delivery systems.

Consortia receiving a grant under this program shall launch a standards development and consensus-building initiative to provide a solid foundation for comprehensive, collaborative system reform and improvement. This program represents the third phase of a four-phase initiative:

- Phase 1: Survey of 1,500 adult learners to identify what they need to know and be able to do to be equipped for the future. This study, fully elaborated in the report Equipped for

the Future: A Customer-Driven Vision for Adult Literacy and Lifelong Learning, identified four purposes for literacy that enable adults to fulfill their responsibilities as parent, citizens, and workers. These purposes are to:

—Gain access to information so adults can orient themselves in the world;
—Give voice to ideas, so that they will be heard and can have an impact on the world around them;
—Make decisions and act independently;
—Build a bridge to the future, by learning how to learn in order to keep up with the world as it changes.

• Phase 2: Planning grants to eight organizations and consortia of organizations to engage key literacy constituencies (learners, practitioners, and other stakeholders) in building a common understanding of the four adult learner-defined purposes for literacy as they relate to the adult roles of parent/family member, citizen, and worker. The result of this phase will be a common standards framework (completed October, 1996) defining what an adult needs to know and be able to do in each of the key roles, and a common vision of system reform.

• Phase 3: Further development and refinement of the Equipped for the Future standards framework, resulting in:

—A consensus map of the broad areas of responsibility, key activities and knowledge and skills for each role;
—Development of content standards for each adult role and across all three adult roles;
—Development of performance indicators for each standard;
—Engaging key constituencies, including adult literacy programs, in developing and refining content standards and performance indicators in order to build support for the standards and their use;
—Development of a strategy for validation of content standards and performance indicators through pilot implementation in adult education delivery systems.

• Phase 4: Implement system reform initiatives that are based on the Equipped for the Future Standards.

During the grant period—January 1, 1997 to December 31, 1997, the grantee will engage in the following activities:

1. Establish a national project advisory group to provide broad guidance and assure that all key constituencies for the role addressed by the grant applicant have a meaningful role in the standards development process, leading to buy-in and formal approval of the draft standards. The advisory group shall include representatives of the key constituencies for the role addressed as well as technical expert(s) in standards development and assessment. The project advisory group shall meet no less than three times per year and be comprised of individuals who legitimately represent a key constituency whose buy-in is critical to achieving widespread acceptance of the standards. The project advisory group members shall represent national, state, and grassroots constituencies (both organizations and individuals) and be charged with ensuring buy-in and formal approval of the draft standards by the constituency they represent. While project advisory group membership will vary from role to role (see #3 below), all groups shall include representatives of adult learners and practitioners.

2. Work in collaboration with the other two grantees, the NIFL, its Federal partners, and the Equipped for the Future National Policy Group, to refine the common standards framework for Equipped for the Future starting with the draft framework developed in the second phase of the EFF initiative. The framework will ensure that:

• The standards for each role are based on a consensus map of the broad areas of responsibility for that role, key activities within those areas of responsibility, and what adults need to know and be able to do to perform those key activities;

• That skills and knowledge common to more than one role are clearly identified and result in the development of content standards across the three roles;

• The standards development process is based on common definitions and assumptions about the development and use of content standards and performance indicators;

• The standards share a common format and structure.

The standards framework and the resulting standards shall build upon a thorough familiarity with key documents and major initiatives supported by NIFL's Federal partners, including the U.S. Departments of Education, Labor; and Health and Human Services, as well as other local, state and national efforts including:

• The SCANS/NJAS (the Secretary's Commission on Achieving Necessary Skills/the National Job Analysis Study) and O*NET initiatives, U.S. Department of Labor;

• The work of the National Skill Standards Board and other national skill standards initiatives;

• The New Standards Project and related academic content standards; and

• Other efforts to identify appropriate performance results from learning, such as the NIFL Performance Measurement Reporting Improvement Systems (PMRIS) initiative and the work of the National Association of State Directors of Adult Education to identify performance outcomes for adult education.

This work will result in a fully elaborated consensus standards framework for EFF by April 1997.

3. Develop content standards and related performance indicators for what adults need to know and be able to do to fulfill their roles as parent/family member, citizen and worker. The content standards and performance indicators shall be developed within the common standards framework described above, jointly elaborated and refined by the three grantees and NIFL with the guidance of NIFL's Federal partners and its National Policy Group, and through ongoing collaboration with key constituencies (including adult learners and teachers) so they are grounded in the needs of these constituencies.

The content standards and performance indicators development process must demonstrate that key constituencies have participated and contributed to the standards development and that the grantee's advisory group has approved the standards developed as a basis for national validation.

The standards development process must incorporate significant collaboration with the key constituencies to assure that the standards are customer-driven (e.g., through group processes for standards refinement with key constituencies and other methods for constituency involvement and feedback throughout the developmental process). Group process for standards development and refinement must include mechanisms for assuring on-going piloting of content standards in adult education and training classrooms in multiple locations across the country. Content standards with the performance indicators will be identified by July, 1997.

4. Actively engage key constituencies in the standards development process in order to build ownership and support of the standards and to assure they are truly ''customer-driven.'' (January 1997 through December, 1997). Key constituencies/end users who are critical to assuring widespread use of the standards must be identified in the grant application. They key constituencies/end users identified

should include but not be limited to teachers, learners, employers, parents, civic organizations, and other standards-setting initiatives related to the role being addressed by the grantee.

For the role of parents, these constituencies should include such groups as the National Coalition for Parental Involvement in Education, the National Head Start Association, the National Coalition for Family Resources, the National Association of Child Care Resource and Referral Agencies, Even Start State Coordinators, The Center for Law and Education, the National Education Association, the American Federation of Teachers, Parent-Teacher Associations, and Even Start, Head Start and other family literacy providers.

For the role of worker, these constituencies should include such groups as: employers and employer associations, unions, the National Skill Standards Board, State Human Resource Investment Councils, State skill standards initiatives, local private industry councils and job training administrative organizations, apprenticeship or other training sponsored by organized labor, school-to-work, workplace literacy, and providers of other related programs.

For the role of citizens, these constituencies should include such groups as the Center for Civic Education, developers of the National Standards for Civics and Government (K–12 education), Kettering Foundation/National Issues Forum, American Bar Association, League of Women Voters, National League of Cities, VERA, The Center for Civic Literacy, the National Urban League, and other grassroots, state and national organizations and associations that focus on civil rights, neighborhood action, etc.

5. By October 30, 1997, develop a plan for nationwide validation and implementation of the content standards and related performance indicators in adult education and job training delivery systems, in cooperation with NIFL, its Federal partners, the National Policy group and the other grantees. These plans should reflect the use of the EFF standards in building linkages with other key components of the nations workforce development system. Validation strategies may also include national surveys, constituency group review and analysis of the standards or similar strategies. The elements and criteria for the validation process will be developed jointly with NIFL and the other grantees.

6. Identify technical assistance needed to assure the success of steps 1–5 above of the EFF initiative. Technical assistance requirements are expected to include the unique needs of the applicant as well as needs that are common to all grantees. The NIFL will engage technical assistance services to support the work of the EFF projects under this grant.

7. Participate in two, three-day project meetings in, March 1997 and July 1997 in Washington, DC.

8. Participate in monthly project conference calls of two hours duration.

9. Maintain regular e-mail and other contact with other grantees throughout the grant period, in order to maximize sharing of information and assure the development of standards within a common framework.

10. Cooperate with a third-party evaluation of the standards development and constituency-building process, lessons learned and outcomes, providing project reports and other project documentation to the evaluation team, participating in interviews, and assisting in collecting evaluation data, and in other ways cooperating with the project evaluation.

Proposal Narrative:

The applicant's proposal narrative must be organized and contain the information as described in the following sections.

(1) Approach of Standards Development for System Reform describes the applicant's view of why standards development is important in the adult literacy and human resource development field and how the applicant envisions standards being used to improve the quality of the service delivery system. This section also includes the applicant's criteria for effective standards, philosophy of standards development and consensus-building, and an overview of the key features of the applicant's approach for supporting the purposes of the EFF initiative and achieving the project objectives described above.

In particular, the applicant should describe its approach to effectively building on the work accomplished in Phases 1 and 2 of the Equipped for the Future Initiative and related work appropriate to each role. This work is particularly substantial for the role of worker, including the U.S. Department of Labor's work on SCANS, the National Job Analysis Study which builds on SCANS to identify the work activities that are critical in the most competitive business environments, the O*NET to replace the DOT with a relational database that contains comprehensive information about worker requirements and characteristics, experience requirements and occupational requirements and characteristics useful to students, educators, employers and workers (further information in EFF Orientation Packet).

Using the draft materials from Phase 2 provided in the EFF Orientation Packet, the applicant should demonstrate its technical approach to standards development, including the specific standards development issues to be addressed in moving to a common standards framework that embraces all three adult roles.

(2) Plan of Operation includes the project goal and objectives, work plan, timeline, and project management plan. The applicant's plan of operation should include:

(a) What techniques the applicant will use for refining the standards framework, developing content standards, and identifying performance indicators;

(b) how the applicant will involve key constituencies in project decisionmaking and standards development, implementation, marketing/dissemination, and validation tasks;

(c) how the applicant will work with the two other grantees to assure that the standards share a common format, structure, and language and that this initiative results in a unified standards framework and consistency in the standards across the three grantees; and

(d) how the applicant will document and monitor project processes and results.

(3) Organizational Capability demonstrates the ability and experience of the applicant and the members of its consortium to perform the tasks required in this project and its skills, technical expertise and knowledge in standards development, adult literacy instruction, and consensus-building among diverse constituencies at the national, state, and local levels.

(4) Qualifications of Key Personnel describes the qualifications of each staff person for the project position to which they have been assigned, identifies his/her employing organization, and provides an overview of his/her experience, knowledge, and capability to perform the work described as demonstrated by the conduct of similar work in related settings.

(5) Demonstrated Commitment of Partners and Key Constituencies provides evidence (e.g., letters of commitment) that show that (a) project advisory board members and other partners in the consortia understand their roles and are prepared to fulfill them at the level described in the proposal; and (b) key constituencies significant to the relevant role are

supportive of the applicant's grant application.

Selection Criteria

In evaluating applications for a grant under this competition, the Director uses the following selection criteria (Total 105 points):

(1) Approach to Standards Development (30 points): The Director reviews each application to determine the extent to which the applicant's approach to standards development and consensus-building is appropriate to achieving the goals of Equipped for the Future, including:

(a) the extent to which the applicant's proposed approach to standards development:

(i) demonstrates knowledge and understanding of the Equipped for the Future Initiative, its products to date and long term goals;

(ii) demonstrates knowledge of and understanding of key documents and initiatives related to the role it proposes to develop standards for; including the research literature;

(iii) builds on the first two project phases and other related initiatives rather than ''reinventing'' that work; and

(iv) demonstrates a philosophy of collaborative standards development that is consistent with the EFF approach and philosophy;

(b) the extent to which the applicant's proposed approach leverages standards development tasks to build consensus among key constituencies and effect system reform;

(c) the quality of the technical approach demonstrated in the applicant's evaluation of the draft standards in the EFF Orientation Packet, including the identification of specific issues and challenges to be addressed in moving to a common standards framework that embraces all three adult roles.

(2) Plan of Operation (30 points): The Director reviews each application to determine the quality of the plan for developing standards and building consensus among key constituencies, including:

(a) the extent to which the applicant states clear and measurable goals and objectives for the project;

(b) the extent to which the applicant provides a fully detailed plan and timeline for achieving these goals which

(i) includes specific strategies and techniques for refining the standards framework, developing and refining content standards, and identifying performance indicators on a national basis;

(ii) identifies specific mechanisms for involving adult learners and practitioners as well as other key constituencies in these activities; and

(iii) addresses the 10 key project activities and dates described in the Description of Program above;

(c) the quality of the applicant's plan for working with the two other grantees to assure that the standards share a common format, structure, and language, including strategies recommended to assure this initiative results in a unified standards framework and consistency in the standards across the three grantees;

(d) the quality of the applicant's plan to involve key constituencies in project decisionmaking and standards development, implementation, marketing/dissemination, and validation tasks;

(e) the soundness of the plan for documenting and monitoring the project processes and results.

(3) Organizational Capability and Qualifications of Key Personnel (25 points): The Director reviews each application to determine the capability of the applicant to achieve the goals of the project including:

(a) the extent to which the applicant provides a full description of each of the organizations that make up the consortium, including how that organization contributes to the consortium's experience and capability to:

(i) lead a broad-based collaborative national process for adult learning systems reform and improvement that is standards-driven;

(ii) develop technically defensible customer-driven content standards of what adults need to know and be able to do, related performance indicators and validate them on a national basis; and

(iii) leverage the commitment and involvement of key constituencies at the national, state, and local levels;

(b) the soundness of the staffing and organization plan for the consortium, including

(i) how roles and responsibilities will be assigned among the organizations within the consortium to assure clear lines of decisionmaking and effective use of each organization's strengths;

(ii) a statement of clear performance objectives for key staff;

(iii) the scope and nature of their responsibilities;

(iv) the level of effort they will devote to this project; and

(v) the inclusion of a project organization chart;

(c) the extent to which staff assigned to key positions include appropriate qualifications, in terms of knowledge, experience and proven capability to perform the work described;

(d) the inclusion among the staff of individuals with specific expertise, including;

(i) individuals with demonstrated experience in related standards development efforts;

(ii) individuals with direct experience in adult literacy instruction and/or curriculum development; and

(iii) individuals with a broad understanding of the workforce development system and the ability to leverage the involvement of influential representatives from other program areas that constitute this system.

(4) Commitment of Partners and Key Constituencies (15 points); The Director reviews each application to determine the quality of the plan for engaging partners and key constituencies, including:

(a) the extent to which the applicant has;

(i) assembled a national advisory group that represents key constituencies for their rule; and

(iii) secured written documentation of each member's ability to represent that constituency on the advisory group;

(b) the extent to which the applicant has identified other appropriate constituencies to participate in the project;

(c) the quality of the applicant's plan for assuring that each constituency has the opportunity for appropriate and meaningful involvement in project activities;

(d) the explicit and documented commitment of each constituency to participate in the project.

(5) Budget and Cost Effectiveness (5 points): The Director reviews each application to determine the extent to which:

(a) The budget is adequate to support grant activities;

(b) The costs are reasonable in relation to the objectives of the project;

(c) The budgets for any subcontracts are detailed and appropriate; and

(d) The budget details any resources, cash or in-kind, that the applicant will provide or seek in order to supplement grant funds.

Other Application Requirements

The application shall include the following:

Project Summary: The proposal must contain a one page summary of the proposed project suitable for publication. It should not be an abstract of the application, but rather a self-contained description of the project goals, approach and the activities proposed. The summary must include the following information:

a. Name of applicant organization.

b. Description of the consortium proposing the project and the key constituencies represented.

c. Adult role to be addressed in the plan: parent/family member.

Proposal Narrative: This narrative should not exceed twenty (20) single-spaced pages, or forth (40) double-spaced pages. The narrative may be amplified by material in attachments and appendices, but the body should stand alone to give a complete picture of the project. Applications which exceed 20 single-spaced pages or 40 double-spaced pages will not be reviewed.

Summary Proposal Budget: The proposal must contain a budget for support requested. The budget format may be reproduced as needed. Facsimiles may be used, but do not make substitutions in prescribed budget categories. Additional pages for budget explanation and amplification should be attached and must be consistent with the data and categories on the form. All budget requests must be documented and justified.

The Institute is reviewing the possibility of restricting indirect cost to 8% for this grant.

Budget Proposal: The Budget proposal should be a separate document. Personnel items should include the names (or position titles) of key staff, number of hours, and applicable hourly rates. Discussion of equipment, supplies, and travel should include both the cost and the purpose and justification. Budgets should include all applicant's costs and should identify contributed costs, and support from other sources, if any. Sources of support should be clearly identified in all instances. The financial aspects of any cost sharing and joint or cooperative funding by members of a consortium formed for purposes of the applications should be shown in a detailed for each party. These budgets should reflect the arrangements among the parties, and should show exactly what cost-sharing is proposed for each budget item.

Disclosure Of Prior Institute Support: If any subcontractor, partner, consortium member, or organization has received Institute funding in the past two years, the following information on the prior awards is required:

- Institute award number, amount and period of support;
- A summary of the results of the completed work; and
- A brief description of available materials and other related research products not describe elsewhere.

If the applicant has received a prior award, the reviewers will be asked to comment on the quality of the prior work described in this section of the application.

Current and Pending Support: All current project support from whatever source (such as Federal, State, or local government agencies, private foundations, commercial organizations) must be listed. The list must include the proposed projects and all other projects requiring a portion of time of the Project Director and other project personnel, even if they receive no salary support from the project(s). The number of person-months or percentage of effort to be devoted to the projects must be stated, regardless of source of support. Similar information must be provided for all proposals that are being considered by or will be submitted soon to other sponsors.

If the project now being submitted has been funded previously by another source, the information requested in the paragraph above should be furnished for the immediately preceding funding period. If the proposal is being submitted to other possible sponsors, all of them must be listed. Concurrent submission of a proposal to other organizations will not prejudice its review by the Institute.

Any fee proposed to paid to be a collaborating or ''partner'' for-profit entity should be indicated. (Fees will be negotiated by the Grants Officer.) Any copyright, patent or royalty agreements (proposed or in effect) must be described in detail, so that the rights and responsibilities of each party are made clear. If any part of the project is to be subcontracted, a budget and work plan prepared and duly signed by the subcontractor must be submitted as part of the overall application and addressed in the narrative.

Instructions for Transmittal of Applications

(1) The original and two (2) copies of the application must be received by December 20, 1996, at the address below. Applicants are encouraged, but not required, to submit three (3) additional copies of the application, but will not be penalized if additional copies are not received. National Institute for Literacy, 800 Connecticut Avenue, NW, Suite 200, Washington, DC 20006, Attention: (CFDA #84.257M).

(2) The National Institute for Literacy will mail a Grant Applicant Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the National Institute of Literacy at (202) 632–1500.

(3) The applicant must indicate on the envelope and in Item 10 of the Application for Federal Assistance (ED Form 424 [Revised 4/94]) the X257M number of the competition under which the application is being submitted.

Application Forms: The appendix to this announcement is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal assistance (ED Form 424, Rev. 4–94) and instructions.

Part II: Budget Information—Non-Construction Programs (ED Form 524) and instructions.

Part III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification Regarding Lobbying; Debasement, Suspension, and other Responsibility Matters; and Drug-Free Workplace Requirements (ED 90–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions.

Note: ED 80–0014 is intended for the use of recipients and should not be transmitted to the National Institute for Literacy.

An applicant may submit information on a photostat copy of the application and budget forms, the assurances and the certifications. However, the application form, the assurances, and certifications must each have original certifications and must each have an original signature. No award can be made unless a completed application has been received.

Grant Administration: The administration of the grant is governed by the conditions of the award letter. The Education Department General Administrative Regulations, (EDGAR) 34 CFR Parts 4, 75, 77, 79, 80, 81, 82, 85 and 86 (July 1, 1993), set forth administrative and other requirements. This document is available through your public library and the National Institute for Literacy. It is recommended that appropriate administrative officials become familiar with the policies and procedures in the EDGAR which are applicable to this award. If a proposal is

recommended for an award, the Grants Officer will request certain organizational, management, and financial information.

The following information on grant administration dealing with questions such as General Requirements, Prior Approval Requirements, Transfer of Project Director, and Suspension or termination of Award, should be referred to the Grants Officer.

Reporting: In addition to working closely with the Institute, the applicant will be required to submit an annual report of activities, and other products as described in the DESCRIPTION OF PROGRAM above and in the cooperative agreement between the applicant and the NIFL.

Acknowledgment of Support and Disclaimer: An acknowledgment of Institute support and a disclaimer must appear in publications of any material, whether copyrighted or not, based on or developed under NIFL-supported projects: ''This material is based upon work supported by the National Institute for Literacy under Grant No. (Grantee should enter NIFL grant number).''

Except for articles of papers published in professional journals, the following disclaimer should be included: ''Any opinion, findings, and conclusions or recommendations expressed in this material are those of the authors) and do not necessarily reflect the views of the National Institute for Literacy.''

Instructions for Estimated Public Reporting Burden

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid control number for this information collection is 3200–0033, Expiration date August 1999. The time required to complete this information collection is estimated to average 80 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

Carolyn Staley,

Deputy Director, National Institute for Literacy.

[FR Doc. 96–27115 Filed 10–22–96; 8:45 am]

BILLING CODE 6055–01–M

National Institute for Literacy Advisory Board; Notice of Meeting

SUMMARY: This Notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Institute for Literacy Advisory Board (Board). This notice also describes the function of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

DATE AND TIME: November 8, 1996, 9:30 AM to 4:30 PM.

ADDRESSES: National Institute for Literacy, 800 Connecticut Avenue, NW, Suite 200, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Carolyn Staley, Deputy Director, National Institute for Literacy, 800 Connecticut Avenue, Suite 200, Washington, DC 20006. Telephone (202) 632–1526.

SUPPLEMENTARY INFORMATION: The Board is established under Section 384 of the Adult Education Act, as amended by Title I of P.O. 102–73, the National Literacy Act of 1991. The Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Board is established to advise and make recommendations to the Interagency Group, composed of the Secretaries of Education, Labor, and Health and Human Services, which administers the National Institute for Literacy (Institute). The Interagency Group considers the Board's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve the goals of the Institute. Specifically, the Board performs the following functions: (a) makes recommendations concerning the appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and (c) receives reports from the Interagency Group and Director of the Institute. In additional, the Institute consults with the Board on the award of fellowships. The Board will meet in Washington, DC on November 8, 1996 from 9:30 am to 4:30 am. The meeting of the Board is open to the public. The agenda will include introductions of the new Advisory Board members, a review of the recently completed strategic plan, an overview of the major projects of the Institute, and a discussion of future directions for the organization. Records are kept of all Board proceedings and are available for public inspection at the National Institute for Literacy, 800 Connecticut Avenue, NW, Suite 200, Washington, DC 20006 from 8:30 a.m. to 5:00 p.m.

Dated: October 17, 1996.

Carolyn Staley,

Deputy Director, National Institute for Literacy.

[FR Doc. 96–27114 Filed 10–22–96; 8:45 am]

BILLING CODE 6055–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* Generic Letter 91–02, ''Reporting Mishaps Involving LLW Forms Prepared for Disposal''.

3. *The form number if applicable:* Not applicable.

4. *How often the collection is required:* Reports are made only when the licensee or waste processor experiences a mishap that is reportable under the guidelines described in the Generic Letter.

5. *Who will be required or asked to report:* Nuclear power reactor licensees and Agreement State and non-Agreement State waste processors and disposal site operators.

6. *An estimate of the number of responses:* 34.

7. *The estimated number of annual respondents:* 34.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 272 hours (an average of 8 hours per response).

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* Generic Letter 91–02 encourages voluntary reporting (by both waste form generators and processors) of information concerning mishaps to low-level radioactive waste (LLW) forms prepared for disposal. The information

is used by NRC to determine whether followup action is necessary to assure protection of public health and safety.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW., (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advance Copy Document Library) NRC subsystem at FedWorld, 703–321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703–487–4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1–800–397–4209, or within the Washington, DC, area at 202–634–3273.

Comments and questions should be directed to the OMB reviewer by November 22, 1996: Edward Michlovich, Office of Information and Regulatory Affairs (3150–0156), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 15th day of October 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96–27160 Filed 10–22–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–259, 50–260 and 50–296]

Tennessee Valley Authority; Notice of Consideration of Issuance of Amendments To Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–33, DPR–52 and DPR–68 issued to the Tennessee Valley Authority (TVA or the licensee) for operation of the Browns Ferry Nuclear Plant (Browns Ferry, BFN), Units 1, 2 and 3, located in Limestone County, Alabama.

The proposed amendments, requested by the licensee in a letter dated September 6, 1996, would represent a full conversion from the current Technical Specifications (TSs) to a set of TS based on NUREG–1433, Revision 1, ''Standard Technical Specifications for General Electric Plants, BWR/4,'' dated April 1995. NUREG–1433 has been developed through working groups composed of both NRC staff members and the BWR/4 owners and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve TS. As part of this submittal, the licensee has applied the criteria contained in the Commission's ''Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (final policy statement),'' published in the Federal Register on July 22, 1993 (58 FR 39132), to the current Browns Ferry TSs, and, using NUREG–1433 as a basis, developed a proposed set of improved TSs for BFN. The criteria in the final policy statement were subsequently added to 10 CFR 50.36, ''Technical Specifications,'' in a rule change which was published in the Federal Register on July 19, 1996 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the existing TSs into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operational requirement. The reformatting, renumbering and rewording process reflects the attributes of NUREG–1433 and do not involve technical changes to the existing TSs. The proposed changes include: (a) Providing the appropriate numbers, etc., for NUREG–1433 bracketed information (information which must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1433 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components or variables that do not meet the criteria for inclusion in the TSs. Relocated changes are those current TS requirements which do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Enclosure 1 of their September 6, 1996, application titled ''Browns Ferry Nuclear Plant, Application of Selection Criteria.'' The affected structures, systems components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components or variables will be relocated from the TS to administratively controlled documents such as the Final Safety Analysis Report, the BASES, the Technical Requirements Manual or plant procedures. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms. In addition, the affected structures, systems, components or variables are addressed in existing surveillance procedures which are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems and components described in the safety analyses. For each requirement in the current BFN TSs that is more restrictive than the corresponding requirement in NUREG–1433 which the licensee proposes to retain in the ITS, they have provided an explanation of why they have concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facilities because of specific design features of the plant.

Less restrictive changes are those where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant ''less restrictive'' requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TSs may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating

experience, or (c) resolution of the Owners Groups' comments on the improved Standard Technical Specifications. Generic relaxations contained in NUREG–1433 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG–1433 and, thus, provides a basis for these revised TSs or if relaxation of the requirements in the current TSs is warranted based on the justification provided by the licensee.

