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# federal register

Tuesday
March 25, 1997

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

### 7 CFR Part 401

**RIN 0563–AB54**

### General Crop Insurance Regulations; Cranberry Endorsement; Correction

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains corrections to the final regulation which was published Monday, February 10, 1997 (62 FR 5903–5907). The regulation pertains to the insurance of cranberries.

**EFFECTIVE DATE:** March 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Richard Brayton, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926–7730.

**SUPPLEMENTARY INFORMATION:**

#### Background

The final regulation that is the subject of this correction was intended to provide policy changes to better meet the needs of the insured, include the current cranberry endorsement under the Common Crop Insurance Policy for ease of use and consistency of terms, and to restrict the effect of the current cranberry endorsement to the 1997 and prior crop years.

#### Need For Correction

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

#### Correction of Publication

Accordingly, the publication on February 10, 1997 of the final regulation at 62 FR 5903–5907 is corrected as follows:

On page 5905, in the second column, the heading for part 401 is corrected to read: PART 401—GENERAL CROP INSURANCE REGULATIONS—REGULATIONS FOR THE 1988 AND SUBSEQUENT CONTRACT YEARS

Signed in Washington DC on March 17, 1997.

**Kenneth D. Ackerman,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 97–7389 Filed 3–24–97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 15 CFR Part 902

### 50 CFR Part 622

**[Docket No. 961108316–7051–02; I.D. 101796C]**

**RIN 0648–AI47**

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 14

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Amendment 14 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). This final rule prohibits the use or possession of fish traps in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) beginning February 8, 2007; prohibits the use or possession of fish traps west of 85°30′ W. long.; modifies the procedure for retrieval of fish traps when a breakdown prevents a vessel with a trap endorsement from retrieving its traps; modifies the restrictions on transfer of fish trap endorsements and reef fish permits; prohibits the harvest or possession of Nassau grouper in or from the EEZ of the Gulf; and clarifies the authority of the Regional Administrator, Southeast Region, NMFS (RA), to reopen a prematurely closed fishery. In addition, NMFS extends the current prohibition on the possession of dynamite on board a permitted vessel to those vessels permitted in the South Atlantic golden crab fishery. The intended effects of this rule are to conserve and manage the reef fish resources of the Gulf and enhance enforceability of the regulations. This rule also informs the public of the approval by the Office of Management and Budget (OMB) of a new collection-of-information requirement contained in this rule.

**EFFECTIVE DATES:** April 24, 1997, except that the amendments to § 622.4 are effective March 25, 1997.

**ADDRESSES:** Requests for copies of the final regulatory flexibility analysis (FRFA) should be sent to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Dr. N., St. Petersburg, FL 33702.

Comments regarding the collection-of-information requirement contained in this rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Robert Sadler, 813–570–5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The Council developed Amendment 14 to address various problems in the reef fish fishery, primarily those associated with the fish trap fishery and the expiration of a moratorium on the issuance of additional fish trap endorsements to reef fish permits on February 7, 1997. The rationale for the management measures in Amendment 14, and the additional regulatory changes proposed by NMFS, are contained in the preamble of the proposed rule (61 FR 59852, November

25, 1996) and are not repeated here. After considering the public comment received on the amendment and the proposed rule, NMFS approved all of the amendment measures on January 22, 1997. NMFS is issuing this final rule to implement those approved measures.

**Comments and Responses**

The notice of availability for Amendment 14 was published on October 23, 1996 (61 FR 55128) and written public comments on the amendment were requested through December 23, 1996. The proposed rule requested written public comments on the rule through January 9, 1997. Comments were received from five entities on Amendment 14 and/or the proposed rule, summarized as follows.

*Comments:* An individual, the Florida Marine Fisheries Commission (FMFC), and a coral reef conservation organization provided substantive and detailed comments on various issues associated with the fish trap ban. These comments suggest that the current fish trap regulations cannot be effectively enforced and thereby contribute to continuing and undesirable fishing mortality of reef fish (i.e., through illegal and undetected use of fish traps, as well as through ghost-fishing by lost traps). The FMFC and the conservation organization commented that continued use of fish traps in Federal waters off Florida during the 10-year ''phaseout'' period will contribute to bycatch problems, user group conflicts, and illegal trap use in State waters. The FMFC preferred a ban on the use of traps after 2 years, but supported the 10-year phaseout compared to the status quo (i.e., unlimited availability of fish trap endorsements for permitted reef fish vessels after expiration of the current moratorium on trap endorsements on February 7, 1997). The conservation organization also supported Amendment 14, but recommended a 10-percent reduction in the number of fish traps each year during the 10-year phaseout period. The individual also commented that fish traps should be immediately banned off Florida.

Another individual (the fourth commenter) commented that a phaseout of fish traps in less than 10 years would be more logical, but did not provide additional rationale in support of the comment. A seafood company owner (the fifth commenter) provided editorial comments on the text of the proposed rule.

*Response:* NMFS acknowledges the support for Amendment 14 indicated by comments by the FMFC and the conservation organization. NMFS supports the 10-year phaseout leading to a prohibition of fish traps. This support is based on concerns that the current fish trap regulations cannot be effectively enforced and thereby contribute to continued fishing mortality by illegal and undetected fish traps, as well as by lost traps (i.e., through ghost-fishing). NMFS approved the 10-year phaseout leading to a prohibition of fish traps as a fair and satisfactory means of addressing the fishery problems of enforcement and biological impacts associated with using trap gear for reef fish.

Enforcement of regulations regarding the use of fish traps during the 10-year phaseout period should be improved by implementation of the prohibition on the use or possession of fish traps west of Cape San Blas, FL, and by the revised procedure for fish trap retrieval in the event of a vessel breakdown. These two measures should significantly address the commenters' concerns about the continuing illegal use of traps in State waters.

After considering alternative time periods for elimination of trap gear in the reef fish fishery, including an immediate ban, as well as time periods longer and shorter than 10 years, the Council selected the 10-year phaseout period as the most reasonable compromise between persons who supported an indefinite continuation of fish trapping and fish trap opponents who supported an immediate ban on the gear. NMFS concurs with the Council's selection.

A 10-percent reduction in the number of fish traps each year, as suggested by the conservation organization, was not one of the alternatives explicitly considered and evaluated by the Council in Amendment 14. To undertake this approach in phasing out trap gear would require that the Council propose the appropriate management measure under another FMP amendment and that such measure be reviewed, approved, and implemented by NMFS under provisions of the Magnuson-Stevens Act.

**Changes From the Proposed Rule**

NMFS is adding to this final rule corrections of the scientific names for red porgy in Tables 3 and 4 and saucereye porgy in Table 4 of Appendix A to part 622. Otherwise, the proposed rule is adopted as final without substantive change.

Under NOAA Administrative Order 205–11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere, Department of Commerce, has delegated authority to sign material for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA.

**Classification**

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Council prepared an Initial Regulatory Flexibility Analysis (IRFA), pursuant to the requirements of the Regulatory Flexibility Act (RFA), that described the expected significant economic effects on a substantial number of the small business entities engaged in harvesting the reef fish resources in the Gulf of Mexico. During the public comment periods on the amendment and the proposed rule, no public comments were received that addressed specifically the analysis or conclusions of the IRFA; no additional information was received that would change the analysis or conclusions of the IRFA regarding the impacts on small business entities. Accordingly, the FRFA is based on the IRFA without substantive change. Copies of the FRFA are available (see **ADDRESSES**). A summary of the FRFA follows.

Amendment 14 and this final rule are needed to address five problems in the fishery. The first problem resulted from the expiration of a 3-year moratorium on the issuance of new fish trap endorsements on February 7, 1997. New regulatory action following this moratorium expiration is required to ensure that the fish trap fishery continues to be managed and that specific restrictions are established regarding the transfer of fish trap endorsements within the fishery. A continuing management program is essential for addressing the concerns of the Council and NMFS regarding the effects of the serious enforcement problems within the trap fishery for reef fish. A second problem is the potential for an uncontrolled expansion of the use of fish traps. Geographical limitations on the gear are needed to prevent an uncontrolled expansion of the range of the fishery and associated enforcement problems. A third problem is that, prior to Amendment 14, the FMP did not provide the NMFS Regional Administrator, Southeast Region, NMFS (Regional Administrator) with the authority to reopen and subsequently close a prematurely closed commercial fishery (i.e., a fishery that has not actually filled its quota on the initial closure date); this resulted in the loss of harvestable fish to commercial fishermen. A fourth problem is that the FMP allowed a reef fish permit transfer only when the owner of the vessel whose permit is being transferred had met the income qualification for the

permit. This prevented an operator, whose earned income qualified for the permit, from acquiring the permit for which he/she has qualified when he/she buys the vessel. A fifth problem is the reported decline in the abundance of the Nassau grouper resource in the EEZ of the Gulf of Mexico. This species is overutilized, is a candidate for protection under the Endangered Species Act, and its harvest and possession is prohibited in Florida's waters and in the South Atlantic and Caribbean EEZ. Allowing continuing harvest of Nassau grouper in the Gulf of Mexico EEZ could contribute to a further decline of this species. The objectives of Amendment 14 and this final rule are to: (1) Provide for control of the fish trap fishery after termination of the moratorium on trap fishery participants that expired on February 7, 1997; (2) provide the management flexibility to reopen and subsequently close a fishery that has been prematurely closed; (3) provide some flexibility in the transfer of fish trap endorsements during the trap fishery phaseout period; and (4) provide for protection of Nassau grouper throughout its range.

Limited public comments were received by NMFS on Amendment 14 and its proposed rule. These comments generally supported the phaseout or elimination of the trap fishery for reef fish in the EEZ because of enforcement problems, potential adverse biological impacts of the fishery, and possible effects of encouraging illegal trap fishing in State waters. Commenters advocated different time periods for the elimination of traps ranging from an immediate ban to an incremental reduction in the number of traps each year over the 10-year period. No changes were made in this final rule over the proposed rule as a result of these public comments. A summary of the comments and NMFS' responses is provided in the supplementary information for this rule (see ''Comments and Responses'' ).

Approximately 1,400 reef fish harvesting firms have reef fish permits. The average fishing firm operates with a vessel that is 38 ft (11.6 m) long, has a current estimated resale value of $52,817, provides $52,000 in annual gross sales of reef fish and other species, and produces an annual net income of $12,000. All of the harvesting firms affected by the rule are classified as small business entities. The following measures directly apply to all of the firms holding a reef fish permit (including fish trappers): Modification of the restrictions on transfer of reef fish permits; allowance for transfer of fish trap endorsements during the first 2 years of the phaseout period; prohibition on the harvest or possession of Nassau grouper in or from the EEZ; and provision of authority for the Regional Administrator to reopen a prematurely closed fishery. The predicted socioeconomic effects of these measures are not considered significant under the RFA (i.e., as a result of these measures, no more than 20 percent of affected entities will incur revenue decreases greater than 5 percent; compliance costs will not increase total costs of production by more than 5 percent, nor will they represent a significant portion of capital available to small entities; disproportionate effects on capital costs of compliance should not occur since all participants in the reef fish fishery, including the 92 in the fish trap sector, are small business entities; and no entity will be forced to cease business operations).

The following management measures apply directly only to the 92 firms that comprise the fish trap component of the reef fish fishery (i.e., those that hold fish trap endorsements): A prohibition on the use or possession of fish traps in the EEZ beginning February 8, 2007; a prohibition of the use or possession of fish traps west of Cape San Blas, FL; and a modified procedure for retrieval of fish traps. These measures are projected to have a significant economic impact on a substantial number of small entities. All of the 92 firms within this sector should experience more than a 5-percent reduction in annual gross income when fish trapping is prohibited. With such prohibition, all current value of traps will be lost because the traps have no value for other purposes. Available data indicate that the average fish trapper fishes 53 traps. Given an estimated cost of $48.50 per trap (adjusted for depreciation), the average fish trapper would lose an estimated minimum of $2,570.50, or 12.7 percent, of the annual cost of fish trapping (salvage value) in the year when the traps are prohibited. It is estimated that 11 to 13 of the 92 firms, or 12 to 14 percent of the firms, would be forced out of business by the fish trap phaseout.

This rule contains a new collection-of-information requirement. When a permitted vessel with a trap endorsement is unable to retrieve its own traps, the owner or operator must notify the nearest NMFS Office of Enforcement and obtain authorization for another vessel to retrieve the traps. This rule continues in effect previously approved collection-of-information requirements associated with the fish trap permit endorsement system.

The Council considered numerous management alternatives that would address the enforcement problems with and biological impacts of the fish trap fishery. These alternatives included periods for the phaseout or elimination of trap gear in the reef fish fishery both shorter and longer than its proposed 10-year period. Also, the Council considered a permanent fish trap license limitation system involving varying numbers of participants. The Council proposed the 10-year phaseout approach for eliminating trap gear, and NMFS approved it, as an effective means of resolving the issues of enforcement and biological effects in the fishery while spreading out the adverse economic impacts on trap fishermen over a reasonable time period. The 10-year period should minimize short-term costs to trap fishermen by allowing continuing use of the gear while still providing ample time for them to switch to other gear, fisheries, or activities. The Council proposed the additional provision that fish trap endorsements be fully transferable for the first 2 years of the phaseout period as a means of minimizing adverse economic impacts on current trap fishery participants who could receive economic benefits by selling their fish trap endorsements. The Council considered various alternatives regarding liberalized transfer provisions for trap endorsements for the remaining 8 years of the phaseout period, but concluded that such measures would undermine its objective of reducing the number of trap fishery participants.

The Council considered several options regarding area restrictions on trap use (in addition to the current prohibition on traps within a Gulf-wide ''stressed area'' in the nearshore waters of the Gulf EEZ). The Council concluded that expansion of the fish trap fishery beyond its current geographical scope is inconsistent with the intent of its proposed phaseout of trap gear in the reef fish fishery. The Council's proposed prohibition on the use of traps west of Cape San Blas, FL, would limit the trap fishery to that area where the fishery currently occurs and thereby prevent any increase in enforcement problems. The Council rejected alternatives regarding area restrictions (except for the status quo) as eliminating traps from some areas where they are currently used. This would have differentially impacted certain trap fishermen who would have to travel farther to reach areas open to fishing. The result would be reduced efficiency of fishing operations for certain fishermen, but no overall decrease in trap fishing effort. Also, some of the rejected alternatives regarding area

restrictions would have increased user conflicts on the fishing grounds.

Regarding the procedure for fish trap retrieval in the event of a vessel breakdown, the Council rejected the status quo alternative, since reliable information indicated action was needed to improve enforceability of the requirement that fish traps be returned to shore after each fishing trip. The approved management measures regarding trap retrieval during a vessel breakdown should enhance fishermen's compliance with existing trap-tending regulations. These measures are expected to increase fishing operation costs primarily for those fishermen who try to circumvent such regulations (i.e., the average time that traps are left in the water, and therefore catching fish, may be reduced).

Regarding the measure giving the Regional Administrator authority to reopen a prematurely closed commercial or recreational fishery for a Gulf reef fish species or species group when needed to ensure harvest of the full commercial quota or recreational fishery allocation, all of the alternatives considered by the Council would provide fishermen with fewer economic benefits.

The modification of the restrictions on the transfer of reef fish permits between a vessel owner and an income-qualifying operator and the provision giving a non-income-qualifying owner who loses his/her income-qualifying operator an additional grace period for meeting the earned income requirements for a new permit should address unintended, permit-transfer inequities adversely affecting income-qualifying vessel operators and non-income qualifying vessel owners. The result should be increased flexibility in the transfer of reef fish vessel permits, minimized adverse economic impacts on small entities resulting from the previous permit transfer restrictions, and, hence, increased efficiency in commercial fishing operations in the long-run. No adverse impacts on gross revenues or costs of fishing operations are expected.

The Council considered a status quo management alternative regarding the harvest of Nassau grouper in the Gulf EEZ (allowing continued harvest) that was rejected because it would not provide adequate protection for this overutilized resource. Also, the prohibited harvest in the Gulf EEZ should ensure consistent management throughout the species' range. Considering the relatively small annual commercial landings of this species since the mid-1980s, the prohibited harvest is expected to have inconsequential economic impacts on commercial fishermen. Adverse impacts would be relatively larger in the recreational fishery, but are still considered small.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB Control Number.

As previously discussed, this rule contains a new collection-of-information requirement subject to the PRA—namely the requirement that, when a vessel with a fish trap endorsement has a breakdown that prevents the vessel from retrieving its traps, the owner or operator notify the nearest NMFS Office of Enforcement and obtain authorization for another vessel to retrieve the traps. This collection of information has been approved by OMB under OMB control number 0648–0205. The public reporting burden for this collection of information is estimated at 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this reporting burden estimate, or any other aspect of the collection of information, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**). This rule continues in effect previous collection-of-information requirements associated with the fish trap permit endorsement system that were previously approved by OMB under OMB control number 0648–0205.

The provisions of 50 CFR 622.4(m) provide additional circumstances under which a reef fish permit may be transferred. These provisions constitute a substantive rule that relieves a restriction and, pursuant to 5 U.S.C. 553(d)(1), are not subject to the general requirement of the Administrative Procedure Act (APA) to delay for 30 days the effective date of the revisions to 50 CFR 622.4(m) or the revisions of references to that paragraph.

The provisions of this rule regarding transfer and renewal of fish trap endorsements at 50 CFR 622.4(n) (including references to this paragraph) constitute a substantive rule that relieves restrictions and, pursuant to 5 U.S.C. 553(d)(1), are not subject to the general requirement of the APA to delay for 30 days the effective date.

**List of Subjects**

*15 CFR Part 902*

Reporting and recordkeeping requirements.

*50 CFR Part 622*

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: March 19, 1997.

**C. Karnella,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter VI are amended as follows:

**15 CFR CHAPTER IX**

## PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

**Authority:** 44 U.S.C. 3501 *et seq.*

2. In § 902.1, the table in paragraph (b) is amended by adding, in numerical order, the following entry to read as follows:

**§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

* * * * *

(b) * * *

| CFR part or section where the information collection requirement is located | Current OMB control number (all numbers begin with 0648–) |
|---|---|
| * * * * * | |
| *50 CFR* | |
| * * * * * | |
| 622.40(a)(2) ..... | –0205 |
| * * * * * | |

**50 CFR CHAPTER VI**

## PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

3. The authority citation for part 622 continues to read as follows:

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

4. Effective March 25, 1997, in § 622.4, in paragraph (a)(2)(i), in the second sentence, the words ''a moratorium on'' are removed; paragraph (a)(2)(v), the last sentence; paragraph (g),

the first sentence; paragraphs (m) and (n); and paragraph (p)(3)(i), the last, parenthetical sentence are revised to read as follows:

**§ 622.4 Permits and fees.**

(a) * * *

(2) * * *

(v) *Gulf reef fish.* * * * See paragraph (m) of this section regarding a moratorium on commercial vessel permits for Gulf reef fish and limited exceptions to the earned income requirement for a permit.

* * * * *

(g) *Transfer.* A vessel permit or endorsement or dealer permit issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, in paragraph (n) of this section for a fish trap endorsement, or in paragraph (p) of this section for a red snapper endorsement. * * *

* * * * *

(m) *Moratorium on commercial vessel permits for Gulf reef fish.* The provisions of this paragraph (m) are applicable through December 31, 2000.

(1) No applications for additional commercial vessel permits for Gulf reef fish will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (m)(2) through (5) of this section, and are subject to the requirement for timely renewal in paragraph (m)(6) of this section.

(2) An owner of a permitted vessel may transfer the commercial vessel permit for Gulf reef fish to another vessel owned by the same entity.

(3) An owner whose earned income qualified for the commercial vessel permit for Gulf reef fish may transfer the permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial vessel permit for Gulf reef fish for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income requirement not later than the first full calendar year after the permit transfer takes place.

(4) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may transfer the permit to the income qualifying operator when such operator becomes an owner of a vessel.

(5) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may have the operator qualification on the permit removed, and renew it without such qualification through April 15 following the first full calendar year after removing it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to further renew the commercial vessel permit, the owner must meet the earned income requirement not later than the first full calendar year after the operator qualification is removed. To have an operator qualification removed from a permit, the owner must return the original permit to the RD with an application for the changed permit.

(6) A commercial vessel permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the RD within 1 year of the expiration date of the permit.

(n) *Endorsements for fish traps in the Gulf.* The provisions of this paragraph (n) are applicable through February 7, 2007. After February 7, 2007, no fish trap endorsements are valid.

(1) Only those fish trap endorsements that are valid on February 7, 1997, may be renewed. Such endorsements are subject to the restrictions on transfer in paragraphs (n)(2) and (3) of this section and are subject to the requirement for timely renewal in paragraph (n)(5) of this section.

(2) Through February 7, 1999, a fish trap endorsement may be transferred only to a vessel that has a commercial permit for reef fish.

(3) After February 7, 1999, a fish trap endorsement is not transferable except as follows:

(i) An owner of a vessel with a fish trap endorsement may transfer the endorsement to another vessel owned by the same entity.

(ii) A fish trap endorsement is transferable upon a change of ownership of a permitted vessel with such endorsement from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father.

(iii) When a change of ownership of a vessel with a fish trap endorsement is directly related to the disability or death of the owner, the RD may issue such endorsement, temporarily or permanently, with the commercial vessel permit for Gulf reef fish that is issued for the vessel under the new owner. Such new owner will be the person specified by the owner or his/her legal guardian, in the case of a disabled owner, or by the will or executor/administrator of the estate, in the case of a deceased owner. (Paragraphs (m)(3) and (4) of this section apply for the transfer of a commercial vessel permit for Gulf reef fish upon disability or death of an owner.)

(iv) A fish trap endorsement may be transferred to a vessel with a commercial vessel permit for Gulf reef fish whose owner has a record of landings of reef fish from fish traps in the Gulf EEZ, as reported on fishing vessel logbooks received by the SRD, from November 20, 1992, through February 6, 1994, and who was unable to obtain a fish trap endorsement for the vessel with the reported landings.

(4) The owner of a vessel that is to receive a transferred endorsement must return the originals of the endorsed commercial vessel permit for Gulf reef fish and the unendorsed permit to the RD with an application for a fish trap endorsement for his or her vessel.

(5) A fish trap endorsement that is not renewed or that is revoked will not be reissued. Such endorsement is considered to be not renewed when an application for renewal is not received by the RD within 1 year of the expiration date of the permit.

* * * * *

(p) * * *

(3) * * *

(i) * * * (Paragraphs (m)(3) and (4) of this section apply for the transfer of a commercial vessel permit for Gulf reef fish upon disability or death of an owner.)