In addition to the above changes related to conversion of the current TSs to be similar to the ISTS in NUREG 1433, the licensee has proposed three less restructive changes that are not considered within the scope of the normal ISTS conversion process. The first change would allow two Residual Heat Removal (RHR) Low Pressure Coolant Injection ((LPCI) pumps (two in one loop or one in both loops) to be inoperable for 7 days provided other low pressure emergency core cooling system (ECCS) pumps are operable. Current TS requirements allow only one LPCI pump to be inoperable. The second proposed change would require only two ECCS subsystems to be operable during shutdown. The current TSs, which defines subsystems in the same manner as the ISTS, require three subsystems to be operable. The third proposed change would reduce the number of Residual Heat Removal Service Water (RHRSN) pumps required to be operable under certain conditions.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. By November 22, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Athens Public Library, 405 E. South Street, Athens Alabama. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Frederick J. Hebdon, Director, Project Directorate II–3: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to General Counsel, Tennessee Valley Authority, 400 West Summit Drive, ET 10H, Knoxville, Tennessee, 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no

significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated September 6, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. and at the local public document room located at the Athens Public Library, 405 E. South Street, Athens, Alabama.

Dated at Rockville, Maryland, this 17th day of October 1996.

For the Nuclear Regulatory Commission.

Frederick J. Hebdon,

Director, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–27162 Filed 10–22–96; 8:45 am]

BILLING CODE 7590–01–P

UNITED STATES NUCLEAR REGULATORY COMMISSION

Biweekly Notice

Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from September 30, 1996, through October 10, 1996. The last biweekly notice was published on October 9, 1996 (61 FR 52962).

Notice Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By November 22, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or

controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: September 18, 1996

Description of amendment request: Revise Technical Specification (TS) 4.8.1.1.2 by removing TS 4.8.1.1.2.h.2 pressure testing requirement since adequate testing will be completed in accordance with American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, Section XI.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

This change does not involve a significant hazards consideration for the following reasons:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Applying ASME Code, Section XI alternative examination/testing will not affect any initiators of any previously evaluated accidents or change the manner in which the emergency diesel generators or any other systems operate. The diesel fuel oil system supports the emergency diesel generators which serve an accident mitigating function. Where portions of piping are non-isolable or where atmospheric tanks are involved, the Section XI ASME alternatives to 110% pressure testing continue to ensure the integrity of the fuel oil system without any impact on analyzed accident scenarios or their consequences. Therefore, the proposed amendment does not result in an increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed alternative testing and surveillance will not involve any physical alterations or additions to plant equipment or alter the manner in which any safety-related system performs it function. Using ASME Section XI, or NRC-approved ASME Code cases, as guidance for pressure testing continues to provide assurance that the fuel oil supply system will perform its intended function. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

There are no changes being made to the safety limits or safety settings that would adversely impact plant safety. Further, there is no impact on the margin of safety as defined in the Technical Specifications. Utilizing ASME Section XI as guidance for determining those sections of piping that should be pressure-tested or tested at atmospheric pressure will ensure proper operation of the diesel generator fuel oil supply system. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605

Attorney for licensee: William D. Johnson, Vice President and Senior Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602

NRC Project Director: F. Mark Reinhart, Acting

Detroit Edison Company, Docket No. 50-16, Enrico Fermi Atomic Power Plant, Unit 1, Monroe County, Michigan

Date of amendment request: August 29, 1996 (Reference NRC-96-0111)

Description of amendment request: The proposed amendment will: (1) allow certain equipment and instruments to be removed from service for short periods of time to allow for

maintenance, testing, inspection, modifications, and account for equipment failures; (2) reduce the frequency of environmental liquid effluent monitoring and eliminate one raw water sampling location; (3) eliminate the requirement for moisture intrusion monitoring for the reactor building lower level; and (4) correction of a typographical error.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration using the standards in 10 CFR 50.92(c). The licensee's analysis is presented below:

(1) The operation of Enrico Fermi Atomic Power Plant, Unit 1, in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not involve a significant increase in the probability or consequences of an accident. Provisions for removing the primary cover gas supply from service for short periods of time will not significantly increase the probability of an accident occurring as long as the probability of a significant water reaction with residual sodium is not significantly increased. This is ensured by prescribing limits on the time that carbon dioxide pressure can be low. The consequences of an accident would not be affected by provisions for removing the primary cover gas supply from service as this equipment does not mitigate accidents or affect the accident sequences. Similarly, the provisions for removing the moisture intrusion and cover gas pressure alarms from service for short period of time will not significantly increase the probability of an accident. The alarms provide a monitoring function to detect degradation in the performance of the cover gas supply and sump systems. Absence of these alarm functions for short periods of time does not increase the probability of such degradation and it does not significantly impact the ability for timely detection of such degradation. The consequences of an accident would not be affected by provisions for removing the moisture intrusion and cover gas pressure alarms from service as this equipment does not mitigate accidents or affect the accident sequences. Elimination of the moisture intrusion alarm for the reactor building lower level does not significantly increase the probability of an accident because the probability that water could accumulate in this area is essentially unchanged. Design features of the foundation, containment structure, and annulus drains are intended to prevent entry of water into the reactor building. These features have prevented any water intrusion into this area. The consequences of an accident would not be affected by elimination of the moisture intrusion alarm for the reactor building lower level because this equipment does not mitigate accidents or affect the accident sequences. The Safety Evaluation Supporting Amendment 9 to the referenced license did not rely on moisture intrusion monitoring and alarm features for any safety function or accident prevention or mitigation function. Environmental monitoring surveillance are unrelated to postulated accident sequences and cannot affect the probability or consequences of an accident. The correction of the typographical error is unrelated to accident initiation and sequences and cannot affect the probability or consequences of any accident.

(2) The operation of Enrico Fermi Atomic Power Plant, Unit 1, in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not create the possibility of a new or different accident from any previously evaluated. With the exception of the allowance for composite environmental samples, which are unrelated to any potential accident sequence, these changes propose no new activities or new methods for performing existing activities. Previous evaluations have considered the release of all of the radioactivity in the residual sodium due to postulated fire or other catastrophe and release of radioactive water stored in the liquid waste tanks which bound the only possible radiological accidents at Fermi 1. For these reasons, no new or different type of accident is created by these changes.

(3) The operation of Enrico Fermi Atomic Power Plant, Unit 1, in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed changes do not involve a significant reduction in a margin of safety. The changes to the primary system cover gas system technical specifications still ensure that any residual sodium is passivated by carbon dioxide. Changes to the alarms affect only monitoring functions and therefore do not cause a change to any parameter that could affect the margin of safety. Similarly, the environmental surveillances are unrelated to margin of safety. The correction of the typographical error is unrelated to margin of safety. For these reasons, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161

Attorney for licensee: John Flynn, Esquire, Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226NRC Branch Chief: Michael F. Weber

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: September 25, 1996 (NRC-96-0085)

Description of amendment request: The proposed amendment would revise Technical Specification (TS) Surveillance Requirement 4.8.4.3 to remove the requirement to periodically test the thermal overload (TOL) devices for safety-related motor-operated valves (MOVs). The surveillance requirement would continue to require testing of a TOL device following any maintenance activity that could affect the performance of the device. The surveillance requirement would also be clarified by indicating that testing of TOL devices is required upon initial installation. The associated portion of the TS Bases would also be revised to reflect this change.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident. The deletion of the requirement for testing of the TOL protective devices lessens degradation to the components which can improve MOV reliability. Based on historical data through the years of testing, there is no significant drifting of the trip setpoints of the TOL protective devices. The probability of an accident would not increase since terminating the periodic testing or clarifying the situational testing requirements cannot cause equipment to operate inadvertently and so cannot cause an accident. The periodic testing of the TOL protective devices can temporarily render MOVs inoperable due to the removal of the components from service and can cause safety systems/divisions to become unavailable. The deletion of the periodic testing requirement would increase the availability of safety systems insuring that they would be able to respond to accident conditions. The consequences of an accident will not increase since eliminating the periodic testing and clarifying the situational testing requirements will improve reliability of safety-related MOVs to respond to an accident and will not increase the failure rate of equipment. The clarification of the situational testing ensures that the test will be conducted after any maintenance that could affect the performance of the TOL protective devices. Thus, the proposed change increases reliability of the MOVs and increases plant safety. Therefore this change will not result in a significant increase in the probability or consequences of an accident.

2. The proposed change does not create the possibility of a new or different accident from any previously evaluated. The TOL

protective devices are not an accident initiator, they only protect equipment provided to mitigate the consequences of an accident. For this reason, no new or different type of accident is created by this change.

3. The proposed change does not involve a significant reduction in a margin of safety. The trip setpoints of the TOL protective devices depend upon both the current and the length of time the current is applied. The trip setpoints for TOL protective devices are much higher than conditions normally experienced during an MOV stroke and are meant to protect the motor from stall and overload conditions. The difference between the current of the trip setpoints and the normal conditions is great enough that a premature trip of the TOL protective device is highly unlikely, even at degraded voltages. The TOL protective device protects the motor from the stall conditions. Not conducting the periodic testing of the TOL protective devices would not cause the MOVs to fail, nor would the performance of the MOVs be adversely affected. Throughout the life of the plant, there has never been an instance of a safety related MOV failure due to degradation or failure of TOL protective devices. Further, based on maintenance history, the elimination of the periodic testing would eliminate any significant potential degradation of the TOL protective devices, thereby increasing their reliability. Finally, with the removal of the periodic testing of the TOL protective devices, fewer MOVs would have to be removed from service for testing. Since necessary components would no longer be inoperable due to the periodic testing, there would be an increase of availability time of safety systems/divisions. Deletion of the periodic testing could reduce the durations of online system outages. Clarifying the situational testing requirements would better define when the testing of the TOL protective devices is necessary which would ensure operability. The testing would be based on installation or any maintenance that could affect the TOL protective device. For these reasons, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226

NRC Project Director: John N. Hannon

Duke Power Company, Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: June 21, 1996

Description of amendment request: The proposed amendments would administratively correct the term ''lifting load'' in Technical Specification 3.9.6b.2 to ''lifting force.'' This correction would clarify that the static loads associated with the lifting tool, drive rod and control rod weights are not included in the lifting force limit. The amendments would also more accurately define auxiliary hoist minimum capacities and give a more expansive description of the activities for which protective measures and surveillance testing are used.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Question: Will the change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change[s] [are] administrative in nature, and do[] not represent any changes to the refueling process in the field. It more accurately describes the components for which the LCO's [limiting conditions of operation] protection is intended as well as giving a more accurate description of the auxiliary hoist's minimum capacity. [They] also broaden[] the domain of activities for which protective measures are taken, by including drag load testing into monitored activities. At both MNS [McGuire Nuclear Station] and CNS [Catawba Nuclear Station], the auxiliary hoists and the manipulator cranes are rated at [greater than or equal to] 3000 pounds and are surveillance tested to greater than 1000 pounds. This brackets the limit force lifting value change from 600 to 1000 pounds in the amendment proposal.

Question: Will the change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. Th[ese] proposed administrative change[s] reflect[] no changes in the refueling processes, or any systems, structures or components connected with the refueling process.

Question: Will the change involve a significant reduction in a margin of safety?

No. The proposed administrative change[s] [have] no impact on refueling processes, systems, structures or components, and do[] not result in any significant reduction in a margin of safety. The subject change[s] only clarif[y] the original intent of the specification and more accurately describe[] the involved components, component capacities and the domain of activities for which measures are taken to protect the reactor internals.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendments involve no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Herbert N. Berkow

Duke Power Company, Docket Nos. 50-269, 50-270 and 50-287, Oconee Nuclear Station, Units 1, 2 and 3, Oconee County, South Carolina

Date of amendment request: September 17, 1996 (TSC 96-01)

Description of amendment request: The proposed changes would reduce the Reactor Building pressure setpoint for actuation of the Reactor Building Spray System in Technical Specification (TS) 3.5.3 from a maximum of 30 pounds per square inch gauge (psig) to 15 psig, reduce the maximum allowable Reactor Building internal pressure specified in TS 3.6.4 from 1.5 psig to 1.2 psig when the reactor is critical, revise the corresponding Bases of TS 3.3 to indicate that the Reactor Building sprays and coolers are designed to mitigate the containment temperature response rather than containment pressure response to a loss-of-coolant accident, and make other administrative changes. In addition, the lower Reactor Building pressure limit (a vacuum of 5 inches of mercury (Hg)) in Specification 3.6.4 would be changed to the corresponding value in terms of psig to reflect the units displayed on the control room instrumentation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated:

No. The analysis of the post-LOCA [loss-of-coolant accident] Reactor Building response to high-energy line breaks, using the new methodology, uses assumptions different from the requirements currently delineated in Technical Specifications. The new assumptions used for initial Reactor Building pressure and Reactor Building Spray system

actuation are 1.2 psig and 20 psig respectively. These values are lower, and hence more conservative, than the values currently specified in Technical Specifications.

Since the new values for Reactor Building pressure and Reactor Building Spray actuation are more conservative and the analysis methodology has received approval from the NRC via [an] SER, this change does not involve a significant increase in the probability or consequences of an accident previously identified.

(2) Create the possibility of a new or different kind of accident from any kind of accident previously evaluated:

No. The methodology for Reactor Building high energy line break analysis is being revised. The revision of the method of analysis does not alter the manner by which plant systems and components function for accident mitigation.

(3) Involve a significant reduction in a margin of safety.

No. By letter dated March 15, 1995, the NRC stated that the new analyses described in the topical report, DPC-NE-3003-P, expand the scope of analyzed piping failures in containment for the Oconee facilities. The NRC further stated that this new analysis method has been used to reanalyze existing licensing basis pipe failure events in containment, and to examine the potential effects of previously unanalyzed assumptions and initial conditions which the NRC staff finds to be consistent with current NRC staff acceptance criteria or produce equally conservative results. In conclusion, the NRC confirmed that this methodology, with appropriate adjustments to reflect potential plant modifications, may be used by Duke Power to perform future analyses in support of licensing applications related to containment accident response. This proposed change to Technical Specifications reflects the use of this new methodology. Based on this new methodology, changes have been made to setpoint assumptions for initial Reactor Building pressure and Reactor Building Spray actuation. This proposed Technical Specification change reflects those assumption changes. This methodology has been accepted by the NRC. This proposed change to Technical Specifications does not involve a significant reduction in the margin of safety.

The NRC has reviewed the licensee's analysis and, based on thisreview, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Attorney for licensee: J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20036

NRC Project Director: Herbert N. Berkow

Duquesne Light Company, et al., Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: September 9, 1996

Description of amendment request: The proposed amendment would revise the Minimum Channels Operable requirement of Item 4.c (Steam Line Isolation, Containment Pressure Intermediate -- High-High) of Technical Specification (TS) Table 3.3-3 from 3 to 2. This proposed change would make this Unit 1 TS consistent with the comparable Unit 2 TS.

The proposed amendment would also revise the minimum charging pump discharge pressure in TS 3.5.5 from 2311 psig to 2397 psig. This change is required to ensure that safety analysis assumptions for safety injection flow are met. Conforming changes would also be made to the Bases for TS 3/4.5.5 to reflect the proposed changes to TS 3.5.5.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment does not add or modify any existing plant equipment. Since normal charging pump discharge pressure is greater than or equal to approximately 2440 psig, no additional plant configuration changes or modifications will be required to comply with this revised charging pump discharge pressure value. The proposed amendment does not change the design or function of the containment pressure intermediate-high-high channels.

The consequences of an accident previously evaluated are not significantly increased. The ability of the containment pressure intermediate-high-high function to initiate steam line isolation will not be affected. Since steam line isolation will continue to occur at the same required trip setpoint, the amount of mass and energy released to containment along with the ability to maintain at least one unfaulted steam generator (SG) as a heat sink for the reactor remains unchanged. The amount of seal injection flow will continue to be adequately limited to ensure sufficient flow to the reactor core during accident conditions. The Bases changes are editorial in nature and do not involve a change to probability or consequences of an accident previously evaluated.

Based on the above discussion, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment does not change the plant configuration in a way which introduces a new potential hazard to the plant. Since design requirements continue to be met and the integrity of the reactor coolant system pressure boundary is not challenged, no new failure mode has been created. As a result, an accident which is different than already evaluated in the Updated Final Safety Analysis Report will not be created due to this change.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The margin of safety is not significantly reduced by this proposed change. The trip setpoint for the containment pressure intermediate-high-high function remains unchanged. With one channel inoperable, the remaining two channels will continue to initiate the protective function on a two-out-of-two logic. The action statement limits this condition to 6 hours after which time the inoperable channel must be placed in the trip condition. This action restores the function to be able to meet single failure criteria on a one-out-of-two logic basis.

The proposed revision to the charging pump discharge pressure will not change the flow limit on seal injection. The specification will continue to ensure that seal injection flow is limited. This will ensure that sufficient flow to the reactor core is provided during accident conditions.

The proposed changes to the Bases for seal injection flow are editorial in nature and do not affect the margin of safety.

Therefore, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: John F. Stolz

Entergy Gulf States Inc., Cajun Electric Power Cooperative, and Entergy Operations, Inc., Docket No. 50-458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: August 29, 1996

Description of amendment request: The proposed amendment would revise the technical specifications (TSs) to reflect the elimination of T-factor adjustments in the Average Power

Range Monitors (APRM) setpoints, a decrease in the calibration frequency of the Local Power Range Monitors (LPMR), and an improvement in the calculation of Reactivity Anomaly.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The request does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change replaces the APRM setpoints T-factor limit with power and flow-dependent minimum critical power ratio (MCPR) and linear heat generation rate (LHGR) limits. These new power and flow-dependent thermal limits eliminate the need for manual setpoint adjustment resulting from power peaking conditions. The new power and flow-dependent thermal limits are automatically applied by computer software during the calculation of the core thermal limits and, therefore, do not require manual setpoint adjustments based on the power peaking conditions in the reactor. Extensive transient analyses at a variety of power and flow conditions have been performed and were utilized to study the trend of transient severity without the setpoints T-factor limit. A large data base was established by analyzing limiting transients over a range of power and flow conditions. The data base included evaluations representative of a variety of plant configurations and parameters such that the conclusions drawn from the studies would be applicable to the broad range of boiling water reactors (BWRs). This data base was utilized to develop plant specific operating limits (MCPR and LHGR), which assures that margins to fuel safety limits are equal to or larger than those currently in existence with the APRM setpoints T-factor limit applied. Therefore, this change does not involve an increase in the probability of any event previously evaluated.

The consequences of an accident previously evaluated have not been increased because, in all cases, the new power and flow-dependent thermal limits (MCPR and LHGR) assure that margins to fuel safety limits are equal to or larger than those currently in existence with the APRM setpoints T-factor limit applied. Protection of other thermal limits for all previously analyzed events is accomplished by specific limits that are independent of the APRM setpoints T-factor. These are the power and flow-dependent MCPR Operating Limits which provide protection from fuel dryout and the rated maximum average planner linear heat generation rate (MAPLHGR) limit which provides protection of the peak clad temperature for the design basis accident-loss of coolant accident (DBA LOCA). Therefore, the proposed change does not involve a significant increase in the consequences of any event previously evaluated.

No new equipment is introduced by the change in the local power range monitor (LPRM) calibration frequency and, therefore, the probability for an accident previously evaluated is unchanged. The consequences of an accident can be affected by the thermal limits prior to the accident but LPRM chamber and cycle exposure have no significant effect on the calculated thermal limits. The thermal limit calculation is not significantly effected because the LPRM sensitivity versus exposure function is well defined. This allows accurate LPRM end-of-life calculations so that detectors can be replaced before their behavior significantly deteriorates. In the event deterioration is noted late in the cycle for a few chambers, they can be bypassed with no significant effect on uncertainties. Also, the total nodal power uncertainty remains less than the uncertainty assumed in the General Electric BWR Thermal Analysis Basis (GETAB) safety limit. Therefore, the thermal limit calculation is not affected by the LPRM calibration frequency and the consequences of an accident previously evaluated are not changed.

The change in the parameters used to measure reactivity for calculation of the reactivity anomaly has no affect on either the consequences or the probability of an accident previously evaluated because the allowed reactivity anomaly criteria is unchanged. The only change is the parameters used to measure reactivity.

Therefore, the proposed elimination of the APRM setpoints T-factor maintains adequate off-rated MCPR and LHGR margin for all operating conditions. Also, the change in the LPRM calibration frequency continues to maintain the accuracy of the thermal limit calculation. Therefore, the consequences of an accident previously evaluated are not affected by this change. Finally, the change in the parameters used to measure reactivity for calculation of the reactivity anomaly has no affect on either the consequences nor the probability of an accident previously evaluated. Since no new plant equipment is introduced by any of the proposed changes, the probability of accidents previously evaluated are not changed. Therefore, none of the proposed changes involve an increase in the probability or consequences of any event previously evaluated.

2. The request does not create the possibility of occurrence of a new or different kind of accident from any accident previously evaluated.

This change only replaces the APRM setpoints T-factor limit with power and flow-dependent MCPR and LHGR limits, changes the LPRM calibration frequency, and a change to the parameter(s) used to measure reactivity. None of the proposed changes involve any new modes of operation or any plant modifications. Therefore, the proposed changes do not create the possibility of a new or different type of accident from any accident previously analyzed.

3. The request does not involve a significant reduction in a margin of safety.

The replacement of the APRM setpoints T-factor limit with power and flow-dependent thermal limits has been confirmed to provide adequate MCPR and LHGR protection at all reactor operation conditions. Operation with higher peaking without APRM gains or flow bias trip setpoints adjustment does not involve a reduction in a margin of safety because the higher power peaking resulting from elimination of the APRM setpoints T-factor has been analyzed to assure that the margins to fuel safety limits are equal to or larger than those currently in existence with the APRM setpoints T-factor limit applied. Therefore, the replacement of the APRM setpoint T-factor with power and flow-dependent thermal limits does not involve a reduction in the margin of safety.

Protection of other thermal limits for all previously analyzed events is accomplished by specific limits that are independent of the APRM setpoint T-factor limit. These are the power and flow-dependent

MCPR Operating Limits which provide protection from fuel dryout and the rated MAPLHGR limit which provides protection of the peak clad temperature for the DBA LOCA.

The margin of safety can be affected by the thermal limits prior to an accident but LPRM chamber exposure and cycle exposure have no significant effect on the calculated thermal limits. The thermal limit calculation is not significantly affected because the LPRM sensitivity versus exposure function is well defined. This allows accurate LPRM end of life calculations so that detectors can be replaced before their behavior significantly deteriorates. In the event deterioration is noted late in the cycle for a few chambers, they can be bypassed with no significant effect on uncertainties. Also, the total nodal power uncertainty remains less than the uncertainty assumed in the GETAB safety limit. Therefore neither the thermal limit calculation nor the margin of safety are affected by the LPRM calibration.

The change in the parameters used to measure reactivity for calculation of the reactivity anomaly has no affect on the margin of safety because the allowed reactivity anomaly criteria is unchanged. The only change is the parameters used to measure reactivity.

Neither the change to APRM setpoints T-factor nor the change to the LPRM calibration frequency significantly effects the thermal limits calculation, and, therefore, do not result in an increase in core damage frequency. The change in the parameters used to measure reactivity for calculation of the reactivity anomaly has no affect on the core damage frequency because the allowable reactivity anomaly criteria remains unchanged. Therefore, the proposed changes do not involve a reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Documenmt Room location: Government Documents Department, Louisiana State University, Baton Rouge, LA 70803

Attorney for licensee: Mark Wetterhahn, Esq., Winston & Strawn,

1400 L Street, N.W., Washington, D.C. 20005

NRC Project Director: William D. Beckner

Entergy Gulf States, Inc., Cajun Electric Power Cooperative, and Entergy Operations, Inc., Docket No. 50-458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: August 29, 1996

Description of amendment request: The proposed amendment would provide a revision to the reactor pressure vessel (RPV) surveillance capsule withdrawal schedule for the River Bend Station. The first surveillance capsule would be withdrawn at 10.4 effective full power years (EFPY) rather than at 6EFPY.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Pressure-temperature (P-T) limits (RBS Technical Specifications Figure 3.4.11-1) are imposed on the reactor coolant system to ensure that adequate safety margins against nonductile or rapidly propagating failure exist during normal operation, anticipated operational occurrences, and system hydrostatic tests. The P-T limits are related to the nil-ductility reference temperature, RT_{NDT}, as described in ASME Section III, Appendix G. Changes in the fracture toughness properties of RPV beltline materials, resulting from the neutron irradiation and the thermal environment, are monitored by a surveillance program in compliance with the requirements of 10CFR50, Appendix H. The effect of neutron fluence on the shift in the nil-ductility reference temperature of pressure vessel steel is predicted by methods give in Regulatory Guide 1.99, Rev. 2.

River Bend's current P-T limits were established based on adjusted reference temperatures developed in accordance with the procedures prescribed in Reg. Guide 1.99, Rev. 2, Regulatory Position 1. Calculation of adjusted reference temperature by these procedures includes a margin term to ensure conservative, upper-bound values are used for the calculation of the P-T limits. Revision of the first capsule withdrawal schedule will not affect the P-T limits because they will continue to be established in accordance with Regulatory Position 1 (or other NRC-approved) procedures. When permitted (two or more credible surveillance data sets available), Regulatory Position 2 (or other NRC-approved) methods for determining adjusted reference temperature will be followed.

This change is not related to any accidents previously evaluated. The proposed change is a revision of the Withdrawal Time for the first surveillance capsule as given in Technical Requirements (TR) Table 3.4.11-1 from 6 EFPY to 10.4 EFPY. This change will not affect P-T limits as given in RBS Technical Specifications Figure 3.4.11-1 or USAR Figures 5.3-4a and 5.3-4b. This change will not affect any plant safety limits or limiting conditions of operation. The proposed change will not affect reactor pressure vessel performance as no physical changes are involved and RBS vessel P-T limits will remain conservative in accordance with Reg. Guide 1.99, Rev. 2 requirements. The proposed change will not cause the reactor pressure vessel or interfacing systems to be operated outside of their design or testing limits. Also, the proposed change will not alter any assumptions previously made in evaluating the radiological consequences of accidents. Therefore, the probability or consequences of accidents previously evaluated will not be increased by the proposed change.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is a revision of the Withdrawal Time in TR Table 3.4.11 for the first RPV material surveillance capsule from 6 EFPY to 10.4 EFPY. This proposed change does not involve a modification of the design of plant structures, systems, or components. The proposed change will not impact the manner in which the plant is operated as plant operating and testing procedures will not be affected by the change. The proposed change will not degrade the reliability of structures, systems or components important to safety (ITS) as equipment protection features will not be deleted or modified, equipment redundancy or independence will not be reduced, supporting system performance will not be downgraded, the frequency of operation of ITS equipment will not be increased, and increased or more severe testing of ITS equipment will not be imposed. No new accident types or failure modes will be introduced as a result of the proposed change. Therefore, the proposed change does not create the possibility of a new or different kind of accident from that previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety.

As stated in the River Bend SER, ''Appendices G and H of 10CFR50 describe the conditions that require pressure-temperature limits and provide the general bases for these limits. These appendices specifically require that pressure-temperature limits must provide safety margins at least as great as those recommended in the ASME Code, Section III, Appendix G. .... Until the results from the reactor vessel surveillance program become available, the staff will use RG 1.99, Revision 1 [now Revision 2] to predict the amount of neutron irradiation damage. ... The use of operating limits based on these criteria--as defined by applicable regulations, codes, and standards--will provide reasonable assurance that nonductile or rapidly propagating failure will not occur, and will constitute an acceptable basis for satisfying the applicable requirements of GDC 31.''

Bases for RBS Technical Specification 3/4/11 states: ''The P/T limits are not derived from Design Basis Accident (DBA) analyses. They are prescribed during normal operation to avoid encountering pressure, temperature, and temperature rate of change conditions that might cause undetected flaws to propagate and cause nonductile failure of the RCPB [Reactor Coolant Pressure Boundary], a condition that is unanalyzed. ... Since the P/T limits are not derived from any DBA, there are no acceptance limits related to the P/T limits. Rather, the P/T limits are acceptance limits themselves since they preclude operation in an unanalyzed condition.''

The proposed change will not affect any safety limits, limiting safety system settings, or limiting conditions of operation. The proposed change does not represent a change in initial conditions, or in a system response time, or in any other parameter affecting the course of an accident analysis supporting the Bases of any Technical Specification. The proposed change does not involve revision of the P-T limits but rather a revision of the Withdrawal Time for the first surveillance capsule. The current P-T limits were established based on adjusted reference temperatures for vessel beltline materials calculated in accordance with Regulatory Position 1 of Reg. Guide 1.99, Rev. 2. P-T limits will continue to be revised as necessary for changes in adjusted reference temperature due to changes in fluence according to Regulatory Position 1 until two or more credible surveillance data sets become available. When two or more credible surveillance data sets become available, P-T limits will be revised as prescribed by Regulatory Position 2 of Reg. Guide 1.99, Rev. 2 or other NRC-approved guidance. Therefore, the proposed changes do not involve a significant reduction in any margins of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, LA 70803

Attorney for licensee: Mark Wetterhahn, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005

NRC Project Director: William D. Beckner

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Nuclear Generating Plant, Unit No. 3, Citrus County, Florida

Date of amendment request: September 23, 1996

Description of amendment request: The proposed amendment would revise the Crystal River Unit 3 (CR 3) technical specifications (TS) to delete a note

associated with Surveillance Requirement (SR) 3.3.7.1 for the Engineered Safeguard Actuation System (ESAS) Automatic Actuation Logic. Applicable TS Bases will also be revised to reflect the proposed TS change.

SR 3.3.7.1 requires periodic testing of the ESAS automatic actuation logic matrix to demonstrate that the required logic combinations are operable. When the ESAS automatic actuation logic is placed in an inoperable status solely for performing of this surveillance, the note associated with the SR 3.3.7.1 provides relief in that it allows not entering into applicable Conditions and Required Actions for up to 8 hours, provided the associated engineering safeguards (ES) function is maintained. The licensee has determined that because of the CR 3 design of the ESAS System and the way the test is performed, maintenance of the ''associated ES function'' is not possible. Thus, the note does not provide the relief intended and therefore, the licensee proposes to delete the note. During the performance of the ESAS test and bypassing the associated ES function, the licensee proposes to enter into applicable TS Conditions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change will not significantly increase the probability or consequences of an accident previously evaluated because unavailability of equipment is recognized in the design of the plant and in the Technical Specifications. The probability and consequences of accidents previously evaluated are bounded by the evaluations done for the allowed outage time of the associated functions.

2. The proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated because the bypassing of ES functions for testing purposes does not place the plant in a configuration which would allow the possibility of a new or different kind or accident to be created.

3. The proposed change will not involve a significant reduction to the margin of safety because deleting the NOTE does not effect the way the test is performed. The test is required by the Technical Specifications and will still be performed in the same manner. Thus, there is no change in the unavailability of the system as a result of this change and the margin of safety is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629

Attorney for licensee: A. H. Stephens, General Counsel, Florida Power Corporation, MAC - A5D, P. O. Box 14042, St. Petersburg, Florida 33733

NRC Project Director: Frederick J. Hebdon

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Nuclear Generating Plant, Unit No. 3, Citrus County, Florida

Date of amendment request: September 27, 1996

Description of amendment request: The proposed amendment would revise the Crystal River 3 (CR3) post-accident monitoring (PAM) instrumentation technical specification (TS). Specifically, the following TS changes are proposed:

A. Table 3.3.17-1, Function 8: The descriptor is changed from ''Containment Pressure (Narrow Range)'' to ''Containment Pressure (Expected Post-Accident Range).''

B. Table 3.3.17-1, Function 18: The required channels for Core Exit Temperature (Backup) is changed from ''2 sets of 5'' to ''3 per core quadrant.''

C. Table 3.3.17-1: A new Function 20 is added and designated as ''Low Pressure Injection Flow.''

D. Table 3.3.17-1: A new Function 21 is added and designated as ''Degrees of Subcooling.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (the letters A, B, C and D correspond to the proposed TS changes), which is presented below:

1. The proposed changes will not significantly increase the probability or consequences of an accident previously evaluated because:

A/B. The changes in containment pressure and core exit thermocouple nomenclature do not reflect any physical changes to the facility.

C/D.The addition of low pressure injection flow and degrees of subcooling to the Post-Accident Monitoring Instrumentation LCO is being done to comply with a commitment made during the technical specification improvement program to include in the technical specifications, that instrumentation which monitors variables classified as Type A in accordance with Regulatory Guide 1.97. These two variables have recently been re-classified as Type A. The associated instruments are used after an accident occurs to prompt the operators to take certain mitigative actions. Therefore, the probability of an accident occurring is unaffected. As part of the re-classification of these variables to Type A, the associated monitoring instrumentation will be under more strict surveillance and control, which provides additional assurance that the prescribed manual operator actions will be implemented when necessary. This, in turn, assures the previously evaluated accident consequences remain valid.

2. The proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated because:

A/B. The changes in containment pressure and core exit thermocouple nomenclature do not reflect any physical changes to the facility. The changes provide clarification for the instruments which are required to comply with the LCO.

C/D. The addition of low pressure injection flow and degrees of subcooling to the Post-Accident Monitoring instrumentation LCO is being done to comply with a commitment made during the technical specification improvement program to include in the technical specifications, that instrumentation which monitors variables classified as Type A in accordance with Regulatory Guide 1.97. These two variables have been re-classified as Type A. The associated instruments are used after an accident occurs to prompt the operators to take certain mitigative actions. Since the instrumentation is used only post-accident, these changes do not create the possibility of a new or different kind of accident.

3. The proposed change will not involve a significant reduction to the margin of safety because:

A/B. The changes in containment pressure and core exit thermocouple nomenclature have no affect on the margin of safety. The changes provide clarification of the technical specifications. This reduces the potential for confusion regarding this instrumentation.

C/D. The addition of low pressure injection flow and degrees of subcooling to the post-accident monitoring instrumentation table adds controls on the OPERABILITY of post-accident monitoring instrumentation providing greater assurance it will be available should an accident occur.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629

Attorney for licensee: A. H. Stephens, General Counsel, Florida Power Corporation, MAC - A5D, P. O. Box 14042, St. Petersburg, Florida 33733

NRC Project Director: Frederick J. Hebdon

Northeast Nuclear Energy Company (NNECO), Docket No. 50-245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of amendment request: September 5, 1996

Description of amendment request: The proposed change deletes License Condition 2.C.5, Integrated Implementation Schedule.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In accordance with 10CFR50.92, NNECO has reviewed the attached proposed change and has concluded that it does not involve a significant hazards consideration (SHC). The basis for this is that the three criteria of 10CFR50.92(c) are not compromised. The proposed change does not involve an SHC because the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

Operation of the facility in accordance with the proposed change would result in a change in an administrative process for prioritizing and scheduling projects and engineering evaluations. With the limited number of NRC required projects remaining to be implemented, the IIS [Integrated Implementation Schedule] is no longer required to schedule resources for the remaining topics. Since this license condition only involves an administrative process, it does not directly affect the design or operation of the plant. Therefore, no accident analyses are affected by the change, and the change does not increase the probability or consequences of any previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed license modification removes a requirement relating to the scheduling of modifications and engineering evaluations. Because the license condition addresses only an administrative scheduling mechanism, it does not affect directly the design or operation of the plant. Therefore, the proposed change does not create a different kind of accident from those previously analyzed.

3. Involve a significant reduction in a margin of safety.

The proposed license modification removes a requirement relating to the scheduling of modifications and engineering evaluations. The original purpose of the IIS and the ISAP [Integrated Safety Assessment Program] was to prioritize and schedule modifications and engineering evaluations in a manner that was agreed upon by both NNECO and the NRC. These programs were especially important to Millstone Unit No. 1 for priorization of topics associated with the SEP [Systematic Evaluation Program] and the TMI [Three Mile Island] Action Plan. This program is considered to be no longer necessary. Modifications and engineering evaluations will be scheduled and prioritized using other methodologies. Since this change involves an administrative process only, there is no direct impact on the design or operation of the plant, and therefore, no significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, CT 06385

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141-0270

NRC Project Director: Phillip F. McKee

PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: August 27, 1996

Description of amendment request: The proposed amendment revises the required value of control rod drive (CRD) system pressure in technical specification (TS) 3.10.8, ''Shutdown Margin (SDM) Test-Refueling.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

The proposed changes are purely administrative and do not involve any physical changes to plant SSC [systems, structures and components]. The change in the minimum CRD charging water header pressure from 955 psig to 940 psig was previously approved in TS Amendments Nos. 211 and 216 for PBAPS [Peach Bottom Atomic Power Station], Units 2 and 3. TS Change Request 95-12 was incomplete by inadvertently failing to identify the need to change requirement (f) of LCO [Limiting Condition for Operation] 3.10.8. Therefore, the proposed changes will not increase the probability of occurrence or the consequences of an accident previously evaluated in the SAR [safety analysis report].

2) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes are purely administrative and do not involve any physical changes to plant SSC. The proposed changes do not allow plant operation in any mode that is not already evaluated in the SAR. Therefore, the possibility of a different type of accident than previously evaluated in the SAR is not created.

3) The proposed changes do not result in a significant reduction in the margin of safety.

The proposed changes are purely administrative and have no impact on any safety analysis assumptions or margins of safety. A change to SR 3.10.8.6 was approved by the NRC by TS Amendment Nos. 211 and 216. LCO 3.10.8 requirement (f) should have been changed at the same time to reflect a minimum CRD charging water pressure of 940 psig. Changing LCO 3.10.8 requirement (f) to reflect TS Amendment Nos. 211 and 216 is purely administrative, and therefore, does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V. P. and General Counsel, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19101

NRC Project Director: John F. Stolz

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: May 20, 1996

Description of amendment request: The proposed Technical Specifications (TS) changes would revise TS Sections 3/4.4.9.2, 3/4.9.11.1, 3/4.9.11.2, and the associated TS Bases 3/4.4.9 and 3/4.9.11, to more clearly describe that the Residual Heat Removal (RHR) system Shutdown Cooling mode of operation consists of four (4) ''subsystems.'' These TS sections pertain to plant operations during Operational Conditions (OPCONs) 4, ''Cold Shutdown'' and 5, ''Refueling.'' In addition, the proposed TS change would make administrative changes to TS Section 3/4.4.9.1 to

ensure consistency in terminology regarding the description of Shutdown Cooling ''subsystems.'' The proposed TS changes are consistent with the guidance delineated in the Improved TS (i.e., NUREG-1433, Revision 1, ''Standard Technical Specifications General Electric Plants, BWR/4,'' dated April 1995) which indicates that the RHR Shutdown Cooling mode of operation is comprised of two (2) loops and four (4) subsystems (i.e., two (2) subsystems per loop).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specifications (TS) changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS changes do not involve any physical changes to plant structures systems, or components. The RHR [Residual Heat Removal] Shutdown Cooling mode of operation is manually controlled and is not required for accident mitigation. The RHR system will continue to function as designed in all modes of operation. The consequences of equipment malfunction are not changed from those in existing analyses, with no increase in onsite or offsite radiological effects. The RHR system will continue to function as designed to mitigate the consequences of an accident and resultant onsite and offsite radiological effects remain as previously evaluated. The proposed TS changes will revise the TS to more clearly describe the RHR system configuration in OPCONs 4 and 5. The proposed changes are consistent with the guidance stipulated in NUREG-1433, Revision 1.

The four (4) ''subsystem'' Shutdown Cooling designation permits operability of only one (1) RHR heat exchanger for Shutdown Cooling service in Operational Conditions (OPCONs) 4 and 5, as long as both associated RHR pumps are operable and alignable for Shutdown Cooling. TS requirements for RHR Shutdown Cooling operation in Hot Shutdown, Suppression Pool Spray, and Suppression Pool Cooling continue to require two (2) independent loops to be operable in OPCONs 1, 2, and 3*, meaning both RHR heat exchangers will still be required to be operable throughout OPCON 3.

The four (4) ''subsystem'' Shutdown Cooling designation has no effect on the required operability of the Residual Heat Removal Service Water (RHRSW) system. As required by TS Section 3.7.1.1, the RHRSW subsystem(s) associated with the required operable RHR heat exchanger(s) will continue to remain operable. Each operable RHRSW subsystem consists of two (2) operable pumps and the required operable flowpath to provide decay heat removal via the associated RHR heat exchanger.

The RHRSW system piping is designed, fabricated, inspected, and tested in accordance with the requirements of ASME [American Society of Mechanical Engineers], Section III Class 3, and each RHRSW subsystem is single active failure proof in that the failure of a motor-operated valve, diesel generator, or pump does not prevent the system from performing its safety function.

The required availability of four (4) loops of the Low Pressure Coolant Injection (LPCI) mode of RHR during OPCONs 1, 2, and 3 as required by TS Section 3.5.1 is not impacted by the four (4) ''subsystem'' Shutdown Cooling designation. No change to any RHR system instrumentation logic, required Emergency Core Cooling System (ECCS) availability, or method of operation is involved.

NUREG-1433, Revision 1, also re-affirms that each Shutdown Cooling ''subsystem'' is considered operable if it can be manually aligned, remotely or locally, in the shutdown cooling mode for removal of decay heat. Thus, a LPCI-dedicated pump can be aligned for LPCI automatic initiation, yet still be considered part of an operable shutdown cooling subsystem as long as it can be re-aligned for Shutdown Cooling.

Therefore, the proposed TS changes do not involve an increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS changes do not involve any physical changes to plant structures, systems, or components. The RHR system will continue to function as designed in all modes of operation. No new accident type is created as a result of the proposed changes. No new failure mode for any equipment is created. The changes are consistent with the guidance provided in NUREG-1433, Revision 1, pertaining to RHR Shutdown Cooling operation in OPCONs 4 and 5.

The four (4) ''subsystem'' Shutdown Cooling designation has no effect on the required operability of the RHRSW system. The RHRSW subsystem(s) associated with the required operable RHR heat exchanger(s) will continue to remain operable as required by TS Section 3.7.1.1. Each operable RHRSW subsystem consists of two (2) operable pumps and the required operable flowpath to provide decay heat removal via the associated RHR heat exchanger.

The RHRSW system piping is designed, fabricated, inspected, and tested in accordance with the requirements of ASME, Section III, Class 3, and each RHRSW subsystem is single active failure proof in that the failure of a motor-operated valve, diesel generator, or pump does not prevent the system from performing its safety function.

The required availability of four (4) loops of the LPCI mode of RHR during OPCONs 1, 2, and 3 as required by TS Section 3.5.1 and 3.5.2 is not impacted by the four (4) ''subsystem'' Shutdown Cooling designation. No change to any RHR system instrumentation logic, required ECCS availability, or method of operation is involved.

NUREG-1433, Revision 1, also re-affirms that each Shutdown Cooling ''subsystem'' is considered operable if it can be manually aligned, remotely or locally, in the Shutdown Cooling mode for removal of decay heat. Thus, a LPCI-dedicated pump can aligned be [sic] [be aligned] for automatic LPCI initiation, yet still be considered part of an operable shutdown cooling subsystem as long as it can be re-aligned for Shutdown Cooling.

Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

Although the Bases for TS Sections 3/4.4.9.2, 3/4.9.11.1, and 3/4.9.11.2 are being revised in support of this proposed TS change, the changes only involve providing clarification regarding the designation of the RHR Shutdown Cooling operation configuration in OPCONs 4 and 5. The proposed TS changes do not involve any physical changes to plant structures, systems, or components. The RHR system will continue to function as designed in all modes of operation. The consequences of equipment malfunction are not changed from those in existing analyses, with no increase in onsite or offsite radiological effects. The RHR system will continue to function as designed to mitigate the consequences of an accident and resultant onsite and offsite radiological effects remain as previously evaluated. The proposed changes are consistent with the guidance stipulated in NUREG-1433, Revision 1.

The four (4) ''subsystem'' Shutdown Cooling designation has no effect on the required operability of the RHRSW system. As required by TS 3.7.1.1, the RHRSW subsystem(s) associated with the required operable RHR heat exchanger(s) will continue to remain operable. Each operable RHRSW subsystem consists of two (2) operable pumps and the required operable flowpath to provide decay heat removal via the associated RHR heat exchanger.

The RHRSW system piping is designed, fabricated, inspected, and tested in accordance with the requirements of ASME, Section III, Class 3, and each RHRSW subsystem is single active failure proof in that the failure of a motor-operated valve, diesel generator, or pump does not prevent the system from performing its safety function. (In the same manner that manual action may be required for RHR system alignment in OPCONs 4 and 5 with one (1) RHR heat exchanger operable, a failure of the motor-operated RHRSW inlet or outlet heat exchanger isolation valves may require manual positioning for the required alignment.)

The required availability of four (4) loops of the LPCI mode of RHR during OPCONs 1, 2, and 3* as required by TS Section 3.5.1 is not affected by the four (4) ''subsystem'' Shutdown Cooling configuration. No change to any RHR system instrumentation logic, required ECCS availability, or method of operation is involved.

NUREG-1433, Revision 1, also re-affirms that each Shutdown Cooling ''subsystem'' is

considered operable if it can be manually aligned, remotely or locally, in the Shutdown Cooling mode for removal of decay heat. Thus, a LPCI-dedicated pump can be aligned for LPCI automatic initiation, yet still be considered part of an operable Shutdown Cooling ''subsystem'' as long as it can be re-aligned for Shutdown Cooling.

Therefore, the proposed TS changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, PA 19464

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V. P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, PA 19101

NRC Project Director: John F. Stolz

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: June 28, 1996

Description of amendment request: The proposed Technical Specifications (TS) changes would incorporate performance-based testing, in accordance with 10 CFR Part 50, Appendix J, ''Primary Reactor Containment Leakage Testing For Water-Cooled Power Reactors,'' Option B. This option allows utilities to extend the frequencies of the Type A Containment (ILRT) Leak Rate Test and Type B and C Local Leak Rate Tests (LLRTs) based on the performance and design of the containment and components.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Incorporation of the new 10 CFR 50, Appendix J, Option B at LGS, Units 1 and 2 does not increase the probability of occurrence of an accident previously evaluated. The containment structure including its isolation capability is not an accident initiator.

These changes do not involve any changes to the containment structure, system or components which could increase the probability of occurrence of an accident previously evaluated or act as a new accident initiator. Implementation of the proposed changes will affect the manner in which these structures, systems, or components (SSCs) are tested; however, the new testing schedule is not an initiator of any analyzed event. No equipment changes are involved with adoption of Option B; therefore, performance-based test intervals for Type A, B, and C tests do not increase the probability of occurrence of a malfunction of equipment important to safety previously evaluated. No physical changes are being made to the plant, nor are there any changes being made in the operation of the plant as the result of increasing the test intervals. Additionally, the proposed TS changes will not alter the operation of equipment available for the mitigation of accidents or transients, therefore, this change will not result in any significant increase to onsite or offsite dose previously evaluated. The potential for time-based and activity-based failure mechanisms which could lead to excessive containment leakage has been determined to be minimal. Performance-based test intervals for Type A, B, and C tests will not alter any safety limits which ensure the integrity of fuel barriers, and will not increase the primary containment leakage limits.

Performance-based test intervals for Type A, B, and C leak tests do not increase the consequences of an accident previously evaluated. NUREG-1493 concluded that reducing the frequency of Type A tests from the current three per ten years to one per ten years was found to lead to an imperceptible increase in risk. NUREG-1493 includes the results of a sensitivity study performed to explore the risk impact of several alternative leak rate test schedules. The estimated increase in population exposure risk ranged from 0.02% to 0.14%. The risk impact was determined to be very small since Type B and C testing (local leak rate tests) detect a very large percentage of overall containment leakages. The percentage of leakages detected by Type A tests is very small. Past test results experienced at Limerick Units 1 and 2 concur with these determinations. NUREG-1493 also concluded that the overall unit risk is not very sensitive to changes in containment leakage rates. Given the insensitivity of risk to containment leak rates and the small fraction of leak paths detected solely by the Type A tests, increasing the interval between Type A tests is possible with minimal impact on public risk.

NUREG-1493 also concluded that, based on a model of component failure with time, the performance-based alternatives to current, local-leakage testing requirements are feasible without significant risk impact. The LGS design and past performance is bounded by the NUREG study. The NUREG model indicated that the number of components tested could be reduced by about 60% with less than a three-fold increase in the incremental risk due to containment leakage. Since under existing requirements, leakage contributes less than 0.1 percent of overall accident risk, the overall impact is very small.

Therefore, the proposed TS changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Performance-based test intervals for Type A, B, and C leak tests do not introduce a new or different type of accident or create the possibility of a different type of malfunction of equipment important to safety than previously evaluated. No physical changes are being made to the plant, nor are there any changes being made in the operation of the plant as the result of increasing the test intervals. No new failure modes of plant equipment previously evaluated will be introduced. Additionally, the TS changes will not alter the operation of equipment available for the mitigation of accidents or transients. The safety function of the primary containment will be retained since the containment will continue to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents previously evaluated.

Therefore, the proposed TS changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

The margin of safety is not reduced as a result of adopting 10 CFR 50, Appendix J, Option B. The effect of increasing containment leakage rate testing intervals was evaluated in NUREG-1493 using historical industry leakage rate testing results. Performance history at LGS is consistent with the conclusions reached in NUREG-1493 and NEI 94-01. The results of the NUREG evaluation conclude that the increased safety risk corresponding to the extended test intervals is small (less than 0.1% of total risk). The revised TS will continue to maintain the allowable leakage rate for the Type A tests. In addition, the requirement to perform a periodic general visual inspection of the primary containment has been maintained at the original interval of three times in 10 years as part of the performance-based leakage rate testing program.

The risk of a non-detectable increase of primary containment leakage is considered to be negligible due to the conclusion that 10 CFR 50, Appendix J, Type B and C testing program will continue to be conducted between Type A tests. A review of previous LGS Type A test results has concluded that the only failure mechanisms are activity-based. There is no indication of time-based failures that would not be identified during the performance of Type B and C tests. Therefore, we have concluded that the proposed adoption of the Option B intervals would not result in a non-detectable primary containment leakage rate in excess of the allowable value (i.e., 0.5% wt/day) established by the LGS TS.

The proposed TS will continue to maintain the allowable leakage rate for the combined Type B and C tests. As supported by the findings of NUREG-1493, the percentage of leakages detected by Type A tests is small (as

stated above) and Type B and C leakage tests are capable of detecting more than 97% of containment leakages and virtually all such leakages are identified by local leak rate tests of containment isolation valves. The Type B and C test intervals will be established through the PCLRTP for each component based on design and previous LGS test performance history.

Therefore, the proposed TS changes do not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, PA 19464

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V. P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, PA 19101

NRC Project Director: John F. Stolz

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: September 25, 1996

Description of amendment request: The amendments would relocate to the Salem Updated Final Safety Analysis Report the list of containment isolation valves that are currently located in Table 3.6-1 of Technical Specification 3.6.3. In addition, references to the table in specifications 1.7, 3.6.1, and 3.6.3 are being updated.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequence of an accident previously evaluated.

The proposed changes simplify the TS, meet the regulatory requirements for control of containment isolation, and are consistent with the guidance provided in Generic Letter (GL) 91-08, ''Removal of Component Lists from Technical Specifications.'' The procedural details of TS Table 3.6-1 have not been changed, only relocated to a different controlling document, the Salem Update [sic] [Updated] Final Safety Analysis Report (UFSAR). The proposed changes are administrative in nature, should result in improved administrative practices, and do not affect plant operations.

The probability of occurrence of a previously evaluated accident is not increased because this change does not introduce any new potential accident initiating conditions. The consequences of an accident previously evaluated is not increased because the ability of containment to restrict the release of any fission product radioactivity to the environment will not be degraded by this change.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes are administrative in nature, do not result in a physical alterations or changes to the operation of the plant, and cause no change in the method by which any safety-related system performs its functions. Therefore, this proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The administrative change to relocate TS Table 3.6-1 to the UFSAR does not alter the basic regulatory requirements for containment isolation and will not adversely affect the containment isolation capability for credible accident scenarios. Adequate control of the content of the relocated table is assured by the 10CFR50.59 review process.

The proposed relocation of TS Table 3.6-1 does not alter the requirements for CIV operability currently in the TS. the Limiting Condition for Operation and the Surveillance Requirements would be retained in the revised TS. Therefore, the proposed changes will not affect the meaning, application, and function of the current TS requirements for the CIVs.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, NJ 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW, Washington, DC 20005-3502

NRC Project Director: John F. Stolz

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: September 25, 1996

Description of amendment request: The amendments would change Technical Specification 3/4.8.1, ''Electrical Power Systems,'' to revise the Emergency Diesel Generator (EDG) voltage and frequency limits as a result of updated EDG load calculations and to eliminate ambiguity in the testing methodology for EDG start timing.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Since no change is being made to the offsite power supplies, or to any system or component that interfaces with the offsite power supplies, there is no change in the probability of a Loss of Offsite Power Accident.