* * * * *

5. In § 622.31, in paragraph (a), the reference to ''§ 622.4'' is revised to read ''§ 622.4 or § 622.17'' and paragraph (c) is revised to read as follows:

**§ 622.31 Prohibited gear and methods.**

* * * * *

(c) *Fish traps.* (1) A fish trap may not be used in the South Atlantic EEZ.

(2) A fish trap may not be used or possessed in the Gulf EEZ west of 85°30′ W. long. and, after February 7, 2007, may not be used or possessed in the Gulf EEZ.

(3) A fish trap used other than where authorized in paragraph (c)(1) or (2) of this section may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

* * * * *

6. In § 622.32, paragraph (b)(2)(iii) is revised to read as follows:

**§ 622.32 Prohibited and limited harvest species.**

* * * * *

(b) * * *

(2) * * *

(iii) Red drum and Nassau grouper may not be harvested or possessed in or from the Gulf EEZ. Such fish caught in the Gulf EEZ must be released immediately with a minimum of harm.

* * * * *

**§ 622.37 [Amended]**

7. In § 622.37(d)(4), the word ''Nassau,'' is removed.

8. In § 622.40, paragraph (a)(2) is revised to read as follows:

**§ 622.40 Limitations on traps and pots.**

(a) * * *

(2) *Gulf EEZ*. A fish trap in the Gulf EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the vessel with the fish trap endorsement to fish such trap. If such vessel has a breakdown that prevents it from retrieving its traps, the owner or operator must immediately notify the nearest NMFS Office of Enforcement and must obtain authorization for another vessel to retrieve and land its traps. The request for such authorization must include the requested effective period for the retrieval and landing, the persons and vessel to be authorized to retrieve the traps, and the point of landing of the traps. Such authorization will be specific as to the effective period, authorized persons and vessel, and point of landing. Such authorization is valid solely for the removal of fish traps from the EEZ and for harvest of fish incidental to such removal.

* * * * *

9. In § 622.42, paragraph (a)(3) is revised to read as follows:

**§ 622.42 Quotas.**

* * * * *

(a) * * *

(3) Shallow-water groupers, that is, all groupers other than deep-water groupers, jewfish, and Nassau grouper, including scamp before the quota for shallow-water groupers is reached, combined—9.8 million lb (4.4 million kg), round weight.

* * * * *

**§ 622.43 [Amended]**

10. In § 622.43(b)(1), the words ''bartered, traded, or'' are removed.

11. In § 622.48, paragraph (d)(1) is revised to read as follows:

**§ 622.48 Adjustment of management measures.**

* * * * *

(d) * * *

(1) For a species or species group: Target date for rebuilding an overfished species, TAC, bag limits, size limits, vessel trip limits, closed seasons or areas, gear restrictions, reopening of a fishery prematurely closed, and quotas.

* * * * *

**Appendix A to Part 622 [Amended]**

12. In Table 3, under the family Sparidae—Porgies, the scientific name for Red porgy is revised to read ''*Pagrus pagrus*'' and in Table 4, under the family Sparidae—Porgies, the scientific names of Saucereye porgy and Red porgy are revised to read ''*Calamus calamus*'' and ''*Pagrus pagrus*'', respectively.

[FR Doc. 97–7528 Filed 3–24–97; 8:45 am]

BILLING CODE 3510–22–P

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## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Parts 1 and 602

**[TD 8715]**

**RIN 1545–AT98**

## Substantiation of Business Expenses for Travel, Entertainment, Gifts and Listed Property

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final and temporary regulations.

**SUMMARY:** This document contains amendments to temporary regulations relating to the requirement that business expenses for travel, entertainment, gifts, or listed property be substantiated by documentary evidence (such as a receipt). The regulations affect persons making or receiving reimbursements for travel, entertainment, gifts, or listed property. The text of these temporary regulations also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register**.

**DATES:** These temporary regulations are effective March 25, 1997.

*Applicability:* These temporary regulations are applicable to expenses paid or incurred after September 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Donna M. Crisalli at (202) 622–4920 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Paperwork Reduction Act

These regulations are being issued without prior notice and public comment pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in these regulations has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control number 1545–0771. Responses to this collection of information are required for a taxpayer to deduct certain business expenses or to substantiate certain reimbursements of business expenses.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

For further information concerning this collection of information, and where to submit comments on the collection of information and the accuracy of the estimated burden, and suggestions for reducing the burden, please refer to the preamble in the cross-reference notice of proposed rulemaking published in the Proposed Rules section of this issue of the **Federal Register**.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

### Background and Explanation of Provisions

*Receipt Threshold*

Section 274(d) disallows a trade or business deduction under section 162 for any traveling (including meals and lodging), entertainment, gift, or listed property expense, unless the taxpayer substantiates the elements of the expense by adequate records or by sufficient evidence. Under § 1.274–5T(c) of the temporary Income Tax Regulations, a taxpayer must maintain two types of records to satisfy the ''adequate records'' requirement: (1) a summary of expenses (account book, diary, log, statement of expense, trip sheets, or other similar record), sometimes called an expense account or expense voucher, and (2) documentary evidence (such as receipts or paid bills). Together, these records must establish the elements of amount, time, place, and business purpose (and for gifts and entertainment, business relationship of

recipient or persons entertained) for each expenditure or use.

Section 1.274–5T(c)(2)(iii) generally requires that a taxpayer have a receipt or other documentary evidence to substantiate (A) any expenditure for lodging and (B) any other expenditure of $25 or more. In Notice 95–50 (1995–2 C.B. 333), the IRS announced that it would raise the receipt threshold of § 1.274–5T(c)(2)(iii)(B) from $25 to $75, effective for expenses incurred on or after October 1, 1995. The temporary regulations effect this amendment by changing ''$25'' in § 1.274–5T(c)(2)(iii)(B) to ''$75.'' This change is applicable to both deductions and reimbursement arrangements and is expected to reduce the recordkeeping burden on affected taxpayers, including individuals and small businesses.

*Definition of an ''Adequate Accounting'' to the Employer*

An employee who is reimbursed under a reimbursement or other expense allowance arrangement for expenses covered by section 274(d) must make an ''adequate accounting'' to the employer for the reimbursed expenses. Section 1.274–5T(f)(4) specifies that, as part of an adequate accounting, the employee must submit substantiation to the employer that satisfies the requirements of § 1.274–5T(c). Notice 95–50 also solicited comments on whether changes should be made to the substantiation requirements of the adequate accounting rules in § 1.274–5T. Comments received related primarily to the adequate accounting rules and the substantiation requirements in general.

1. Submission and Retention of Documentary Evidence

A number of commentators, particularly federal government agencies, complained of the administrative burden and cost of storing large quantities of paper receipts. Some comments proposed that the employer should be allowed to dispose of the documentary evidence after an employee has made an adequate accounting, or return the documentary evidence to the employee for retention. Other comments suggested that submission by an employee of an expense voucher alone, without documentary evidence, should be considered an adequate accounting.

With the increase in the receipt threshold to $75, and the use of electronic document transmission and retention (discussed below), the necessity for storing large quantities of paper records is significantly reduced. Nonetheless, the temporary regulations respond to the concerns expressed by these comments by amending § 1.274–5T(f)(4) to authorize the Commissioner to prescribe rules modifying the substantiation requirements for an adequate accounting by an employee to an employer. Under the amendment, the Commissioner could publish rules defining the circumstances (including the use of specified internal controls) under which an employee may make an adequate accounting to his employer by submitting an expense account alone, without the necessity of submitting documentary evidence (such as receipts). This change is expected to reduce the recordkeeping burden for employers and employees. These rules would not change the substantiation requirements of § 1.274–5T(c) for deductions.

2. Maintenance of Adequate Records in Electronic Form

Some commentators suggested that taxpayers should be permitted to obtain and maintain records substantiating expenses under section 274(d) in electronic form. The temporary regulations make no change to the current regulations, which do not require that the records be in paper form. Rev. Proc. 91–59 (1991–2 C.B. 841), provides procedures for maintaining tax records in electronic form. Section 3.08 of Rev. Proc. 91–59 states that the procedures apply to documentation required by section 274(d).

3. Types of Records That Constitute Acceptable Documentary Evidence

Some commentators suggested that credit card charge records should be considered acceptable documentary evidence of travel expenses, including lodging. They noted, however, that § 1.274–5T(c)(2)(iii) requires that documentary evidence of lodging must show separate amounts for charges such as lodging, meals, and telephone calls. A credit card statement or record of charge, unlike a hotel bill, normally will not segregate lodging and other expenses, such as meals and entertainment subject to the section 274(n) partial deduction disallowance, or personal expenses (such as personal phone calls or gift purchases) that may not be deducted. Therefore, such a credit card statement or record of charge alone will not constitute acceptable documentary evidence of a lodging expense.

The commentators proposed addressing this problem by using statistical sampling, conducted either by the IRS or by taxpayers, to establish a breakdown of expenses on hotel bills. One comment suggested that sampling could form a basis for a ''safe harbor'' percentage or percentages (e.g., by industry or size of company) of hotel bills that would be deemed to represent the various types of possible expenses. Another comment suggested that the IRS adopt a mechanical test based on statistical sampling to make a reasonable allocation of the total hotel charge to meals.

The temporary regulations make no change to the current documentary evidence requirements for lodging expenses. Because of the large number of expenses that can be charged to hotel bills, and extensive variation from traveler to traveler in the types of expenses charged to hotel bills, any attempt to establish percentages for allocating hotel bills to lodging and other fully deductible business expenses, meals and entertainment, and personal expenses is considered impracticable.

A comment requested that the IRS clarify whether statements provided to travelers by airlines in lieu of tickets can constitute documentary evidence of travel. The current regulations are sufficiently flexible to permit use of a variety of forms of documentary evidence.

*Other Comments in Response to Notice 95–50*

1. Substantiation of Business Purpose

A commentator suggested that the regulations be revised to permit an employee to initially substantiate business purpose to the employer orally, for later entry into the expense processing system. The current regulations do not preclude an initial oral substantiation of business purpose which is reduced to writing no later than the time of the employee's final accounting to the employer.

2. Post-Expenditure Verification Procedures

A comment suggested that the regulations be revised to permit an employer to conduct a post-expenditure review of only a statistical sampling, as opposed to 100%, of expense vouchers.

Section 1.274–5T(f)(5)(iii) states that an employee who makes an adequate accounting to his employer will not again be required to substantiate such expenses, unless the employer's accounting procedures are not adequate or it cannot be determined that such procedures are adequate. The district director will determine whether the employer's accounting procedures are adequate by considering all the facts and circumstances, including the employer's use of internal controls. The

employer's accounting procedures should include a requirement that an expense account be verified and approved by a reasonable person other than the person incurring the expense. To the extent the employer fails to maintain adequate accounting procedures, the district director may require the employee to separately substantiate his expense account information.

Section 1.274–5T(f)(5)(iii) cites post-expenditure review of employees' expense accounts as an internal control that should normally be employed. However, whether the employer's post-expenditure review procedures are appropriate is a matter within the discretion of the district director, based on a review of all the facts and circumstances.

3. De Minimis Exception to Substantiation Requirements

A comment proposed that employees receiving $1000 or less per year in reimbursed expenses be exempted from the requirement to substantiate the elements of the expenses, other than business purpose, to the employer. In view of the other changes made by the temporary regulations that will lessen a taxpayer's recordkeeping burden, such as the increase in the receipt threshold, the temporary regulations do not incorporate this suggestion.

4. Department of Labor Substantiation Requirements for Plan Trustees

A comment requested the IRS to coordinate with the Department of Labor to establish common substantiation requirements under ERISA for travel by multi-employer plan trustees. Modifications to conform the substantiation requirements under ERISA to those provided in the temporary regulations are outside the scope of the section 274(d) regulations.

5. Increase in Limit on Deduction for Gifts

A comment requested that the $25 limit on the deduction for gifts contained in section 274(b) be increased to $75. The IRS has no discretion to raise this statutory limit.

6. Use of Full Federal Per Diem Method to Substantiate Travel for Deduction Purposes

A comment suggested that self-employed individuals and unreimbursed employees should be entitled to substantiate lodging expenses for deduction purposes by means of the ''high-low'' per diem method. Rev. Proc. 96–64 (1996–53 I.R.B. 52), permits this substantiation method for employee reimbursements only. This suggestion is outside the scope of this revision to the temporary regulations.

## Special Analyses

It has been determined that these temporary regulations are not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations do not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that, by increasing the receipt threshold from $25 to $75, these regulations reduce the existing recordkeeping requirements of taxpayers, including small entities. The regulations do not otherwise significantly alter the reporting or recordkeeping duties of small entities. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these temporary regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

## Drafting Information

The principal author of these regulations is Donna M. Crisalli, Office of the Assistant Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and Treasury Department participated in their development.

## List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

## Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

## PART 1—INCOME TAXES

**Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:

**Authority:** 26 U.S.C. 7805 * * *

Section 1.274–5T also issued under 26 U.S.C. 274(d). * * *

**Par. 2.** An undesignated centerheading is added immediately following § 1.280H–1T to read as follows:

### Taxable Years Beginning Prior to January 1, 1986

### § 1.274–5 [Redesignated as § 1.274–5A]

**Par. 3.** Section 1.274–5 is redesignated as § 1.274–5A and added immediately following the undesignated centerheading ''Taxable Years Beginning Prior to January 1, 1986''.

**Par. 4.** Section 1.274–5T is amended by:

1. Revising the first sentence of paragraph (c)(2)(iii)(B).

2. Redesignating the text of paragraph (f)(4) as paragraph (f)(4)(i).

3. Adding a paragraph heading for paragraph (f)(4)(i).

4. Adding paragraphs (f)(4)(ii) and (f)(4)(iii).

The revisions and additions read as follows:

### § 1.274–5T Substantiation requirements (temporary).

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(B) Any other expenditure of $75 or more ($25 or more for expenditures incurred before October 1, 1995) except, for transportation charges, documentary evidence will not be required if not readily available, provided, however, that the Commissioner, in his discretion, may prescribe rules waiving such requirements in circumstances where he determines it is impracticable for such documentary evidence to be required. * * *

* * * * *

(f) * * *

(4) * * * (i) *In general.* * * *

(ii) *Procedures for adequate accounting without documentary evidence.* The Commissioner may, in his discretion, prescribe rules under which an employee may make an adequate accounting to his employer by submitting an account book, log, diary, etc., alone, without submitting documentary evidence.

(iii) *Employer.* For purposes of this section, the term *employer* includes an agent of the employer or a third party payor who pays amounts to an employee under a reimbursement or other expense allowance arrangement.

* * * * *

## PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

**Par. 5.** The authority citation for part 602 continues to read as follows:

**Authority:** 26 U.S.C. 7805.

**Par. 6.** In § 602.101, paragraph (c) is amended by:

1. Removing the following entry from the table:

| CFR part or section where identified and described | Current OMB control No. |
|---|---|
| * * * * * | |
| 1.274–5 | 1545–0139<br>1545–0771 |
| * * * * * | |

2. Adding an entry in numerical order to the table to read as follows:

| CFR part or section where identified and described | Current OMB control No. |
|---|---|
| * * * * * | |
| 1.274–5A | 1545–0139<br>1545–0771 |
| * * * * * | |

**Margaret Milner Richardson,**

*Commissioner of Internal Revenue.*

Approved: February 14, 1997.

**Donald C. Lubick,**

*Acting Assistant Secretary of the Treasury.*

[FR Doc. 97–7095 Filed 3–24–97; 8:45 am]

BILLING CODE 4830–01–U

## MINE SAFETY AND HEALTH ADMINISTRATION

## 30 CFR Part 3

## OMB Control Numbers Under the Paperwork Reduction Act

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is amending its regulations to display the control number approved by the Office of Management and Budget (OMB) for information collection required in the final rule for the Approval, Exhaust Gas Monitoring, and Safety Requirements for the Use of Diesel-Powered Equipment in Underground Coal Mines. The Paperwork Reduction Act requires agencies to display OMB control numbers for information collections. This notice fulfills MSHA's obligation.

**EFFECTIVE DATE:** March 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey , Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203–1984; 703–235–1910 (voice); psilvey@msha.gov (internet e-mail); or 703–235–5551 (facsimile).

**SUPPLEMENTARY INFORMATION:** MSHA published a final rule presenting the OMB control numbers in a new table format which was codified in 30 CFR Part 3 on June 29, 1995 (60 FR 33719). This fulfilled the requirements of 44 U.S.C. 3507(f) of the Paperwork Reduction Act which prohibits an agency from engaging in a collection of information without displaying the control number obtained from OMB. The table lists the part and section numbers with information collection requirements and the corresponding OMB control numbers.

MSHA submitted new information collection requirements contained in parts 7 and 75 of the final rule on the approval, exhaust gas monitoring, and safety requirements for the use of diesel-powered equipment in underground coal mines for OMB review on October 22, 1996. The final rule was published on October 25, 1996. OMB approved the paperwork requirements under control number 1219–0119 on November 26, 1996.

MSHA has determined that public notice and comment is unnecessary in this technical amendment to rulemaking. Information collection requirements go through the public review process as part of the rule to which it applies. Likewise, the renewal of an OMB control number also requires public review. As a result, MSHA finds that there is ''good cause'' under 5 U.S.C., 553 (b)(B) of the Administrative Procedure Act (APA) to issue this amendment to Table 1 in 30 CFR Part 3 without prior public notice and comment. MSHA has determined there is no need to delay the effective date because the technical amendment contains no new requirements for which the public would need time to plan compliance beyond that provided for in the regulation itself. MSHA finds, therefore, that there is ''good cause'' to except this action from the 30-day delayed effective date requirement under 5 U.S.C. 553 (d)(3) of the APA.

### List of Subjects in 30 CFR Part 3

Reporting and recordkeeping requirements.

Dated: March 12, 1997.

**J. Davitt McAteer,**

*Assistant Secretary for Mine Safety and Health.*

Accordingly, under the authority of 30 U.S.C. 957, chapter I of title 30, Code of Federal Regulation is amended as set forth below.

## PART 3—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

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

**Authority:** 30 U.S.C. 957; 44 U.S.C. 3501–3520.

2. Table 1 in 3.1 is amended by adding the following sections and corresponding control numbers in numerical order:

| 30 CFR citation | OMB control No. |
|---|---|
| 7.83 | 1219–0119 |
| 7.90 | 1219–0119 |
| 7.97 | 1219–0119 |
| 7.105 | 1219–0119 |
| 75.363 | 1219–0119 |
| 75.371(r), (kk), (ll), (mm), (nn), (oo), and (pp) | 1219–0119 |
| 75.1901(a) | 1219–0119 |
| 75.1904(b)(4) | 1219–0119 |
| 75.1911(i) and (j) | 1219–0119 |
| 75.1912(h) and (i) | 1219–0119 |
| 75.1914(f), (g)(5), and (h) | 1219–0119 |
| 75.1915(a), (b)(5), and (c) | 1219–0119 |

[FR Doc. 97–7480 Filed 3–24–97; 8:45 am]

BILLING CODE 4510–43–P

## DEPARTMENT OF THE INTERIOR

## Minerals Management Service

## 30 CFR Parts 250 and 254

**RIN 1010–AB81**

## Response Plans for Facilities Located Seaward of the Coast Line

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the current interim final rule governing response plans for facilities located seaward of the coast line. The rule will bring MMS regulations into conformance with the Oil Pollution Act of 1990 (OPA). Revisions to existing rules will delete previous MMS requirements that are similar to requirements of this rule. The final rule will combine MMS requirements for oil-spill contingency plans for facilities in both State and Federal waters seaward of the coast line.

**EFFECTIVE DATE:** June 23, 1997.

**FOR FURTHER INFORMATION CONTACT:** Lawrence H. Ake, Engineering and Research Branch, at (703) 787–1567.

**SUPPLEMENTARY INFORMATION:**

### Background and Purpose

In August 1990, Congress passed OPA which, among other things, amended section 311(j) of the Federal Water Pollution Control Act (FWPCA) by strengthening provisions concerning oil-spill prevention efforts and spill-response capability.

Under Executive Order (E.O.) 12777, MMS has responsibility under FWPCA for issuing regulations requiring owners or operators of offshore facilities to prepare and submit spill-response plans. The FWPCA requires that owners or operators of offshore facilities, including associated pipelines, prepare and submit response plans. They must also ensure the availability of private personnel and equipment to contain discharges of oil and hazardous substances. The new authorities apply to all offshore areas including State submerged lands but not to deep-water ports subject to the Deepwater Port Act (33 U.S.C. 1501 *et seq.*).

MMS published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** on August 12, 1992 ( 57 FR 36032–36034). That notice informed the public that MMS was developing regulations governing the establishment of procedures, methods, and equipment to prevent and contain discharges of oil and hazardous substances under section 311(j)(1)(C) of FWPCA; preparation and submission of response plans under section 311(j)(5) of FWPCA and section 4202(b)(4) of OPA; and periodic inspection of containment booms and response equipment under section 311(j)(6)(A) of FWPCA. The notice also solicited information concerning the development of these requirements.

MMS reviewed and analyzed the comments received from the ANPR and published a notice of proposed rulemaking (NPR) covering these requirements on January 13, 1995 (60 FR 3177–3184).

Prior to development of the proposed rule, MMS was faced with the need to allow owners and operators of facilities to operate under an approved spill-response plan as soon as possible. This need was dictated by a mandate in section 4202(b)(4) of OPA, that owners or operators of facilities submit response plans by February 18, 1993. Failure to do so would mean that a facility could not be used to handle, store, or transport oil until the owner or operator submitted a plan. To meet this deadline, MMS developed an interim final rule that ensured that spill-response plans of sufficient quality were being developed. The interim final rule also provided a means for facility owners to comply with the February 18, 1993, deadline. This process ensured that spill-response plans were in place at the earliest possible date and that the beneficial environmental effects of spill-response plans were realized while more extensive regulations to implement OPA were being developed.

MMS originally established an expiration date for the interim rule of February 18, 1995. This date was subsequently deleted, and the interim rule remains in effect until the effective date of this final rule.

In developing this final rule, MMS has relied on comments from the regulated community as well as experience developed during review of plans under the interim final rule.

As with the interim rule, this final rule allows those with MMS approved spill-response plans for facilities in the Outer Continental Shelf (OCS) to expand those plans to include facilities in State waters of the same geographic area. Owners and operators of facilities in State waters with plans approved by the State must submit a copy of the plan to MMS, along with information pertaining to the approval. This rule also allows owners and operators of facilities in State waters that do not fall in either of these categories to submit a plan based on the requirements for OCS facilities.