The proposed changes provide the necessary conservatism for voltage and frequency to ensure the EDGs are not run in an overloaded condition and that driven equipment is not damaged during steady state operation following a Loss of Offsite Power coincident with a Loss of Coolant Accident. Since the narrower band of voltage and frequency for the isochronous mode continues to ensure proper steady state operation of the EDG and associated driven equipment, there is no change in the consequences of an accident previously evaluated.

Based on the above, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment does not result in any design or physical configuration changes to the EDGs. Proposed changes made to the testing parameters and testing methodology will not cause a new or different accident since the EDGs are used for accident mitigation and no new failure modes are being introduced. Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed amendment provides further conservatism to the voltage and frequency band currently specified in the TSs. The proposed voltage and frequency changes ensure the EDG will not be overloaded from an over-frequency condition and driven equipment will not be damaged from an over-voltage condition.

The control system is set to control the EDG voltage within the bands specified in the requested changes. The changes are consistent with current calculations and within the capability of the controls. Since the narrower band of voltage and frequency for the isochronous mode is bounded by the existing TS, there is no change in the margin of safety. The increased band for droop mode will ensure the EDG is capable of operating in accordance with normal offsite power parameters and does not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, NJ 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW, Washington, DC 20005-3502

NRC Project Director: John F. Stolz

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: October 1, 1996

Description of amendment request: The proposed amendments would change Technical Specifications (TSs) 3/4.7.1.5, ''Main Steam Line Isolation Valves (MSIVs),'' and 3/4.3.2, ''Engineered Safety Feature Actuation System Instrumentation.'' These changes are needed to accommodate entry into Modes 3 and 2 prior to performing MSIV closure time testing in Mode 2. The proposed amendments would also allow for the repair and testing of inoperable MSIVs in certain operating Modes, and would change the low steam line pressure trip setpoint value for safety injection to make it consistent with the previously approved value for steam line isolation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The isolation capability of the MSIVs and the protective functions of the low steam line pressure channels are necessary for accident mitigation and do not impact the probability of an accident. MSIV testing in the higher modes is necessary to obtain conditions which enable testing of the MSIVs. These conditions are consistent with the current accident analyses for main steam line breaks and secondary system depressurization. Failure of a MSIV, which could be encountered during testing, is accounted for in the accident analyses.

Provisions for entering Mode 2 within six hours with an inoperable MSIV allows operators to remove the plant from power generation in a more controlled manner without challenging plant safety systems and is consistent with other plant shutdown TS (i.e., TS 3.0.3). The additional six hours to Hot Shutdown, should MSIV closure be infeasible, does not result in a significant increase in the probability or consequence of an accident since this is a very small incremental time addition. The values for the low steam line pressure safety injection are higher and are bounded by the present accident analysis. The elimination of the obsolete stroke time of eight seconds is editorial in nature. As a result, the changes proposed do not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not involve any modifications to existing plant equipment, do not alter the function of any plant systems, do not introduce any new operating configurations or new modes of plant operation, nor change the safety analyses. The proposed changes will, therefore, not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

MSIV testing in Mode 2 is within the currently analyzed plant operation as discussed in the Updated Final Safety Analysis Report (UFSAR) Sections 10.3 and 15.4. These UFSAR sections address performance of the TS surveillance test at or near 1000 psig Steam Generator pressure to assure main steam isolation occurs within the accident conditions, where Steam Generator pressure may be lower during Mode 1 operation. The test methodology demonstrating MSIV operability is consistent with the accident analysis.

Operation in Modes 2 and 3 with one or more isolation valve inoperable and in the closed position does not impact the margin of safety since the valves are already performing the safety function.

The protective functions that occur as a result of the low steam line pressure initiating signal remain bounded by the values assumed in the safety analyses. That is, the protective functions that occur as a result of this initiating signal already assume a setpoint that is conservative for the revised value. The change to the setpoint eliminates conflicting information in the TS.

Therefore, the proposed changes does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, NJ 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW, Washington, DC 20005-3502

NRC Project Director: John F. Stolz

Public Service Electric & Gas Company, Docket No. 50-311, Salem Nuclear Generating Station, Unit No. 2, Salem County, New Jersey

Date of amendment request: September 20, 1996, as supplemented September 30, 1996

Description of amendment request: The proposed amendment would change Technical Specification 4.7.7.b.4 to indicate that the specified flowrate for the Auxiliary Building Exhaust Air Filtration System applies only to system testing.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The accident considered in this proposed change is the Loss of Coolant Accident (LOCA) as described in Section 15.4 of the UFSAR [Updated Final Safety Analysis Report]. The assumption is that: ''The Auxiliary Building Ventilation System will discharge the vapor (from recirculation liquid leakage) to the atmosphere through charcoal filters which have an efficiency of 90 percent.'' As such the system acts to limit the total offsite and control room radiation doses following a LOCA.

The Auxiliary Building Ventilation System [ABVS] is designed to maintain the Auxiliary Building at a negative pressure with respect to the atmosphere during normal and emergency operation. Filtration of radio-iodines is accomplished by administratively aligning the ECCS [emergency core cooling system] equipment areas exhaust flows to the standby charcoal adsorber bed if required. The ABVS has no direct impact on reactor operation or on any system connected to the Reactor Coolant Pressure Boundary.

The emergency operation of the Auxiliary Building Ventilation System is not affected by the proposed changes. The acceptance criteria for system performance are not modified by the requested change. The change clarifies the intent of SR [surveillance requirement] 4.7.7.b.4 and the basis for the flowrates used for system acceptance testing. It has been determined that operation of the system at lower flow rates than those specified for surveillance testing is conservative with respect to the radio-iodine removal efficiency assumed for the charcoal adsorber. A higher removal efficiency results in lower total exposures at the site boundary and within the control room. Additionally, the system is capable of maintaining the required negative pressure at the reduced flowrate.

Given the above, it is concluded that the proposed change does not result in an increase in the probability or consequences associated with previously analyzed accidents.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment does not result in any design or operational change to the ABVS, to the Nuclear Steam Supply System, to the ECCS System, to the Containment Building, to the fuel or to the electrical power supplies. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Specification 3/4.7.7 and the associated bases were reviewed to determine if the proposed changes result in a reduction in the margin of safety. The change to SR 4.7.7.b.4 continues to assure that the system is operated consistent with the assumptions of the accident analysis. The proposed changes to Bases 3/4.7.7 clarify the basis for flowrates associated with ABVS surveillance test requirements. All changes result in ABVS operation that is just as conservative as that assumed in existing analyses.

The proposed changes do not involve the addition or modification of plant equipment, are consistent with the design basis of the ABVS as described in the UFSAR, and appropriately limit operation to be consistent with the assumptions of the accident analysis. As such there is no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, NJ 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW, Washington, DC 20005-3502

NRC Project Director: John F. Stolz

Previously Published Notices Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the Federal Register on the day and page cited. This notice does not extend the notice period of the original notice.

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: June 17, 1996

Brief description of amendments request: The proposed amendments would modify the technical specifications to change (1) the reference method for calculating dose conversion factors (DCFs) to be used in dose calculations, and (2) the upper and lower limits for operating pressurizer pressure to account for new instrument uncertainties and to reduce the allowed operating band.

Date of individual notice in Federal Register: September 11, 1996 (61 FR 47963)

Expiration date of individual notice: October 11, 1996

Local Public Document Room location: Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: June 28, 1996

Brief description of amendments request: The proposed amendments would modify the technical specifications to increase the minimum required amount of anhydrous trisodium phosphate (TSP) in the containment baskets.

Date of individual notice in Federal Register: September 11, 1996 (61 FR 47962), as corrected September 26, 1996 (61 FR 50535).

Expiration date of individual notice: October 11, 1996

Local Public Document Room location: Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: August 23, 1996

Brief description of amendment request: The proposed amendment would revise Paragraph 2.B(2) of

Facility Operating License No. DPR-40 to allow source materials in the form of depleted or natural uranium as reactor fuel and to revise Technical Specification 4.3.2 to include depleted uranium in describing the reactor core.

Date of individual notice in Federal Register: August 30, 1996 (61 FR 45995)

Expiration date of individual notice: September 30, 1996

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Power Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendment: September 19, 1996

Brief description of amendment request: The proposed amendments would change Technical Specification requirements related to the low temperature overpressure protection (LTOP) system. Specifically, the reactor coolant system (RCS) temperature below which LTOP is required to be enabled and one high pressure safety injection pump is required to be rendered inoperable would be changed from 275 °F to 355 °F. Also, a specification would be added stating that only one reactor coolant pump shall be operated when the RCS temperature is less than or equal to 125 °F. Finally, editorial changes would be made to rename the ''Overpressure Mitigating System'' as the ''Low Temperature Overpressure Protection System.'' Date of individual notice in Federal Register: October 1, 1996 (61 FR 51308) Expiration date of individual notice: October 31, 1996

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth, Two Rivers, Wisconsin 54241

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: September 27, 1996

Brief description of amendment request: The proposed amendment would change Technical Specification (TS) requirements related to the low temperature overpressure protection (LTOP) system. Specifically, the LTOP curve would be modified to define 10 CFR Part 50, Appendix G pressure temperature limitations for LTOP evaluation through the end of operating cycle (EOC) 33. In addition, the LTOP enabling temperature and the temperature required for starting a reactor coolant pump would be changed consistent with the design basis for the LTOP system. Finally, the TS bases would be changed consistent with he changes described above.

Date of individual notice in Federal Register: October 7, 1996 (61 FR 52472)

Expiration date of individual notice: November 6, 1996

Local Public Document Room location: University of Wisconsin, Cofrin Library, 2420 Nicolet Drive, Green Bay, Wisconsin 54311-7001

Notice Of Issuance Of Amendments ToFacility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the Federal Register as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of application for amendment: July 19, 1996

Brief description of amendment: The amendment revises the containment spray nozzle surveillance interval in TS 3/4.6.2 from 5 to 10 years.

Date of issuance: October 3, 1996

Effective date: October 3, 1996

Amendment No.: 67

Facility Operating License No. NPF-63. Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: August 28, 1996 (61 FR 44354) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 3, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605

Entergy Operations, Inc., Docket Nos. 50-313 and 50-368, Arkansas Nuclear One, Unit Nos. 1 and 2, Pope County, Arkansas

Date of amendment request: April 11, 1996, as supplemented August 23, 1996

Brief description of amendments: The amendments revised the Technical Specifications to permit implementation of 10 CFR Part 50, Appendix J, Option B.

Date of issuance: October 3, 1996

Effective date: October 3, 1996

Amendment Nos.: 185 and 176

Facility Operating License Nos. DPR-51 and NPF-6: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: May 8, 1996 (61 FR 20846) The additional information contained in the supplemental letter dated August 23, 1996, was clarifying in nature and thus, within the scope of the initial notice and did not affect the staff's proposed no significant hazards consideration determination.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 3, 1996.No significant hazards consideration comments received: No.

Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, AR 72801

Entergy Operations, Inc., Docket No. 50-313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: April 29, 1996

Brief description of amendment: The amendment relocated cycle specific operating parameters from the Technical Specifications to the Core Operating Limits Report per Generic Letter 88-16. The parameters being relocated by this amendment include the variable low reactor coolant system pressure trip and the variable low reactor coolant system pressure-temperature protective limits.

Date of issuance: October 3, 1996

Effective date: October 3, 1996

Amendment No.: 186

Facility Operating License No. DPR-51: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: June 5, 1996 (61 FR 28613) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 3, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, AR 72801

Entergy Operations, Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: November 7, 1995, as supplemented by letter dated April 11, 1996.

Brief description of amendment: The amendment modifies the Appendix A Technical Specifications related to Safety Injection Tank level and pressure setpoints.

Date of issuance: September 27, 1996

Effective date: September 27, 1996

Amendment No.: 121

Facility Operating License No. NPF-38: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 27, 1995 (60 FR 58401) The additional information contained in the supplemental letter dated April 11, 1996, was clarifying in nature and thus, within the scope of the initial notice and did not affect the staff's proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 27, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, LA 70122

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: July 17, 1996

Brief description of amendments: The amendments consist of changes to the Technical Specifications regarding containment leakage tests.

Date of issuance: October 4, 1996

Effective date: October 4, 1996

Amendment Nos.: 192 and 186Facility Operating Licenses Nos. DPR-31 and DPR-41: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 28, 1996 (61 FR 44357)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 4, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Florida International University, University Park, Miami, Florida 33199

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: May 21, 1996

Brief description of amendments: The amendments revise the condensate storage tank level indication to ensure that the water level is sufficient to provide 50,000 gallons of water for core spray makeup to the reactor pressure vessel. On September 24, 1996, based on a teleconference between the licensee and the NRC project manager, it was mutually agreed to change the requested implementation schedule from 90 days to 30 days.

Date of issuance: October 2, 1996

Effective date: As of the date of issuance to be implemented within 30 days

Amendment Nos.: 202 and 143

Facility Operating License Nos. DPR-57 and NPF-5: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 28, 1996 (61 FR 44358) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 2, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

GPU Nuclear Corporation, Docket No. 50-320, Three Mile Island Nuclear Station, Unit No. 2, (TMI-2), Dauphin County, Pennsylvania

Date of application for amendment: January 16, 1995

Brief description of amendment: This amendment revised the Technical Specification to incorporate an improvement from administrative controls section of the revised standard TS for B&W plants.

Date of issuance: October 8, 1996

Effective date: October 8, 1996

Amendment No.: 50Possession-Only License No. DPR-73: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 20, 1995 (60 FR 65679). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 8, 1996No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105

IES Utilities Inc., Docket No. 50-331, Duane Arnold Energy, Center, Linn County, Iowa

Date of application for amendment: July 5, 1996

Brief description of amendment: The amendment will support the implementation of noble metal chemical addition at the Duane Arnold Energy Center as a method to enhance the effectiveness of hydrogen water chemistry in mitigating intergranular stress corrosion cracking in reactor vessel internal components. Specifically, the amendment will permit an increase of the reactor water conductivity limit in Technical Specification (TS) Table 3.6.B.2-1 and several other changes in TS sections 4.6.B.2.c, 4.6.B.2.d, and the associated Bases.

Date of issuance: October 3, 1996

Effective date: October 3, 1996

Amendment No.: 218

Facility Operating License No. DPR-49: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 31, 1996 (61 FR 40020) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 3, 1996. No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401

IES Utilities Inc., Docket No. 50-331, Duane Arnold Energy, Center, Linn County, Iowa

Date of application for amendment: December 22, 1995, as supplemented September 20, 1996

Brief description of amendment: The amendment revises the Duane Arnold Energy Center (DAEC) Technical Specifications (TS) Sections 3.7.A and 4.7.A, ''Primary Containment,'' by deleting information also contained in 10 CFR Part 50, Appendix J, Option A and incorporating references to the Primary Containment Leakage Rate Testing Program. These changes allow the use of the performance based option of containment leak testing. The amendment also adds Operability and Surveillance Requirements (SRs) for the drywell air lock. Minor administrative changes were also made. These changes are consistent with comparable specifications in the Improved Standard Technical Specifications (ITS), NUREG-1433. In addition, the staff executed administrative changes and corrections to the TS Bases, as submitted in two letters dated February 13, 1995. Sections changed or corrected are Section 1.2, Bases; Section 2.2, Bases Reactor Coolant System Integrity; Section 3.7.H/4.7.H, Bases Containment Atmosphere Dilution; and Section 3.7.I/4.7.I, Bases Oxygen Concentration.

Date of issuance: October 4, 1996

Effective date: October 4, 1996

Amendment No.: 219

Facility Operating License No. DPR-49: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 31, 1996 (61 FR 3499) The September 20, 1996, submittal was clarifying in nature and did not affect the no significant hazards determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 4, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of application for amendment: June 28, 1996 and as supplemented on September 17, 1996

Brief description of amendment: The amendment will allow removal of the Inclined Fuel Transfer System (IFTS) primary containment blind flange while primary containment is required to be operable. This will provide flexibility to operate the IFTS for the purpose of testing and exercising the system during such conditions. Primary containment integrity will be provided by an alternate means while the blind flange is removed. The change will be incorporated via a provisional note into Technical Specification (TS) Surveillance Requirement 3.6.1.3.3, associated with TS 3.6.1.3, ''Primary Containment Isolation Valves (PCIVs).''

Date of issuance: October 3, 1996

Effective date: October 3, 1996

Amendment No.: 107

Facility Operating License No. NPF-62: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 31, 1996 (61 FR 40021) The information provided in the licensee's letter of September 17, 1996 provided clarifying information and did not involve significant changes to the original Federal Register notice.The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 3, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: The Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of application for amendment: June 21, 1996, and as supplemented by letter dated August 15, 1996

Brief description of amendment: The amendment modifies Section 5.7, ''High Radiation Areas,'' of the ''Administrative Controls'' section of the Clinton Power Station technical specifications (TS). The changes include: (1) allowing utilization of a Radiation Work Permit (RWP) ''or equivalent'' to control entry into a high radiation area; (2) clarifying the example given in the TS of individuals who are qualified in radiation protection procedures; (3) clarifying the requirements for when specified access controls and barriers for high radiation areas within large areas like the containment may be established; (4) clarifying that it is acceptable for an RWP to specify a maximum dose, i.e., a specified setpoint on an alarming dosimeter in lieu of a stay time for entry into a high radiation area (where an individual could receive a deep dose equivalent of 3000 mrem in one hour); (5) eliminating the upper dose limit for specifying the applicability of the requirements of Specification 5.7.1; (6) providing additional flexibility regarding the control of keys to locked doors for preventing unauthorized entry into high radiation areas; (7) providing alternate means of informing individuals of dose rates in immediate work areas; (8) reorganizing TS Sections 5.7.1, 5.7.2, and 5.7.3 into four sections (5.7.1, 5.7.2, 5.7.3 and 5.7.4); and (9) making minor edits to enhance readability.

Date of issuance: October 3, 1996

Effective date: October 3, 1996

Amendment No.: 108

Facility Operating License No. NPF-62: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 31, 1996 (61 FR 40021) The August 21, 1996, submittal consisted of supporting technical information which did not change the staff's initial proposed no significant hazards consideration determination or expand the scope of the original notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 3, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: The Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Northeast Nuclear Energy Company, Docket No. 50-245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of application for amendment: May 2, 1996, as supplemented by letter dated August 30, 1996

Brief description of amendment: The amendment removes Technical Specification Figure 5.1, which was used in maintaining K_{eff} values, and substitutes in its place a defined requirement for maximum $K_{infinity}$ for any fuel placed in the Millstone Unit 1 spent fuel pool.

Date of Issuance: October 4, 1996

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment No.: 97

Facility Operating License No. DPR-21: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 17, 1996 (61 FR 37301) The August 30, 1996, letter provided additional, clarifying information that did not change the scope of the May 2, 1996, application and the initial proposed no significant hazards consideration determination.The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated October 4, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut

Northern States Power Company, Docket No. 50-282, Prairie Island Nuclear Generating Plant, Unit No. 1, Goodhue County, Minnesota

Date of application for amendment: July 15, 1996, and supplemented August 22, 1996

Brief description of amendment: The amendment allows the use of the moveable in-core detector system for measurement of the core peaking factors with less than 75 percent and greater than or equal to 50 percent of the detector thimbles available. The amendment is a one-time only change for Prairie Island, Unit 1, to reduce the number of required in-core detectors necessary for continued operation for the remainder of Operating Cycle 18.

Date of issuance: October 10, 1996

Effective date: October 10, 1996, and shall remain effective for the remainder of Cycle 18 only

Amendment No.: 124

Facility Operating License No. DPR-42. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 31, 1996 (61 FR 40024) By letter dated August 22, 1996, NSP forwarded a copy of the results of its most recent low power physics tests to the NRC for use as a reference and provided additional clarifying information. This information was within the scope of the original application and did not change the staff's initial proposed no significant hazards considerations determination. Therefore, renoticing was not warranted.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 10, 1996. No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: May 17, 1996

Brief description of amendment: The amendment revises Technical Specifications (TS) 2.18, 3.14, 3.3, and 5.10 to relocate the operability requirements for shock suppressors (snubbers) from the TS to the Updated Safety Analysis Report (USAR) and incorporate snubber examination and testing requirements in TS 3.3.

Date of issuance: September 27, 1996

Effective date: September 27, 1996

Amendment No.: 176

Facility Operating License No. DPR-40: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 28, 1996 (61 FR 44360) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 27, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station,Unit No. 1, Washington County, Nebraska

Date of amendment request: August 23, 1996

Brief description of amendment: The amendment modifies paragraph 2.B.(2) of

Facility Operating License No. DPR-40 allowing the use of source material, in the form of depleted or natural uranium, as reactor fuel.

Date of issuance: October 2, 1996

Effective date: October 2, 1996

Amendment No.: 177

Facility Operating License No. DPR-40: Amendment revised the Operating License.

Date of initial notice in Federal Register: August 30, 1996 (61 FR 45995) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 2, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: January 25, 1996

Brief description of amendment: The amendment would extend the instrumentation surveillance test intervals to support 24-month operating cycles. These proposed changes would eliminate the mid-cycle outages to perform the Technical Specification surveillance requirements.

Date of issuance: October 2, 1996

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 233

Facility Operating License No. DPR-59: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: May 22, 1996 (61 FR 25709) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 2, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: March 27, 1996, as supplemented April 24, 1996, and August 15, 1996

Brief description of amendment: The proposed amendment changes would permit implementation of 10 CFR Part 50, Appendix J, Option B with an exception to the guidelines of Regulatory Guide 1.163 for Type C testing of primary containment isolation valves in the reverse (non-accident) direction.

Date of issuance: October 4, 1996

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 234

Facility Operating License No. DPR-59: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: May 8, 1996 (61 FR 20855) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 4, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126

Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: August 9, 1996, as supplemented September 17, 1996

Brief description of amendment: The amendment revises the Technical Specifications to revise the safety limit minimum critical power ratio for cycle 19 operation from its current value of 1.07 (for the fuel currently in the reactor for cycle 18) for two recirculation loop operation to 1.10, and from 1.08 to 1.12 for single recirculation loop operation.

Date of issuance: October 4, 1996

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendment No.: 150

Facility Operating License No. DPR-28: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 28, 1996 (61 FR 44364) The September 17, 1996, letter provided clarifying information that did not change the scope of the August 9, 1996, application and initial proposed no significant hazards consideration determination.The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 4, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of application for amendment: April 16, 1996, as supplemented July 25, 1996

Brief description of amendment: The amendment permits implementation of 10 CFR Part 50, Appendix J, Option B, ''Performance-Based Requirements.''

Date of issuance: October 2, 1996

Effective date: October 2, 1996

Amendment No.: 135

Facility Operating License No. NPF-12: Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: July 3, 1996 (61 FR 34898) The July 25, 1996, supplement provides clarifying information and did not change the scope of the initial notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 2, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Fairfield County Library, 300 Washington Street, Winnsboro, SC 29180

Southern California Edison Company, et al, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of application for amendment: March 13, 1996

Brief description of amendment: The change revises the San Onofre Unit 1 License Condition 2.D. This change eliminates a reporting requirement that is redundant to reporting requirements in 10 CFR 50.72 and 50.73. Additionally, the amendment makes administrative and editorial changes to the Permanently Defueled Technical Specifications.

Date of issuance: October 3, 1996

Effective date: October 3, 1996

Amendment No.: 158

Facility Operating License No. DPR-13: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 31, 1996 (61 FR 40028) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 3, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Science Library, University of California, Irvine, California 92713

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of application for amendments: December 6, 1995, as supplemented by letters dated August 30, 1996, and September 20, 1996

Brief description of amendments: These amendments revise Technical Specifications (TS) Section 4.3 ''Fuel Storage'' to allow fuel assemblies having a maximum U-235 enrichment of 4.8 weight percent (w/o) to be stored in both the spent fuel racks and the new fuel racks. Additionally, TS Section 3.7.18 ''Spent Fuel Assembly Storage,'' Figures 3.7.18-1 ''Unit 1 Fuel Minimum Burnup vs. Initial Enrichment for Region II Racks,'' and 3.7.18-2 ''Units 2 and 3 Fuel Minimum Burnup vs. Initial Enrichment for Region II Racks,'' are being revised and relabeled.

Date of issuance: October 3, 1996

Effective date: October 3, 1996, to be implemented within 30 days as of the date of issuance.

Amendment Nos.: Unit 2 - 131; Unit 3 - 120

Facility Operating License Nos. NPF-10 and NPF-15: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: April 10, 1996 (61 FR 15997) The August 30, 1996, and September 20, 1996, letters provided additional clarifying information and did not change the initial no significant hazards consideration determination.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 3, 1996.No significant hazards consideration comments received: No.

Temporary Local Public Document Room location: Science Library, University of California, P. O. Box 19557, Irvine, California 92713

TU Electric Company, Docket Nos. 50-445 and 50-446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: July 31, 1996 (TXX-96433)

Brief description of amendments: The amendments revised core safety limit curves (Technical Specification (TS) Figure 2.1-1a) and new N-16 setpoint values and parameters (TS Table 2.1-1) for Unit 1, and reference to topical report RXE-95-001-P as an approved methodology for small break loss of coolant accident analysis for Units 1 and 2.

Date of issuance: September 30, 1996

Effective date: September 30, 1996, to be implemented within 30 days

Amendment Nos.: 52 and 38

Facility Operating License Nos. NPF-87 and NPF-89. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 28, 1996 (61 FR 44362) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 30, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: April 12, 1996, as supplemented by letters dated August 2, 1996, August 19, 1996, and September 5, 1996.

Brief description of amendment: The amendment revises the Technical Specifications to address the installation of laser welded tube sleeves in the Callaway Plant steam generators.

Date of issuance: October 1, 1996

Effective date: October 1, 1996, and will be implemented within 30 days of the date of issuance.

Amendment No.: 116

Facility Operating License No. NPF-30: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: May 8, 1996 (61 FR 20857) The August 2, 1996, August 19, 1996, and September 5, 1996, supplemental letters provided clarifying information and did not change the original no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluationdated October 1, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: April 17, 1996, as supplemented by letters dated July 15, 1996, July 31, 1996, and August 28, 1996.