This rulemaking does not regulate animal or vegetable oils. MMS has determined that these oils are not handled in large quantities on offshore facilities and need not be addressed in this rule. MMS will evaluate whether to solicit public comment on the need for a future rulemaking covering these oils.

After publishing the NPR for this rule on January 13, 1995, MMS became involved in the National Response Team's effort to formulate integrated contingency plan (ICP) guidance. The ICP guidance is intended to provide a consistent format for emergency response plans. Since a particular facility may be subject to several Federal regulations, use of the ICP format will allow facility owners to address all the requirements in just one plan.

The ICP guidelines were published in the **Federal Register** on June 5, 1996 (61 FR 28641–28664). At that time, the other Federal agencies supporting the ICP process published regulatory cross-comparison matrices which showed where agency requirements could be placed under the ICP format. MMS did not provide a matrix because this rule was not yet completed. The following tables provide this matrix.

These tables may be used for guidance if you plan to submit your oil-spill response plan in the ICP format. You should submit a cross-reference with your plan that identifies the location of required sections if you choose to use any alternate format.

I. ICP DEVELOPMENT MATRIX

| ICP elements | MMS requirements (30 CFR 254) |
|---|---|
| **Section I—Plan Introduction Elements** | |
| 1. Purpose and scope of plan coverage | 254.20; 254.50. |
| 2. Table of contents | 254.21. |
| 3. Current revision date | 254.22. |
| 4. General facility identification information | 254.22; 254.53(b). |
| a. Facility name | |
| b. Owner/operator/agent | |
| c. Physical address and directions | 254.22; 254.53(b). |
| d. Mailing address | |
| e. Other identifying information | |
| f. Key contact(s) for plan development and maintenance | |
| g. Phone number for key contact(s) | |
| h. Facility phone number | 254.23(d). |
| i. Facility fax number | 254.23(d). |
| **Section II—Core Plan Elements** | |
| 1. Discovery | 254.23(f). |
| 2. Initial response | |
| a. Procedures for internal and external notifications | 254.23(g)(1). |

I. ICP DEVELOPMENT MATRIX—Continued

| ICP elements | MMS requirements (30 CFR 254) |
|---|---|
| b. Establishment of a response management structure | 254.23(b). |
| c. Preliminary assessment | |
| d. Establishment of objectives and priorities for response, including: | 254.23(g); 254.24(a). |
| (1) Immediate goals/tactical planning | |
| (2) Mitigating actions | |
| (3) Response resources | |
| e. Implementation of tactical plan | |
| f. Mobilization of resources | 254.23(g) (4); (5). |
| 3. Sustained actions | 254.23(g) (6); (8). |
| 4. Termination and followup actions | |
| **Section III—Annexes** | |
| 1. Facility and locality information | 254.22(a); 254.53(b). |
| a. Facility maps | 254.53(b). |
| b. Facility drawings | |
| c. Facility description/layout | 254.22(a). |
| 2. Notification | |
| a. Internal | 254.23(g)(1). |
| b. Community | 254.23(g)(1)(vi). |
| c. Federal and State agency | 254.46; 254.23(g)(1)(vi). |
| 3. Response management structure | 254.23(b). |
| a. General | 254.23(b). |
| b. Command | |
| (1) Facility incident commander and qualified individual | 254.23(a). |
| (2) Information | 254.23(b). |
| (3) Safety | 254.23(b). |
| (4) Liaison | 254.23.(b). |
| c. Operations | |
| (1) Response objectives | |
| (2) Discharge or release control | 254.23 (f); (g). |
| (3) Assessment/monitoring | 254.23(g)(3). |
| (4) Containment | 254.23(g) (4); (5). |
| (5) Recovery | 254.23(g) (6); (7); (8). |
| (6) Decontamination | |
| (7) Nonresponder medical needs | |
| (8) Salvage plans | |
| d. Planning | |
| (1) Hazard assessment | 254.26(c). |
| (2) Protection | 254.26(c). |
| (3) Coordination with natural resource trustees | 254.23(g)(1) (v); (vi). |
| (4) Waste management | 254.23(g)(8). |
| e. Logistics | |
| (1) Medical needs | |
| (2) Site security | |
| (3) Communications | 254.23(d). |
| (4) Transportation | 254.26(d)(2). |
| (5) Personnel support | |
| (6) Equipment maintenance and support | 254.24(b); 254.43. |
| f. Finance/procurement/administration | |
| (1) Resource list | |
| (2) Personnel | 254.23 (a); (b); (c). |
| (3) Response equipment | 254.24. |
| (4) Support equipment | 254.26(d)(2). |
| (5) Contracting | 254.25. |
| (6) Claims procedures | |
| (7) Cost documentation | |
| 4. Incident documentation | |
| a. Post accident investigation | |
| b. Incident history | 254.46(b)(2). |
| 5. Training and exercises/drills | 254.41; 254.42. |
| 6. Response critique and plan review and modification process | 254.30; 254.42(d). |
| 7. Prevention | 254.54. |

II. REGULATION CROSS-COMPARISON MATRIX

| MMS–30 CFR part 254 | ICP citation(s) |
|---|---|
| 254.1 Who must submit a response plan? | |
| 254.2 When must I submit a response plan? | |

II. REGULATION CROSS-COMPARISON MATRIX—Continued

| MMS–30 CFR part 254 | ICP citation(s) |
|---|---|
| 254.3 May I cover more than one facility in my response plan? | |
| 254.4 May I reference other documents in my response plan? | |
| 254.5 General response plan requirements. | |
| 254.6 Definitions. | |
| 254.7 How do I submit my response plan to the MMS? | |
| 254.8 May I appeal decisions under this rule? | |
| 254.9 Authority for information collection. | |
| 254.20 Purpose | I.1. |
| 254.21 How must I format my response plan? | I.2. |
| 254.22 What information must I include in the ''Introduction and plan contents'' section? | I.2; I.3; I.4 (c), (e); III.8. |
| 254.23 What information must I include in the ''Emergency response action plan'' section? | II.1; II.2(a); II.2(d); II.2(f); III.2; III.3(b)(1). |
| 254.24 What information must I include in the ''Equipment inventory'' appendix? | III.3(f)(3). |
| 254.25 What information must I include in the ''Contractual agreements'' appendix? | III.3(f)(5). |
| 254.26 What information must I include in the ''Worst case discharge scenario'' appendix? | III.3(d). |
| 254.27 What information must I include in the ''Dispersant use plan'' appendix? | III.3(c). |
| 254.28 What information must I include in the ''In situ burning plan'' appendix? | III.3(c). |
| 254.29 What information must I include in the ''Training and drills'' appendix? | III.5. |
| 254.30 When must I revise my spill plan? | III.6. |
| 254.40 Records. | |
| 254.41 Training your personnel | III.5. |
| 254.42 Exercises for your response personnel and equipment | III.5. |
| 254.43 Maintenance and periodic inspection of response equipment | |
| 254.44 Calculating response equipment effective daily recovery capacities | |
| 254.45 Verifying the capabilities of your response equipment | |
| 254.46 Whom do I notify if an oil spill occurs? | III.2. |
| 254.47 Determining the volume of oil of your worst case discharge scenario | III.3(d) |
| 254.50 Spill-response plans for facilities located in State waters seaward of the coast line | |
| 254.51 Modifying an existing OCS response plan | |
| 254.52 Following the format for an OCS response plan | |
| 254.53 Submitting a response plan developed under State requirements | |
| 254.54 Spill prevention for facilities located in State waters seaward of the coast line | III.7. |

**Discussion of Comments and Changes**

MMS received 32 letters commenting on the NPR. The following discussion summarizes these comments and the substantive changes made to the final rule. MMS has also restructured the regulation into a more readable and user-friendly format. A simplified question and answer format has been used, and the rule has been separated into subparts. The following discussion generally follows the order of the sections in the proposed rule.

*General Comments*

Several letters contained questions about other MMS regulations for oil-spill contingency plans currently found at 30 CFR 250.42 and 250.43. These comments questioned whether the proposed regulations were in addition to those spill-response requirements. The answer is no. The new requirements of this rule, which will be located in 30 CFR part 254, are intended to supersede those regulations which are removed from part 250 with this rule.

One comment pointed out that the rule does not contain an appeals process. We have added a section explaining the appeals process.

Several comments addressed the issue of hazardous substance response planning. They complained that some of the proposed requirements duplicated requirements of the Environmental Protection Agency (EPA). Another comment suggested that it would be prudent for MMS to follow the example of other agencies and separate hazardous discharge response planning from this rule and address that subject later. MMS agrees and is not now issuing response planning requirements for hazardous materials. Typically, hazardous substances are used in very limited quantities on offshore facilities. We are presently collecting additional information on the types and quantities of hazardous substances used offshore. MMS is also monitoring the development of other Federal requirements on this subject. The U.S. Coast Guard will provide MMS and other Federal agencies with the public responses to their recent ANPR on hazardous substance response planning. MMS will proceed with rulemaking concerning response planning for hazardous materials after we determine more precisely the extent of hazardous substance usage and can develop a rule that will act in concert with other regulations currently being developed by other agencies.

Several comments stressed that the rule should specifically mention that pipelines would not require a plan after they had been abandoned in place. Others felt it burdensome to maintain current plans for wells or facilities that had been temporarily abandoned. We changed the rule to show that an owner or operator no longer needs to maintain a plan after it has received written notice from the Regional Supervisor that a plan is no longer required.

Many commenters felt that MMS did not need to request that copies of contracts with oil-spill response organizations be included with the response plan. They cited the voluminous nature of many of these contracts as a primary reason. MMS agrees, and the final rule allows owners and operators to certify that such contracts exist but does not require their submission.

Several comments criticized that the rule as proposed would require compliance without allowing sufficient time to prepare a new plan. We have changed the final rule in two areas. First, the effective date of the rule has been set at 90 days after publication in the **Federal Register**. Second, owners

and operators with currently approved plans do not have to submit plans complying with this rule until the next update of their plan is due. The Regional Supervisor may extend this deadline upon request.

MMS received several comments arguing that MMS's definition for ''coast line'' was confusing. The wording, however, was taken from the Submerged Lands Act, and where oil production activities are underway, the line has been delineated and adopted by the courts. It is used here because MMS also uses this established line in a memorandum of understanding (MOU) with other Federal agencies that administer spill response planning under OPA. In this MOU, MMS negotiated a redelegation of its responsibilities for ''offshore'' facilities located landward of the coast line to other Federal agencies with existing inland regulatory capabilities and responsibilities. (This redelegation was published in the **Federal Register** on February 28, 1994 ( 59 FR 9494)). These facilities located landward of the coast line may have to file spill-response plans with the EPA or the Department of Transportation. Our aim was to have each agency regulate the type of facility that it has historically regulated. MMS attempted to use a clearly definable line that would segregate the majority of facilities correctly. Some facilities, however, are clearly of the type used offshore yet lie landward of this demarcation line. If you feel that your facility falls into this category, you may contact the Regional Supervisor, agreeing to accept the jurisdiction of MMS and requesting that the agency with jurisdiction relinquish jurisdiction over your facility to MMS.

The proposed rule defined the 'qualified individual' (QI) as a member of the spill management team that directs the response to an oil spill. Several comments pointed out that this went beyond the requirements of OPA and stated that it was not necessary for the qualified individual to perform these duties. MMS has amended this language in the final rule.

Many comments noted that 'adverse weather' should be defined to exclude hurricane conditions. MMS agrees that hurricane conditions, when no response to a spill is practical, should be excluded from the definition.

MMS received several comments that were critical of the fact that the proposed rule included condensate in the definition of oil. The commenters felt the rule would be burdensome for owners and operators that handled only small volumes of condensate, since spills from those facilities would dissipate rapidly with minimal environmental effect. The definition has been left intact. MMS feels that the Regional Supervisors are best able to deal with these situations on a case-by-case basis. The Regional Supervisors have the authority to reduce plan requirements if they feel that a spill from the facility poses little or no risk to the environment.

The definition of owner and operator has been changed to more closely follow the definition in the Clean Water Act.

Several comments argued that an in situ burning plan should only be required if burning was already authorized in the appropriate Area Contingency Plan (ACP). However, regardless of the current language in an ACP, the Federal On Scene Coordinator has the authority to permit burning on a case-by-case basis to prevent or reduce hazard to human life. Additionally, the Region VI Regional Response Team, which oversees the Federal Region where most offshore facilities are located, has established a preapproval zone for in situ burning. MMS believes that this option for spill removal is important in the offshore environment and will leave the requirement in the rule.

We received many comments concerning the worst case spill scenario. The major problem cited was the requirement to use a 30-day *total* of the oil that could escape from an uncontrolled flowing well as a worst case for a production or drilling facility. Commenters felt that using the *total* from 30 days flow was unrealistic and represented an unreasonable scenario. MMS has amended this language to clarify how the scenario should describe responding to a well that flows for 30 days. The scenario should demonstrate how you would remove, store, and dispose of the oil escaping from an uncontrolled well on a daily basis for 30 days. MMS does not intend that the rule be read to require you to demonstrate how you would respond to the 30-day total flow from the well as if it had occurred in a short period of time, as could happen in a tanker accident.

MMS received several comments concerning referencing of material in the plan. The comments suggested including specific statements throughout the rule allowing material to be referenced rather than included in the plan. MMS has instead inserted a general statement on referencing in the plan that applies to the entire document.

Several commenters expressed the opinion that a response to an actual oil spill should be treated as a drill for training purposes if proper evaluations are made and records kept. This would be consistent with the National Preparedness for Response Exercise Program (PREP) Guidelines that were produced as a unified Federal effort. MMS modified the rule to allow owners or operators to take training credit for an actual spill response when they generate proper records.

MMS received several comments pointing out that oil spills must be reported to the National Response Center as required by law. These comments urged MMS to not require duplicate reporting of spills. Current regulations require the reporting of all spills, regardless of size, to MMS. In response to these comments, MMS has dropped the requirement that spills of less than 1 barrel be reported to MMS. This change will reduce the reporting burden for operators by more than 95 percent. MMS believes that it is important that the agency be notified of spills greater than 1 barrel, and this requirement will remain.

Several commenters felt that the requirement to submit revisions to the plan were too onerous and unrealistic. We made several changes in response to these comments. First, we changed the requirement for an annual update to require a complete review and update every 2 years. Second, we deleted several requirements that require notification and approval. We still require notification and approval for substantive changes that affect the ability to respond to the worst case spill scenario.

MMS received several comments that were critical of the requirement that plans include the steps taken to prevent spills from facilities located in State waters. The commenters felt that the rule gave the MMS Regional Supervisor open ended authority to require additional spill prevention measures in State waters. The rule has been modified to make it clear that the Regional Supervisor would only require additional prevention measures when it is determined that efforts to prevent spills do not reflect good industry practices. MMS does not presently plan to create new prevention regulations for facilities in State waters. However, MMS does plan to work with coastal States to ensure that sufficient State oversight is in place to ensure that the objectives of OPA are met. MMS expects and intends that the States will assume primary responsibility for spill prevention associated with facilities in their waters. As a first step in this process, MMS has signed MOU's with the major oil producing coastal States concerning the regulation and inspection of offshore facilities. The

MOU's are designed to help ensure that Federal and State regulations are compatible, encourage uniform enforcement strategies, and provide for joint Federal and State inspections, drills, and investigations.

*Author*

Larry Ake, Engineering and Research Branch, MMS, prepared this document.

*E.O. 12866*

This rule was reviewed under E.O. 12866. The Department of the Interior (DOI) has determined that the rule is not a significant rule under the criteria of E.O. 12866 and, therefore, the rule was not reviewed by the Office of Management and Budget (OMB).

*Regulatory Flexibility Act*

DOI has determined that this final rule will not have a significant economic effect on a substantial number of small entities. This rule will not have a significant economic effect on any entity, regardless of size. Any minor effects of this rulemaking will primarily affect lessees and operators—entities that are not, by definition, small due to the technical complexities and financial resources necessary to conduct OCS activities. The indirect effects of this rulemaking on small entities that provide support for offshore activities were also determined to be small.

*Paperwork Reduction Act*

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), OMB approved the information collection requirements in the NPR covering 30 CFR part 254. The OMB control number is 1010–0091. 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.

All comments, including any on the information collection aspects of the NPR, are discussed in an earlier section of the preamble. The final rule changes the structure of the regulation, thereby changing the citations for the information collection requirements. However, no significant changes to the information collection resulted from the comments and restructuring or other revisions in the final rule.

MMS estimates the public reporting burden for this information collection will average approximately 107 hours per response. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection.

*Takings Implication Assessment*

DOI determined that this final rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, DOI does not need to prepare a Takings Implication Assessment pursuant to E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

*E.O. 12988*

DOI has certified to OMB that the rule meets the applicable reform standards provided in sections 3(a) and 3(b)(2) of E.O. 12988.

*Unfunded Mandates Reform Act of 1995*

DOI has determined and certifies according to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of $100 million or more in any given year on State, local, and tribal governments or the private sector.

*National Environmental Policy Act*

DOI determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

**List of Subjects**

*30 CFR Part 250*

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

*30 CFR Part 254*

Continental shelf, Environmental protection, Oil and gas development and production, Oil and gas exploration, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements.

Dated: March 13, 1997.

**Bob Armstrong,**

*Assistant Secretary, Land and Minerals Management.*

For the reasons stated in the preamble, the Minerals Management Service (MMS) amends 30 CFR parts 250 and 254 as follows:

## PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority for part 250 continues to read as follows:

**Authority:** 43 U.S.C. 1334.

2. The last sentence of § 250.19(a) is revised to read as follows:

### § 250.19 Accident reports.

(a) * * * All spills of oil or other liquid pollutants must be reported as described in § 254.46.

* * * * *

3. Section 250.33(b)(2) of subpart B is revised to read as follows:

### § 250.33 Exploration Plan.

* * * * *

(b) * * *

(2) An oil-spill response plan as described in part 254 or reference to an approved Regional Response Plan.

* * * * *

4. Section 250.34(b)(3) of subpart B is revised to read as follows:

### § 250.34 Development and Production Plan.

* * * * *

(b) * * *

(3) A description of the environmental safeguards to be implemented, including an updated oil-spill response plan as described in part 254 of this chapter or reference to an approved plan.

* * * * *

### § 250.41 [Heading revised]

5. The heading of § 250.41 of subpart C is revised to read ''Inspection of facilities.''

### § 250.41 [Amended]

6. Paragraphs (b) and (c) of § 250.41 are removed.

### § 250.42 [Removed]

7. Section 250.42 of subpart C is removed.

### § 250.43 [Removed]

8. Section 250.43 of subpart C is removed.

9. Part 254 is revised to read as follows:

## PART 254—OIL-SPILL RESPONSE REQUIREMENTS FOR FACILITIES LOCATED SEAWARD OF THE COAST LINE

### Subpart A—General

Sec.
254.1 Who must submit a spill-response plan?
254.2 When must I submit a response plan?
254.3 May I cover more than one facility in my response plan?

254.4 May I reference other documents in my response plan?
254.5 General response plan requirements.
254.6 Definitions.
254.7 How do I submit my response plan to the MMS?
254.8 May I appeal decisions under this rule?
254.9 Authority for information collection.

**Subpart B—Oil-Spill Response Plans for Outer Continental Shelf Facilities**

254.20 Purpose.
254.21 How must I format my response plan?
254.22 What information must I include in the ''Introduction and plan contents'' section?
254.23 What information must I include in the ''Emergency response action plan'' section?
254.24 What information must I include in the ''Equipment inventories'' appendix?
254.25 What information must I include in the ''Contractual agreements'' appendix?
254.26 What information must I include in the ''Worst case discharge scenario'' appendix?
254.27 What information must I include in the ''Dispersant use plan'' appendix?
254.28 What information must I include in the ''In situ burning plan'' appendix?
254.29 What information must I include in the ''Training and drills'' appendix?
254.30 When must I revise my response plan?

**Subpart C—Related Requirements for Outer Continental Shelf Facilities**

254.40 Records.
254.41 Training your response personnel.
254.42 Exercises for your response personnel and equipment.
254.43 Maintenance and periodic inspection of response equipment.
254.44 Calculating response equipment effective daily recovery capacities.
254.45 Verifying the capabilities of your response equipment.
254.46 Whom do I notify if an oil spill occurs?
254.47 Determining the volume of oil of your worst case discharge scenario.

**Subpart D—Oil-Spill Response Requirements for Facilities Located in State Waters Seaward of the Coast Line**

254.50 Spill-response plans for facilities located in State waters seaward of the coast line.
254.51 Modifying an existing OCS response plan.
254.52 Following the format for an OCS response plan.
254.53 Submitting a response plan developed under State requirements.
254.54 Spill prevention for facilities located in State waters seaward of the coast line.

**Authority:** 33 U.S.C. 1321

## Subpart A—General

### § 254.1 Who must submit a spill-response plan?

(a) If you are the owner or operator of an oil handling, storage, or transportation facility, and it is located seaward of the coast line, you must submit a spill-response plan to MMS for approval. Your spill-response plan must demonstrate that you can respond quickly and effectively whenever oil is discharged from your facility. Refer to § 254.6 for the definitions of ''oil,'' ''facility,'' and ''coast line'' if you have any doubts about whether to submit a plan.

(b) You must maintain a current response plan for an abandoned facility until you physically remove or dismantle the facility or until the Regional Supervisor notifies you in writing that a plan is no longer required.

(c) Owners or operators of offshore pipelines carrying essentially dry gas do not need to submit a plan. You must, however, submit a plan for a pipeline that carries:

(1) Oil;

(2) Condensate that has been injected into the pipeline; or

(3) Gas and naturally occurring condensate.

(d) If you are in doubt as to whether you must submit a plan for an offshore facility or pipeline, you should check with the Regional Supervisor.

(e) If your facility is located landward of the coast line, but you believe your facility is sufficiently similar to OCS facilities that it should be regulated by MMS, you may contact the Regional Supervisor, offer to accept MMS jurisdiction over your facility, and request that MMS seek from the agency with jurisdiction over your facility a relinquishment of that jurisdiction.

### § 254.2 When must I submit a response plan?

(a) You must submit, and MMS must approve, a response plan that covers each facility located seaward of the coast line before you may use that facility. To continue operations, you must operate the facility in compliance with the plan.

(b) Despite the provisions of paragraph (a) of this section, you may operate your facility after you submit your plan while MMS reviews it for approval. To operate a facility without an approved plan, you must certify in writing to the Regional Supervisor that you have the capability to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge. The certification must show that you have ensured by contract, or other means approved by the Regional Supervisor, the availability of private personnel and equipment necessary to respond to the discharge. Verification from the organization(s) providing the personnel and equipment must accompany the certification. MMS will not allow you to operate a facility for more than 2 years without an approved plan.