Brief description of amendment: The amendment would change Technical Specification (TS) 3/4.3 to support a future modification to replace existing digital portions of the main steam and feedwater isolation system (MSFIS) with digital processor equipment and would authorize revision of the FSAR to include a description of the MSFIS modification.

Date of issuance: October 1, 1996

Effective date: October 1, 1996, to be implemented prior to startup from the Callaway Plant Refuel 8.

Amendment No.: 117

Facility Operating License No. NPF-30: The amendment revised the Technical Specifications and the Final Safety Analysis Report.

Date of initial notice in Federal Register: June 5, 1996 (61 FR 28619) The July 15, 1996, July 31, 1996 and August 28, 1996 supplemental letters provided additional clarifying information and did not change the staff's original no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 1, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251

Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: April 4, 1996

Brief description of amendment: The amendment revises the Technical Specifications regarding the surveillance requirement for control rod over-travel by moving the specific testing methodology to licensee administratively controlled documents. Specifically, the amendment removes the requirement in Specification 4.3.B.1(b) to verify prior to coupling that the over-travel indicating light is working properly by withdrawing an uncoupled control rod drive to the over-travel position.

Date of issuance: September 30, 1996

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendment No.: 149

Facility Operating License No. DPR-28: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: May 8, 1996 (61 FR 20860) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 30, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of application for amendment: August 9, 1996

Brief description of amendment: The amendment changes the operations manager qualification requirements to allow either of two alternatives (having held a senior reactor operator's license or having been certified for equivalent senior reactor operator knowledge) to the requirement for the operations manager to hold a senior reactor operator's license.

Date of issuance: October 1, 1996

Effective date: October 1, 1996

Amendment No.: 148

Facility Operating License No. NPF-21: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 28, 1996 (61 FR 44350) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 1, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: July 3, 1996, as supplemented on July 23, August 28, and September 16, 1996

Brief description of amendment: The amendment revises Kewaunee Nuclear Power Plant Technical Specification 4.2.b, ''Steam Generator Tubes,'' and its associated basis, by revising the acceptance criteria for indications of tube degradation occurring in the tubesheet crevice region.

Date of issuance: October 2, 1996

Effective date: October 2, 1996

Amendment No.: 129

Facility Operating License No. DPR-43: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 31, 1996 (61 FR 40031) The July 23, August 28, and September 16, 1996, submittals provided clarifying information that did not change the initial proposed no significant hazards consideration determination.The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 2, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: University of Wisconsin, Cofrin Library, 2420 Nicolet Drive, Green Bay, Wisconsin 54311-7001

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: May 29, 1996, as supplemented August 20, 1996

Brief description of amendments: These amendments revise Technical Specification (TS) Section 15.4.4, ''Containment Tests,'' to incorporate the provisions of 10 CFR Part 50, Appendix J, ''Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors,'' Option B. Revisions have also been made to TS Sections 15.1, ''Definitions,'' 15.3.6, ''Containment System,'' and 15.6, ''Administrative Controls,'' to support the proposed changes to Section 15.4.4.

Date of issuance: October 9, 1996

Effective date: October 9, 1996, to be implemented within 45 days.

Amendment Nos.: Unit 1 - 169 and Unit 2 - 173

Facility Operating License Nos. DPR-24 and DPR-27: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: July 3, 1996 (61 FR 34901) The supplemental information did not affect the staff's initial no significant hazards consideration determination.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 9, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin 54241

Notice Of Issuance Of Amendments To Facility Operating Licenses And Final Determination Of No Significant Hazards Consideration And Opportunity For A Hearing (Exigent Public Announcement Or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an

opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By November 22, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: September 21, 1996

Brief description of amendments: The amendments approve changes to the Updated Final Analysis Report (UFSAR), and require that the changes be submitted with the next update of the UFSAR pursuant to 10 CFR 50.71(e). The associated Safety Evaluation delineates the staff's review and findings, including finding that the as-built condition of the subject power system protective devices is acceptable as-is.

Date of issuance: September 28, 1996

Effective date: September 28, 1996

Amendment Nos.: 153 and 145

Facility Operating License Nos. NPF-35 and NPF-52: The amendments revised the Updated Final Safety Analysis Report. Public comments requested as to proposed no significant hazards consideration: Yes. The NRC staff published a public notice of the proposed amendments, issued a proposed finding of no significant hazards consideration, and requested that any comments on the proposed no significant hazards consideration be provided to the staff no later than 5:00 p.m., September 28, 1996. The notice was published in ''The Herald'' of Rock Hill, South Carolina, from September 25 through 27, 1996. No comments have been received.

The Commission's related evaluation of the amendments, finding of exigent circumstances, consultation with the State of South Carolina, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated September 28, 1996.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Herbert N. Berkow

PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket No. 50-277, Peach Bottom Atomic Power Station, Unit No. 2, York County, Pennsylvania

Date of application for amendment: March 25, 1996 as supplemented by letters dated August 23, 1996 and September 27, 1996.

Brief description of amendment: The amendment revises Peach Bottom Technical Specification 2.1.1.2 safety limit minimum critical power ratios to be consistent with the use of GE-13 fuel in the Unit 2 core for operating cycle 12.

Date of issuance: September 27, 1996

Effective date: As of date of issuance

Amendment No.: 217

Facility Operating License No. DPR-44: Amendment revised the Technical Specifications.Public comments requested as to proposed no significant hazards consideration: Yes (61 FR 45997). That notice provided an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice also provided an opportunity to request a hearing by September 30, 1996, but indicated that if the Commission makes a final no significant hazards consideration determination any such hearing would take place after issuance of the amendment.The Commission's related evaluation of the amendment, finding of exigent circumstances, and final no significant hazards consideration determination are contained in a Safety Evaluation dated September 27, 1996.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. Vice President and General Counsel, PECO Energy Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 16th day of October 1996.

For the Nuclear Regulatory Commission

John A. Zwolinski,

Acting Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[FR Doc. 96-27025 Filed 10-22-96; 8:45 am]

BILLING CODE 7590-O1-F

[Docket Nos. 50–440 and 50–346]

Perry Nuclear Power Plant, Unit 1 Davis-Besse Nuclear Power Station, Unit 1 Issuance of Director's Decision Under 10 CFR § 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC), has issued the Director's Decision concerning the petition dated January 23, 1996, filed by David R. Straus, Esq., et al., on behalf of the City of Cleveland, Ohio, which owns and operates Cleveland Public Power (CPP or the City) for allegedly violating the antitrust license conditions applicable to the Perry Nuclear Power Plant, Unit 1, and the Davis-Besse Nuclear Power Station, Unit 1. Supplements to the Petition were filed on May 31 and August 13, 1996.

After consideration and careful review of the facts available to the staff and the decisions reached in parallel proceedings involving the same parties and similar issues before the Federal Energy Regulatory Commission (FERC), the Director has determined that the issues raised by the petitioner that could be remedied by the NRC have been addressed and resolved in the FERC proceedings so as to require no further action by the NRC. As a result, no proceeding in response to the Petition will be instituted. The reasons for this decision are explained in the ''Director's Decision under 10 CFR § 2.206,'' (DD–96–15).

A copy of the Director's Decision has been filed with the Secretary of the Commission for Commission review in accordance with 10 CFR § 2.206(c). The Decision will become the final action of the Commission 25 days after issuance, unless the Commission on its own motion institutes review of the Decision within that time as provided in 10 CFR § 2.206(c).

Copies of the Petition, dated January 23, 1996, as supplemented May 31 and August 13, 1996, and the Notice of Receipt of Petition for Director's Decision under 10 CFR § 2.206 that was published in the Federal Register on March 8, 1996 (61 FR 9506), and other documents related to this Petition are available in the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for Perry Nuclear Power Plant (Perry Public Library, 3753 Main Street, Perry, Ohio) and Davis-Besse Nuclear Power Station (Government Documents Collection, William Carlson Library (Depository), University of Toledo, 2801 West Bancroft Avenue, Toledo, Ohio).

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 17th day of October 1996.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

Director's Decision Under 10 CFR § 2.206

I. Introduction

The City of Cleveland, Ohio, which owns and operates Cleveland Public Power (CPP or the City), in a petition, dated January 23, 1996, requested the Executive Director for Operations of the U.S. Nuclear Regulatory Commission (NRC or the Commission) to take enforcement action against the Cleveland Electric Illuminating Company (CEI) for allegedly violating the Antitrust License Conditions applicable to its nuclear units. The petition was referred to the Director, Office of Nuclear Reactor Regulation, for review.

CPP requested that NRC, on an expedited basis, (1) declare that CEI is obligated to provide the wheeling and interconnection services specified in the Petition; (2) issue a Notice of Violation related to that obligation; (3) impose a requirement by order directing CEI to reply in writing and admit or deny violation of that obligation and setting forth the steps it is taking to comply with the Antitrust License Conditions; (4) impose a requirement by order directing CEI to comply with the portions of the Antitrust License Conditions at issue and directing CEI to withdraw from the Federal Energy Regulatory Commission (FERC) portions of its filings in Docket No. ER93–471–000, as specified in the Petition, which are contrary to CEI's obligations under the Antitrust License Conditions, including withdrawal of the deviation charge from rate schedules and withdrawal of that portion of the ''Operating Agreement'' that provides Toledo Edison highest priority treatment; and (5) impose civil monetary penalties for CEI's violations of the license conditions.

Four specific violations of the Antitrust License Conditions are alleged in the City's § 2.206 petition. The first allegation is that CEI has violated License Condition Number 3, concerning wheeling service, by refusing to provide 40 MW of firm wheeling service from Ohio Power Company to CPP to provide electrical service to Medical Center Company (Medco), a former CEI retail customer. The second allegation is that CEI has violated License Condition Numbers 6 and 11,[1] which concern the sale of emergency power, by contracting in the 1987 ''Centerior Dispatch Operating Agreement'' to provide Toledo Edison Company emergency power on a preferential basis. The third allegation is that CEI has violated License Condition Number 2, concerning the offering of interconnections upon reasonable terms and conditions, by failing to offer CPP a fourth interconnection point. The fourth allegation is that CEI has violated License Condition Number 2 by imposing unreasonable deviation charges for unscheduled power delivered over existing interconnections in excess of the amount scheduled for delivery.

CEI responded to the City of Cleveland's petition in a letter dated May 6, 1996, stating that the allegations should be dismissed not only because they lack merit but also because they relate to matters currently under FERC consideration.

II. Background

On the basis of the record developed during the antitrust hearings of Davis-Besse and Perry an NRC Atomic Safety and Licensing Board found, in a decision dated January 6, 1977, that CEI and the other applicants engaged in activity that was inconsistent with the antitrust laws, LBP–77–1, 5 NRC 133 (1977); affirmed with modifications, ALAB–560, 10 NRC 265 (1979). The Board also found that because the municipal system of Cleveland was isolated electrically from utilities other than CEI, and was able to obtain only emergency power from CEI, it was essential, in order for CPP to remain a viable competitor, that Cleveland have power wheeled to it over CEI's transmission system. The Board noted that CPP was unable to obtain wheeling service because CEI would not agree to third-party wheeling on any terms. The Board concluded that failure to exercise its authority under the Atomic Energy Act to issue license conditions would result in a continuation of this anticompetitive conduct. CEI, as an applicant, was ordered to implement the following license condition (No. 3):

Applicants shall engage in wheeling for and at the request of other entities [any electric generation and/or distribution system or municipality or cooperative with a statutory right or privilege to engage in either of these functions] in the CCCT [Combined CAPCO Territories]:

(a) of electric energy from delivery points of applicants to the entity(ies); and,

(b) of power generated by or available to the other entity, as a result of its ownership or entitlements [includes but is not limited to power made available to an entity pursuant to an exchange agreement] in generating facilities, to delivery points of Applicants designated by the other entity.

Such wheeling services shall be available with respect to any unused capacity on the transmission lines of Applicants, the use of which will not jeopardize Applicants' system. In the event Applicants must reduce wheeling services to other entities due to lack of capacity, such reduction shall not be effected until reductions of at least 5% have been made in transmission capacity allocations to other Applicants in these proceedings and thereafter shall be made in proportion to reductions imposed upon other Applicants to this proceeding.

Applicants shall make reasonable provisions for *disclosed* transmission requirements of other entities in the CCCT in planning future transmission either individually or within the CAPCO grouping. By ''disclosed'' is meant the giving of reasonable advance notification of future requirements by entities utilizing wheeling services to be made available by Applicants.

Ten other Antitrust License Conditions were added to the Davis-Besse and Perry licenses covering the sale of wholesale power; the offering of interconnections; the sale of economy energy, maintenance power, and emergency power; access to ownership shares in the nuclear units; the sharing of reserves; and the provision of coordination services. NRC ordered that these conditions be implemented in a manner consistent with the provisions of the Federal Power Act. ALAB–560, 10 NRC at 295–299

Since the late 1970s, CPP, the City of Cleveland's municipal power system, has sought greater access to the CEI transmission grid. CPP has its own distribution system and generates a portion of its own power supply requirements. To seek out the most cost-efficient source of power supply, CPP needs meaningful access to transmission facilities serving the local area, which are owned by CEI.

III. Discussion

CPP alleges four specific violations of the Antitrust License Conditions. The first allegation is that CEI violated License Condition No. 3 by refusing to provide firm wheeling service to CPP. This allegation is the result of one disputed transaction, CEI's refusal to wheel 40 MW from Ohio Power Company to CPP to service Medco, currently a CEI retail customer. CPP claims that Medco has decided to become a native load customer of CPP and that there is no credible basis upon

[1] License Condition Number 11, which concerns wholesale power and coordination services is mentioned in the introductory portion of the petition, but no argument is provided to support the claim nor is this condition otherwise mentioned in any substantive discussion in the petition.

which to contend that the transaction at issue constitutes retail wheeling. CPP claims that there was no request for CEI to provide retail wheeling services, and the requested 40–MW wholesale purchase from Ohio Power is to serve CPP's native load. CPP alleges that CEI is attempting to delay the loss of a significant retail customer.

CEI responds to the allegation by stating that the written contract between CPP and Medco reflects a direct pass-through of CPP payments to Ohio Power. CEI further claims that CPP is acting as a strawman to facilitate retail wheeling of power from Ohio Power to Medco. CEI contends that the transactions are shams designed to circumvent prohibitions in the Federal Power Act, Sections 212(g) and 212(h), against retail wheeling. Section 212(g) prohibits issuing orders under the Federal Power Act that are inconsistent with any State law that governs the retail marketing areas of electric utilities. Section 212(h) prohibits mandatory retail wheeling and sham wholesale transactions.

Two FERC proceedings are in progress concerning CEI's refusal to transmit the Ohio Power purchase: a CEI petition filed November 2, 1995, requesting a ruling that CEI is not required to provide the requested service under the Federal Power Act, Sections 211 or 212 (Docket #EL96–9–000), and a CPP complaint filed November 29, 1995, concerning CEI's refusal to transmit the Ohio Power purchase (Docket #EL96–21–000).

On July 31, 1996, FERC issued an order in connection with the wheeling transaction raised in the City of Cleveland's 2.206 petition. FERC decided in favor of the City and found that CEI is obligated under the existing transmission service agreement to provide the requested transmission service and that the service did not violate the Federal Power Act. Since the transmission will be over CEI's lines to Cleveland and the sale to Medco will be over Cleveland's 138kV-line, FERC found that this case did not involve the transmission of electric energy by CEI directly to an ultimate consumer, that is, there was no ''sham'' transaction.

In a letter to the NRC dated August 8, 1996, counsel for CEI stated that, based on the FERC decision, a signed service agreement reserving 40 MW of firm transmission service for the requested period September 1 through December 31, 1996, has been forwarded to the City of Cleveland. In a letter to the NRC dated August 13, 1996, CPP's counsel urged the imposition of sanctions, even in light of the FERC decision, stating that ''CEI's expressed willingness (August 8 letter) to comply now with its wheeling obligations does not excuse the Company's unwarranted refusal to wheel absent a directive from a federal agency.'' Counsel for CEI responded in an August 21, 1996, letter that ''CEI sought declatory ruling on the appropriateness of this request promptly enough to obtain a determination without impacting the September 1 service date.'' CEI agreed to a subsequent CPP request after the FERC order and transmission service began on August 17, 1996. CEI's counsel further stated that ''as a result, CEI's actions have not resulted in any loss of transmission services to the City of Cleveland. In essence, the City of Cleveland is asking for the imposition of penalties solely because CEI exercised appropriate legal procedures to determine the propriety of the service request. Such appropriate process cannot and should not be the basis for any sanctions.''

In a letter to the NRC dated September 23, 1996, counsel for CEI forwarded an opinion of the Ohio Supreme Court holding that the Public Utility Commission of Ohio (PUCO) has jurisdiction to consider CEI's complaint that the Medco transaction violated the Ohio Certified Territory Act and directing PUCO to do so. The September 23, 1996, letter also forwarded CEI's request for rehearing of the FERC decision in the Medco transaction, stating that while CEI continues to exercise its legal rights to determine the legality of the transaction, CEI would continue to honor the service agreement that it executed after the FERC decision.

The FERC order directing CEI to provide the requested transmission service effectively resolves the first issue in the 2.206 petition. Sanctions are not warranted when a licensee pursues legal procedures to resolve a disputed request for transmission service. For this reason, I am denying CPP's § 2.206 request for an enforcement action against CEI on this first issue.

The second issue raised by CPP alleges that CEI violated License Condition No. 6 by contracting with Toledo Edison Company to provide emergency power on a preferential basis.[2] CPP objects to language in the 1987 Centerior Dispatch Operating Agreement that states that CEI and Toledo Edison (collectively ''Operating Companies'') ''will assign highest priority to provide each other emergency power. An Operating Company will terminate an existing emergency supply to an outside utility in order to honor a request for emergency power from an Operating Company.'' There is also similar priority language concerning sales of short-term power. CPP has also brought this issue before FERC.

CEI's response to the second issue states that the operation of Toledo Edison and CEI as an integrated system under Centerior necessarily requires them to provide power to each other as an internal system. CEI further states that this is not an act of anticompetitive discrimination but the workings of an integrated system required by the Securities and Exchange Commission. CEI claims that CPP is treated no differently from any other outside entity and has suffered absolutely no injury from the provisions and asserts that CPP has never been denied short-term or emergency power. CEI states that it has sold and will continue to sell emergency power to CPP on an as-needed basis and has never refused to provide emergency service when it had it available on its system. CEI further stated that it was not aware of any instance in which short-term or emergency power was provided to CPP under terms less favorable than those to other utilities outside the Centerior system. CEI concluded that it has honored both the letter and the spirit of License Condition No. 6.[3]

As to the second issue, CPP has not shown that it had been harmed or could be harmed by the language in the Centerior Dispatch Operating Agreement. Under the agreement, Toledo Edison and CEI are affiliated in that they are part of an integrated Centerior system. CPP has not shown that it has been treated differently than other outside (non-affiliated) utilities, or that it has been denied access to emergency or short-term power. In any event, CPP has brought its concerns about the operating agreement before the FERC. For these reasons, no action by the NRC is warranted, and I am denying CPP's § 2.206 request for enforcement action against CEI on this second issue.

The third issue raised by CPP alleges that CEI has violated License Condition No. 2 by failing to offer CPP a fourth interconnection point. License Condition No. 2 requires that CEI (and the other applicants) shall offer interconnections on reasonable terms and conditions at the request of any

[2] Specifically, License Condition No. 6 requires CEI to sell emergency power to requesting entities upon terms and conditions no less favorable than those Applicants make available: (a) to each other pursuant to the Central Area Power Coordination Group (CAPCO) agreements or pursuant to bilateral contract; or (b) to non-Applicant entities outside the Combined CAPCO Company Territories.

[3] See note 2, above.

other local electric entities.[4] CPP states that a fourth interconnection point is needed to provide reliable service to the west side of Cleveland. CPP states that the current transfer capability limit is expected to be exceeded within 2 years. CEI previously committed to permit a fourth interconnection in a letter dated September 19, 1985, from CEI's chairman to the Mayor of Cleveland, which acknowledged the requests for the third and fourth interconnections; and in exchange for Cleveland's agreement not to oppose the CEI merger with Toledo Edison, CEI committed to concur in CPP's request for FERC approval of the two interconnections. CPP alleges that CEI has refused CPP's request for installation of a fourth interconnection.

A CPP complaint was filed with FERC in April 1993. On June 9, 1995, FERC issued an order directing CEI to provide a fourth interconnection and to file with FERC the proposed charges for the interconnection. The decision by FERC found that the letter of September 19, 1985, a 1985 contract between CEI, Toledo Edison, and American Municipal Power-Ohio, and the license conditions all supported the issuance of the order requiring the fourth interconnection.

CEI responded to the third issue by stating that it has complied with License Condition No. 2 by installing and maintaining three prior interconnections, sufficient to meet all of CPP's current needs, and by working toward the installation of a fourth interconnection. CEI claims it has not refused the fourth interconnection but instead has expended significant effort to establish reasonable terms for the interconnection and to ensure that it is compatible in terms of safety and reliability with CEI's system. CEI has filed suit in the Ohio Court of Common Pleas to require CPP to comply with engineering and utility industry standards in its construction projects. CEI further claims that CPP admitted in a separate lawsuit that its system does not meet applicable codes and standards. On July 7, 1995, CEI sought a rehearing on the FERC order to proceed with the fourth interconnection. CEI states that the rehearing was sought on the FERC order for two reasons: (1) CEI believes that the order should not have been issued without findings that the interconnection was warranted under Sections 202(b) and 210 of the Federal Power Act and (2) CEI has indicated that a number of technical issues and safety and reliability concerns need to be resolved before the interconnection can be installed.

The issue of whether CEI is required to provide a fourth interconnection was resolved with the FERC order of June 9, 1995, directing CEI to proceed with the interconnection (71 FERC ¶ 61,324). The unresolved technical, safety, and reliability issues raised in CEI's appeal of the FERC order will be resolved in the FERC rehearing process. For these reasons, I am denying CPP's § 2.206 request for enforcement action against CEI on this third issue.

The fourth and final allegation raised by CPP is that CEI has violated License Condition No. 2[5] by imposing unreasonable deviation charges for unscheduled power delivered in excess of the amount CPP had scheduled for delivery. CPP states that in March 1993, CEI unilaterally filed with FERC proposed amendments to the 1975 Interconnection Agreement. One amendment added a requirement that CPP pay a deviation charge of $75 per kW-month for the maximum number of kW of power delivered by CEI in any hour in excess of the amount scheduled by CPP for that hour. Another amendment covers overscheduling of power supplies by CPP and allows CEI to retain the excess energy for its own use while paying CPP a rate equal to half of CEI's fuel cost for that excess power. CPP alleges that the deviation charges are discriminatory and represent an anticompetitive restriction on CPP's right to obtain interconnections on reasonable terms. CPP claims that these provisions apply to all deviations above and below zero, no matter how insignificant. CPP alleges that the failure to utilize a deadband approach with no charges for small deviations from scheduled power to recognize the impossibility of zero deviations, is contrary to standard industry practice. CPP states that the deviation charges are anticompetitive in that CPP is the only utility against which the deviation charges would be imposed and also the only utility in direct competition with CEI.

CEI's response to the fourth issue states that this allegation distorts the meaning of License Condition No. 2, which relates to the installation of interconnections upon reasonable terms and conditions, not incentives that CEI proposes to FERC to encourage CPP to minimize unscheduled power deliveries from CEI.

A FERC administrative law judge (ALJ) issued an initial decision on the issue of the deviation charges on November 28, 1994. CPP's arguments opposing CEI's compensation proposal (of half of its then-current fuel charge for deviations below that scheduled) were rejected by the ALJ. The ALJ's decision also upheld the imposition of a deviation charge for power supplied in excess of that scheduled by CPP, but reduced the amount from $75 per kW-month to $25 per kW-month. The decision also rejected CPP's proposed 6-percent deadband, finding ''no reason appears why any deadband should be adopted for the purposes of this decision.''

The issues raised by CPP in this fourth allegation are primarily tariff-related issues and fall clearly under the jurisdiction of FERC.[6] The final FERC decision in this matter will resolve the issues, and any excess amounts paid by CPP will be refunded with interest in accordance with FERC regulations. For these reasons, I am denying CPP's § 2.206 request for an enforcement action against CEI on this fourth issue.

IV. Conclusion

I have concluded that FERC's order requiring CEI to provide the requested wheeling transmission service in the Medco transaction effectively resolves the first issue raised in CPP's § 2.206 petition and request for action by NRC. In regard to the second issue concerning CEI's contracting with Toledo Edison Company to provide emergency power on a preferential basis, CPP has not shown that it had been harmed or could be harmed as a result of the language in the Centerior Dispatch Operating Agreement. Nor has CPP shown that it has been treated differently than any other outside (nonaffiliated) utilities. This matter is also the subject of a FERC proceeding. I am therefore denying CPP's § 2.206 request for enforcement action against CEI on this second issue. I have concluded with respect to the third issue concerning CEI's alleged refusal to offer a fourth interconnection that the FERC order of June 9, 1995, effectively resolves this issue by ordering CEI to provide the fourth

[4] Specifically, License Condition No. 2 requires CEI to offer interconnections upon reasonable terms and conditions at the request of any other electric entities in its service area, with due regard for any necessary and applicable safety procedures.

[5] See note 4, above.

[6] As indicated in *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Unit 2), DD–81–15, 14 NRC 589 (1981), issues of terms used in license conditions raised before FERC ''will not institute a requested proceeding where the petitioner's basis for relief rests on resolution of an issue that is pending before another agency and that is peculiarly within the competence of that agency to decide.'' The staff continues to employ the concept of ''watchful deference'' when an issue is before FERC. See *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Unit 2), DD–95–10, 41 NRC 361 (1995).

interconnection, and that the unresolved issues raised in CEI's appeal of the FERC order will be resolved in the rehearing process. I have concluded that the fourth issue raised concerning deviation charges for unscheduled power deliveries is primarily a tariff-related issue and falls clearly under the jurisdiction of FERC. The initial decision by the ALJ in this case addressed each of the concerns raised in this fourth issue. The final FERC decision in this matter will resolve these issues, and any excess amounts paid by CPP will be refunded with interest in accordance with FERC regulations. I have concluded that no enforcement action is warranted for this fourth issue. As a result of the foregoing, I have determined that no NRC proceeding should be instituted and no further regulatory action by the NRC is required.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 17th day of October 1996.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–27159 Filed 10–22–96; 8:45 am]

BILLING CODE 7590–01–P

Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses: Availability of NUREG; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability; Correction.