(c) If you have a plan that MMS already approved, you are not required to immediately rewrite the plan to comply with this part. You must, however, submit the information this regulation requires when submitting your first plan revision (see § 254.30) after the effective date of this rule. The Regional Supervisor may extend this deadline upon request.

### § 254.3 May I cover more than one facility in my response plan?

(a) Your response plan may be for a single lease or facility or a group of leases or facilities. All the leases or facilities in your plan must have the same owner or operator (including affiliates) and must be located in the same MMS Region (see definition of Regional Response Plan in § 254.6).

(b) Regional Response Plans must address all the elements required for a response plan in Subpart B, *Oil Spill Response Plans for Outer Continental Shelf Facilities*, or Subpart D, *Oil Spill Response Requirements for Facilities Located in State Waters Seaward of the Coast Line*, as appropriate.

(c) When developing a Regional Response Plan, you may group leases or facilities subject to the approval of the Regional Supervisor for the purposes of:

(1) Calculating response times;

(2) Determining quantities of response equipment;

(3) Conducting oil-spill trajectory analyses;

(4) Determining worst case discharge scenarios; and

(5) Identifying areas of special economic and environmental importance that may be impacted and the strategies for their protection.

(d) The Regional Supervisor may specify how to address the elements of a Regional Response Plan. The Regional Supervisor also may require that Regional Response Plans contain additional information if necessary for compliance with appropriate laws and regulations.

### § 254.4 May I reference other documents in my response plan?

You may reference information contained in other readily accessible documents in your response plan. Examples of documents that you may

reference are the National Contingency Plan (NCP), Area Contingency Plan (ACP), MMS environmental documents, and Oil Spill Removal Organization (OSRO) documents that are readily accessible to the Regional Supervisor. You must ensure that the Regional Supervisor possesses or is provided with copies of all OSRO documents you reference. You should contact the Regional Supervisor if you want to know whether a reference is acceptable.

**§ 254.5 General response plan requirements.**

(a) The response plan must provide for response to an oil spill from the facility. You must immediately carry out the provisions of the plan whenever there is a release of oil from the facility. You must also carry out the training, equipment testing, and periodic drills described in the plan, and these measures must be sufficient to ensure the safety of the facility and to mitigate or prevent a discharge or a substantial threat of a discharge.

(b) The plan must be consistent with the National Contingency Plan and the appropriate Area Contingency Plan(s).

(c) Nothing in this part relieves you from taking all appropriate actions necessary to immediately abate the source of a spill and remove any spills of oil.

(d) In addition to the requirements listed in this part, you must provide any other information the Regional Supervisor requires for compliance with appropriate laws and regulations.

**§ 254.6 Definitions.**

For the purposes of this part:

*Adverse weather conditions* means weather conditions found in the operating area that make it difficult for response equipment and personnel to clean up or remove spilled oil or hazardous substances. These include, but are not limited to: Fog, inhospitable water and air temperatures, wind, sea ice, current, and sea states. It does not refer to conditions such as a hurricane, under which it would be dangerous or impossible to respond to a spill.

*Area Contingency Plan* means an Area Contingency Plan prepared and published under section 311(j) of the Federal Water Pollution Control Act (FWPCA).

*Coast line* means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters.

*Discharge* means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

*District Supervisor* means the MMS officer with authority and responsibility for a district within an MMS Region.

*Facility* means any structure, group of structures, equipment, or device (other than a vessel) which is used for one or more of the following purposes: Exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil. The term excludes deep-water ports and their associated pipelines as defined by the Deepwater Port Act of 1974, but includes other pipelines used for one or more of these purposes. A mobile offshore drilling unit is classified as a facility when engaged in drilling or downhole operations.

*Maximum extent practicable* means within the limitations of available technology, as well as the physical limitations of personnel, when responding to a worst case discharge in adverse weather conditions.

*National Contingency Plan* means the National Oil and Hazardous Substances Pollution Contingency Plan prepared and published under section 311(d) of the FWPCA, (33 U.S.C. 1321(d)) or revised under section 105 of the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9605).

*National Contingency Plan Product Schedule* means a schedule of dispersants and other chemical or biological products, maintained by the Environmental Protection Agency, that may be authorized for use on oil discharges in accordance with the procedures found at 40 CFR 300.910.

*Oil* means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. This also includes hydrocarbons produced at the wellhead in liquid form (includes distillates or condensate associated with produced natural gas), and condensate that has been separated from a gas prior to injection into a pipeline. It does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under paragraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U. S. C. 9601) and which is subject to the provisions of that Act. It also does not include animal fats and oils and greases and fish and marine mammal oils, within the meaning of paragraph (2) of section 61(a) of title 13, United States Code, and oils of vegetable origin, including oils from the seeds, nuts, and kernels referred to in paragraph (1)(A) of that section.

*Oil spill removal organization (OSRO)* means an entity contracted by an owner or operator to provide spill-response equipment and/or manpower in the event of an oil or hazardous substance spill.

*Outer Continental Shelf* means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

*Owner or operator* means, in the case of an offshore facility, any person owning or operating such offshore facility. In the case of any abandoned offshore facility, it means the person who owned such facility immediately prior to such abandonment.

*Pipeline* means pipe and any associated equipment, appurtenance, or building used or intended for use in the transportation of oil located seaward of the coast line, except those used for deep-water ports. Pipelines do not include vessels such as barges or shuttle tankers used to transport oil from facilities located seaward of the coast line.

*Qualified individual* means an English-speaking representative of an owner or operator, located in the United States, available on a 24-hour basis, with full authority to obligate funds, carry out removal actions, and communicate with the appropriate Federal officials and the persons providing personnel and equipment in removal operations.

*Regional Response Plan* means a spill-response plan required by this part which covers multiple facilities or leases of an owner or operator, including affiliates, which are located in the same MMS Region.

*Regional Supervisor* means the MMS official with responsibility and authority for operations or other designated program functions within an MMS Region.

*Remove* means containment and cleanup of oil from water and shorelines or the taking of other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, public and private property, shorelines, and beaches.

*Spill* is synonymous with ''discharge'' for the purposes of this part.

*Spill management team* means the trained persons identified in a response plan who staff the organizational structure to manage spill response.

*Spill-response coordinator* means a trained person charged with the responsibility and designated the commensurate authority for directing and coordinating response operations.

*Spill-response operating team* means the trained persons who respond to spills through deployment and operation of oil-spill response equipment.

*State waters located seaward of the coast line* means the belt of the seas measured from the coast line and extending seaward a distance of 3 miles (except the coast of Texas and the Gulf coast of Florida, where the State waters extend seaward a distance of 3 leagues).

*You* means the owner or the operator as defined in this section.

**§ 254.7 How do I submit my response plan to the MMS?**

You must submit the number of copies of your response plan that the appropriate MMS regional office requires. If you prefer to use improved information technology such as electronic filing to submit your plan, ask the Regional Supervisor for further guidance.

(a) Send plans for facilities located seaward of the coast line of Alaska to: Minerals Management Service, Regional Supervisor, Field Operations, Alaska OCS Region, 949 East 36th Avenue, Anchorage, AK 99508–4302.

(b) Send plans for facilities in the Gulf of Mexico or Atlantic Ocean to: Minerals Management Service, Regional Supervisor, Field Operations, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, LA 70123–2394.

(c) Send plans for facilities in the Pacific Ocean (except seaward of the coast line of Alaska) to: Minerals Management Service, Regional Supervisor, Office of Development Operations and Safety, Pacific OCS Region, 770 Paseo Camarillo, Camarillo, CA 93010–6064.

**§ 254.8 May I appeal decisions under this rule?**

You may appeal orders or decisions issued under the regulations in this part pursuant to part 290 of this title. If you file an appeal with the Director, it does not suspend the requirement for you to comply with an order or decision other than one that requires the payment of a civil penalty. Compliance also is not suspended pending an appeal to the Interior Board of Land Appeals under 43 CFR part 4.

**§ 254.9 Authority for information collection.**

(a) The Office of Management and Budget (OMB) has approved the information collection requirements in this part under 44 U.S.C. 3501 *et seq.* OMB assigned the control number 1010–0091. The title of this information collection is ''30 CFR Part 254, Oil Spill Response Requirements for Facilities Located Seaward of the Coast line.''

(b) MMS collects this information to ensure that the owner or operator of an offshore facility is prepared to respond to an oil spill. MMS uses the information to verify compliance with the mandates of the Oil Pollution Act of 1990 (OPA). The requirement to submit this information is mandatory. No confidential or proprietary information is collected.

(c) 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.

(d) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 20170–4817 and to the Office of Information and Regulatory Affairs, Office of Management and Budget; Attention: Desk Officer for the Department of the Interior (1010–0091); 725 17th Street NW, Washington, DC 20503.

## Subpart B—Oil-Spill Response Plans for Outer Continental Shelf Facilities

**§ 254.20 Purpose.**

This subpart describes the requirements for preparing spill-response plans for facilities located on the OCS.

**§ 254.21 How must I format my response plan?**

(a) You must divide your response plan for OCS facilities into the sections specified in paragraph (b) and explained in the other sections of this subpart. The plan must have an easily found marker identifying each section. You may use an alternate format if you include a cross-reference table to identify the location of required sections. You may use alternate contents if you can demonstrate to the Regional Supervisor that they provide for equal or greater levels of preparedness.

(b) Your plan must include:

(1) Introduction and plan contents.

(2) Emergency response action plan.

(3) Appendices:

(i) Equipment inventory.

(ii) Contractual agreements.

(iii) Worst case discharge scenario.

(iv) Dispersant use plan.

(v) In situ burning plan.

(vi) Training and drills.

**§ 254.22 What information must I include in the ''Introduction and plan contents'' section?**

The ''Introduction and plan contents'' section must provide:

(a) Identification of the facility the plan covers, including its location and type;

(b) A table of contents;

(c) A record of changes made to the plan; and

(d) A cross-reference table, if needed, because you are using an alternate format for your plan.

**§ 254.23 What information must I include in the ''Emergency response action plan'' section?**

The ''Emergency response action plan''section is the core of the response plan. Put information in easy-to-use formats such as flow charts or tables where appropriate. This section must include:

(a) Designation, by name or position, of a trained qualified individual (QI) who has full authority to implement removal actions and ensure immediate notification of appropriate Federal officials and response personnel.

(b) Designation, by name or position, of a trained spill management team available on a 24-hour basis. The team must include a trained spill-response coordinator and alternate(s) who have the responsibility and authority to direct and coordinate response operations on your behalf. You must describe the team's organizational structure as well as the responsibilities and authorities of each position on the spill management team.

(c) Description of a spill-response operating team. Team members must be trained and available on a 24-hour basis to deploy and operate spill-response equipment. They must be able to respond within a reasonable minimum specified time. You must include the number and types of personnel available from each identified labor source.

(d) A planned location for a spill-response operations center and provisions for primary and alternate communications systems available for use in coordinating and directing spill-response operations. You must provide telephone numbers for the response operations center. You also must provide any facsimile numbers and primary and secondary radio frequencies that will be used.

(e) A listing of the types and characteristics of the oil handled, stored, or transported at the facility.

(f) Procedures for the early detection of a spill.

(g) Identification of procedures you will follow in the event of a spill or a substantial threat of a spill. The procedures should show appropriate response levels for differing spill sizes including those resulting from a fire or explosion. These will include, as appropriate:

(1) Your procedures for spill notification. The plan must provide for the use of the oil spill reporting forms included in the Area Contingency Plan or an equivalent reporting form.

(i) Your procedures must include a current list which identifies the following by name or position, corporate address, and telephone number (including facsimile number if applicable):

(A) The qualified individual;

(B) The spill-response coordinator and alternate(s); and

(C) Other spill-response management team members.

(ii) You must also provide names, telephone numbers, and addresses for the following:

(A) OSRO's that the plan cites;

(B) Federal, State, and local regulatory agencies that you must consult to obtain site specific environmental information; and

(C) Federal, State, and local regulatory agencies that you must notify when an oil spill occurs.

(2) Your methods to monitor and predict spill movement;

(3) Your methods to identify and prioritize the beaches, waterfowl, other marine and shoreline resources, and areas of special economic and environmental importance;

(4) Your methods to protect beaches, waterfowl, other marine and shoreline resources, and areas of special economic or environmental importance;

(5) Your methods to ensure that containment and recovery equipment as well as the response personnel are mobilized and deployed at the spill site;

(6) Your methods to ensure that devices for the storage of recovered oil are sufficient to allow containment and recovery operations to continue without interruption;

(7) Your procedures to remove oil and oiled debris from shallow waters and along shorelines and rehabilitating waterfowl which become oiled;

(8) Your procedures to store, transfer, and dispose of recovered oil and oil-contaminated materials and to ensure that all disposal is in accordance with Federal, State, and local requirements; and

(9) Your methods to implement your dispersant use plan and your in situ burning plan.

**§ 254.24 What information must I include in the ''Equipment inventory'' appendix?**

Your ''Equipment inventory appendix'' must include:

(a) An inventory of spill-response materials and supplies, services, equipment, and response vessels available locally and regionally. You must identify each supplier and provide their locations and telephone numbers.

(b) A description of the procedures for inspecting and maintaining spill-response equipment in accordance with § 254.43.

**§ 254.25 What information must I include in the ''Contractual agreements'' appendix?**

Your ''Contractual agreements'' appendix must furnish proof of any contracts or membership agreements with OSRO's, cooperatives, spill-response service providers, or spill management team members who are not your employees that you cite in the plan. To provide this proof, submit copies of the contracts or membership agreements or certify that contracts or membership agreements are in effect. The contract or membership agreement must include provisions for ensuring the availability of the personnel and/or equipment on a 24-hour-per-day basis.

**§ 254.26 What information must I include in the ''Worst case discharge scenario'' appendix?**

The discussion of your worst case discharge scenario must include all of the following elements:

(a) The volume of your worst case discharge scenario determined using the criteria in § 254.47. Provide any assumptions made and the supporting calculations used to determine this volume.

(b) An appropriate trajectory analysis specific to the area in which the facility is located. The analysis must identify onshore and offshore areas that a discharge potentially could affect. The trajectory analysis chosen must reflect the maximum distance from the facility that oil could move in a time period that it reasonably could be expected to persist in the environment.

(c) A list of the resources of special economic or environmental importance that potentially could be impacted in the areas identified by your trajectory analysis. You also must state the strategies that you will use for their protection. At a minimum, this list must include those resources of special economic and environmental importance, if any, specified in the appropriate Area Contingency Plan(s).

(d) A discussion of your response to your worst case discharge scenario in adverse weather conditions. This discussion must include:

(1) A description of the response equipment that you will use to contain and recover the discharge to the maximum extent practicable. This description must include the types, location(s) and owner, quantity, and capabilities of the equipment. You also must include the effective daily recovery capacities, where applicable. You must calculate the effective daily recovery capacities using the methods described in § 254.44. For operations at a drilling or production facility, your scenario must show how you will cope with the initial spill volume upon arrival at the scene and then support operations for a blowout lasting 30 days.

(2) A description of the personnel, materials, and support vessels that would be necessary to ensure that the identified response equipment is deployed and operated promptly and effectively. Your description must include the location and owner of these resources as well as the quantities and types (if applicable);

(3) A description of your oil storage, transfer, and disposal equipment. Your description must include the types, location and owner, quantity, and capacities of the equipment; and

(4) An estimation of the individual times needed for:

(i) Procurement of the identified containment, recovery, and storage equipment;

(ii) Procurement of equipment transportation vessel(s);

(iii) Procurement of personnel to load and operate the equipment;

(iv) Equipment loadout (transfer of equipment to transportation vessel(s));

(v) Travel to the deployment site (including any time required for travel from an equipment storage area); and

(vi) Equipment deployment.

(e) In preparing the discussion required by paragraph (d) of this section, you must:

(1) Ensure that the response equipment, materials, support vessels, and strategies listed are suitable, within the limits of current technology, for the range of environmental conditions anticipated at your facility; and

(2) Use standardized, defined terms to describe the range of environmental conditions anticipated and the capabilities of response equipment. Examples of acceptable terms include those defined in American Society for Testing of Materials (ASTM) publication F625–94, *Standard Practice for Describing Environmental Conditions Relevant to Spill Control Systems for Use on Water,* and ASTM F818–93, *Standard Definitions Relating to Spill Response Barriers.*

**§ 254.27 What information must I include in the ''Dispersant use plan'' appendix?**

Your dispersant use plan must be consistent with the National Contingency Plan Product Schedule and other provisions of the National Contingency Plan and the appropriate Area Contingency Plan(s). The plan must include:

(a) An inventory and a location of the dispersants and other chemical or biological products which you might use on the oils handled, stored, or transported at the facility;

(b) A summary of toxicity data for these products;

(c) A description and a location of any application equipment required as well as an estimate of the time to commence application after approval is obtained;

(d) A discussion of the application procedures;

(e) A discussion of the conditions under which product use may be requested; and

(f) An outline of the procedures you must follow in obtaining approval for product use.

**§ 254.28 What information must I include in the ''In situ burning plan'' appendix?**

Your in situ burning plan must be consistent with any guidelines authorized by the National Contingency Plan and the appropriate Area Contingency Plan(s). Your in situ burning plan must include:

(a) A description of the in situ burn equipment including its availability, location, and owner;

(b) A discussion of your in situ burning procedures, including provisions for ignition of an oil spill;

(c) A discussion of environmental effects of an in situ burn;

(d) Your guidelines for well control and safety of personnel and property;

(e) A discussion of the circumstances in which in situ burning may be appropriate;

(f) Your guidelines for making the decision to ignite; and

(g) An outline of the procedures you must follow to obtain approval for an in situ burn.

**§ 254.29 What information must I include in the ''Training and drills'' appendix?**

Your ''Training and drills'' appendix must:

(a) Identify and include the dates of the training provided to members of the spill-response management team and the qualified individual. The types of training given to the members of the spill-response operating team also must be described. The training requirements for your spill management team and your spill-response operating team are specified in § 254.41. You must designate a location where you keep course completion certificates or attendance records for this training.

(b) Describe in detail your plans for satisfying the exercise requirements of § 254.42. You must designate a location where you keep the records of these exercises.

**§ 254.30 When must I revise my response plan?**

(a) You must review your response plan at least every 2 years and submit all resulting modifications to the Regional Supervisor. If this review does not result in modifications, you must inform the Regional Supervisor in writing that there are no changes.

(b) You must submit revisions to your plan for approval within 15 days whenever:

(1) A change occurs which significantly reduces your response capabilities;

(2) A significant change occurs in the worst case discharge scenario or in the type of oil being handled, stored, or transported at the facility;

(3) There is a change in the name(s) or capabilities of the oil spill removal organizations cited in the plan; or

(4) There is a significant change to the Area Contingency Plan(s).

(c) The Regional Supervisor may require that you resubmit your plan if the plan has become outdated or if numerous revisions have made its use difficult.

(d) The Regional Supervisor will periodically review the equipment inventories of OSRO's to ensure that sufficient spill removal equipment is available to meet the cumulative needs of the owners and operators who cite these organizations in their plans.

(e) The Regional Supervisor may require you to revise your plan if significant inadequacies are indicated by:

(1) Periodic reviews (described in paragraph (d) of this section);

(2) Information obtained during drills or actual spill responses; or

(3) Other relevant information the Regional Supervisor obtained.

## Subpart C—Related Requirements for Outer Continental Shelf Facilities

**§ 254.40 Records.**

You must make all records of services, personnel, and equipment provided by OSRO's or cooperatives available to any authorized MMS representative upon request.

**§ 254.41 Training your response personnel.**

(a) You must ensure that the members of your spill-response operating team who are responsible for operating response equipment attend hands-on training classes at least annually. This training must include the deployment and operation of the response equipment they will use. Those responsible for supervising the team must be trained annually in directing the deployment and use of the response equipment.

(b) You must ensure that the spill-response management team, including the spill-response coordinator and alternates, receives annual training. This training must include instruction on:

(1) Locations, intended use, deployment strategies, and the operational and logistical requirements of response equipment;

(2) Spill reporting procedures;

(3) Oil-spill trajectory analysis and predicting spill movement; and

(4) Any other responsibilities the spill management team may have.

(c) You must ensure that the qualified individual is sufficiently trained to perform his or her duties.

(d) You must keep all training certificates and training attendance records at the location designated in your response plan for at least 2 years. They must be made available to any authorized MMS representative upon request.

**§ 254.42 Exercises for your response personnel and equipment.**

(a) You must exercise your entire response plan at least once every 3 years (triennial exercise). You may satisfy this requirement by conducting separate exercises for individual parts of the plan over the 3-year period; you do not have to exercise your entire response plan at one time.

(b) In satisfying the triennial exercise requirement, you must, at a minimum, conduct:

(1) An annual spill management team tabletop exercise. The exercise must test the spill management team's organization, communication, and decisionmaking in managing a response. You must not reveal the spill scenario to team members before the exercise starts.

(2) An annual deployment exercise of response equipment identified in your plan that is staged at onshore locations. You must deploy and operate each type of equipment in each triennial period. However, it is not necessary to deploy and operate each individual piece of equipment.

(3) An annual notification exercise for each facility that is manned on a 24-

hour basis. The exercise must test the ability of facility personnel to communicate pertinent information in a timely manner to the qualified individual.

(4) A semiannual deployment exercise of any response equipment which the MMS Regional Supervisor requires an owner or operator to maintain at the facility or on dedicated vessels. You must deploy and operate each type of this equipment at least once each year. Each type need not be deployed and operated at each exercise.

(c) During your exercises, you must simulate conditions in the area of operations, including seasonal weather variations, to the extent practicable. The exercises must cover a range of scenarios over the 3-year exercise period, simulating responses to large continuous spills, spills of short duration and limited volume, and your worst case discharge scenario.

(d) MMS will recognize and give credit for any documented exercise conducted that satisfies some part of the required triennial exercise. You will receive this credit whether the owner or operator, an OSRO, or a Government regulatory agency initiates the exercise. MMS will give you credit for an actual spill response if you evaluate the response and generate a proper record. Exercise documentation should include the following information:

(1) Type of exercise;

(2) Date and time of the exercise;

(3) Description of the exercise;

(4) Objectives met; and

(5) Lessons learned.

(e) All records of spill-response exercises must be maintained for the complete 3-year exercise cycle. Records should be maintained at the facility or at a corporate location designated in the plan. Records showing that OSRO's and oil spill removal cooperatives have deployed each type of equipment also must be maintained for the 3-year cycle.

(f) You must inform the Regional Supervisor of the date of any exercise required by paragraph (b)(1), (2), or (4) of this section at least 30 days before the exercise. This will allow MMS personnel the opportunity to witness any exercises.

(g) The Regional Supervisor periodically will initiate unannounced drills to test the spill response preparedness of owners and operators.

(h) The Regional Supervisor may require changes in the frequency or location of the required exercises, equipment to be deployed and operated, or deployment procedures or strategies. The Regional Supervisor may evaluate the results of the exercises and advise the owner or operator of any needed changes in response equipment, procedures, or strategies.

(i) Compliance with the National Preparedness for Response Exercise Program (PREP) Guidelines will satisfy the exercise requirements of this section. Copies of the PREP document may be obtained from the Regional Supervisor.

**§ 254.43 Maintenance and periodic inspection of response equipment.**

(a) You must ensure that the response equipment listed in your response plan is inspected at least monthly and is maintained, as necessary, to ensure optimal performance.

(b) You must ensure that records of the inspections and the maintenance activities are kept for at least 2 years and are made available to any authorized MMS representative upon request.

**§ 254.44 Calculating response equipment effective daily recovery capacities.**

(a) You are required by § 254.26(d)(1) to calculate the effective daily recovery capacity of the response equipment identified in your response plan that you would use to contain and recover your worst case discharge. You must calculate the effective daily recovery capacity of the equipment by multiplying the manufacturer's rated throughput capacity over a 24-hour period by 20 percent. This 20 percent efficiency factor takes into account the limitations of the recovery operations due to available daylight, sea state, temperature, viscosity, and emulsification of the oil being recovered. You must use this calculated rate to determine if you have sufficient recovery capacity to respond to your worst case discharge scenario.

(b) If you want to use a different efficiency factor for specific oil recovery devices, you must submit evidence to substantiate that efficiency factor. Adequate evidence includes verified performance data measured during actual spills or test data gathered according to the provisions of § 254.45 (b) and (c).

**§ 254.45 Verifying the capabilities of your response equipment.**

(a) The Regional Supervisor may require performance testing of any spill-response equipment listed in your response plan to verify its capabilities if the equipment:

(1) Has been modified;

(2) Has been damaged and repaired; or

(3) Has a claimed effective daily recovery capacity that is inconsistent with data otherwise available to MMS.

(b) You must conduct any required performance testing of booms in accordance with MMS-approved test criteria. You may use the document ''Test Protocol for the Evaluation of Oil-Spill Containment Booms,'' available from MMS, for guidance. Performance testing of skimmers also must be conducted in accordance with MMS approved test criteria. You may use the document ''Suggested Test Protocol for the Evaluation of Oil Spill Skimmers for the OCS,'' available from MMS, for guidance.

(c) You are responsible for any required testing of equipment performance and for the accuracy of the information submitted.

**§ 254.46 Whom do I notify if an oil spill occurs?**

(a) You must immediately notify the National Response Center (1–800–424–8802) if you observe:

(1) An oil spill from your facility;

(2) An oil spill from another offshore facility; or

(3) An offshore spill of unknown origin.

(b) In the event of a spill of 1 barrel or more from your facility, you must orally notify the Regional Supervisor without delay. You also must report spills from your facility of unknown size but thought to be 1 barrel or more.

(1) If a spill from your facility not originally reported to the Regional Supervisor is subsequently found to be 1 barrel or more, you must then report it without delay.

(2) You must file a written followup report for any spill from your facility of 1 barrel or more. The Regional Supervisor must receive this confirmation within 15 days after the spillage has been stopped. All reports must include the cause, location, volume, and remedial action taken. Reports of spills of more than 50 barrels must include information on the sea state, meteorological conditions, and the size and appearance of the slick. The Regional Supervisor may require additional information if it is determined that an analysis of the response is necessary.

(c) If you observe a spill resulting from operations at another offshore facility, you must immediately notify the responsible party and the Regional Supervisor.

**§ 254.47 Determining the volume of oil of your worst case discharge scenario.**

You must calculate the volume of oil of your worst case discharge scenario as follows:

(a) For an oil production platform facility, the size of your worst case discharge scenario is the sum of the following:

(1) The maximum capacity of all oil storage tanks and flow lines on the

facility. Flow line volume may be estimated; and

(2) The volume of oil calculated to leak from a break in any pipelines connected to the facility considering shutdown time, the effect of hydrostatic pressure, gravity, frictional wall forces and other factors; and

(3) The daily production volume from an uncontrolled blowout of the highest capacity well associated with the facility. In determining the daily discharge rate, you must consider reservoir characteristics, casing/production tubing sizes, and historical production and reservoir pressure data. Your scenario must discuss how to respond to this well flowing for 30 days as required by § 254.26(d)(1).

(b) For exploratory or development drilling operations, the size of your worst case discharge scenario is the daily volume possible from an uncontrolled blowout. In determining the daily discharge rate, you must consider any known reservoir characteristics. If reservoir characteristics are unknown, you must consider the characteristics of any analog reservoirs from the area and give an explanation for the selection of the reservoir(s) used. Your scenario must discuss how to respond to this well flowing for 30 days as required by § 254.26(d)(1).

(c) For a pipeline facility, the size of your worst case discharge scenario is the volume possible from a pipeline break. You must calculate this volume as follows:

(1) Add the pipeline system leak detection time to the shutdown response time.

(2) Multiply the time calculated in paragraph (c)(1) of this section by the highest measured oil flow rate over the preceding 12-month period. For new pipelines, you should use the predicted oil flow rate in the calculation.

(3) Add to the volume calculated in paragraph (c)(2) of this section the total volume of oil that would leak from the pipeline after it is shut in. Calculate this volume by taking into account the effects of hydrostatic pressure, gravity, frictional wall forces, length of pipeline segment, tie-ins with other pipelines, and other factors.

(d) If your facility which stores, handles, transfers, processes, or transports oil does not fall into the categories listed in paragraph (a), (b), or (c) of this section, contact the Regional Supervisor for instructions on the calculation of the volume of your worst case discharge scenario.

## Subpart D—Oil-Spill Response Requirements for Facilities Located in State Waters Seaward of the Coast Line.

### § 254.50 Spill response plans for facilities located in State waters seaward of the coast line.

Owners or operators of facilities located in State waters seaward of the coast line must submit a spill-response plan to MMS for approval. You may choose one of three methods to comply with this requirement. The three methods are described in §§ 254.51, 254.52, and 254.53.

### § 254.51 Modifying an existing OCS response plan.

You may modify an existing response plan covering a lease or facility on the OCS to include a lease or facility in State waters located seaward of the coast line. Since this plan would cover more than one lease or facility, it would be considered a Regional Response Plan. You should refer to § 254.3 and contact the appropriate regional MMS office if you have any questions on how to prepare this Regional Response Plan.

### § 254.52 Following the format for an OCS response plan.

You may develop a response plan following the requirements for plans for OCS facilities found in subpart B of this part.

### § 254.53 Submitting a response plan developed under State requirements.

(a) You may submit a response plan to MMS for approval that you developed in accordance with the laws or regulations of the appropriate State. The plan must contain all the elements the State and OPA require and must:

(1) Be consistent with the requirements of the National Contingency Plan and appropriate Area Contingency Plan(s).

(2) Identify a qualified individual and require immediate communication between that person and appropriate Federal officials and response personnel if there is a spill.

(3) Identify any private personnel and equipment necessary to remove, to the maximum extent practicable, a worst case discharge as defined in § 254.47. The plan must provide proof of contractual services or other evidence of a contractual agreement with any OSRO's or spill management team members who are not employees of the owner or operator.

(4) Describe the training, equipment testing, periodic unannounced drills, and response actions of personnel at the facility. These must ensure both the safety of the facility and the mitigation or prevention of a discharge or the substantial threat of a discharge.

(5) Describe the procedures you will use to periodically update and resubmit the plan for approval of each significant change.

(b) Your plan developed under State requirements also must include the following information:

(1) A list of the facilities and leases the plan covers and a map showing their location;

(2) A list of the types of oil handled, stored, or transported at the facility;

(3) Name and address of the State agency to whom the plan was submitted;

(4) Date you submitted the plan to the State;

(5) If the plan received formal approval, the name of the approving organization, the date of approval, and a copy of the State agency's approval letter if one was issued; and

(6) Identification of any regulations or standards used in preparing the plan.

### § 254.54 Spill prevention for facilities located in State waters seaward of the coast line.

In addition to your response plan, you must submit to the Regional Supervisor a description of the steps you are taking to prevent spills of oil or mitigate a substantial threat of such a discharge. You must identify all State or Federal safety or pollution prevention requirements that apply to the prevention of oil spills from your facility, and demonstrate your compliance with these requirements. You also should include a description of industry safety and pollution prevention standards your facility meets. The Regional Supervisor may prescribe additional equipment or procedures for spill prevention if it is determined that your efforts to prevent spills do not reflect good industry practices.

[FR Doc. 97–7279 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–MR–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 300

**[FRL–5800–8]**

## National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Carter Industrials Site, Michigan from the National Priorities List (NPL).

**SUMMARY:** The United States Environmental Protection Agency (U.S. EPA) Region 5 announces the deletion of the Carter Industrial Site from the National Priorities List (NPL). The NPL is codified as Appendix B of 40 CFR Part 300. It is part of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. U.S. EPA, in consultation with the State of Michigan, has determined that all appropriate Fund-financed response under CERCLA has been implemented at the Carter Site and that no further response action by responsible parties is appropriate. In accordance with 40 CFR 300.425(e), the Carter Industrial Site may therefore be deleted from the NPL. The State of Michigan concurs with this deletion.

**EFFECTIVE DATE:** March 25, 1997.

**ADDRESSES:** Information on the Site is available at the local information repository located at: Main Library, Reference Department, The Detroit Public Library 5201 Woodward Avenue, Detroit, Michigan 48226.

**FOR FURTHER INFORMATION CONTACT:** Gladys Beard, Associate Remedial Project Manager, (SR–6J) Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–7253 or Derrick Kimbrough (P–19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–9749. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office, Jan Pfundheller, (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Carter Industrials Site located in Detroit, Michigan. A Notice of Intent to Delete for this site was published December 30, 1996 (61 FR 68695). The closing date for the comments on the Notice of Intent to Delete was January 30, 1997. EPA received no comments and therefore has not prepared a Responsiveness Summary.

The U.S. EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions should future conditions at the site warrant such action. If there is a significant release from a deleted site, the site is restored to the NPL without going through the Hazardous Ranking System.

### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: March 13, 1997.

**David A. Ullrich,**

*Acting Regional Administrator, U.S. EPA, Region 5.*

40 CFR part 300 is amended as follows:

## PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

### Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site ''Carter Industrials, Inc., Detroit, Michigan''.

[FR Doc. 97–7351 Filed 3–24–97; 8:45 am]

BILLING CODE 6560–50–P

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## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[MM Docket No. 96–143; RM–8826, RM–8890]**

## Radio Broadcasting Services; Alexandria and Ball, LA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of TYJ Broadcasters allots Channel 295A at Alexandria, Louisiana. *See* 61 FR 37716, July 19, 1996. In addition, the Commission also grants the counterproposal filed by Louisiana Wireless Company requesting the allotment of Channel 288A at Ball, Louisiana. Channel 295A can be allotted to Alexandria without the imposition of a site restriction. The coordinates for Channel 295A are 31–18–06 and 92–27–12. Channel 288A can be allotted to Ball with a site restriction of 6.3 kilometers (3.9 miles) north to avoid a short-spacing conflict with Station KJJB(FM), Channel 288A, Eunice, Louisiana. The coordinates for Channel 288A at Ball are 31–28–18 and 92–24–32.

With this action, this proceeding is terminated.

**DATES:** Effective April 28, 1997. The window period for filing applications for Channel 295A at Alexandria, Louisiana, and Channel 288A at Ball, Louisiana, will open on April 28, 1997, and close on May 29, 1997.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 96–143, adopted March 5, 1997, and released March 14, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

## 47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Channel 295A at Alexandria; and by adding Ball, Channel 288A.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97–7255 Filed 3–24–97; 8:45 am]

BILLING CODE 6712–01–F

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## 47 CFR Part 73

**[MM Docket No. 96–145; RM–8831]**

## Radio Broadcasting Services; Battle Mountain, NV

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Battle Mountain Communications, allots Channel 253A

to Battle Mountain, NV, as the community's first local aural service. *See* 61 FR 37715, July 19, 1996. Channel 253A can be allotted to Battle Mountain in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 40–38–18 North Latitude; 116–56–06 West Longitude. With this action, this proceeding is terminated.

**DATES:** Effective May 5, 1997. The window period for filing applications will open on May 5, 1997, and close on June 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 96–145, adopted March 12, 1997, and released March 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

## PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by adding Battle Mountain, Channel 253A.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97–7441 Filed 3–24–97; 8:45 am]

BILLING CODE 6712–01–P

## 47 CFR Part 73

## Radio Broadcasting Services; Various Locations

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment,* 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications,* 8 FCC Rcd 4735 (1993).

**EFFECTIVE DATE:** March 25, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, adopted March 12, 1997, and released March 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857–3800.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

## 47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by removing Channel 224A and adding Channel 224C2 at Eufaula.

3. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 289A and adding Channel 289C3 at Cottonwood.

4. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 293C and adding Channel 293C1 at Alturas.

5. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 297C and adding Channel 297C1 at Silverton.

6. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 246A and adding Channel 246C3 at Indian River Shores.

7. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 232C2 and adding Channel 232C1 at Galliano, and by removing Channel 224A and adding Channel 225C3 at Springhill.

8. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 287C and adding Channel 287C1 at Hart.

9. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 261A and adding Channel 261C2 at San Angelo.

10. Section 73.202(b), the Table of FM Allotments under Utah, is amended by removing Channel 221A and adding Channel 221C3 at Tooele.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97–7443 Filed 3–24–97; 8:45 am]

BILLING CODE 6712–01–P

## 47 CFR Part 73

**[MM Docket No. 96–167; RM–8843, RM–8899]**

## Radio Broadcasting Services; Powhatan and Goochland, VA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission denies the petition for rule making filed by David Layne proposing the allotment of Channel 263A to Powhatan, Virginia. *See* 61 FR 43515, August 23, 1996. In response to a counterproposal filed by All Cultural Communications, Inc., the Commission allots Channel 263A to Goochland, Virginia. Channel 263A can be allotted to Goochland in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.5 kilometers (0.9 miles) northwest to avoid short-spacing conflicts with the licensed operation of Stations WSOJ, Channel 262A, Petersburg, Virginia, and WCMS, Channel 263B, Norfolk, Virginia. The coordinates for Channel 263A at Goochland are 37–41–20 NL and 77–54–03 WL. With this action, this proceeding is terminated.

**DATES:** Effective May 5, 1997. The window period for filing applications will open on May 5, 1997, and close on June 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 96–167, adopted March 12, 1997, and released March 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

## 47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by adding Goochland, Channel 263A.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97–7442 Filed 3–24–97; 8:45 am]

BILLING CODE 6712–01–P

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## 47 CFR Part 73

**[MM Docket No. 87–268, FCC 96–493]**

## Broadcast Services; Television Broadcast Stations; TV Transmission Standards

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Commission's Rules by adding a transmission standard for digital broadcast television signals. This action is necessary to ensure that the benefits of digital technology are available to terrestrial television broadcasting and to the American public. The intended effect of this action is to provide the certainty that many broadcasters, equipment manufacturers and consumers need to invest in new technology.

**EFFECTIVE DATE:** This regulation is effective May 27, 1997. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Saul Shapiro, Mass Media Bureau, (202) 418–2600; Roger Holberg, Mass Media Bureau, Policy and Rules Division, Legal Branch, (202) 418–2130; Dan Bring, Mass Media Bureau, Policy and Rules Division, Policy Analysis Branch, (202) 418–2170; or Gordon Godfrey, Mass Media Bureau, Policy and Rules Division, Engineering Policy, (202) 418–2190.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the *Fourth Report and Order* in MM Docket No. 87–268, FCC 96–493, adopted December 24, 1996, and released December 27, 1996. The complete text of the *Fourth Report and Order* can be found on the internet at www.fcc.gov. It is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

**Synopsis of Fourth Report and Order**

*I. Introduction*

1. In the *Fourth Report and Order* of the Commission's digital television (''DTV'') proceeding, the Commission adopts a transmission standard for digital broadcast television signals. This standard is a modification of the Advanced Television System Committee Digital Television Standard (''ATSC DTV Standard'') proposed in the *Fifth Further Notice of Proposed Rule Making* and is consistent with a consensus agreement voluntarily developed by a broad cross-section of parties, including the broadcasting, consumer equipment manufacturing and computer industries. Specifically, the Commission requires the use of all layers of the ATSC DTV Standard, except the video format layer, which will remain optional. The adopted transmission standard (''DTV Standard'') is intended to provide the certainty that many broadcasters, equipment manufacturers and consumers need to invest in new technology.

*II. Background*

2. The Commission issued a series of Notices and made a number of decisions since the proceeding began in 1987.[1] The Commission established the Advisory Committee on Advanced Television Service to provide recommendations concerning technical, economic and public policy issues associated with the introduction of advanced television service. As all-digital television systems were developed, advanced television became digital television. In February of 1993, the Advisory Committee reported that four competing digital systems would benefit from further development. In May of 1993, seven companies and institutions that had been proponents of the four digital systems, joined together in a ''Grand Alliance'' and developed the digital system documented in the ATSC DTV Standard. On November 28, 1995, the Advisory Committee voted to recommend the Commission's adoption of the ATSC DTV Standard.

3. The ATSC DTV Standard includes discrete subsystem descriptions, or ''layers,'' for video source coding and compression, audio source coding and compression, service multiplex and transport, and RF/transmission. In addition to being able to broadcast one, and under some circumstances two, high definition television programs, the Standard allows for multiple streams of standard definition television programming at a visual quality better than the current analog signal. The Standard also allows for broadcast of dozens of CD-quality audio signals and permits rapid delivery of large amounts of data.

4. On May 9, 1996, the Commission adopted the *Fifth Further Notice of Proposed Rule Making,* 61 FR 26864 (May 29, 1996), recommending adoption of the ATSC DTV Standard. The Commission also requested comment on alternative approaches to requiring a standard including: authorizing use of a

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[1] *Notice of Inquiry* in MM Docket No. 87–268, 2 FCC Rcd 5127 (1987) (''*First Inquiry*''). *See also Tentative Decision and Further Notice of Inquiry* in MM Docket No. 87–268, 3 FCC Rcd 6520 (1988) (''*Second Inquiry*''); *First Report and Order* in MM Docket No. 87–268, 5 FCC Rcd 5627 (1990)(''*First Order*''); *Notice of Proposed Rule Making* in MM Docket No. 87–268, 6 FCC Rcd 7024 (1991) (''*Notice*''); *Second Report and Order/Further Notice of Proposed Rule Making* in MM Docket No. 87–268, 7 FCC Rcd 3340 (1992) (''*Second Report/ Further Notice*''); *Second Further Notice of Proposed Rule Making* in MM Docket No. 87–268, 7 FCC Rcd 5376 (1992) (''*Second Further Notice*''); *Memorandum Opinion and Order/Third Report and Order/Third Further Notice of Proposed Rule Making* in MM Docket 87–268, 7 FCC Rcd 6924 (1992)(''*Third Report/Further Notice*''); *Fourth Further Notice of Proposed Rule Making* in MM Docket No. 87–268, 10 FCC Rcd 10540 (1995) (''*Fourth Further Notice*''); *Fifth Further Notice, supra; Sixth Further Notice of Proposed Rule Making* in MM Docket No. 87–268, 11 FCC Rcd 10968 (1996)(''*Sixth Further Notice*'').

standard and prohibiting interference to it, but not requiring the use of that standard; and adopting a standard for allocation and assignment purposes only. In addition, the Commission sought comment on requiring use of some layers of the ATSC DTV Standard but making others optional.

5. Several commenters, including representatives of the computer industry and film makers, objected to adoption of the ATSC DTV Standard. After several efforts to reach consensus among the industry groups failed, the groups came together again. On November 25, 1996, representatives of a broad cross section of the broadcast, computer and receiver manufacturing industries reached an agreement that the FCC should adopt the ATSC DTV Standard, except for the video format layer. On November 27, 1996, the Commission released a *Public Notice* soliciting comment on the agreement.

*III. Comments*

6. *Technical Standards for DTV.* There is widespread agreement among commenters that selection of a DTV standard should be analyzed in terms of network effects, that is the indirect benefits that accrue to other DTV users when any particular user adopts DTV.[2] Broadcasters, computer interests and cable interests agree that broadcasting is a network product; that issues surrounding selection of a DTV standard are influenced by network effects; and that in order to evaluate the various alternatives, it is important to understand how network effects will operate. However, they disagreed on the relative severity of the startup, coordination and potential splintering problems facing digital broadcast television.[3] Startup refers to the situation where everyone would be better off adopting DTV technology but no one has the incentive to move first.[4] Coordination is the collaborative effort by broadcasters, consumer equipment manufacturers, and program producers that is necessary to introduce DTV. Splintering refers to the breakdown of the consensus or agreement to use the DTV Standard.

7. Commenters also disagreed on the availability and effectiveness of market-based mechanisms to solve these problems and to facilitate the goals and objectives established in this proceeding. Broadcasters, equipment manufacturers and some consumer groups contend that DTV has startup, coordination and splintering problems that are more severe than those of other network industries and that a DTV standard adopted by the Commission is needed to overcome these problems.[5] In contrast, cable and computer interests contend that all sectors of the broadcast industry have significant incentives to reach a consensus on transmission and reception standards without a government mandate.[6]

8. Broadcasters warn that a market-driven selection of a standard would result in barriers to the introduction of DTV if different incompatible systems develop.[7] They maintain that a government-mandated standard is essential to ensure a universally available, advertiser-supported over-the-air digital broadcast service in the future.[8] In contrast, cable interests do not agree that there are unique characteristics or public policy goals attendant to broadcast DTV, or that there would be a market failure unless a mandatory transmission standard is adopted.[9]

9. There is likewise a range of opinion on the merits of the ATSC DTV Standard. Broadcasters, equipment manufacturers, the Grand Alliance, and ATSC urge the Commission to adopt the complete ATSC DTV Standard.[10] They contend that only a Commission-adopted standard will supply the certainty needed by all parties to undertake the transition, the ATSC DTV Standard is the best DTV standard in the world,[11] and it has ''unprecedented and unmatched interoperability with computers and telecommunications.'' [12] (Footnotes added.)