SUMMARY: This document corrects a notice appearing in the Federal Register on October 3, 1996 (61 FR 51729), that announces the availability of draft NUREG–1556, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses.'' This action is necessary to correct an erroneous Internet e-mail address.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, telephone (301) 415–7163.

SUPPLEMENTARY INFORMATION: On page 51730, in the center column, in the fifth and sixth lines, the Internet e-mail address is corrected to read, ''http.// www.nrc.gov''.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 17th day of October 1996.

Michael T. Lesar,

Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 96–27161 Filed 10–22–96; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Revision of the Domestic Mail Manual Transition Book

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: Effective August 1, 1996, the Domestic Mail Manual Transition Book (DMMT) is revised as shown in Table I. This revision reflects the transfer of many sections in the DMMT to Postal Operations Manual (POM) Issue 7, which was published with an effective date of August 1, 1996. All sections in DMMT chapter 3, chapter 5, chapter 6 (except 665), and chapter 7 (except 785) have been rescinded by new requirements published on July 1, 1996, in Domestic Mail Manual (DMM) Issue 50. These requirements were further amended by the Federal Register on August 15, 1996 (61 FR 42478–42489), for nonprofit mail standards that changed on October 6, 1996.

EFFECTIVE DATE: August 1, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia Bennett, (202) 268–6350.

SUPPLEMENTARY INFORMATION: In revising the Domestic Mail Manual (DMM) for release as DMM Issue 46 on July 1, 1993, the Postal Service identified rules and procedures in the DMM that did not govern the eligibility for, and use of, domestic mail services. The Postal Service made a determination not to include that material in DMM Issue 46 and in subsequent issues of the DMM.

The identified material chiefly fell into two categories: (1) recommendations for voluntary customer action; (2) internal instructions to postal employees. Other identified material not relating to mail classification included post office discontinuances, delivery policies, and philatelic procedures.

Pending the transfer of these rules and procedures to other documents, the Postal Service on July 1, 1993, published the identified material in a separate part of the DMM titled the Domestic Mail Manual Transition Book (DMMT). In creating the DMMT, the Postal Service provided that the rules included in that document remain in full force through June 30, 1994.

The purpose of that 1-year period was to allow the Postal Service to decide whether to rescind the rules in the DMMT or to incorporate them into other documents. As the following table shows, several changes have been made to the DMMT since its publication; however, the evaluation process is not yet complete.

The Postal Service rescinded the June 30, 1994, expiration date of the DMMT in a notice published in the June 20, 1994, Federal Register (59 FR 31655–31656) and in Postal Bulletin 21870 (6–23–94). Additional time will be required to complete the transfer of the remaining material.

Table I shows the DMMT sections removed or transferred, the effective date, and if applicable, the sections of POM Issue 7 or title 39 of the Code of Federal Regulations (CFR) into which such material was transferred.

Table II shows the DMMT sections that are still in force until further notice. Most of these remaining sections contain internal procedures for processing mailer applications.

Stanley F. Mires,

Chief Counsel, Legislative.

TABLE I.—DISPOSITION OF MATERIAL FROM DMMT

DMMT	Action	Effective date	Final disposition
113.1	Transfer	08–01–96	POM 123.1
113.2	Transfer	08–01–96	POM 123.6
113.3	Transfer	08–01–96	POM 123.7
113.4	Transfer	08–01–96	POM 123.8
113.5	Transfer	08–01–96	POM 123.41
113.6	Transfer	08–01–96	POM 123.13
113.7	Transfer	08–01–96	POM 126.4
113.8	Transfer	08–01–96	POM 125.36

TABLE I.—DISPOSITION OF MATERIAL FROM DMMT—Continued

DMMT	Action	Effective date	Final disposition
113.9	Transfer	08–01–96	POM 125.5
121.1	Transfer	08–01–96	POM 137.22
122.3	Deletion	08–01–96	
122.6	Transfer	07–01–96	DMM A010
122.9	Transfer	07–01–96	DMM A010
123.3	Transfer	08–01–96	POM 138.1
123.5	Transfer	08–01–96	POM 138.2
124.1	Transfer	08–01–96	POM 139.1
124.5	Transfer	08–01–96	POM 139.2
137.1	Transfer	08–01–96	POM 491.5
137.2	Transfer	08–01–96	POM 491.5
141.2	Transfer	08–01–96	POM 132.2
142.2	Transfer	08–01–96	POM 132.1
142.4	Transfer	08–01–96	POM 132.4
142.5	Transfer	07–01–96	DMM G013
143.3	Transfer	07–01–96	DMM P023
144.9	Transfer	06–30–95	CFR 501
146.2	Transfer	07–01–96	DMM P011
147.3	Transfer	08–01–96	POM 146.1
149.2	Transfer	08–01–96	POM 147.1
149.6	Transfer	08–01–96	POM 147.4
149.7	Transfer	08–01–96	POM 147.5
151.5	Transfer	08–01–96	POM 632.5
152.1	Transfer	08–01–96	POM 326.1
152.2	Transfer	08–01–96	POM 326.2
152.3	Transfer	08–01–96	POM 326.3
152.4	Transfer	08–01–96	POM 326.4
152.5	Transfer	08–01–96	POM 326.5
152.6	Transfer	08–01–96	POM 326.6
153.1	Transfer	08–01–96	POM 611
153.2	Transfer	08–01–96	POM 612
153.3	Transfer	08–01–96	POM 613
153.4	Transfer	08–01–96	POM 614
153.6	Transfer	08–01–96	POM 615
153.7	Transfer	08–01–96	POM 616
153.8	Transfer	08–01–96	POM 617.2
153.9	Transfer	08–01–96	POM 618
154.1	Transfer	08–01–96	POM 327.1
154.2	Transfer	08–01–96	POM 327.2
154.3	Transfer	08–01–96	POM 327.3
154.4	Transfer	08–01–96	POM 327.4
154.5	Transfer	08–01–96	POM 327.5
154.6	Transfer	08–01–96	POM 327.6
154.7	Transfer	08–01–96	POM 327.7
154.8	Transfer	08–01–96	POM 327.8
155.1	Transfer	08–01–96	POM 641.2
155.2	Transfer	08–01–96	POM 631.3
155.3	Transfer	08–01–96	POM 643.1
155.4	Transfer	08–01–96	POM 632
155.5	Transfer	08–01–96	POM 642.3
155.6	Transfer	08–01–96	POM 631.45
156.1	Transfer	08–01–96	POM 652
156.2	Transfer	08–01–96	POM 652
156.3	Transfer	08–01–96	POM 653
156.5	Transfer	08–01–96	POM 632.5
157.1	Transfer	08–01–96	POM 661
157.2	Transfer	08–01–96	POM 662
157.3	Transfer	08–01–96	POM 663
157.4	Transfer	08–01–96	POM 664
157.5	Transfer	08–01–96	POM 665
157.6	Transfer	08–01–96	POM 666.1
157.7	Transfer	08–01–96	POM 666.2
158.1	Transfer	08–01–96	POM 619.1
158.2	Transfer	08–01–96	POM 619.2
158.3	Transfer	08–01–96	POM 619.3
158.4	Transfer	08–01–96	POM 619.4
159.1	Transfer	08–01–96	POM 681
159.2	Transfer	08–01–96	POM 682
159.3	Transfer	08–01–96	POM 683
159.4	Transfer	08–01–96	POM 691
159.5	Transfer	08–01–96	POM 692

TABLE I.—DISPOSITION OF MATERIAL FROM DMMT—Continued

DMMT	Action	Effective date	Final disposition
161.1	Transfer	08–01–96	POM 211
161.2	Transfer	08–01–96	POM 211
161.3	Transfer	08–01–96	POM 211
162.1	Transfer	08–01–96	POM 211a
162.2	Transfer	08–01–96	POM 212.1
162.3	Transfer	08–01–96	POM 211b
163.1	Transfer	08–01–96	POM 212.3
163.2	Transfer	08–01–96	POM 212.32
163.3	Transfer	08–01–96	POM 222
163.4	Transfer	08–01–96	POM 226
163.5	Transfer	08–01–96	POM 221
163.6	Transfer	08–01–96	POM 221.3
164.1	Transfer	08–01–96	POM 231.1
164.2	Transfer	08–01–96	POM 231.1
164.3	Transfer	08–01–96	POM 231.5
164.4	Transfer	08–01–96	POM 232
164.5	Transfer	08–01–96	POM 232
164.7	Transfer	08–01–96	POM 231.6
164.8	Transfer	08–01–96	POM 241
164.9	Transfer	08–01–96	POM 235
165.1	Transfer	08–01–96	POM 246
165.2	Deletion	08–01–96	
165.3	Transfer	08–01–96	POM 239
171.1	Transfer	08–01–96	POM 236.1
171.2	Transfer	08–01–96	POM 236.2
171.3	Transfer	08–01–96	POM 236.22
171.4	Transfer	08–01–96	POM 236.3
172	Transfer	08–01–96	POM 236.4
173.1	Transfer	08–01–96	POM 236.5
173.2	Transfer	08–01–96	POM 236.6
173.3	Transfer	08–01–96	POM 236.7
173.4	Transfer	08–01–96	POM 236.8
174.1	Transfer	08–01–96	POM 236.91
174.2	Transfer	08–01–96	POM 236.92
174.3	Transfer	08–01–96	POM 236.93
176.1	Transfer	08–01–96	POM 237.1
176.2	Transfer	08–01–96	POM 237.2
332	Deletion	07–01–96	
353	Deletion	07–01–96	
445.1	Deletion	07–01–96	
445.2	Deletion	07–01–96	
445.3	Deletion	07–01–96	
445.4	Deletion	07–01–96	
561.2	Deletion	07–01–96	
562.4	Deletion	07–01–96	
563.5	Deletion	07–01–96	
564.4	Deletion	07–01–96	
565.5	Deletion	07–01–96	
566.6	Deletion	07–01–96	
568.1	Deletion	07–01–96	
568.2	Deletion	07–01–96	
574.3	Deletion	07–01–96	
575.1	Deletion	07–01–96	
575.2	Deletion	07–01–96	
575.3	Deletion	07–01–96	
581.1	Deletion	07–01–96	
583.1	Deletion	07–01–96	
583.2	Deletion	07–01–96	
583.3	Deletion	07–01–96	
583.4	Deletion	07–01–96	
583.5	Deletion	07–01–96	
624.7	Deletion	07–01–96	
624.8	Deletion	07–01–96	
626.2	Deletion	07–01–96	
626.3	Deletion	07–01–96	
626.4	Deletion	07–01–96	
626.5	Deletion	07–01–96	
627.1	Deletion	07–01–96	
627.2	Deletion	07–01–96	
644.1	Deletion	07–01–96	
644.2	Deletion	07–01–96	

TABLE I.—DISPOSITION OF MATERIAL FROM DMMT—Continued

DMMT	Action	Effective date	Final disposition
644.3	Deletion	07–01–96	
644.4	Deletion	07–01–96	
645.1	Deletion	07–01–96	
664.2	Deletion	07–01–96	
644.3	Deletion	07–01–96	
644.4	Deletion	07–01–96	
645.1	Deletion	07–01–96	
664.2	Deletion	07–01–96	
664.3	Deletion	07–01–96	
664.4	Deletion	07–01–96	
664.5	Deletion	07–01–96	
772.4	Deletion	07–01–96	
767.4	Deletion	07–01–96	
767.5	Deletion	07–01–96	
767.6	Deletion	07–01–96	
784.2	Deletion	07–01–96	
784.3	Deletion	07–01–96	
784.5	Deletion	07–01–96	
911.2	Transfer	08–01–96	POM 811.1
911.3	Transfer	08–01–96	POM 811.3
911.4	Transfer	08–01–96	POM 811.4
911.5	Transfer	08–01–96	POM 811.5
912.4	Transfer	08–01–96	POM 812
912.5	Transfer	08–01–96	POM 812.2
912.6	Transfer	08–01–96	POM 812.3
912.7	Transfer	08–01–96	POM 812.4
913.4	Transfer	08–01–96	POM 813
913.5	Transfer	08–01–96	POM 813.2
913.6	Transfer	08–01–96	POM 813.3
913.7	Transfer	08–01–96	POM 813.4
914.4	Transfer	08–01–96	POM 814
914.5	Transfer	08–01–96	POM 814.2
914.6	Transfer	08–01–96	POM 814.24
914.7	Transfer	08–01–96	POM 814.3
914.8	Transfer	08–01–96	POM 814.4
915.5	Transfer	08–01–96	POM 815
931.3	Transfer	08–01–96	POM 821.1
932.4	Transfer	08–01–96	POM 822.1
933.4	Transfer	08–01–96	POM 823
934.6	Transfer	08–01–96	POM 824
934.7	Transfer	08–01–96	POM 824.7
934.8	Transfer	08–01–96	POM 824.8
941.1	Transfer	08–01–96	POM 831
941.3	Transfer	08–01–96	POM 832
941.5	Transfer	08–01–96	POM 833
941.6	Transfer	08–01–96	POM 834
941.7	Transfer	08–01–96	POM 835
941.8	Transfer	08–01–96	POM 836
951.1	Transfer	08–01–96	POM 841.1
951.2	Transfer	08–01–96	POM 841.2
951.3	Transfer	08–01–96	POM 841.3
951.4	Transfer	08–01–96	POM 841.4
951.5	Transfer	08–01–96	POM 841.5
951.6	Transfer	08–01–96	POM 841.6
951.7	Transfer	08–01–96	POM 841.7
951.8	Transfer	08–01–96	POM 841.8
952.1	Transfer	08–01–96	POM 842.1
952.2	Transfer	08–01–96	POM 842.2
952.3	Transfer	08–01–96	POM 842.3
952.4	Transfer	08–01–96	POM 842.4
953.3	Transfer	08–01–96	POM 843.1
953.4	Transfer	08–01–96	POM 843.2
954.7	Transfer	08–01–96	POM 844

TABLE II.—MATERIAL IN EFFECT IN DMMT

DMMT	Subject matter
121.1	Packaging Adequacy.
121.2	Definitions.

TABLE II.—MATERIAL IN EFFECT IN DMMT—Continued

DMMT	Subject matter
121.3	Packaging for Mailing.
121.4	Marking.
121.5	Mailability.
121.6	Mailing Test Packages.
121.7	Bulk Mail System Guidelines.
143.2	Precanceled Stamps—Mailer Precancellation.
144.2	Meter License.
144.3	Setting Meters.
144.5	Mailings.
144.6	Security.
144.7	Post Office Meters.
145.7	Manifest Mailing System (MMS).
145.8	Optional Procedure (OP) Mailing System.
145.9	Alternate Mailing Systems (AMS).
Chapter 2	Express Mail.
Chapter 4	Second-Class Mail.
665	Postage Payment for Plant-Verified Drop Shipment Permit Imprint Mailings at Origin Post Office Serving Mailer's Plant.
785	Postage Payment for PVDS Permit Imprint Mailings at Origin Post Office Serving Mailer's Plant.

[FR Doc. 96–27132 Filed 10–22–96; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Reliv' International, Inc., Common Stock, No Par Value) File No. 1–11768

October 17, 1996.

Reliv' International, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, its Board of Directors unanimously approved resolutions on July 17, 1996 to withdraw the Security from listing on the Amex and instead, to list the Security on the Nasdaq National Market System ''Nasdaq/NMS''.

The decision of the Board followed a thorough study of the matter and was based upon the belief that listing the Security on the Nasdaq/NMS will be more beneficial to the Company's stockholders than the present listing on the Amex because:

(1) The Nasdaq system of competing market makers should result in increased visibility and sponsorship for the Security of the Company as compared to the case under the single specialist system on the Amex;

(2) Greater liquidity and less volatility in prices per share when trading volume is light might be expected as a result of listing on NASDAQ as compared to the Amex;

(3) Listing on the NASDAQ system might be expected to result in there being a greater number of market makers in the Security of the Company and expanded capital base available for trading in such stock; and

(4) Because it might be expected that a larger number of firms will make a market in the Security, it might also be expected that there will be a greater interest in information and research reports respecting the Company and as a result there may be an increase in the number of institutional research and advisory reports reaching the investment community with respect to the Company.

Any interested person may, on or before November 7, 1996 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–27096 Filed 10–22–96; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration (Tasty Baking Company, Common Stock, $0.50, Par Value) File No. 1–5084

October 17, 1996.

Tasty Baking Company (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, the Board of Directors (the ''Board'') adopted a resolution authorizing the withdrawal of the Security from listing on the Amex. The decision of the Board on this matter followed a study and was based upon the belief that listing the Security on the NYSE will be more beneficial to shareholders of the Company for the following reasons:

(1) The Company believes that listing its Security on the NYSE will result in increased visibility and sponsorship for

the Security of the Company than is presently available on the Amex.

(2) The Company believes that the firms trading in the Security of the Company on the Amex will also be inclined to issue research reports concerning the Company, thereby increasing the number of firms providing institutional research and advisory reports regarding the Company.

Any interested person may, on or before November 7, 1996, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–27095 Filed 10–22–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37840; File No. SR–CBOE–96–62]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated to Clarify the Requirements for Taking Orders Directly From Public Customers

October 17, 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 October 9, 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 CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.70, Floor Broker Defined, to clarify under what circumstances a floor broker may accept orders directly from public customers. (New language is in italics and deletions are in brackets.)

Rule 6.70. A Floor Broker is an individual (either a member or a nominee of a member organization) who is registered with the Exchange for the purpose, while on the Exchange floor, of accepting and executing orders received from members or from registered broker-dealers. A Floor Broker shall not accept an order from any other source unless he is either the nominee of, or has registered his individual membership for, a member organization approved to transact business with the public in accordance with Rule 9.1[,]. [in which event he may accept orders from public customers of the organization.] *In the event the organization is approved pursuant to Rule 9.1, a Floor Broker who is the nominee of, or who has registered his individual membership for, such organization may then accept orders directly from public customers where (i) the organization clears and carries the customer account or (ii) the organization has entered into an agreement with the public customer to execute orders on its behalf.* Among the requirements a Floor Broker must meet in order to register pursuant to Rule 9.1 is the successful completion of an examination for the purpose of demonstrating an adequate knowledge of the securities business. Unless the context otherwise indicates, a Board Broker acting as such in option contracts of the class to which he has been appointed pursuant to Rule 7.3 shall be considered to be a Floor Broker wherever that term occurs in these Rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to clarify the circumstances, as set forth in Exchange Rule 6.70, under which a floor broker is permitted to receive orders directly from public customers. Exchange Rule 6.70 currently states that a floor broker may not accept an order from any source, other than from a member or a registered broker-dealer, unless that floor broker is the nominee of, or has registered his individual membership for, a member organization that is approved to transact business with the public in accordance with Exchange Rule 9.1. Rule 6.70 continues by stating that in the event the floor broker satisfies the stated criteria, the floor broker may then accept orders from public customers of the ''organization.''

The Exchange has learned there is some uncertainty among the membership about the intended meaning of the phrase ''public customers of the organization'' [emphasis added] because there is often more than one floor broker organization involved in a transaction. Often, one organization may execute the order on the floor of the Exchange while a second organization may clear and carry the customer's account. The Exchange has learned that some members have assumed that Rule 6.70, as written, permits a floor broker to take an order directly from a public customer only when that floor broker is a nominee of, or has registered his membership for, a member organization that clears and carries the customer's account. These members do not consider the customer to be a ''customer'' of the organization that executes the customer's order but which does not carry and clear the customer account.

The Exchange, however, has interpreted Rule 6.70 to permit a floor broker to accept an order from a public customer even in cases where the customer is a customer of the member organization only for the purpose of executing the order. In other words, the phrase ''public customer of the organization'' is intended to refer to a customer of the floor broker firm that executes the order or a customer of the floor broker firm that clears and carries the customer account. In either case, however, the floor broker/member taking the order directly from a public customer must be a nominee of, or must have his individual membership registered for, a member organization approved to transact business with the public in accordance with Rule 9.1.

Rule 6.70 is being amended to more clearly specify that a floor broker may accept an order directly from a public customer whether the customer is a customer of the organization for purposes of execution only or whether the customer account is cleared and carried by the organization, as long as the floor broker's firm is approved pursuant to Exchange rules. As specified in Chapter IX of the Exchange's rules, the floor broker taking the order must also meet certain criteria before taking such orders, including

passing an examination for the purpose of demonstrating an adequate knowledge of the securities business.

2. Statutory Basis

By clarifying the rule that describes the circumstances under which a floor broker is permitted to receive orders directly from public customers, the Exchange believes that the proposed rule change is consistent with Section 6 of the Act in general and with Section 6(b)(5) in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation with persons engaged in facilitating and clearing transactions in securities, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change imposes any burdens on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(i) of the Act, and subparagraph (e) of Rule 19b–4 thereunder, in that the proposal is designated by the Exchange as constituting a stated policy with respect to the enforcement of an existing rule. At any time within 60 days of the filing of the rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 the filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to the file number in the caption above and should be submitted by November 13, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–27145 Filed 10–22–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37828; File No. SR–GSCC–96–05]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Approving Proposed Rule Change Relating to Clearing Fund Collateral and Loss Allocation Provisions

October 16, 1996.

On May 28, 1996, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–GSCC–96–05) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] to expand the types of securities that are eligible to be used as clearing fund collateral and to redefine the concept of current trading activity for loss allocation purposes. GSCC amended the filing on July 25, 1996.[2] Notice of the proposal was published in the Federal Register on August 19, 1996.[3] No comment letters were received regarding the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

A. Clearing Fund Collateral

GSCC Rule 4 requires that each netting member make and maintain a deposit to the clearing fund, and Section 4 thereof prescribes the form that a netting member's clearing fund deposit must take. Currently under Rule 4, Section 4, there are three types of eligible clearing fund collateral: cash, eligible treasury securities, and eligible letters of credit. An eligible treasury security is defined as an unmatured, marketable debt security in book-entry form that is a direct obligation of the U.S. government.[4] Conversely, GSCC currently processes a broad range of securities (''eligible netting securities'') through its netting system. The proposed rule change expands the types of securities that will be acceptable forms of clearing fund collateral[5] to include all securities that are eligible for processing in GSCC's netting system.

Pursuant to GSCC's Rules, eligible netting securities are any non-mortgage-backed security, including zero-coupon securities, issued or guaranteed by the U.S., a U.S. government agency or instrumentality, or a U.S. government-sponsored corporation. Such securities must be Fed Wire eligible. Specific examples of eligible netting securities issued by U.S. government agencies include fixed-rate discount notes with one year maturity issued by the Tennessee Valley Authority, fixed-rate stripped interest payment or stripped principal securities sold at a discount by the Resolution Funding Corporation, and fixed-rate notes issued by the International Finance Corporation.

GSCC limits liquidity and price volatility risks by applying an appropriate haircut percentage to each type of security accepted as clearing fund collateral. Pursuant to GSCC Rules, the haircuts for eligible netting securities other than eligible treasury securities are at least equal to the haircut GSCC takes on eligible treasury securities,[6] and in no event will the haircut be lower than that applied to the

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[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] Letter from Karen Walraven, Vice President and Associate Counsel, GSCC, to Jerry W. Carpenter, Assistant Director, Division of Market Regulation, Commission (July 22, 1996).

[3] Securities Exchange Act Release No. 37548 (August 9, 1996), 61 FR 42925.

[4] Currently, only treasury bills and coupon bearing treasury notes and bonds are eligible as clearing fund collateral. Securities Exchange Act Release No. 33237 (December 1, 1993), 58 FR 63414.

[5] At this time no change is proposed with respect to the cash and letters of credit eligible for clearing fund deposits.

[6] Section 4 of GSCC Rule 4 provides that eligible treasury securities with a remaining maturity of greater than one year and less than ten years are subject to a three percent haircut, and securities with a remaining maturity of ten years or greater are subject to a five percent haircut. Eligible treasury securities with a remaining maturity of up to one year receive no haircut. GSCC does not propose to change these existing haircut provisions at this time.

With respect to agency securities and zero coupon and stripped treasury securities, GSCC will apply the above haircuts unless GSCC's liquidity bank applies higher or more conservative haircut percentages. At this time, GSCC's haircuts are consistent with the haircut percentages applied by its liquidity bank. Letter from Karen Walraven, Vice President and Associate Counsel, GSCC to Peggy Blake, Attorney, Division of Market Regulation, Commission (August 8, 1996).

relevant security by GSCC's liquidity bank. Furthermore, GSCC retains the right to refuse to accept particular types of collateral for liquidity or other reasons upon action by its Board of Directors. Such refusal could arise under a variety of circumstances such as GSCC's liquidity bank's reluctance to accept a certain type of security as collateral for an extension of credit.

B. Loss Allocation

Rule 20, Section 4(c) of GSCC's rules provides that upon a member's default GSCC will close out the positions of the defaulting member. If the close out of all the defaulting member's positions results in GSCC incurring a loss, that loss will be allocated pursuant to GSCC Rule 4.

Under Section 8 of Rule 4, GSCC looks first to the defaulting member's clearing fund collateral. If the defaulting member's collateral does not fully cover GSCC's loss, GSCC determines the proportion of the remaining loss that arose in connection with non-brokered (*i.e.,* direct) transactions and the proportion that arose in connection with brokered transactions. Brokered transactions are categorized as either brokered transactions involving only GSCC members or brokered transactions involving a nonmember on one side of the trade. After the brokered and non-brokered proportions are determined, the remaining loss is allocated among participants based largely upon their trading activity with the defaulting member netted and novated on the day of default.[7]

GSCC Rule 4, Section 8(a)(v) defines ''trading activity with the defaulting member netted and novated on the day of default'' as trading activity with a defaulting member submitted by a netting member that was compared, entered GSCC's net system, and was novated on the business day on which the failure of the defaulting member to fulfill its obligations to GSCC occurred. However, if the aggregate level of such trading activity was less than the dollar value amount of the defaulting member's securities liquidated pursuant to GSCC's close out procedure, the term had encompassed trading activity going back as many days as was necessary to reach a level of activity that was equal to or greater than the dollar value amount of such liquidated securities. The proposed rule change modified the concept of ''trading activity with the defaulting member netted and novated on the day of default'' to capture a level of trading activity that is at least five times the dollar value amount of the securities of the defaulting member that are liquidated.[8]

II. Discussion

The Commission finds that the proposed rule change is consistent with the Act, and specifically with Section 17A(b)(3)(F).[9] Section 17A(b)(3)(F) requires the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission believes that the expansion of GSCC's acceptable clearing fund collateral will help to assure the safeguarding of securities because it should provide GSCC's members with more flexibility in meeting their clearing fund obligations with risk levels that should not be significantly higher than those present under the current clearing fund collateral definition. GSCC is limiting the potential for liquidity and price volatility risks in this regard by applying haircut percentages to each type of security accepted as clearing fund collateral. GSCC also will retain the right to refuse to accept particular types of collateral for liquidity or other reasons.