10. Computer interests, lead by Computer Industry Coalition on Advanced Television Service (''CICATS''), urge us not to adopt a DTV standard but state that if we decide to the contrary we should only mandate a minimum base-line standard based exclusively on progressive scanning technology.[13] The National Telecommunications and Information Administration (''NTIA'') stresses the need for a single mandatory DTV standard, recommends limiting a standard to only those elements necessary to provide certainty, encourage adoption, ensure the opportunity for technological developments, and concludes that the best solution would be for interested parties to reach a consensus on disputed issues.[14]

11. While favoring a mandatory DTV standard, most commenting cinematographic and imaging interests (with the significant exception of the Motion Picture Association of America, Inc.[15]) oppose adoption of the ATSC DTV Standard in its current form because of its inclusion of interlaced scanning and other perceived deficiencies, particularly in its video and audio specifications.[16] MPAA, however, supports all aspects of the Standard including its use of both interlaced and progressive scanning and its 16:9 aspect ratio.[17] The National Cable Television Association (''NCTA'') is not critical of the specific ATSC DTV Standard, but questions whether any standard should be dictated by government.[18] Nevertheless, it recognizes the need for performance standards for controlling interference.[19]

12. Public interest groups generally favor adoption of a single mandatory standard although they differ on what

[2] In television broadcast systems, one user's adoption of DTV provides no direct benefit to other users, but may yield lagged, indirect benefits through the provision of new or improved programming. *See* comments of National Cable Television Association, ''Declaration of Bruce M. Owen in Response to the Fifth Further Notice of Proposed Rule Making,'' at 4–11; comments of Broadcasters at 16; reply comments of Strategic Policy Research (on behalf of Cap Cities/ABC Inc., CBS Inc., Fox Television Stations, Inc., Association for Maximum Service Television (''MSTV''), National Association of Broadcasters (''NAB''), and the National Broadcasting Co., Inc.) at 4–8; and comments of the Computer Industry Coalition on Advanced Television, Volume 2, Exhibit D, at 3–4. For a discussion of network effects in broadcast television see Bruce M. Owen and Steven S. Wildman, *Video Economics* (Harvard University Press, 1992): 260–313.

[3] *See,* comments of Broadcasters at 15–23, reply comments of Strategic Policy Research at 2–8, reply comments of National Cable Television Association at 10–17, and reply comments of Computer Industry Coalition on Advanced Television Service at 5–11.

[4] Startup is also referred to as the ''chicken and egg problem'' or ''wait and see behavior.''

[5] *See, e.g.,* comments of Mitsubishi Consumer Electronics America, Inc., (''MCEA'') at 2–3; Philips Electronics North America Corporation (''Philips'') at 4–8; comments of Broadcasters at 15–24.

[6] *See, e.g.,* comments of Tele-Communications, Inc. (''TCI'') at 6–8; comments of Compaq Computer Corporation at 6–14.

[7] *See* reply comments of Strategic Policy Research at 6.

[8] Id. at 14.

[9] *See* reply comments of National Cable Television Association, Inc., at 10–17.

[10] *See, e.g.,* comments of Broadcasters at 34; comments of ATSC at 9; comments of Zenith at 7; comments of Sony at 12; comments of Thomson Consumer Electronics (''Thomson'') at 6; comments of Grand Alliance at 9.

[11] *See, e.g.,* comments of Broadcasters at 18–19 and 34; comments of ATSC at 3, 6; Sony Electronics Inc. (''Sony'') at 8.

[12] Comments of HDTV Grand Alliance at 17–18. *See also* comments of ATSC at 3, and EIA at 9.

[13] Comments of CICATS at 31–37.7

[14] Reply comment of NTIA at 2.

[15] Motion Picture Association of America, Inc. (''MPAA'') is a trade association representing seven of the largest U.S. producers, distributors, and exporters of theatrical motion pictures, television programming, and home video entertainment.

[16] *See, e.g.,* Comments of Robert Primes, ASC, at 2 and 13; comments of the Coalition of Film Makers (''Film Makers'') at 2, 5–9, and 11; comments of Harold Becker.

[17] Comments of MPAA at 2–8.

[18] Comments of NCTA at 2.

[19] Reply Comments of NCTA at 6–7.

that standard should be.[20] For example, Consumer Federation of America/Media Access Project (''CFA/MAP'') believes that the public interest will be served if the Commission adopts a digital television standard that 1) reduces the cost of digital receivers and converters and (2) permits the convergence of video and computer technologies.[21] In contrast, National Consumers League urges adoption because it believes that in the absence of a standard, consumers will be confused, demand for DTV equipment will be reduced, and the price drops normally associated with consumer electronic equipment will not materialize.

13. *Alternatives to Standards.* Little comment was received concerning the two alternative approaches to standards specifically mentioned in the *Fifth Further Notice*: that we authorize use of and prohibit interference to users of the ATSC DTV Standard, or adopt the ATSC DTV Standard for allocation and assignment purposes only. Equipment manufacturer Harris argues for mandating at least the RF/transmission layer and basing allotment and assignment principles on it in order to provide protection from objectionable interference.[22] Some, such as the Benton Foundation, urge the Commission to adopt no more than the minimal rules needed to protect spectrum users from interference.[23] Also, NCTA opposes adoption of a design standard and suggests that we use performance standards to control interference.[24] The many parties that support adoption of the complete standard generally believe that these less inclusive options would not provide the certainty necessary for the successful launch of DTV and would not provide an adequate basis for either the design or the purchase of DTV receivers. In addition, the Advanced Television Technology Center (''ATTC'') asserts that a DTV table of allotments necessarily will depend on the extent to which DTV causes interference to itself and other signals and resists interference from other signals. Therefore, ATTC contends it is more realistic to mandate the Standard for actual operation than to attempt to predict the impact of hypothetical alternatives.[25] Zenith and others suggest that using the Standard only for allotment and assignment purposes would fail even to guarantee interference protection.[26]

14. *The ATSC DTV Standard.* Substantial comment was received concerning the merits of, and objections to, the ATSC DTV Standard. Broadcasters, equipment manufacturers, the Grand Alliance, ATSC, and the ATTC praise the Standard as representing the best digital television system in the world and one that is unmatched in terms of flexibility, extendibility, interoperability and headroom for growth.[27] They note it uses primarily progressive scan and square pixels, making it the most computer-compatible digital television system in the world. They argue that the Standard's inclusion of four interlaced formats will benefit broadcasters by allowing for the use of interlaced scan where broadcasters determine it desirable to do so, such as when broadcasting archived material that was filmed in interlaced scan or where interlaced scan may be superior, such as in low-light conditions often accompanying electronic news gathering (''ENG''). Additionally, they assert that the 16:9 wide-screen aspect ratio[28] is internationally recognized and accepted and with ''letterboxing''[29] will allow the display of motion pictures in their original aspect ratio far better than is permitted by the current 4:3 aspect ratio.

15. Commenters representing computer interests, cinematographers, and some public interest groups generally oppose the standard.[30] Computer interests object to discrete features of the Standard, including the presence of interlaced scanning and the use of non-square pixels in some formats, as well as the maximum frame (or ''refresh'') rate of 60 Hz.[31] These features, when taken together, assertedly hinder the compatibility of the system with computer applications, drive up the cost of receiving equipment, and delay the convergence of computer and television technologies. CICATS recommends that the Commission adopt a standard consisting of a single video format with 480 lines of progressive scanning, a broadcaster determined picture aspect ratio, and the utilization of only square pixel spacing. Such a standard would allow for an enhancement layer that would permit, but not require, the transmission of high definition television by stations equipped to do so. This approach, it contends, would enable all consumers to receive, at a minimum, an SDTV picture on their digital equipment, at equal or better quality and significantly lower costs than under the ATSC DTV Standard. As mentioned above, most cinematographic and imaging interests oppose the inclusion of interlaced scanning as well because of its perceived deficiencies. Public interest groups such as CFA and MAP believe that the ATSC DTV Standard uses too many formats and that the baseline CICATS system will be cheaper, promoting both a more rapid and orderly transition to DTV (and the return of spectrum) and convergence of computer and television technologies.[32] Film interests maintain that the Standard's specification of only two aspect ratios (4:3 and 16:9) will lead to ''pan and scan'' of wide screen films, cropping significant portions of the original image and damaging the film makers' artistic vision.[33]

16. Supporters of the Standard respond that it is far more computer friendly than any other digital television system in use anywhere in the world, that current technology prohibits the use of progressive scanning for images of more than 1000 lines in the 6 MHz channel, and that convergence will not be hampered because the Standard enables consumers to choose the display formats they prefer, as interlaced programs may be displayed on progressive receivers (and vice versa). They contend that there are already PC/TV products on the market using analog NTSC technology, which relies on interlace scanning, thus proving that

[20] Citizens for HDTV Coalition and the National Consumers League urge adoption of the ATSC DTV Standard while the Benton Foundation (''Benton''), Consumer Federation of America and Media Access Project (''CFA/ MAP'') recommend adoption of the CICATS standard. However, CFA/MAP contend that the public interest would be served by encouraging ATSC and CICATS to work out their technological differences.

[21] Comments of CFA/MAP at 1.

[22] Reply comment of Harris Corporation at 5.

[23] Comments of Benton Foundation at 3.

[24] Reply Comments of NCTA at 6–7.

[25] Comments of ATTC at 4.

[26] Comments of Zenith Electronics Corp. (''Zenith'') at 7.

[27] Comments of the Grand Alliance at 2–3; comments of ATSC at 3–4; comments of ATTC at 5–7; comments of Philips at 14–15; reply comments of Grand Alliance at 15–33; reply comments of ATSC at 15–32.

[28] ''Aspect ratio'' is the ratio of picture width to picture height.

[29] ''Letterboxing'' is a technique in which the aspect ratio of a film is preserved by blacking out portions of the screen, typically at the top and bottom. Material, however, is not cut from the frame. This is different than, so-called, ''pan-and-scan'' translation of widescreen movies to television in which moves and cuts never intended in the original are introduced to help make the action visible in a narrower frame. In pan-and-scan, less than the complete frame is transmitted and portions of the picture are left out.

[30] *See, e.g.,* comments of CICATS, Coalition of Film Makers, and Consumer Federation of America/ Media Access Project. While several film makers object to the Standard, the Motion Picture Association of America supports its adoption by the Commission.

[31] This is the number of frames transmitted per second.

[32] Comments of CFA/MAP at 1, 5 and 6.

[33] Comments of Film Makers Coalition at 5–7.

interlaced scanning is not incompatible with computers.[34]

17. Proponents of the Standard challenge as greatly overstated the cost estimates put forward by computer interests. With respect to opponents' complaints regarding the Standard's maximum frame rate, the Grand Alliance asserts that if the frame rate is increased to 72 Hz, as proposed by CICATS, trade-offs in picture quality would result.[35] Proponents also argue that the specified aspect ratios are appropriate because 16:9 is already accepted worldwide, and 80% of motion pictures are shot at 1.85:1, which readily fits a 16:9 screen with negligible use of letterboxing. Even the widest films can be accommodated by letterboxing only on the order of 25% of the screen height.[36] Adopting the film makers' proposed 2:1 aspect ratio would still require letterboxing for films made in aspect ratios different than 2:1, which today includes most films, and would result in displays, for a given picture height, 12.5% larger in picture area, 30–50% heavier and correspondingly more expensive for consumers. Use of the CICATS proposal, which emphasizes SDTV, would further diminish a film maker's product by foregoing consumer access to resolution comparable to that found in a theater.

18. *Review or Sunset of Standard.* Most commenters addressing the issue advocate either proceeding under our current processes for regulatory change or reviewing the Standard at some definite future time and oppose establishment of a specific review date or a sunset.[37] They argue that doing so would inject an element of uncertainty into the transition process, discourage consumers, broadcasters and manufacturers from making investments, and be arbitrary because the transition timetable, the timing of production of DTV sets, and the timing of consumer acceptance of DTV sets is unknown at the present time.[38] Sony and Schreiber propose that the Commission name an Advisory Committee, consisting of experts, who would examine the Standard and recommend changes in accordance with the Commission's existing procedures.[39] NTIA urges us to ensure that the industries involved develop a clearly defined plan to promote speedy migration to an all-progressive scan system that moves expeditiously and includes a target date for full transition[40] and suggests that we periodically review the migration to an all progressive system.

19. *Incorporation of Standard into Commission's Rules.* Little in the way of comment was submitted on this issue. The Grand Alliance believes that the Commission should incorporate the Standard by reference, as it did in 1995 with an ATSC standard for ghost canceling in NTSC. It asks that the Commission incorporate by reference ATSC Doc. A/53 (''ATSC Digital Television Standard, 16 Sep 95'') and ATSC Doc. A/52 (''ATSC Digital Audio Compression Standard (AC–3), 20 Dec. 95'') but only mention and not incorporate ATSC Doc. A/54 (''Guide to the Use of the ATSC Digital Television Standard, 4 Oct 95'').

20. *Audio Standard.* Audio system proponents Digital Theater Systems (''DTS'') and Dolby Laboratories sharply differ on which is the superior technology and whether the standard we adopt should specify an audio format. DTS argues that its audio system is superior to the Dolby system embodied in the ATSC DTV Standard and that the standard we adopt should exclude audio formats.[41] Dolby responds that DTS has not demonstrated that its system is superior to the Dolby AC–3 system.[42] Dolby points out that its system has been widely tested, evaluated and accepted by numerous standards setting organizations and for numerous consumer electronics products. Dolby argues that the multiple audio decoding system proposed by DTS would burden products with unnecessary cost and complexity and that, while creating the ATSC DTV Standard document, the ATSC Specialist Group on Digital Services (T3/S3) discussed and rejected the approach suggested by DTS.[43]

21. *Licensing Technology.* Generally, commenting parties that addressed this issue agree to the reasonable licensing of their relevant patents, including pending patents and intellectual property necessary for the successful construction of DTV equipment.[44] ATSC indicates that it sought and obtained from each member of the Grand Alliance and from Dolby a written commitment to abide by this requirement.[45] ATSC and the other commenting parties suggest that no further Commission action is required.

22. *Closed Captioning.* Comments that addressed this issue, such as those of the Grand Alliance, ATSC and Zenith, indicate that they have worked closely with the affected communities to provide for closed captioning in the ATSC DTV Standard. They each suggest that the ATSC DTV Standard provides all the capability necessary for broadcasters and receiver manufacturers to provide closed captioning.[46]

23. *November 26, 1996, Agreement.* Some of the commenters have altered their positions since the initial round of comments. The parties to the November 26, 1996, Agreement urge us to adopt the modified standard we are calling the DTV Standard. The Grand Alliance and ATSC view it as a way to resolve the controversy that has delayed adoption of a DTV standard.[47] They believe that reliance on voluntary industry standards for the formats to be used for digital television is preferable to the cost of the further delay that would result if we fail to act while the parties remain at an impasse.[48] Full service broadcasters endorse the Agreement for similar reasons. The Association for Maximum Service Television, Inc., (''MSTV'') believes the Agreement is a ''workable compromise'' that will permit the compatible development of progressive technologies.[49] One low power television broadcaster, International Broadcasting Network, objects to the process that resulted in the Agreement and contends that low power television broadcasters were excluded.[50]

24. Equipment manufacturers endorse the Agreement as ''an important step toward reducing reliance on

[34] *Id.*

[35] Reply comments of the Grand Alliance at 57; reply comments of ATSC at 55.

[36] Reply comments of the Grand Alliance at 59; reply comments of ATSC at 57–58.

[37] *See, e.g.,* comments of Broadcasters at 24; comments of Sony at 36.

[38] *See, e.g.,* comments of Broadcasters at 24; comments of Sony at 36; comments of MCEA at 4.

[39] Comments of Sony at 37 (''[T]he Commission could name an industry Advisory Committee comprised of the experts of that day who would examine the standard in light of the real imperatives of the future and, after thoughtful deliberation of the perceived need, recommend changes which would again be subject to public discourse and review.'') and Schreiber, Part II at 8 (''A small panel, appointed by the Commission, and composed exclusively of persons with no financial interest in the outcome, would seem appropriate.'').

[40] Comments of NTIA at 2–3.

[41] *See* comments of DTS at 6.

[42] *See* reply comments of Dolby at 3.

[43] *Id.* at 5.

[44] *See, e.g.,* comments of Grand Alliance at 29, Dolby at 4, Zenith at 15, Thomson at 16.

[45] *See, e.g.,* comments of ATSC at 29.

[46] *See, e.g.,* comments of Grand Alliance at 31, ATSC at 32, Zenith at 17.

[47] Further Comments of the Digital HDTV Grand Alliance at 2; Further Comments of the Advanced Television Systems Committee at 2.

[48] Further Comments of the Digital HDTV Grand Alliance at 2.

[49] Comments of the Association for Maximum Service Television, Inc. on the Digital Television Standard Agreement at 2.

[50] While not pointing to any specific prejudice it suffered, IBN contends that approval of a Standard during 1996, in accordance with the terms of the Agreement, could prejudice the outcome of issues raised in our Sixth Further Notice, reply comments on which are not due until January 10, 1997.

Government-mandated standards,'' that makes it likely that ''the industry standard becom[es] the vehicle around which the marketplace organizes.'' [51] They believe that the Agreement will provide sufficient certainty and that the video formats, although not mandated by the Commission, will remain viable nevertheless because there is a voluntary industry standard in place.[52]

25. Coalition of Film Makers objects to the Agreement for the same reasons it objected to the ATSC DTV Standard in its initial comments.[53] Most other commenters on this issue, except DemoGraFX and Venture, see the Agreement as addressing Film Maker's objections by dropping any constraints on formats.[54] Beyond that, they believe that the question of how a film is broadcast is not appropriately part of this proceeding, is a contractual matter, and should be left to film owners and broadcasters, bargaining at arm's length. DemoGraFX, while stating that it is pleased with some aspects of the Agreement, urges that the Standard require transmission of films in their original aspect ratio and objects to interlaced formats remaining in Table 3 of the ATSC DTV Standard. DemoGraFX urges measures to require receivers to display films in their original aspect ratios.[55] Venture Technologies Group wants the DemoGraFX system incorporated into the Standard [56] and Digital Imaging General opposes the Agreement which it contends was without the full participation and knowledge of the public.[57] Audio interests remain divided, as they were prior to the Agreement, for essentially the same reasons.[58]

26. William Schreiber opposes the Agreement on the ground that the process resulting in it may have violated the Federal Advisory Committee Act. He also believes that without mandated formats prospective purchasers will not know what they are buying and that the penetration of digital receivers will be slowed. In the public interest community, Benton Foundation urges quick adoption of the Agreement so that the Commission can turn to public interest standards [59] while the American Foundation for the Blind objects that the ATSC DTV Standard does not designate audio bandwidth capacity for delivering video descriptions, thereby depriving the blind of equal access to video programming.[60]

*IV. The Digital Television Standard.*

27. In the *Fourth Report and Order,* the Commission concludes that requiring the use of the ATSC DTV Standard, as modified, will fulfill four objectives listed in the *Fifth Further Notice of Proposed Rule Making*: (1) To ensure that all affected parties have sufficient confidence and certainty in order to promote the smooth introduction of a free and universally available digital broadcast television service; (2) to increase the availability of new products and services to consumers through the introduction of digital broadcasting; (3) to ensure that our rules encourage technological innovation and competition; and (4) to minimize regulation and assure that any regulations we do adopt remain in effect no longer than necessary.

28. The Commission is concerned that market solutions to transmission standards may result in more than one sustainable transmission standard. Such an outcome might result in compatibility problems and make it more difficult to preserve a universally available broadcast television service; could slow investment during the early stages of the transition to DTV and, thereby, slow the transition to DTV; and would make it more difficult to facilitate an efficient allotment of broadcast channels and protect against interference, which could complicate moving some licensees to new channels following the conversion to DTV and decrease the amount of spectrum recovered. Simply protecting a standard, or using a standard for allocation purposes would not address the Commission's concerns with ''wait-and-see'' behavior and preserving a universally available broadcast television service. The Commission also rejects the argument that the adopted transmission standard is too restrictive and still includes too many mandatory aspects of the ATSC DTV Standard. The Commission believes that the entire adopted standard is needed to achieve its goals.

29. The Commission concludes that adopting the DTV Standard will increase the availability of new products and services for consumers. The DTV Standard is flexible and extensible and permits data broadcasting as well as new services.

30. The Commission concludes that incorporating the DTV Standard into its Rules will encourage technological innovation and competition. The DTV Standard provides ''headroom'' for further development without requiring changes to the DTV Standard. In addition, the decision not to specify video formats will allow computer equipment and software firms more opportunity to compete by promoting interoperability.

31. Finally, the Commission concludes that adopting the DTV Standard provides for the minimum of regulation needed to provide for a smooth transition. A key point of contention throughout this proceeding has been the desirability of allowing both interlaced and progressive scanning. Adoption of the DTV Standard will allow video formats to be tested and decided by the market.

32. Support for the DTV Standard was not unanimous. In response to the Coalition of Film Maker's opposition to the DTV Standard because it does not require the display of films in the films' original aspect ratios, the Commission notes that the DTV Standard does not impose any impediment to the display of films in their original aspect ratios.

33. The Commission is not persuaded by those who contend that not specifying video formats in the DTV Standard will inject uncertainty into the transition process and delay implementation of digital television. The Commission believes that by adopting a transmission standard, it is providing the appropriate level of certainty that the digital television market will need to move forward. The Commission's belief is supported by the fact that the major industries affected by this decision have reached an agreement that video formats need not be part of the DTV Standard.

34. *Placing the ATSC DTV Standard in the Commission's Rules.* In the *Fifth Further Notice of Proposed Rule Making,* the Commission sought comment on whether it should place a digital broadcast television transmission standard into the Commission's Rules in

[51] Comment on the Agreement of General Instrument at 1; *see also* comments on the Agreement of EIA, Matsushita, Philips, Thomson and Zenith, all of which endorse the agreement.

[52] Comments on the Agreement of Philips Electronics North America Corporation and Thomson Consumer Electronics, Inc., at 2.

[53] Comments of the Coalition of Film Makers (in response to the *Public Notice*) at 4–6.

[54] *See, e.g.,* Comments on the Agreement of Zenith Electronics Corporation, Electronics Industries Association, CBS, Inc., and the Broadcasters Caucus' ''Response to Cinematographers' November 26 Fax to Vice President Gore Concerning DTV Standard.''

[55] Comments of DemoGraFX in Response to the Commission Seeking Comments on Digital TV Standards Agreement Released 27 November 1996 at 2–7.

[56] Venture Technologies Group's Comments on the Digital Television Standards Agreement at 3.

[57] Digital Imaging General, DIMAGE Inc, Comments on Fifth Notice of Proposed Rule Making (NPRM) and on Public Notice FCC 96–465 at 2.

[58] *See generally* Comments on the Agreement of Dolby Laboratories, The Academy for the Advancement of High End Audio, and Widescreen Review.

[59] Comments of Benton Foundation in response to the *Public Notice.*

[60] Comments of the American Foundation for the Blind—December 6, 1996 at 1.

its entirety, incorporate it by reference, or publish it as an OET technical bulletin. In the *Fourth Report and Order,* the Commission decides to incorporate the DTV Standard into the Commission's Rules, by reference. Incorporation by reference has been done before and is warranted given the 194-page length of the Standard and its easy availability.

35. *Review.* In the *Fifth Further Notice of Proposed Rule Making,* the Commission set forth three options to encourage innovation: (1) To proceed under current Commission processes which include consideration of requests from parties to amend the Commission's Rules or review of the Rules on the Commission's own initiative; (2) commit the Commission to conduct a proceeding to review the Standard at some future time; and (3) to establish a period of time after which the Standard no longer would be required or exclusive (i.e., ''sunsetting'' it). In the *Fourth Report and Order,* the Commission believes a sunset is not necessary. The Advanced Television System Committee has committed to continue to review the ATSC DTV Standard and the Commission has adopted a schedule of periodic reviews to monitor the progress of DTV.

36. *Audio Standard.* The Commission is adopting the audio portion of ATSC DTV Standard. In comments, some parties suggested that the audio standard should not be adopted as a required audio standard. An alternative standard was suggested but it did not go through extensive testing and evaluation. The Commission also notes that the suggested changes could delay implementation.

37. *Licensing Technology.* In earlier phases of this proceeding, the Commission indicated that patents on the technology would have to be licensed to other manufacturing companies on reasonable and nondiscriminatory terms. Those holding patents on the DTV Standard have submitted statements that they would comply with the American National Standards Institute patent policies. In the *Fifth Further Notice of Proposed Rule Making,* the Commission sought additional comment on whether more detailed information on the specific terms of patent licensing should be considered. It appears that licensing of the patents for DTV technology will not be an impediment to the development and deployment of DTV products for broadcasters and consumers.

38. *Closed Captioning.* In the *Fifth Further Notice of Proposed Rule Making,* the Commission noted that the ATSC DTV Standard reserves a fixed 9600 bits per second data rate for closed captioning. No comments suggested that this would be insufficient. In the *Fourth Report and Order,* the Commission concludes that adequate provision has been made to allow closed captioning information to be carried by DTV stations.

*V. Administrative Matters*

Final Regulatory Flexibility Analysis

39. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603 (RFA), an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated in the *Fifth Further Notice of Proposed Rule Making* in this proceeding. The Commission sought written public comments on the proposals in the *Fifth Further Notice,* including on the IRFA. The Commission's Final Regulatory Flexibility Analysis (''FRFA'') in this *Fourth Report and Order* conforms to the RFA, as amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104–121, 110 Stat. 847 (1996) (''CWAAA'').[61]

I. Need for and Objectives of Action

40. The *Fourth Report and Order* adopts, in modified form, the Advanced Television Systems Committee (''ATSC'') digital television (''DTV'') standard. Our ratification of this industry-developed standard is intended to provide the certainty that some parties seek in order to undertake the wholesale replacement of our analog system of terrestrial broadcast television with DTV. At the same time, we seek to ensure that governmental involvement is neither more extensive than necessary nor inhibitory to innovation, experimentation, and entrepreneurship. In the *Fifth Further Notice* in this proceeding, we listed four objectives regarding the authorization and implementation of a DTV standard: (1) To ensure that all affected parties have sufficient confidence and certainty in order to promote the smooth introduction of a free and universally available digital broadcast television service; (2) to increase the availability of new products and services to consumers through the introduction of digital broadcasting; (3) to ensure that our rules encourage technological innovation and competition; and (4) to minimize regulation and assure that any regulations we do adopt remain in effect no longer than necessary. In addition to these objectives, we considered how adoption of the standard would affect other goals enumerated in this proceeding, including a rapid transition to DTV, ceasing broadcasting in NTSC, and recovering spectrum. The *Fourth Report and Order* adopts the standard, except for certain aspects as discussed in paragraphs 30–49, *supra,* based on a careful weighing and balancing of these various goals.

II. Significant Issues Raised by the Public in Response to the Initial Analysis

41. No comments were received specifically in response to the IRFA contained in the *Fifth Further Notice.* Further, while no comments were addressed specifically to small business issues, according to several Low Power Television (''LPTV'') commenters, including Third Coast Broadcasting, Inc. and Island Broadcasting Company, the Commission should minimize the impact on LPTV to prevent LPTV from being forced off the air by the transition to the new digital technology. Third Coast and Roger E. Harders contend that LPTV serves niches not covered by larger regional stations and should be able to provide this important service on digital channels in the future. Further, Blue Mountain Translator District argues that translators must be able to receive interactive signals to be full partners in DTV systems. In addition, not-for-profit and commercial translators must be treated equally. As discussed in Section V of this FRFA, we have considered these concerns. However, adoption of a standard for DTV will not implicate the concerns raised by LPTV and translator stations. The role of LPTV and translator stations in the transition to digital will be considered separately.

III. Description and Number of Small Entities to Which the Rule Will Apply

42. *Definition of a ''Small Business''.* Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. § 601(6). The RFA, 5 U.S.C. § 601(3), generally defines the term ''small business'' as having the same meaning as the term ''small business concern'' under the Small Business Act, 15 U.S.C. § 632. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (''SBA''). According to the SBA's regulations, entities engaged in television broadcasting Standard Industrial Classification (''SIC'') Code 4833—Television Broadcasting Stations, may have a maximum of $10.5 million

[61] Subtitle II of CWAAA is The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), codified at 5 U.S.C. § 601 *et seq.*

in annual receipts in order to qualify as a small business concern. This standard also applies in determining whether an entity is a small business for purposes of the RFA.

43. Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies ''unless an agency after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' While we tentatively believe that the foregoing definition of ''small business'' greatly overstates the number of television broadcast stations that are small businesses and is not suitable for purposes of determining the impact of the new rules on small television stations, we did not propose an alternative definition in the IRFA.[62] Accordingly, for purposes of this *Fourth Report and Order,* we utilize the SBA's definition in determining the number of small businesses to which the rules apply, but we reserve the right to adopt a more suitable definition of ''small business'' as applied to television broadcast stations and to consider further the issue of the number of small entities that are television broadcasters in the future. Further, in this FRFA, we will identify the different classes of small television stations that may be impacted by the rules adopted in this *Fourth Report and Order.*

44. *Issues in Applying the Definition of a ''Small Business''.* As discussed below, we could not precisely apply the foregoing definition of ''small business'' in developing our estimates of the number of small entities to which the rules will apply. Our estimates reflect our best judgments based on the data available to us.

45. An element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We were unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the following estimates of small businesses to which the new rules will apply do not exclude any television station from the definition of a small business on this basis and are therefore overinclusive to that extent. An additional element of the definition of ''small business'' is that the entity must be independently owned and operated. As discussed further below, we could not fully apply this criterion, and our estimates of small businesses to which the rules may apply may be overinclusive to this extent. The SBA's general size standards are developed taking into account these two statutory criteria. This does not preclude us from taking these factors into account in making our estimates of the numbers of small entities.

46. With respect to applying the revenue cap, the SBA has defined ''annual receipts'' specifically in 13 C.F.R 121.104, and its calculations include an averaging process. We do not currently require submission of financial data from licensees that we could use in applying the SBA's definition of a small business. Thus, for purposes of estimating the number of small entities to which the rules apply, we are limited to considering the revenue data that are publicly available, and the revenue data on which we rely may not correspond completely with the SBA definition of annual receipts.

47. Under SBA criteria for determining annual receipts, if a concern has acquired an affiliate or been acquired as an affiliate during the applicable averaging period for determining annual receipts, the annual receipts in determining size status include the receipts of both firms. 13 C.F.R. 121.104(d)(1). The SBA defines affiliation in 13 C.F.R. 121.103. In this context, the SBA's definition of affiliate is analogous to our attribution rules. Generally, under the SBA's definition, concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. 13 C.F.R. 121.103(a)(1). The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. 13 C.F.R. 121.103(a)(2). Instead of making an independent determination of whether television stations were affiliated based on SBA's definitions, we relied on the data bases available to us to provide us with that information.

48. *Television Station Estimates Based on Census Data.* The rules amended by this *Fourth Report and Order* will apply to full service television stations and may have an effect on TV translator facilities and low power TV stations (''LPTV''). The Small Business Administration defines a television broadcasting station that has no more than $10.5 million in annual receipts as a small business.[63] Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services.[64] Included in this industry are commercial, religious, educational, and other television stations.[65] Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials.[66] Separate establishments primarily engaged in producing taped television program materials are classified under another SIC number.[67]

49. There were 1,509 television stations operating in the nation in 1992.[68] That number has remained fairly constant as indicated by the approximately 1,550 operating television broadcasting stations in the

[62] We have pending proceedings seeking comment on the definition of and data relating to small businesses. In our *Notice of Inquiry* in GN Docket No. 96–113 (In the Matter of Section 257 Proceeding to Identify and Eliminate Market Entry Barriers for Small Businesses), FCC 96–216, released May 21, 1996, we requested commenters to provide profile data about small telecommunications businesses in particular services, including television, and the market entry barriers they encounter, and we also sought comment as to how to define small businesses for purposes of implementing Section 257 of the Telecommunications Act of 1996, which requires us to identify market entry barriers and to prescribe regulations to eliminate those barriers. Additionally, in our *Order and Notice of Proposed Rule Making* in MM Docket No. 96–16 (In the Matter of Streamlining Broadcast EEO Rule and Policies, Vacating the EEO Forfeiture Policy Statement and Amending Section 1.80 of the Commission's Rules to Include EEO Forfeiture Guidelines), 11 FCC Rcd 5154 (1996), we invited comment as to whether relief should be afforded to stations: (1) based on small staff and what size staff would be considered sufficient for relief, *e.g.,* 10 or fewer full-time employees; (2) based on operation in a small market; or (3) based on operation in a market with a small minority work force. We have not concluded the foregoing rule makings.

[63] 13 C.F.R. § 121.201, Standard Industrial Code (SIC) 4833 (1996).

[64] Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications and Utilities, Establishment and Firm Size, Series UC92–S–1, Appendix A–9 (1995).

[65] *Id. See* Executive Office of the President, Office of Management and Budget, Standard Industrial Classification Manual (1987), at 283, which describes ''Television Broadcasting Stations (SIC Code 4833) as:

Establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational and other television stations. Also included here are establishments primarily engaged in television broadcasting and which produce taped television program materials.

[66] Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications and Utilities, Establishment and Firm Size, Series UC92–S–1, Appendix A–9 (1995).

[67] *Id.*; SIC 7812 (Motion Picture and Video Tape Production); SIC 7922 (Theatrical Producers and Miscellaneous Theatrical Services (producers of live radio and television programs).

[68] FCC News Release No. 31327, Jan. 13, 1993; Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, supra note 4, Appendix A–9.

nation as of August, 1996.[69] For 1992 [70] the number of television stations that produced less than $10.0 million in revenue was 1,155 establishments.[71] Thus, the proposed rules will affect approximately 1,550 television stations; approximately 1,194 of those stations are considered small businesses.[72] These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-television affiliated companies. We recognize that the proposed rules may also impact minority and women owned stations, some of which may be small entities. In 1995, minorities owned and controlled 37 (3.0%) of 1,221 commercial television stations in the United States.[73] According to the U.S. Bureau of the Census, in 1987 women owned and controlled 27 (1.9%) of 1,342 commercial and non-commercial television stations in the United States.[74]

50. It should also be noted that the foregoing estimates do not distinguish between network-affiliated [75] stations and independent stations. As of April, 1996, the BIA Publications, Inc. Master Access Television Analyzer Database indicates that about 73 percent of all commercial television stations were affiliated with the ABC, CBS, NBC, Fox, UPN, or WB networks. Moreover, seven percent of those affiliates have secondary affiliations.[76]

51. There are currently 4926 TV translators, and 1,921 LPTV stations which may be affected by the new rules, if they decide to convert to digital television.[77] The FCC does not collect financial information of any broadcast facility and the Department of Commerce does not collect financial information on these broadcast facilities. We will assume for present purposes, however, that most, if not all, LPTV stations and translator stations, could be classified as small businesses, if considered by themselves. We also recognize that most, if not virtually all translators are owned by a parent station which is a full-service station. Thus, translator stations generally can be considered affiliates, as that term is defined in the SBA regulations, with full-service stations. Given this situation, these stations would likely have annual revenues that exceed the SBA maximum to be designated as small businesses.

52. *Alternative Classification of Small Television Stations.* An alternative way to classify small television stations is by the number of employees. The Commission currently applies a standard based on the number of employees in administering its Equal Employment Opportunity (''EEO'') rule for broadcasting.[78] Thus, radio or television stations with fewer than five full-time employees are exempted from certain EEO reporting and recordkeeping requirements.[79] We estimate that the total number of commercial television stations with 4 or fewer employees is 132 and that the total number of noncommercial educational television stations with 4 or fewer employees is 136.[80]

53. *Other Industry Groups. Television Equipment Manufacturers:* The Commission has not developed a definition of small entities applicable to manufacturers of television equipment. Therefore, we will utilize the SBA definition of manufacturers of Radio and Television Broadcasting and Communications Equipment.[81] According to the SBA's regulations, a TV equipment manufacturer must have 750 or fewer employees in order to qualify as a small business concern.[82] Census Bureau data indicates that there are 858 U.S. firms that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.[83] The Census Bureau category is very broad, and specific figures are not available as to how many of these firms are exclusive manufacturers of television equipment or how many are independently owned and operated. We conclude that there are approximately 778 small

[69] FCC News Release No. 64958, Sept. 6, 1996.

[70] Census for Communications' establishments are performed every five years ending with a ''2'' or ''7''. *See* Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, *supra* note 4, III.

[71] The amount of $10 million was used to estimate the number of small business establishments because the relevant Census categories stopped at $9,999,999 and began at $10,000,000. No category for $10.5 million existed. Thus, the number is as accurate as it is possible to calculate with the available information.

[72] We use the 77 percent figure of TV stations operating at less than $10 million for 1992 and apply it to the 1996 total of 1550 TV stations to arrive at 1,194 stations categorized as small businesses.

[73] *Minority Commercial Broadcast Ownership in the United States,* U.S. Dep't of Commerce, National Telecommunications and Information Administration, The Minority Telecommunications Development Program (''MTDP'') (April 1996). MTDP considers minority ownership as ownership of more than 50% of a broadcast corporation's stock, voting control in a broadcast partnership, or ownership of a broadcasting property as an individual proprietor. *Id.* The minority groups included in this report are Black, Hispanic, Asian, and Native American.

[74] *See* Comments of American Women in Radio and Television, Inc. in MM Docket No. 94–149 and MM Docket No. 91–140, at 4 n.4 (filed May 17, 1995), *citing* 1987 Economic Censuses, *Women-Owned Business,* WB87–1, U.S. Dep't of Commerce, Bureau of the Census, August 1990 (based on 1987 Census). After the 1987 Census report, the Census Bureau did not provide data by particular communications services (four-digit Standard Industrial Classification (SIC) Code), but rather by the general two-digit SIC Code for communications (#48). Consequently, since 1987, the U.S. Census Bureau has not updated data on ownership of broadcast facilities by women, nor does the FCC collect such data. However, we sought comment on whether the Annual Ownership Report Form 323 should be amended to include information on the gender and race of broadcast license owners. *Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities,* Notice of Proposed Rulemaking, 10 FCC Rcd 2788, 2797 (1995).

[75] In this context, ''affiliation'' refers to any local broadcast television station that has a contractual arrangement with a programming network to carry the network's signal. This definition of affiliated station includes both stations owned and operated by a network and stations owned by other entities.

[76] Secondary affiliations are secondary to the primary affiliation of the station and generally afford the affiliate additional choice of programming.

[77] FCC News Release, Broadcast Station Totals as of August 31, 1996.

[78] The Commission's definition of a small broadcast station for purposes of applying its EEO rule was adopted prior to the requirement of approval by the Small Business Administration pursuant to Section 3(a) of the Small Business Act, 15 U.S.C. § 632(a), as amended by Section 222 of the Small Business Credit and Business Opportunity Enhancement Act of 1992, Pub. L. No. 102–366, § 222(b)(1), 106 Stat. 999 (1992), as further amended by the Small Business Administration Reauthorization and Amendments Act of 1994, Pub. L. No. 103–403, § 301, 108 Stat. 4187 (1994). However, this definition was adopted after public notice and an opportunity for comment. *See Report and Order* in Docket No. 18244, 23 FCC 2d 430 (1970).

[79] *See, e.g.,* 47 C.F.R. 73.3612 (Requirement to file annual employment reports on Form 395–B applies to licensees with five or more full-time employees); *First Report and Order* in Docket No. 21474 (In the Matter of Amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395), 70 FCC 2d 1466 (1979). The Commission is currently considering how to decrease the administrative burdens imposed by the EEO rule on small stations while maintaining the effectiveness of our broadcast EEO enforcement. *Order and Notice of Proposed Rule Making* in MM Docket No. 96–16 (In the Matter of Streamlining Broadcast EEO Rule and Policies, Vacating the EEO Forfeiture Policy Statement and Amending Section 1.80 of the Commission's Rules to Include EEO Forfeiture Guidelines), 11 FCC Rcd 5154 (1996). One option under consideration is whether to define a small station for purposes of affording such relief as one with ten or fewer full-time employees. *Id.* at ¶ 21.

[80] We base this estimate on a compilation of 1995 Broadcast Station Annual Employment Reports (FCC Form 395–B), performed by staff of the Equal Opportunity Employment Branch, Mass Media Bureau, FCC.

[81] This category excludes establishments primarily engaged in the manufacturing of household audio and visual equipment which is categorized as SIC 3651. *See infra* for SIC 3651 data.

[82] 13 C.F.R. 121.201, (SIC) Code 3663.

[83] U.S. Dept. of Commerce, *1992 Census of Transportation, Communications and Utilities,* Table 1D (issued May 1995), SIC category 3663.

manufacturers of radio and television equipment.

54. *Household/Consumer Television Equipment:* The Commission has not developed a definition of small entities applicable to manufacturers of television equipment used by consumers, as compared to industrial use by television licensees and related businesses. Therefore, we will utilize the SBA definition applicable to manufacturers of Household Audio and Visual Equipment. According to the SBA's regulations, a household audio and visual equipment manufacturer must have 750 or fewer employees in order to qualify as a small business concern.[84] Census Bureau data indicates that there are 410 U.S. firms that manufacture radio and television broadcasting and communications equipment, and that 386 of these firms have fewer than 500 employees and would be classified as small entities.[85] The remaining 24 firms have 500 or more employees; however, we are unable to determine how many of those have fewer than 750 employees and therefore, also qualify as small entities under the SBA definition. Furthermore, the Census Bureau category is very broad, and specific figures are not available as to how many of these firms are exclusive manufacturers of television equipment for consumers or how many are independently owned and operated. We conclude that there are approximately 386 small manufacturers of television equipment for consumer/household use.

55. *Computer Manufacturers:* The Commission has not developed a definition of small entities applicable to computer manufacturers. Therefore, we will utilize the SBA definition. According to SBA regulations, a computer manufacturer must have 1,000 or fewer employees in order to qualify as a small entity.[86] Census Bureau data indicates that there are 716 firms that manufacture electronic computers and of those, 659 have fewer than 500 employees and qualify as small entities.[87] The remaining 57 firms have 500 or more employees; however, we are unable to determine how many of those have fewer than 1,000 employees and therefore also qualify as small entities under the SBA definition. We conclude that there are approximately 659 small computer manufacturers.

IV. Projected Compliance Requirements of the Rule

56. The *Fourth Report and Order* adopts a rule incorporating by reference the digital television broadcast standard (''Standard'') recommended to the Commission by its Advisory Committee on Advanced Television Service (''ACATS''), with the exception of the video formats. The *Fourth Report and Order* imposes no new reporting or recordkeeping requirements.

V. Significant Alternatives Considered Minimizing the Economic Impact on Small Entities and Consistent With the Stated Objectives

57. The *Fourth Report and Order* adopts a rule that requires transmission of DTV signals to comply with the Standard adopted except for the video format layer and incorporates that Standard, except for the video format layer, into the Commission's rules. We believe that adopting a standard is essential to the goal of universal television service and to facilitating the conversion to digital television service. Not requiring the use of the video format layer advances the goals of minimizing regulation and facilitating technological innovation. The alternatives considered, including authorizing use of the Standard and prohibiting interference to its users, and adopting the Standard for allocation and assignment purposes only, received no express support in the Comments. Moreover, careful evaluation of these alternatives showed that each failed to advance one or more of the important goals of this proceeding. The Commission determined that not mandating video formats sufficiently addressed its concerns with stifling innovation so that neither a sunset of the Standard nor formal periodic review of the Standard would be required. Instead, it indicated that its scheduled reviews of the progress of DTV implementation would be sufficient to keep the Commission abreast of technological developments and marketplace conditions. No additional action is taken on the issues of licensing of patents for DTV technology or provision for closed captioning information to be carried by DTV stations using the standard adopted.

58. Pursuant to the RFA, 5 U.S.C. § 603(c), we have considered whether there is a significant economic impact on a substantial number of small entities. The action taken does not impose additional burdens on small entities. The *Fourth Report and Order* in itself does not mandate a conversion to digital television, only requiring that digital television signals that are transmitted conform to certain standards. The details of requiring the conversion will be taken up in a future *Report and Order*, which will consider alternatives to minimize the economic impact of that conversion on small entities.

VI. Report to Congress

59. The Commission shall send a copy of this Final Regulatory Flexibility Analysis along with this *Fourth Report and Order* in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, codified at 5 U.S.C. § 801(a)(1)(A). A copy of this FRFA will also be published in the **Federal Register**.

*Paperwork Reduction Act.* 60. No impact.

*Contract With America Advancement Act.* 61. Major rule.

*Ordering Clauses.* 62. Accordingly, it is ordered that, pursuant to Sections 4(i) & (j) and 303(r) of the Communications Act of 1934 as amended, 47 U.S.C. §§ 154(i), (j) 303(r), Part 73 of the Commission's Rules is amended as set forth in ''Rule Changes,'' below.

63. It is further ordered that, pursuant to the Contract with America Advancement Act of 1996, the rule amendments set forth in ''Rule Changes'' shall be effective [either 60 days after publication in the **Federal Register** or after the receipt by Congress and the General Accounting Office of a report] in compliance with the Contract with America Advancement Act of 1996, Pub. L. No. 104–121, whichever is later.