The Commission believes that GSCC's modifications to its loss allocation procedures also will help to assure the safeguarding of securities or funds in its control or for which it is responsible. Expanding the amount of trading that will be encompassed for loss allocation purposes should spread out the loss among a greater number of participants and thus decrease the likelihood that any one participant will be disproportionately affected. As a result, GSCC should be in a better position to collect such funds should the need ever arise. Because the rule change also results in participants having potential liability for trades entered into with a failing participant over a greater time period, it should encourage participants to assess the creditworthiness of their counterparties more carefully. As a result, the level of risk of the trades submitted to GSCC should be reduced, and GSCC's ability to safeguard securities and funds should be enhanced.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–GSCC–96–05) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–27092 Filed 10–22–96; 8:45 am]

BILLING CODE 8010–01–M

[7] To the extent a remaining loss is determined to arise in connection with non-brokered transactions (*i.e.,* direct transactions), the loss is allocated pro rata among netting members other than interdealer brokers based on the dollar value of the trading activity of each such netting member with the defaulting member netted and novated on the day of default. If the loss is determined to arise in connection with member brokered transactions, GSCC allocates ten percent of the loss to the interdealer broker netting members on an equal basis regardless of the level of trading activity of each such broker with the defaulting member. The remainder of the loss is divided pro rata among all other netting members based upon the dollar value of each netting member's trading activity through interdealer brokers with the defaulting member netted and novated on the day of default. If the loss is determined to arise in connection with nonmember brokered transactions, GSCC allocates ten percent of the loss to the interdealer broker netting members on an equal basis regardless of the level of trading activity of each such broker with the defaulting member. The remainder of the loss is allocated pro rata among the Category 2 interdealer broker netting members that were parties to such nonmember brokered transactions based upon the dollar value of each such broker member's trading activity with the defaulting member netted and novated on the day of default. Category 1 interdealer brokers act exclusively as brokers and trade only with netting members and with certain grandfathered nonmember firms. Category 2 interdealer brokers are permitted to have up to ten percent of their business with nonnetting members other than grandfathered nonmembers. GSCC has filed a proposal to amend certain aspects of the loss allocation provisions related to the percentage of the loss allocated to interdealer brokers. Securities Exchange Act Release No. 37565 (August 14, 1996), 61 FR 43103.

[8] The five-fold multiple is based on the approximate netting factor of eighty percent. Historically, the aggregate transactions processed through GSCC's netting system net down to approximately twenty percent of the aggregate transactional volume (*i.e.,* for approximately every five transactions that enter the netting process, only one needs to be settled through the movement of securities and cash).

[9] 15 U.S.C § 78q–1(b)(3)(F) (1988).

[10] 17 CFR 200.30–3(a)(12) (1996).

[Release No. 34–37829; File No. SR–NSCC–96–13]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving a Proposed Rule Change Relating to the Guarantee of When-Issued and Balance Order Trades

October 16, 1996.

On June 21, 1996, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–

NSCC–96–13) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] to modify its rules and procedures to guarantee when-issued and when-distributed (collectively, ''when-issued''), and balance order trades. On August 2, 1996, NSCC amended the proposal (''Amendment No. 1'').[2] Notice of the proposal was published on August 19, 1996, in the Federal Register to solicit comments on the proposed rule change.[3] On August 6 and August 9, NSCC amended the filing to clarify certain terms (''Amendment No. 2'' and ''Amendment No. 3''),[4] and on August 14, 1996, NSCC submitted an amendment replacing Exhibit A to the original filing as amended by Amendment No. 1.[5] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

NSCC's proposed rule change modifies NSCC's rules and procedures to guarantee when-issued[6] and balance order trades at the same point in the clearance and settlement process as it guarantees regular-way trades in the Continuous Net Settlement (''CNS'') accounting operation.[7] NSCC will collateralize its increased exposure resulting from the modification of its guarantee of when-issued and balance order trades by collecting clearing fund based on market risk and liquidation risk.[8] Generally, with respect to CNS trades, the calculation of the market risk component is based on a rolling average of the prior twenty days market-to-market differential. This is the method NSCC will use for calculating market risk for balance order trades. For when-issued, NSCC will base its calculation of market risk on the market-to-market differential for the previous business day only. A market-to-market differential based on the previous business day only for when-issued trades is necessary because of the typically more volatile nature of when-issued trades.

The calculation of the liquidation risk component for CNS trades is based on all pending trades and failed trades. For when-issued trades, NSCC will base its calculation of the liquidation risk component only upon pending when-issued trades. For balance order trades, NSCC will base its calculation of the liquidation risk component on all pending balance order trades and failed trades to the extent the contra-party to any such failed trade is a regional interface account.

Accordingly, NSCC is modifying Addendum M to its Rules and Procedures, Statement of Policy in Relation to the Completion of Pending CNS Trades, to delete the language that excepts when-issued trades from NSCC's policy of guaranteeing the completion of CNS trades as of midnight of the day the trades are reported to members as compared. NSCC further is modifying Addendum M to include a statement of its policy of guaranteeing the completion of when-issued trades as of midnight of the day trades are reported to members as compared/recorded.

NSCC is modifying Addendum K to its Rules and Procedures, Interpretation of the Board of Directors—Application of Clearing Fund, to reflect that NSCC will guarantee the completion of balance order trades as of midnight of the day such trades are reported to members as compared/recorded through the close of business of T+3 regardless of whether the member could have made delivery on T+3. Addendum K will be modified further to include a statement of its policy of guaranteeing the completion of when-issued trades as of midnight of the day the trades are reported to members as compared/recorded. NSCC also is modifying Addendum K to state that it will consider all when-issued trades of members as if the trades were CNS transactions for purposes of clearing fund calculations and surveillance regardless of the accounting operation in which the trades ultimately settle.

Because NSCC is guaranteeing three different types of transactions, Procedure XV, Clearing Fund Formula and Other Matters, is being modified to specifically include the calculations described above for when-issued and balance order trades. NSCC also is modifying Addendum B, Standards of Financial Responsibility-Operational Capability. NSCC is adding language to Procedure XV, Clearing Fund Formula and Other Matters, to clarify that unless it determines otherwise, the mark-to-market component of the clearing fund formula for when-issued and when-distributed transactions is the daily market differential while CNS and balance order trades use a rolling twenty day average of such mark-to-market differential.

II. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and particularly with the requirements of Sections 17A(b)(3) (A) and (F).[9] Sections 17A(b)(3) (A) and (F) require that the rules of a clearing agency be designed to safeguard securities and funds in its custody or control or for which it is responsible.

The Commission believes that by guaranteeing when-issued trades and balance order trades, NSCC is providing its members with greater certainty in the settlement of such trades. Furthermore, NSCC is collateralizing the increased exposure of guaranteeing when-issued and balance order trades as of midnight on the day trades are reported to members as compared by collecting clearing fund on those trades based on market and liquidation risk. The Commission believes that the collection of clearing fund for these trades will reduce the risk to NSCC and its participants with regard to member default thereby assuring the safeguarding of securities and funds in the custody or control of NSCC or for which it is responsible.

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] Letter from Julie Beyers, Associate Counsel, NSCC, to Jerry Carpenter, Commission (August 1, 1996).

[3] Securities Exchange Act Release No. 37549 (August 9, 1996), 61 FR 92927.

[4] Letters from Julie Beyers, Associate Counsel, to Peggy Blake, Commission (August 6, 1996, and August 9, 1996). The Commission did not notice the amendments for comment because they were technical in nature and not substantive.

[5] Letter from Julie Beyers, Associate Counsel, NSCC, to Jerry Carpenter, Assistant Director, Division of Risk Management and Control, Commission (August 13, 1996).

[6] NSCC Amendment No. 3 defines a when-issued transaction as a transaction in a security which has occurred prior to the issuance of such security and is determined to be a when-issued transaction by the marketplace or exchange on which it trades.

NSCC Amendment No. 3 defines a when-distributed transaction as a transaction in a security which has occurred prior to the initial distribution of such security and is determined to be a when-distributed transaction by the marketplace or exchange on which it trades.

[7] Regular-way CNS trades are guaranteed as of midnight on the day the trades are reported to members as compared/recorded.

[8] In File No. SR–NSCC–96–11, NSCC amended Procedure XV, Clearing Fund Formula and Other Matters, to define the market risk component of the CNS portion of the clearing fund formula as requiring each NSCC member to contribute to the clearing fund an amount approximately equal to the net of each day's difference between the contract price of pending compared CNS trades which have not as yet reached settlement and the current market price for such trades provided that they will exclude any trades for which under a clearing agency cross-guarantee agreement NSCC has either obtained coverage for such difference or undertaken an obligation to provide coverage for such difference. In addition to protect against liquidation risk, NSCC will collect .25% of the net of all compared pending CNS trades and open CNS positions. Securities Exchange Act Release No. 37731 (September 26, 1996), 61 FR 51731 (Order approving proposed rule change relating to an amended restated options exercise settlement agreement between The Options Clearing Corporation and NSCC). *See also* current NSCC Procedure XV, Sections A.1.(a)(1)(b) and A.1.(a)(1)(c).

[9] 15 U.S.C. §§ 78q–1(b)(3) (A) and (F) (1988).

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with Sections 17A(b)(3) (A) and (F) of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–96–13) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–27093 Filed 10–22–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37824; File No. SR–ODD–96–1]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Supplement to Options Disclosure Document Regarding Flexible Exchange Options (''FLEX Options'')

October 15, 1996.

On October 4, 1996, The Options Clearing Corporation (''OCC'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (''Act''),[1] five definitive copies of a Supplement to its options disclosure document (''ODD''), which describes, among other things, the risks and characteristics of trading in flexibly structured options overlying individual stocks (''FLEX Equity Options'').

The ODD currently contains general disclosures on the characteristics and risks of trading flexibly structured options (''FLEX Options''). At the time the FLEX Options disclosure was approved,[2] the Commission had approved Exchange proposals to trade FLEX Options overlying particular indexes (''FLEX Index Options''). Since that time, the Commission has approved Exchange proposals to trade FLEX Equity Options.[3] OCC now proposes this Supplement, which is to be read in conjunction with the more general ODD entitled ''Characteristics and Risks of Standardized Options,'' that provides disclosures to specifically accommodate the introduction of FLEX Equity Options and to reflect current rules of the options markets on which FLEX Equity Options are traded.[4] Pursuant to Rule 9b–1, the Supplement will have to be provided to investors in FLEX Equity Options before their accounts are approved for FLEX Equity Options transactions or their orders for FLEX Equity Options are accepted.

The Commission has reviewed the ODD Supplement and finds that it complies with Rule 9b–1 under the Act. The Supplement is intended to be read in conjunction with the ODD, which discusses the characteristics and risks of options, including FLEX Options, generally. The Supplement provides additional information regarding FLEX Equity Options sufficient to further describe the special characteristics and risks of these products.

Rule 9b–1 provides that an options market must file five preliminary copies of an amended ODD with the Commission at least 30 days prior to the date definitive copies of the ODD are furnished to customers, unless the Commission determines otherwise, having due regard to the adequacy of information disclosed and the protection of investors.[5] The Commission has reviewed the Supplement, and finds that it is consistent with the protection of investors and in the public interest to allow the distribution of the Supplement as of the date of this order.

It is therefore ordered, pursuant to Rule 9b–1 under the Act,[6] that the proposed Supplement regarding FLEX Equity Options is approved, on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–27094 Filed 10–22–96; 8:45 am]

BILLING CODE 8010–01–M

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[10] 17 CFR 200.30–3(a)(12) (1996).

[1] 17 CFR 240.9b–1.

[2] *See* Securities Exchange Act Release Nos. 31910 (February 23, 1993), 58 FR 12056 (March 2, 1993), 31919 (February 24, 1993), 58 FR 12286 (March 3, 1993), and 33582 (February 4, 1994), 61 FR 6661 (February 11, 1994).

[3] *See* Securities Exchange Act Release Nos. 36841 (February 14, 1996) (File Nos. SR–CBOE–95–43 and SR–PSE–95–24) and 37336 (June 19, 1996 (File No. SR–Amex–95–57) (orders approving the listing and trading of FLEX Equity Options, and designating FLEX Equity Options as standardized options pursuant to Rule 9b–1 under the Act. *See also* Securities Exchange Act Release No. 37630 (September 3, 1996) (File No. SR–OCC–96–03).

[4] *See e.g.,* Securities Exchange Act Release No. 37726 (September 25, 1996) (File Nos. SR–Amex–96–29, SR–CBOE–96–56, and SR–PSE–96–31) (order approving proposals to restrict the available exercise prices for FLEX equity call options).

[5] This provision is intended to permit the Commission either to accelerate or extend the time period in which definitive copies of a disclosure document may be distributed to the public.

[6] 17 CFR 240.9b–1.

[7] 17 CFR 200.30–3(a)(39).

[Release No. 34–37838; File No. SR–PHLX–96–42]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Limiting Time for Submission of Settlement Offers

October 17, 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 September 27, 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, 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

Currently, PHLX Rule 960.7, ''Offers of Settlement,'' allows a respondent in any proceeding under the PHLX's disciplinary rules to submit a written settlement offer to the Exchange's Business Conduct Committee (''BCC'') at any time during the course of the proceeding. The PHLX proposes to amend PHLX Rule 960.7 to limit the time when a respondent may submit a written settlement offer to the BCC to within 120 calendar days immediately following the date of service of the statement of charges upon the respondent. Under the proposal, the Exchange may schedule a hearing during the 120-day period immediately following the date of service of the statement of charges or as soon as practicable thereafter. The BCC may consider a settlement offer submitted after the 120-day period as long as consideration of the offer does not delay the hearing in the matter.

The text of the proposed rule change is available at the Office of the Secretary, 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

The purpose of this proposal is to adopt a time limit during which respondents involved in a disciplinary matter before the PHLX's BCC may submit offers of settlement. Presently, under PHLX Rule 960.7, a respondent may submit an offer of settlement at any time during the course of the proceedings. Because the language allows for offers of settlement to be submitted at any time, the BCC was concerned that respondents could intentionally submit inadequate offers of settlement for the sole purpose of delaying a scheduled hearing until the offer is reviewed by the full BCC.

Thus, the Exchange proposes to amend PHLX Rule 960.7 in order to allow offers of settlement to be submitted only during the 120-day period immediately following the date of service of the statement of charges upon a respondent. The BCC could then schedule hearings after the 120 days knowing that there will not be last minute requests for continuances based upon late offers of settlement. Under proposed Interpretation and Policy .01, the BCC may also schedule a hearing during the 120-day period immediately following the date of service of the statement of charges on the respondent.[1] The BCC will continue to have the ability to entertain offers of settlement after the 120 days if its review does not delay the scheduled hearing in the matter.

The PHLX believes that the proposed rule change is consistent with Section 6 of the Act in general, and in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, 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, as well as to protect investors and the public interest by allowing for more expeditious completion of disciplinary matters.

(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 received or requested.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason 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 at the Commission's Public Reference Room. Copies of the 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 number SR-PHLX–96–42 and should be submitted by November 13, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–27144 Filed 10–22–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Under PHLX Rule 960.5, ''Hearing,'' a respondent must be given at least 15 business days notice of the time of a hearing.

[2] 17 CFR 200.30–3(a)(12) (1995).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–107]

Initiation of Section 302 Investigation and Request for Public Comment: Australian Subsidies Affecting Leather

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation; request for written comment.

SUMMARY: The United States Trade Representative (USTR) has initiated an investigation under section 302(a) of the Trade Act of 1974, as amended (the Trade Act), with respect to certain acts, policies and practices of the Government of Australia with respect to subsidies affecting leather. USTR invites written comments from the public on the matters being investigated and the determinations to be made under section 304 of the Trade Act.

DATES: This investigation was initiated on October 3, 1996. Written comments from the public are due on or before noon on Tuesday, November 5, 1996.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW, Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: Ron Lorentzen, Director for WTO Industrial Issues, (202) 395–3063, or Audrey Winter, Associate General Counsel, (202) 395–7305.

SUPPLEMENTARY INFORMATION: On August 19, 1996, the Coalition Against Australian Leather Subsidies filed a petition pursuant to section 302(a) of the Trade Act (19 U.S.C. 2412(a)) alleging that certain subsidy programs of the Government of Australia constitute acts, policies and practices that violate, or are inconsistent with and otherwise deny benefits to the United States under the General Agreement on Tariffs and Trade 1994 (GATT) and the Agreement on Subsidies and Countervailing Measures (SCM Agreement). In particular, the petition alleges that the Government of Australia has instituted certain subsidy programs which provide substantial assistance to the domestic leather tanning industry in Australia in the form of credits for the export of eligible goods and services based upon the value added to the exported product in Australia. These credits can be used to offset duties on eligible imports or,

because they are freely transferable, can be sold to any importer of eligible goods. The petition also alleges that the subsidies have burdened and restricted U.S. commerce because they have enabled Australian leather tanners to substantially lower their prices to buyers of automobile upholstery leather for the U.S. market, thereby inflicting injury on U.S. leather tanners.

Investigation and Consultations

On October 3, 1996, the USTR determined that an investigation should be initiated to determine whether certain acts, policies or practices of the Government of Australia regarding subsidies available to leather under the Textile, Clothing and Footwear Import Credit Scheme and any other subsidies to leather granted or maintained in Australia which are prohibited under Article 3 of the SCM Agreement are actionable under section 301.

As required in section 303(a) of the Trade Act, the USTR has requested consultations with the Government of Australia regarding the issues under investigation. The request was made pursuant to Articles 1 and 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article 4.1 of the SCM Agreement, and Article XXIII:1 of GATT 1994 as incorporated in Article 30 of the SCM Agreement. If the consultations do not result in a satisfactory resolution of the matter, the USTR will request the establishment of a panel pursuant to Article 6 of the DSU and Article 4.4 of the SCM Agreement. USTR will seek information and advice from the petitioner and appropriate representatives provided for under section 135 of the Trade Act in preparing the U.S. presentations for such consultations.

Under section 304 of the Trade Act, the USTR must determine within 18 months after the date on which this investigation was initiated, or within 30 days after the conclusion of WTO dispute settlement procedures, whichever is earlier, whether any act, policy, or practice or denial of trade agreement rights described in section 301 of the Trade Act exists and, if that determination is affirmative, the USTR must determine what action, if any, to take under section 301 of the Trade Act.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the acts, policies and practices of Australia which are the subject of this investigation, the amount of burden or restriction on U.S. commerce caused by these acts, policies and practices, and the determinations required under section 304 of the Trade Act. Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and must be filed on or before noon on Tuesday, November 5, 1996. Comments must be in English and provided in twenty copies to: Sybia Harrison, Staff Assistant to the Section 301 Committee, Room 223, Office of the U.S. Trade Representative, 600 17th Street, NW, Washington, D.C. 20508.

Comments will be placed in a file (Docket 301–107) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the file that is open to public inspection. Copies of the public version of the petition and other relevant documents are available for public inspection in the USTR Reading Room. An appointment to review the docket (Docket No. 301–107) may be made by calling Brenda Webb (202) 395–6186. The USTR Reading Room is open to the public from 10:00 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, and is located in Room 101.

Irving A. Williamson,

Chairman, Section 301 Committee.

[FR Doc. 96–27142 Filed 10–22–96; 8:45 am]

BILLING CODE 3190–01–M

Notice of Meeting of the Industry Sector Advisory Committee for Small and Minority Business (ISAC 14)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of meeting.

SUMMARY: The Industry Sector Advisory Committee for Small and Minority Business (ISAC 14) will hold a meeting on November 4, 1996 from 9:45 a.m. to 4:00 p.m. The meeting will be open to the public from 9:45 a.m. to 12:15 p.m. and closed to the public from 12:15 to 4:00 p.m.

DATES: The meeting is scheduled for November 4, 1996, unless otherwise notified.

ADDRESSES: The meeting will be held at the U.S. Department of Commerce in Room 1412, located in 14th Street and Constitution Avenue, N.W., Washington, D.C., unless otherwise notified.

FOR FURTHER INFORMATION CONTACT: Suzanne Kang, Office of the United States Trade Representative, 600 17th St. N.W., Washington, D.C. 20508, (202) 395–6120.

SUPPLEMENTARY INFORMATION: The ISAC 14 will hold a meeting on November 4, 1996 from 9:45 a.m. to 4:00 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code and Executive Order 11846 of March 27, 1975, the Office of the U.S. Trade Representative has determined that part of this meeting will be concerned with matters the disclosure of which would seriously compromise the development by the Unites States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. During the discussion of such matters, the meeting will be closed to the public from 12:15 p.m. to 4:00 p.m. The meeting will be open to the public and press from 9:45 a.m. to 12:15 p.m. when other trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

Phyllis Shearer Jones,

Assistant United States Trade Representative, Intergovernmental Affairs and Public Liaison.

[FR Doc. 96–27195 Filed 10–22–96; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) this notice announces the Department of Transportation's (DOT) intention to request an extension for a currently approved information collection coming up for renewal. Comments are invited on: Whether the proposed collection of

information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. The Federal Register Notice with a 60-day comment period soliciting comments on the following collections of information was published on July 24, 1996 [FR 61, page 38507].

DATES: Comments on this notice must be received on or before November 22, 1996.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention OST Desk Officer.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, U.S. Coast Guard, Office of Information Management, telephone (202) 267–2326.

SUPPLEMENTARY INFORMATION:

U.S. Coast Guard

1. Title: Rules for Carrying Hazardous Liquids.

OMB Control Number: 2115–0089.

Type of Request: Extension of a currently approved collection.

Affected Entities: Owners and operators of chemical tankers.

Abstract: The collection of information requires that U.S. and foreign vessels which carry hazardous cargo submit to the Coast Guard technical information about the cargo.

Need: Title 33 U.S.C. 1903 authorizes the recordkeeping and reporting requirements to ensure the safe transport by vessel of hazardous materials.

Estimated Burden: The estimated burden is 6647.5 hours annually.

Issued in Washington, DC, on October 10, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–27165 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–62–P

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 9, 1996 [FR 61, page 41680].

DATES: Comments must be submitted on or before November 22, 1996.

FOR FURTHER INFORMATION CONTACT: Richard Weaver, (202) 366–2811, and refer to the OMB Control Number.

SUPPLEMENTARY INFORMATION:

Maritime Administration (MARAD)

Title: Procedures, Subpart B—Application for Designation of Vessels as ''American Great Lakes Vessels.''

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

OMB Control Number: 2133–0521.

Affected Public: Shipowners of merchant vessels.

Abstract: Public Law 101–624 directs the Secretary of Transportation to issue regulations that establish requirements for the submission of applications by owners of ocean vessels for designation of vessels as ''American Great Lakes Vessels.''

Need and Use of the Information: Application is mandated by statute to establish that a vessel meets statutory criteria for obtaining the benefit of eligibility to carry preference cargoes.

Estimated Annual Burden: 1 hour.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention OST Desk Officer.

Comments are Invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

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

Phillip A. Leach,

Clearance Officer, United States Department of Transportation

[FR Doc. 96–27166 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–62–P

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) this notice announces the Department of Transportation's (DOT) intention to request extensions for three currently approved information collections coming up for renewal and reinstatement, without change, a previously approved collection for which approval has expired. Comments are Invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. The Federal Register Notice with a 60-day comment period soliciting comments on the following collections of information was published on August 9, 1996 [FR 61, page 41680].

DATES: Comments on this notice must be received on or before November 22, 1996.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW., Washington, DC 20503, Attention USCG Desk Officer.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, U.S. Coast Guard, Office of Information Management, telephone (202) 267–2326.

SUPPLEMENTARY INFORMATION:

U.S. Coast Guard

1. Title: Requirements for the Use of Liquefied Petroleum Gas and Compressed Natural Gas as Cooking Fuel on Passenger Vessels.

OMB Control Number: 2115–0549.

Type of Request: Extension of a currently approved collection.

Affected Entities: Passenger Vessel Owners and Operators.

Abstract: The collection of information requires passenger vessels to have posted two placards which contain safety and operating instructions on the use of cooking appliances that use liquefied gas or compressed natural gas.

Need: Under title 46 U.S.C. 3306(a)(5), the Coast Guard has the authority to allow passenger vessels to use liquefied propane gas and compressed natural gas cooking appliances provided that operating and safety instructions on the use of these appliances are posted on board the vessel.

Estimated Burden: The estimated burden is 1,425 hours annually.

2. Title: Identification of Lifesaving, Fire Protection and Emergency Equipment.

OMB Control Number: 2115–0577

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Affected Entities: Owners of Merchant Vessels.

Abstract: The collection of information requires owners of merchant vessels to have identification markings on lifesaving equipment including the manufacturer name, model number, capacity, approval number and other information concerning performance.

Need: Under Title 46 U.S.C. 3306, the Coast Guard has the authority to prescribe regulations concerning the identification markings on lifesaving, fire protection and emergency equipment on board merchant vessels.

Estimated Burden: The estimated burden is 4,012 hours annually.

3. Title: Periodic Gauging and Engineering Analyses.

OMB Control Number: 2115–0603.

Type of Request: Extension of a currently approved collection.

Affected Entities: Owners and operators of tank vessels.

Abstract: The Collection of Information requires respondents to submit a gauging report which consists of survey data and associated engineering analysis which is needed by the Coast Guard to inspect tank vessels over 30 years old for recertification.

Need: Section 4109 of the Oil Pollution Act requires the Coast Guard to issue regulations relating to the structural integrity of older tank vessels, including periodic gauging of the plating thickness of the vessel, before a Certificate of Inspection is reissued.

Estimated Burden: The estimated burden is 23,664 hours annually.

4. Title: Response Resources Inventory Data Collection.

OMB Control Number: 2115–0606

Type of Request: Extension of a currently approved collection.

Affected Entities: Oil spill response organizations.

Abstract: The collection of information requires oil spill response organizations to answer questions concerning the location and amount of equipment and personnel, as well as their availability to respond to a coastal oil spill.

Need: The Oil Pollution Act of 1990, requires the Coast Guard to centralize information concerning the amount and location of response equipment for oil spills.

Estimated Burden: The estimated burden is 751 hours annually.

Issued in Washington, DC, on October 15, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–27167 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–62–P

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation, (DOT).

ACTION: Notice and request for comments.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1995, requires that agencies prepare a notice for publication in the Federal Register, listing information collection requests submitted to OMB for approval or renewal under that Act. OMB reviews and approves agency submissions in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms and the reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

DATES: Interested persons are invited to submit comments on or before November 22, 1996.

ADDRESSES: Written comments on the DOT information collection requests should be forwarded, as quickly as possible, to the Office of Management and Budget, New Executive Office Building, Room 10202, Attention DOT/FAA Desk Officer, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Judith Street, ABC–100; Federal Aviation Administration; 800 Independence Avenue, S.W.; Washington, DC 20591; Telephone number (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Assessment of Federal Aviation Administration Acquisition Management System (FAAMS).

OMB Control Number: 2120-new.

Type of Request: New collection.

Affected Public: Contractors who will be using the new system, an estimated 1,500 respondents.

Abstract: On April 1, 1996, the Federal Aviation Administration (FAA) under authority of Section 348 of Public Law 104–50, implemented a new acquisition management system unique to FAA. The agency must ensure that the system has an all around benefit for both the government and industry. Rather than operating on conjecture, the agency is seeking direct effectiveness information from industry. The FAA shall use information collected through this ''new collection'' to assess the impact that the new FAAMS has had on system-users, determine if improvement(s) would enhance timeliness and cost-effectiveness of agency acquisitions, and refine the process(es) as appropriate.

Burden: The estimated total annual burden is 2,250 hours.

Issued in Washington, D.C. on October 15, 1996.

Phillip A. Leach,

Information Clearance Officer, United States Department of Transportation.

[FR Doc. 96–27168 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–P

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting cancellation.

SUMMARY: The FAA is issuing this notice to advise the public that the October 22–23 meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee, scheduled to discuss Transport Airplane and Engine Issues (61 FR 53778, October 15, 1996), has been cancelled.

FOR FURTHER INFORMATION CONTACT: Ms. Jackie Smith, Federal Aviation Administration (ARM–209), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9682; fax (202) 267–5075.

Issued in Washington, DC, on October 18, 1996.

Chris A. Christie,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 96–27205 Filed 10–18–96; 3:49 am]

BILLING CODE 4910–13–M

Maritime Administration

[Docket No. M–024]

Information Collection Available for Public Comments and Recommendations

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before (Sixty days following date of publication in Federal Register).

FOR FURTHER INFORMATION CONTACT: David Lippold, Office of Ship Financing, Maritime Administration, MAR–530, Room 8122, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone 202–366–1907 or fax 202–366–7901. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: 46 CFR Part 298—Title XI Obligation Guarantees

Type of Request: Extension of currently approved information collection

OMB Control Number: 2133–0018

Form Number: MA–163

Expiration Date of Approval: January 31, 1997.

Summary of Collection of Information: Under title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279) (the Act), the Maritime Administration (MARAD) is authorized to execute a full faith and credit guarantee by the United States of debt obligations issued to finance or refinance the construction or reconstruction of vessels. In November 1994, the title XI program was expanded to permit issuance of loan guarantees for financing export vessels built in the United States and for shipyard modernization and improvement projects.

Need and Use of the Information: Prior to execution of a loan guarantee, the Act requires the Secretary of Transportation must, among other things, make determinations of economic soundness of the project and financial and operating capability of the applicant. The Secretary of Transportation has delegated this authority (See 49 CFR 1.66(e)) to the Maritime Administrator. The information collected is necessary to evaluate the project and capabilities, make the required determinations, and administer any agreements executed upon approval of loan guarantees.

Description of Respondents: Individuals/businesses interested in obtaining loan guarantees for construction/reconstruction of vessels satisfying criteria under the Act.

Annual Responses: 25

Annual Burden: 2,000 hours

Comments: Send all comments regarding this information collection to Joel C. Richard, Department of Transportation, Maritime Administration, MAR–120, Room 7210, 400 Seventh Street, S.W., Washington, D.C. 20590. Send comments regarding whether this information collection is necessary for proper performance of the function of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance quality, utility, and clarity of the information to be collected.

By Order of the Maritime Administrator.

Dated: October 18, 1996.

Joel C. Richard,

Secretary.

[FR Doc. 96–27171 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–81–P

Notice of Merger of Approved Trustee

Notice is hereby given, pursuant to Public Law 100–710 and 46 CFR Part 221, that effective June 27, 1996, Meridian Bank, with offices at 35 North Sixth Street, Reading, Pennsylvania, 19601, has merged with and into CoreStates, N.A. As a result, the former Meridian Bank, is now CoreStates Bank N.A.

Dated: October 17, 1996.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 96–27172 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–81–P

Notice of Merger of Approved Trustee

Notice is hereby given, pursuant to Public Law 100–710 and 46 CFR Part 221, that effective June 1, 1996, First Interstate Bank of Oregon, N.A., with offices at 1300 S. W. Fifth Avenue, Portland, Oregon, 97208, has merged with and into Wells Fargo Bank, National Association. As a result, First Interstate Bank of Oregon, N.A., is now named Wells Fargo Bank, National Association.

Dated: October 17, 1996.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 96–27173 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

[Docket No. 96–049; Notice 1]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collections of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under new procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes four collections of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before December 23, 1996.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to Docket Section, Room 5109, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB Clearance Number. It is requested, but not required, that 1 original plus 2 copies of the comments

be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Mr. Ed Kosek, NHTSA Information Collection Clearance Officer, NHTSA, 400 Seventh Street, SW., Room 6123, Washington, DC 20590. Mr. Kosek's telephone number is (202) 366–2589. Please identify the relevant collection of information by referring to its OMB Clearance Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the Federal Register providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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) 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) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Consolidated Labeling Requirement for 49 CFR 571.115, and Parts 565, 541, and 567

Type of Request—Reinstatement of clearance.

OMB Clearance Number—2127–0510.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three years from date of approval.

Summary of the Collection of Information—Under 49 CFR 571.115 and Part 565, provisions are made which specify the format and content for a vehicle identification number (VIN) system and the general physical requirements for a VIN and its installation to simplify vehicle information retrieval. This system will aid NHTSA in reducing the incidence of accidents by increasing the accuracy and efficiency of vehicle recall campaigns and in achieving many of its safety goals. Manufacturers are required to assign a unique VIN to each new vehicle and to inform NHTSA of the code used in forming the VIN. The regulations apply to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, incomplete vehicles, and motorcycles.

Part 541 requires manufacturers to either label or affix a VIN to specific major component parts of certain passenger motor vehicles, multipurpose passenger vehicles, and light-duty trucks with a gross vehicle weight rating of 6,000 pounds or less. Replacement component parts must be marked with the ''DOT'' symbol, the letter ''R'', and the manufacturer's logo.

Part 567 requires the VIN to be appear on the certification label.

Description of the need for the information and proposed use of the information—State motor vehicle administrations, law enforcement organizations, and other agencies utilize the unique VIN as a means of identifying motor vehicles that are registered within their state. NHTSA utilizes this vehicle identification number to identify motor vehicles that are subject to defect notices. NHTSA also uses these VINs to calculate motor vehicle theft rates by model year/calendar year as required by Section 603 of the Cost Savings Act.

Under Part 565, vehicle manufacturers are required to identify those trucks and multipurpose passenger vehicles manufactured between September 1, 1993, and September 1, 1995, that are equipped with automatic occupant crash protection (such as air bags or automatic belts). If this information were *not* available, NHTSA would not be able to determine if trucks or multipurpose passenger vehicles equipped with an air bag or an automatic safety belt are being certified as being in compliance with Federal Standard 208. This lack of information would seriously hinder the agency's efforts to select vehicles for purchase on the open market for the purposes of conducting crash tests to ''spot check'' a manufacturer's compliance. If each vehicle were not labeled with a VIN and if the VIN information were not collected by NHTSA, these programs which require vehicle identification would not be possible.

The identification of major parts of high-theft motor vehicle lines is designed to decrease automobile theft by making it more difficult for criminals to ''chop'' vehicles into component parts and then fence such parts. The information would aid law enforcement officials at all levels of Government in the investigation of ''chop shops'' by creating evidence for prosecution of the operators for possession of stolen motor vehicle parts. Major parts are marked on high-theft vehicle lines. Operators of both ''chop shops'' and auto body repair shops would avoid possession of parts bearing identification that links the parts to a stolen vehicle. Thus, Congress intends major parts identification to decrease the market for stolen parts and therefore, to decrease the incentive for motor vehicle theft.

If this information were not available, the legislative goal of a comprehensive scheme against automobile theft would be frustrated. The Theft Prevention Statute would not effectively deter ''chop shop'' operators because law enforcement officials could not readily identify parts in the operators' possession as stolen. Also, stolen parts, when recovered, could not easily be traced back to the proper owner and returned to the owner or insurer. Further, failure to require parts' identification would violate the Theft Prevention Statute.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—All foreign and domestic manufacturers are potential respondents. NHTSA estimates 1,000 respondents per year with a frequency of approximately 18,670,000 responses. The responses are an estimation of the total production of motor vehicles and replacement parts.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—The agency estimates that approximately 64 percent of all passenger motor vehicles produced would be selected as high-theft models subject to the standard. Assuming 18 million passenger motor vehicle sales per year, 11.52 million motor vehicles annually would be covered. Costs of compliance are estimated at $10.00 per vehicle for stamped identifiers, and $5.20 per vehicle for label identifiers. The total annual fleet costs are, thus, estimated at $115.2 million for stamped identifiers ($10.00 × 11.52 million) and $59.9 million for label identifiers ($5.20 × 11.52 million).

Authority: 440 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Dated: September 19, 1996.

L. Robert Shelton,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 96–27164 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–59–P

Research and Special Programs Administration

Pipeline Safety User Fee Assessment Methodology

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: The Research and Special Programs Administration (RSPA) invites representatives of industry, state and local government, and the public to an open meeting on pipeline safety user fee assessments. The purpose of this meeting is to gather information on the present assessment methods used by RSPA in determining pipeline safety user fees and to explore a broad range of other approaches for assessing user fees.

DATES: The meeting will be held on November 22, 1996, 9:00 a.m.–4:00 p.m.

ADDRESSES: The meeting will be held at the U.S. Department of Transportation 400 Seventh Street, S.W., Washington, D.C. Room 6200–04.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, (202) 366–6205, U.S. Department of Transportation, RSPA 400 Seventh St., S.W., Washington, D.C. 20590 regarding the subject matter of this notice, or the Dockets Unit (202) 366–5046, regarding copies of this notice or other material referenced in this notice.

SUPPLEMENTARY INFORMATION: The Accountable Pipeline Safety and Partnership Act of 1996 Section 60127 requires that, ''[t]he Secretary of Transportation shall transmit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

(1) That measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by the Department of Transportation in the regulation of pipeline transportation; or

(2) Another basis of assessment would be a more appropriate measure of those resources:

(b) Considerations—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public.''

Background

Under 49 U.S.C. 60103, gas and hazardous liquid pipeline operators pay annual user fees to fund the U.S. Department of Transportation's Pipeline Safety program. The Act provides that a fee shall be imposed on each person operating a pipeline transmission facility, a liquefied natural gas facility, or a hazardous liquid pipeline facility to which chapter 601 of 49 U.S.C. applies. The Act requires the Secretary of Transportation to establish a schedule of fees for pipeline usage that bear a reasonable relationship to the miles of pipeline, volume-miles, revenues or an appropriate combination thereof. In establishing the schedule, the Secretary must take into account the allocation of Departmental resources.

After discussions with the major trade associations representing these industries a consensus was reached that pipeline mileage provides the most reasonable basis for determining fees to be paid by operators of gas transmission lines and hazardous liquid pipeline facilities. For LNG facilities it was determined that storage capacity was the appropriate basis for a fee.

In order to reduce its administrative burden, RSPA decided to exempt small operators from the payment of user fees so that those operators would not be unduly burdened. Operators with less than 10 miles of gas transmission lines and 30 miles of hazardous liquid pipelines would therefore be exempt. Further, it was concluded that charging fees to local distribution companies (LDCs) would be administratively burdensome because many LDCs are small operators. The imposition of such fees could result in a double counting against LDCs because transmission operators would likely pass along the costs of these fees to LDCs as a cost of doing business.

In choosing to use pipeline mileage (and facility capacity in the case of LNG) RSPA chose an assessment method that minimizes the administrative expenses of collection. However, this method of assessment may not reflect how RSPA allocates its resources in regulating pipelines. For example, new construction inspections are not factored into mileage-based user fees. Presently, companies are charged the same fee regardless of accident history, although RSPA resources may be expended disproportionately on companies with poor safety records. The questions below address some of the issues concerning the present assessment methodology:

(1) Should RSPA charge a fee for new construction?

(2) Should RSPA charge a fee on LDCs to recognize that some of RSPA's resources are devoted to regulating these operators?

(3) Should RSPA consider accident history when computing fees?

(4) Should other risk based measures be considered?

(5) Should volume be considered in the fee calculation?

(6) Should throughput, i.e., volume-mileage, be considered?

(7) Should diameter of the pipeline be considered a cost factor?

(8) Should location be a factor in determining the user fee? Does a pipeline in a densely populated area or an environmentally sensitive area require greater oversight than a pipeline in a remote area that is not environmentally sensitive?

(9) Will RSPA need to require an annual report from liquid operators, which currently do not provide such reports, to collect information necessary for an alternative to the present assessment method? What could this mean to the administrative costs and paperwork burden of these operators?

RSPA seeks comments on these issues and any other concerns the public has on the assessment of user fees, including any ideas to improve the efficiency and cost effectiveness of collection.

Interested persons are invited to attend the meeting and present oral or written statements on the matters set for the meeting. Any person who wishes to speak should notify Marvin Fell at the above address. Please estimate the time that will be required for your presentation. RSPA reserves the right to limit the time of each speaker, if necessary, to ensure that everyone who requests an opportunity to speak is allocated sufficient time. Interested parties that are not scheduled to comment will have an opportunity to comment after all presentations are completed with the approval of the meeting officer.

Issued in Washington, D.C., on October 17, 1996.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 96–27120 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–60–P

Toward A Metric America—A Dialogue Open to the Public

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: Executive Order 12770 ''Metric Usage in Federal Government Programs'', dated July 25, 1991, requires that Federal agencies use metric measures in their business related activities as a means to implement the metric system of measurement as the preferred system of weights and measures for the United States. This Order designates the Department of Commerce as lead agency in the metrication process.

The Department of Commerce's Metric Program at the National Institute of Standards and Technology has been holding a series of regional dialogues to discuss the ongoing process of national metrication. One of these meetings will be at Southern Methodist University in Dallas, Texas on January 10–11, 1997. The Research and Special Programs Administration (RSPA) of the Department of Transportation has asked and received permission from the Department of Commerce to include a panel on metric implementation concerns facing the pipeline community. RSPA is specifically inviting interested parties from the pipeline community to attend this meeting which will provide a forum to discuss concerns about the impact of metricating the Department of Transportation's Pipeline Safety Regulations, 49 CFR Parts 190–199.

DATES: The regional metric dialogue meeting will be held on Friday, January 10, 1997 from 9:00 a.m.–4:00 p.m. and on Saturday, January 11, 1997 from 9:00 a.m.–1:30 p.m. The Pipeline Safety Regulation panel will be scheduled for January 10, at a time to be determined.

ADDRESSES: The meeting will be held at Southern Methodist University's Umphrey Lee Center in Dallas, Texas.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, (202) 366–6205, U.S. Department of Transportation, RSPA, 400 Seventh St., S.W. Washington, D.C. 20590 regarding the subject matter of this notice, or the Dockets Unit (202) 366–5046, regarding copies of this notice or other material referenced in this notice. For information concerning national metrication issues, excluding pipelines, call the Department of Commerce at (301) 975–3690 or e-mail metric__prg@nist.gov or read the Department of Commerce's metric program world wide web site at http://www.nist.gov/metric or contact by fax (301) 948–1416.

SUPPLEMENTARY INFORMATION: In order to fulfill its requirements under Executive Order 12270, RSPA plans to update its pipeline safety regulations (49 CFR Parts 190–199) by introducing the use of the metric system. RSPA is seeking public input to assist in converting its regulations from inch-pound measures to metric measures. The specific guidance RSPA is seeking includes answers to the questions detailed below. RSPA will consider the comments presented during the Dallas public meeting to prepare a Notice of Proposed Rulemaking (NPRM) on its transition to the metric system.

(1) What method should RSPA use in converting from inch-pound measures to metric measures? (A) Soft conversion (an exact mathematical conversion which gives the same degree of precision in either system of measures), showing both metric and inch-pound measures with the inch-pound units in parentheses, (B) Soft conversion with metric only, (C) Hard conversion (conversions which are made for a particular purpose to produce measures that are meaningful in practical application or to conform to international standard or convention) with metric only, (D) Hard conversion showing both metric and inch-pound measures, with the inch-pound units in parentheses.

(2) What technical problems would the pipeline industry face in implementing metric measures to comply with RSPA regulations?

(3) What are the costs and benefits of the four alternatives described in question 1?

(4) Will the metrication process unduly burden small entities? If yes, what could be done to reduce the burden on these entities?

(5) What impact will the metrication process have on state pipeline safety programs?

(6) What degree of precision should be maintained in the conversion from inch-pound to metric, i.e., accurate to one decimal place, two decimal places, or more than two decimal places?

(7) If RSPA decides to use a transition period during which its regulations will display both metric and inch-pound measures, how long should this interim period last before a complete conversion to metric measures only?

Interested persons are invited to attend the meeting and present oral or written statements on metric conversion issues. Any person who wishes to speak should notify Marvin Fell at the above address. Please estimate the time that will be needed to speak. RSPA reserves the right to limit the time of each speaker, if necessary, to ensure that everyone who requests an opportunity to speak is given one. Interested parties that are not scheduled to comment will have an opportunity to comment only after approval of the meeting officer.

Issued in Washington, D.C., on October 17, 1996.

Richard Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 96–27119 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–60–P

Surface Transportation Board

[STB Ex Parte No. 578]

Adjustment of Civil Monetary Penalties for Inflation

AGENCY: Surface Transportation Board.

ACTION: Notice.

SUMMARY: The Surface Transportation Board (the Board) finds that it is unnecessary at this time to amend its regulations to adjust the maximum civil monetary penalties for inflation under statutes within the jurisdiction of the Board.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Anthony Jacobik, Jr., (202) 927–5827. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note), as amended by the Debt Collection Improvement Act of 1996 (the Act) (Pub. L. 104–134, 110 Stat. 1321–358, 378), requires each Federal agency with statutory authority to assess a civil monetary penalty (CMP) to adjust each CMP by the inflation adjustment described in section 5 of the Act. Such adjustment is to be by regulation published in the Federal Register. The first inflation adjustment is required by October 23, 1996—180 days after the enactment of the Act on April 23, 1996. Thereafter, agencies are to make inflation adjustments by regulation at least once every four years.

The inflation adjustment is to be determined by increasing the maximum CMPs, or the range of minimum and maximum CMPs, as applicable, for each CMP by the percentage that the Consumer Price Index (CPI) for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the last calendar year in which the amount of such penalty was last set or adjusted pursuant to law.

The ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803 (ICCTA), enacted December 29, 1995, and effective January 1, 1996, abolished the Interstate Commerce Commission and transferred certain regulatory functions to the Board. Because the CMPs under Board jurisdiction were not

even in effect until they were first established in the ICCTA, it is unnecessary to make any adjustments for inflation at this time.

Decided: October 18, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–27178 Filed 10–22–96; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–47; OTS No. 01324]

Preferred Savings Bank, Chicago, Illinois; Approval of Conversion Application

Notice is hereby given that on October 11, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Preferred Savings Bank, Chicago, Illinois, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 200 West Madison Street, Suite 1300, Chicago, Illinois 60606.

Dated: October 18, 1996.

By the Office of Thrift Supervision,

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 96–27191 Filed 10–22–96; 8:45 am]

BILLING CODE 6720–01–M

federal register

Wednesday
October 23, 1996

Part II

Department of Health and Human Services

Office of the Secretary

Announcement of the Establishment of the Advisory Committee on Blood Safety and Availability and Request for Nominations for Members of the Committee; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Announcement of the Establishment of the Advisory Committee on Blood Safety and Availability and Request for Nominations for Members of the Committee

AGENCY: Office of the Secretary, DHHS.

ACTION: Notice.

SUMMARY: The Office of the Secretary announces the establishment by the Secretary, October 9, 1996, of the Advisory Committee on Blood Safety and Availability (ACBSA). In addition, the Office of the Secretary requests nominations for representatives to serve on the ACBSA in accordance with its charter. Initial appointments of representatives shall be made for staggered terms of two to four years.

DATES: All nominations must be received at the address below by no later than 4:00 PM EDT on November 13, 1996.

ADDRESSES: All nomination packages shall be submitted to Eric Goosby, M.D., Office of Public Health and Science, Department of Health and Human Services, Room 736 E, 200 Independence Ave. S.W., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Linda A. Smallwood, Ph.D., Center for Biologics Evaluation and Research, HFM–350, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852. Tel (301) 827–3514.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, Public Law 92–493 as amended (5 U.S.C. App.2), and section 222 of the Public Health Service Act as amended (42 U.S.C. 217a), the Office of the Secretary announces establishment by the Secretary of the following Federal advisory committee:

Purpose

The Committee will provide advice to the Secretary and the Assistant Secretary for Health on a range of issues which include: (1) the implications for blood safety and availability of various economic factors affecting product cost and supply; (2) definition of public health parameters around safety and availability of the blood supply; and (3) broad public health, ethical, and legal issues related to safety of the blood supply.

Authority for the committee shall expire on October 9, 1998, unless the Secretary of Health and Human Services, with the concurrence of the Committee Management Secretariat, General Services Administration, determines that the continuance is in the public interest.

Nominations

Persons nominated for membership should be from among authorities knowledgeable in blood banking, transfusion medicine, bioethics and related disciplines. Members shall be selected from among State and local organizations, the blood and blood products industry including manufacturers and distributors, advocacy groups, consumer advocates, provider organizations, academic researchers, ethicists, private physicians, behavioral scientists, legal organizations, and from communities of persons who are frequent recipients of blood and blood products.

Members shall be invited to serve for overlapping terms: terms of more than two years are contingent upon the renewal of the committee by appropriate action prior to its expiration. Of the first members appointed, excluding the non-voting ex officio members, six shall serve for a term of two years, six for a term of three years, and six for a term of four years, as designated at the time of appointment.

Information Required

Each nomination shall consist of a package that at minimum includes:

A. A letter of nomination that clearly states the name and affiliation of the nominee, the nominator's basis for the nomination, the category for which the person is nominated, and a statement that the nominee is willing to serve as a member of the Committee;

B. The name, return address, and daytime telephone number at which the nominator may be contacted, and the address and telephone number for the individual being nominated. Organizational nominators must identify a principal contact person in addition to contact information;

C. A copy of the nominee's curriculum vitae.

All nomination information for a nominee must be provided in a complete single package. Incomplete nominations cannot be considered. Nomination materials must bear original signatures and facsimile transmissions or copies are not acceptable.

Philip R. Lee,

Assistant Secretary for Health.

[FR Doc. 96–27081 Filed 10–22–96; 8:45 am]

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federal register

Wednesday
October 23, 1996

Part III

The President

Proclamation 6945—National Consumers Week, 1996

Federal Register
Vol. 61, No. 206
Wednesday, October 23, 1996

Presidential Documents

Title 3—

The President

Proclamation 6945 of October 21, 1996

National Consumers Week, 1996

By the President of the United States of America

A Proclamation

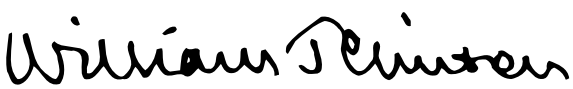
This year's theme for National Consumers Week is ''service signals success.'' Service is an indispensable element of success over the long term in both business and government: service that is responsive, convenient, and courteous, service that meets the expectations of consumers and taxpayers. Clever promotions and deceptive pricing may generate short-term profits in business. Promises alone may gain brief support for Government agencies and programs. But American consumers and taxpayers aren't easily deceived. They expect quality service, and those who cannot or do not provide it will ultimately fail.

That is why I added the right to service to the Consumer Bill of Rights. It is why we have made the reinvention of government—requiring more responsiveness and efficiency—a keystone of my Administration. It is why I issued an Executive Order that directed all executive departments and agencies of the Federal Government to embark upon a revolution to change the way they do business and establish and implement customer service standards that match or exceed the best in the private sector. And it is why our policies continue to emphasize the paramount importance of service excellence to the success of our Nation, our economy, and our efforts to compete in the global marketplace.

The goal of service excellence is not easy to attain. Consumers must demand it, and everyone in an organization, be it a business or a government agency, must be committed to it, both in everyday interactions and in longer-term goals. Their ultimate success depends on it.

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 the laws of the United States, do hereby proclaim October 20 through October 26, 1996, as National Consumers Week. I call upon government officials, industry leaders, and the people of the United States to recognize the vital relationship between our economy and our citizenry and to support the right of all Americans to excellence in products and services.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of October, 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 twenty-first.



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LIST OF PUBLIC LAWS

This is a list of public bills from the 104th Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as ''slip laws'') from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

S. 1505/P.L. 104–304

Accountable Pipeline Safety and Partnership Act of 1996 (Oct. 12, 1996; 110 Stat. 3793)

H.R. 4137/P.L. 104–305

Drug-Induced Rape Prevention and Punishment Act of 1996 (Oct. 13, 1996; 110 Stat. 3807)

H.R. 4083/P.L. 104–306

To extend certain programs under the Energy Policy and Conservation Act through September 30, 1997. (Oct. 14, 1996; 110 Stat. 3810)

S. 2078/P.L. 104–307

Wildfire Suppression Aircraft Transfer Act of 1996 (Oct. 14, 1996; 110 Stat. 3811)