64. It is further ordered that the Secretary shall send a copy of this *Fourth Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. § 601 *et. seq.*

**List of Subjects in 47 CFR Part 73**

Radio broadcast services.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

**Rule Changes**

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

[84] 13 C.F.R. 121.201, (SIC) Code 3651.

[85] U.S. Small Business Administration 1995 Economic Census Industry and Enterprise Report, Table 3, SIC Code 3651 (Bureau of the Census data adapted by the Office of Advocacy of the U.S. Small Business Administration).

[86] 13 CFR 121.201, (SIC) Code 3571.

[87] U.S. Small Business Administration 1995 Economic Census Industry and Enterprise Report, Table 3, SIC Code 3571, (Bureau of the Census data adapted by the Office of Advocacy of the U.S. Small Business Administration).

## PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

2. Section 73.682 is amended by adding paragraph (d) as follows:

**§ 73.682 TV transmission standards.**

* * * * *

(d) *Digital broadcast television transmission standard.* Transmission of digital broadcast television (DTV) signals shall comply with the standards for such transmissions set forth in Advanced Television Systems Committee (ATSC) Doc. A/52 (''ATSC Standard Digital Audio Compression (AC–3), 20 Dec 95'') and ATSC Doc A/53 (''ATSC Digital Television Standard, 16 Sep 95''), except for Section 5.1.2 (''Compression format constraints'') of Annex A (''Video Systems Characteristics'') and the phrase ''see Table 3'' in Section 5.1.1 Table 2 and Section 5.1.2 Table 4. Although not incorporated herein by reference, licensees may also consult ATSC Doc. A/54 (''Guide to the Use of the ATSC Digital Television Standard, 4 Oct 95'') for guidance. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554 or at the Office of the Federal Register, 800 N. Capitol Street, NW., Washington, DC. Copies of ATSC A/52, A/53, and A/54 can be obtained from the Commission's contract copier or from the Advanced Television Systems Committee, 1750 K Street, NW., Suite 800, Washington, DC 20006. They are also available in their entirety on the Internet at http://www.atsc.org.

[FR Doc. 97–7368 Filed 3–24–97; 8:45 am]

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## 47 CFR Part 101

**[ET Docket No. 95–183; PP Docket No. 93–253; FCC 96–486]**

## 37.0–38.6 GHz and 38.6–40.0 GHz Bands and Implementation of Section 309(j) of the Communications Act—Competitive Bidding

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** Upon reconsideration, the Commission has decided to lift the processing freeze on amendments of right filed on applications in the 38.6–40.0 GHz band (''the 39 GHz band'') before December 15, 1995.[1] By this action, all applications that were amended to resolve mutual exclusivity before this date will be processed, provided that the original applications had completed their 60-day public notice period as of November 13, 1995. In addition, the Commission clarifies that applications to modify existing 39 GHz licenses and amendments thereto will be processed regardless of when filed, provided they neither enlarge the service area nor change the assigned frequency blocks (except to delete them). In all other respects, previous decisions regarding the filing and processing of 39 GHz applications and amendments are unaffected by this *Memorandum Opinion and Order.*

**EFFECTIVE DATE:** January 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Susan Magnotti, Private Wireless Division, (202) 418–0871.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order,* FCC 96–486, adopted December 20, 1996 and released January 17, 1997. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Washington, DC 20037.

### Summary of Order

1. By this action, the Commission resolves and provides clarification on the treatment it will afford pending applications in the 38.6–40.0 GHz band (''the 39 GHz band''). The 39 GHz band is used to support fixed point-to-point microwave communications.

2. On September 9, 1994, the Point-to-Point Microwave Section of the Telecommunications Industry Association (''TIA'') filed a Petition for Rule Making concerning use of the 39 GHz band and the 37.0–38.6 GHz (''37 GHz'') band, for which there are currently no licensing or service rules. On November 13, 1995, the Wireless Telecommunications Bureau (''Bureau'') issued a *Freeze Order,* 61 FR 8062 (March 1, 1996) announcing that the Commission would no longer accept for filing applications for new 39 GHz licenses in the Common Carrier or Operational Fixed Point-to-Point Microwave Radio Services, pending Commission action on TIA's Petition.

3. Thereafter, on December 15, 1995, the Commission issued an *NPRM and Order,* 61 FR 2452 (January 26, 1996) which expanded upon the November 13, 1995 *Freeze Order,* primarily by distinguishing between those pending 39 GHz applications that would be processed and those that would be held in abeyance pending the outcome of the rulemaking proceeding. As a result of the above Commission actions, several parties filed petitions for reconsideration of that portion of the Commission's December 15, 1995 *NPRM and Order* which imposed an interim processing freeze on certain 39 GHz band license applications and amendments. An Emergency Request for Stay of the freeze was also filed. In this *Memorandum Opinion and Order,* the Commission grants these petitions in part and denies them in part. In light of the Commission's decision regarding the petitions for reconsideration, the Emergency Request for Stay is moot.

4. The *NPRM and Order* provided that pending applications would be processed if (1) they were not mutually exclusive with other applications at the time of the Bureau's November 13, 1995 *Freeze Order,* and (2) the 60-day period for filing mutually exclusive applications had expired prior to November 13, 1995. The *NPRM and Order* further provided that those applications that were mutually exclusive with others as of November 13, 1995, or within the 60-day period for filing competing applications on or after November 13, 1995, would be held in abeyance. Amendments to these frozen applications received on or after November 13, 1995, would also be held in abeyance. Moreover, applications for modification of existing 39 GHz licenses filed on or after November 13, 1995, would be held in abeyance, as well as amendments to these modification applications filed on or after November 13, 1995. Finally, no new applications to modify existing licenses, or amendments to pending modification applications, would be accepted for filing on or after December 15, 1995. The foregoing restrictions on modification applications and amendments thereto were not intended to apply if the requested action would neither enlarge the service area nor change frequency blocks (except to delete them).

5. This *Memorandum Opinion and Order* gives some of the relief requested by petitioners by lifting the processing freeze on amendments of right filed before December 15, 1995. Thus, all applications that were amended to

[1] See 47 CFR 101.29 (addressing amendments of right).

resolve mutual exclusivity before December 15, 1995, will be processed, provided the applications had completed the 60-day public notice period on or before November 13, 1995. Another main point of the decision is that the Commission will process those amendments of right filed on or after November 13, 1995, but before December 15, 1995. Further, it will continue to hold in abeyance all pending mutually exclusive applications, unless the mutual exclusivity was resolved by an amendment of right filed before December 15, 1995. In addition, the *Memorandum Opinion and Order* states that applications to modify existing 39 GHz licenses and amendments thereto would be processed regardless of when filed, provided they neither enlarge the service area nor change the assigned frequency blocks (except to delete them). These applications and amendments will be processed and granted, if otherwise in compliance with the Commission's Rules.

### Ordering Clauses

6. Accordingly, it is hereby ordered that the Petition for Reconsideration submitted by Commco, LLC., PLAINCOM, INC., and Sintra Capital Corporation, and the Petition for Partial Reconsideration filed by DCT Communications, Inc., are hereby granted in part and denied in part.

7. It is further ordered that the Emergency Petition for Stay filed by Commco, L.L.C., PLAINCOM, INC., and Sintra Capital Corporation is hereby dismissed as moot.

8. This action is taken pursuant to the authority found in Sections 4 (i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and 303, and Section 0.131 of the Commission's Rules, 47 CFR 0.131. For further information, contact Susan Magnotti, Private Wireless Division, (202) 418–0871.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97–7260 Filed 3–24–97; 8:45 am]

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 48 CFR Parts 1803, 1805, 1812, 1815, 1835, 1842, 1843, 1844, 1846, 1847, 1848, 1849, 1850, 1851, and 1852

## Rewrite of the NASA FAR Supplement (NFS)

**AGENCY:** Office of Procurement, National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** Parts 1842 through 1851, except 1845, and clauses affected by these parts are revised in their entirety. Part 1815, Contracting by Negotiation, is revised by relocating the existing coverage on source selection evaluation plans from 1815.612–70(g) to a new separately titled section 1815.605–71, and by establishing a new section 1815.612, Formal source selection. The revision to part 1842 also incorporates the changes published as a proposed rule (61 FR 55264–55266, October 25, 1996). No public comments were received in response to the proposed rule, and the proposed changes are adopted as final except for the deletion of extraneous paragraph 1842.7201(d). Also included in this final rule are editorial changes to 1803 and 1815; a revision to 1805.402 to reflect the prohibition in FAR 15.1005(f) on preaward disclosure of the identify of offerors; a change to 1812 to authorize use of an NFS contract clause in commercial acquisitions; and the adoption as final rule the proposed changes to 1852.223–70 and 1852.247–73 described in the proposed rule to eliminate non-statutory contractor certification requirements (61 FR 66643–66646).

**EFFECTIVE DATE:** March 25, 1997.

**FOR FURTHER INFORMATION CONTACT:** Tom O'Toole, (202) 358–0478.

**SUPPLEMENTARY INFORMATION:**

### Background

The National Performance Review urged agencies to streamline and clarify their regulations. The NFS rewrite initiative was established to pursue these goals by conducting a section by section review of the NFS to verify its accuracy, relevancy, and validity. The NFS will be rewritten in blocks of parts. Upon completion of all parts, the NFS will be reissued in a new edition.

### Impact

NASA certifies that this regulation will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). This rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

### List of Subjects in 48 CFR Parts 1803, 1805, 1812, 1815, 1835, 1842, 1843, 1844, 1846, 1847, 1848, 1849, 1850, 1851, and 1852

Government procurement.

**Tom Luedtke,**

*Deputy Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1803, 1805, 1812, 1815, 1835, 1842, 1843, 1844, 1846, 1847, 1848, 1849, 1850, 1851, and 1852 are amended as follows:

1. The authority citation for 48 CFR 1803, 1805, 1812, 1815, 1835, 1842, 1843, 1844, 1846, 1847, 1849, 1850, 1851, and 1852 continues to read as follows:

**Authority:** U.S.C. 2473(c)(1).

## PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

### 1803.101–1 [Amended]

2. The first sentence in section 1803.101–1 is revised to read as follows:

### 1803.101–1 General.

The statutory prohibitions and their application to NASA personnel are discussed in the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR part 2635, and the Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration, 5 CFR part 6901.* * *

### 1803.101–2 [Amended]

3. In section 1803.101–2, the phrase ''(See Standards of Conduct for NASA Employees, NHB 1900.1.)'' is removed.

### 1803.104–5 [Amended]

4. In paragraph (d)(1)(A) of section 1803.104–5, the phrase ''under 1870.303, App. I,'' is revised to read ''(see 1815.612–70)''.

## PART 1805—PUBLICIZING CONTRACT ACTIONS

### 1805.402 [Amended]

5. Section 1805.402 is revised to read as follows:

### 1805.402 General public. (NASA paragraphs (1) and (2))

(1) Unless the head of the contracting activity determines that disclosure would be prejudicial to the interests of NASA, the following information on NASA acquisitions may be released:

(i) The names of firms invited to submit offers, and

(iii) The names of firms that attended any pre-bid or pre-proposal conferences.

(2) Other requests for information under the Freedom of Information Act shall be processed in accordance with FAR 24.2 and 1824.2.

## PART 1812—ACQUISITION OF COMMERCIAL ITEMS

### 1812.301 [Amended]

6. In section 1812.301, a new paragraph (f)(i)(J) is added to read as follows:

### 1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items. (NASA Supplement paragraph (f))

(f)(i) * * *

(J) 1852.246–72, Material Inspection and Receiving Report. * * *

## PART 1815—CONTRACTING BY NEGOTIATION

### 1815.605–71 [Added]

7. Section 1815.605–71 is added to read as follows:

### 1815.605–71 Source selection evaluation plan.

(a) A source selection evaluation plan shall be prepared for each source selection. The plan shall include, as a minimum the general and specific evaluation guidelines (and special standards of responsibility, where applicable) established to assess each offeror's proposal against the RFP evaluation factors, subfactors, and elements. The evaluation guidelines are designed to focus the evaluators' assessment. They are not weighted and are not listed in the RFP. However, the substance of the guidelines may be included in a narrative description of the subfactors and elements. In addition, the plan includes the system used in conducting the evaluation (and scoring, if applicable) of each offeror's proposal.

(b) The source selection evaluation plan shall be approved by the source selection authority or other personnel designated in accordance with installation procedures before the formal RFP is issued.

(c) For formal source selections, see 1815.612(c).

### 1815.612 [Added]

8. Section 1815.612 is added to read as follows:

### 1815.612 Formal source selection. (NASA supplements paragraph (c))

(c) The requirement for a source selection evaluation plan may be satisfied by incorporating the information required by 1815.605–71 into the source selection plan. The consolidated plan shall be approved by the source selection authority.

### 1815.612–70 [Amended]

9. In section 1815.612–70, the designated paragraph (g) is removed, and the designated paragraphs (h) through (k) are redesignated as paragraphs (g) though (j).

## PART 1835—RESEARCH AND DEVELOPMENT CONTRACTING

### 1835.016–70 [Amended]

10. In paragraph (b)(2) of section 1835.016–70, the citation ''1815.201'' is revised to read ''1805.201''.

11. Part 1842 is revised to read as follows:

## PART 1842—CONTRACT ADMINISTRATION


**Subpart 1842.1—Interagency Contract Administration and Audit Services**

1842.101 Policy.
1842.102 Procedures.
1842.102–70 Review of administration and audit services.
1842.170 Assignment of NASA personnel at contractor plants.

**Subpart 1842.2—Assignment of Contract Administration**

1842.202 Assignment of contract administration.
1842.203 Retention of contract administration.
1842.270 Contracting officer technical representative (COTR) delegations.
1842.271 NASA clause.

**Subpart 1842.5—Postaward Orientation**

1842.503 Postaward conferences.

**Subpart 1842.7—Indirect Cost Rates**

1842.705 Final indirect cost rates.
1842.705–1 Contracting officer determination procedure.
1842.708 Quick-closeout procedure.
1842.708–70 NASA quick-closeout procedure.

**Subpart 1842.8—Disallowance of Costs**

1842.803 Disallowing costs after incurrence.

**Subpart 1842.12—Novation and Change-of-Name Agreements**

1842.1203 Processing agreements.
1842.1203–70 DOD processing of novation and change-of-name agreements on behalf of NASA.

**Subpart 1842.13—Suspension of Work, Stop-Work Orders, and Government Delay of Work**

1842.1305 Contract clauses.

**Subpart 1842.14—Traffic and Transportation Management**

1842.1405 Discrepancies incident to shipment of supplies.

**Subpart 1842.70—Additional NASA Contract Clauses**

1842.7001 Observance of legal holidays.
1842.7002 Travel outside of the United States.

**Subpart 1842.71—Submission of Vouchers**

1842.7101 Submission of vouchers.

**Subpart 1842.72—NASA Contractor Financial Management Reporting**

1842.7201 General.
1842.7202 Contract clause.

**Subpart 1842.73—Audit Tracking and Resolution**

1842.7301 NASA external audit follow-up system.


**Authority:** 42 U.S.C. 2473(c)(1).

## Subpart 1842.1—Interagency Contract Administration and Audit Services

### 1842.101 Policy. (NASA supplements paragraph (a))

(a)(i) The Defense Contract Audit Agency (DCAA) has been designated as the DOD agency responsible for the performance of audit functions for NASA contracts, except those awarded to educational institutions for which other agencies have audit cognizance under OMB Circular No. 88, those with Canadian contractors, and those for which NASA will perform audits.

(ii) Cross-servicing arrangements are the responsibility of the Headquarters Office of External Relations (Code ID). Contracting officers should direct questions to the Headquarters Office of Procurement (Code HS).

### 1842.102 Procedures.

### 1842.102–70 Review of administration and audit services.

(a) NASA installations shall assess their delegations to DOD semiannually to determine changes in delegation patterns that could (1) result in significant changes in DOD manpower requirements or (2) have other important impacts on DOD contract administration activities. Events such as major program cutbacks or expansions, changes in locations of major programs, and sizable new acquisitions should be considered in the assessment.

(b) A summary of significant changes shall be submitted to the Headquarters Office of Procurement (Code HK). The summary shall include—

(1) A description of the change in work requirements or delegation pattern;

(2) The estimated duration of the impact;

(3) The results of discussions with affected DOD contract administration offices including agreement and disagreements on the predicted impact on DOD in terms of changes in manpower requirements or other costs; and

(4) Any other significant impact on DOD or NASA resources or contract performance risk.

**1842.170 Assignment of NASA personnel at contractor plants.**

(a)(1) NASA personnel normally shall not be assigned at or near a contractor's facility to perform any contract administration functions listed in FAR 42.302(a). Before such an assignment is made, a written request shall be forwarded to the cognizant program director for approval with the concurrence of the Associate Administrator for Procurement (Code HS). The following supporting information shall be forwarded with the request to make the assignment:

(i) A statement of the special circumstances that necessitate the assignment.

(ii) The contract administration serves to be performed.

(iii) A summary of any discussions held with the cognizant contract administration organization.

(iv) A staffing plan covering three years or such shorter period as may be appropriate.

(2) The provisions of this paragraph (a) do not apply to NASA audit personnel assigned to the field installations, to NASA technical personnel covered by 1842.101 and paragraph (b) of this section, unless they are performing any contract administration functions listed in FAR 42.302(a), or to personnel assigned to contractors' plants on NASA or other Federal installations.

(b) NASA may assign technical personnel (such as quality assurance, reliability, or engineering representatives) to contractors' plants or laboratories to provide direct liaison with NASA and technical assistance and guidance to the contractor and DOD. The duties and responsibilities of these technical representatives shall be clearly defined and shall not conflict with, duplicate, or overlap with functions delegated to DOD personnel. NASA shall advise appropriate DOD and contractor organizations of the duties and responsibilities of NASA technical personnel.

(c) When a NASA resident office, including any assigned technical personnel, and a DOD contract administration office are performing contract administration functions for NASA contracts at the same contractor's facility, the two offices shall execute a written agreement clearly establishing the relationship between the two organizations and the contractor. The agreement should eliminate duplication in the performance of contract administration functions and minimize procedural misunderstandings between the two organizations. Such agreements shall be consistent with existing delegations to the contract administration offices concerned and shall specify the relationship of NASA nonprocurement resident personnel to their DOD and contractor counterparts if such personnel will be involved in any aspect of contract administration.

## Subpart 1842.2—Assignment of Contract Administration

**1842.202 Assignment of contract administration. (NASA supplements paragraphs (b) and (d))**

(b) Withholding normal functions. (1) The following functions are normally retained by the contracting office.

(A) Approval of the final voucher (FAR 42.302(a)(7)).

(B) Countersigning NASA Form 456, Notice of Contract Costs Suspended and/or Disapproved (FAR 42.302(a)(8)).

(C) Issuance of decisions under the disputes clause (FAR 42.302(a)(10)).

(D) Contract payment (FAR 42.302(a)(13)).

(E) Execution of supplement agreements involving spare parts or other items selected through provisioning procedures. However, delegation of the negotiation of supplemental agreements for spare parts and other items and forwarding for approval and signature of the NASA contracting officer is permitted (FAR 42.302(a)(22)).

(F) Executive of supplemental agreements definitizing change orders (see FAR 42.302(b)(1)).

(G) Issuing termination notices and executing supplemental agreements for settlement of termination for default or for convenience of the Government. However, delegation of the negotiation of termination settlements and forwarding for approval and signature of the NASA contracting officer is permitted using NASA Form 1432 (FAR 42.302(a)(23)).

(H) Consent to placement of subcontracts under FAR 42.302(a)(51). (See 1844.202–1(a)).

(d) Transmittal and documentation. In addition to the instructions at FAR 42.202(d) (1) through (4), contracting officers shall—

(i) Send delegations to DOD contract administration offices in accordance with the instructions in the DOD Directory of Contract Administration Services Components (DLAH 4105.4).

(ii) At time of contract award, prepared and forward NASA Form 1430, Letter of Contract Administration Delegation, General, to the contract administration office. NASA Form 1430A, Letter of Contract Administration, Special Instructions, will supplement the NASA Form 1430, to modify previously delegated functions and provide additional or particular information considered necessary to ensure clear understanding of all delegated functions.

(iii) Forward NASA Form 1431, Letter of Acceptance of Contract Administration, with each NASA Form 1430 or 1430A. Contracting officers shall use the returned NASA Form 1431 as contract file documentation that the delegation has been accepted, modified or rejected by the contract administration office and as a reference for points of contract for each of the functional areas delegated.

(iv) Use NASA Form 1433, Letter of Audit Delegation, to delegate the audit function and to amend previous delegations. Distribute copies of the contract and NASA Form 1433 as follows:

(A) *Audit office:* One copy of the contract and three NASA Forms 1433. When the Department of Health and Human Services is designated as the audit office, item 12 on NASA Form 1433 shall be marked ''Not applicable.''

(B) *Contractor:* One NASA Form 1433.

(C) *Cognizant NASA fiscal or financial management office:* One NASA Form 1433.

(v) For contracts with the Canadian Commercial Corporation (CCC), audits are automatically arranged by the Department of Defense Production (Canada) (DDP) in accordance with agreements between NASA and DDP. Upon advice from DDP, CCC will certify the invoice and forward it with Standard Form 1034, Public Voucher, to the contracting officer for further processing and transmittal to the fiscal or financial management officer.

(vi) For contracts placed directly with Canadian firms, audits are requested by the contracting officer from the Audit Services Branch, Comptroller of the Treasury, Department of Finance, Ottawa, Ontario, Canada. Invoices are approved by the auditor on a provisional basis pending completion of the contract and final audit. These invoices, accompanied by SF 1034, are forwarded to the contracting officer for further processing and transmittal to the fiscal or financial management officer. Periodic advisory audit reports are

furnished directly to the contracting officer.

**1842.203 Retention of contract administration. (NASA supplements paragraph (a))**

(a) The assignment of contract administration is optional for the following contracts:

(i) Research and development study contracts not involving deliverable hardware or Government furnished property.

(ii) Contracts with delivery schedules for 90 days or less.

(iii) Purchase orders without Government source inspection requirements.

(iv) Contracts requiring only on-site performance.

(v) Contracts requiring work in the vicinity of the awarding center where DOD contract administration services are not reasonably available.

**1842.270 Contracting officer technical representative (COTR) delegations.**

(a) Contracting officers may appoint a qualified Government employee to act as their technical representatives in managing the technical aspects of a particular contract. If necessary, the contracting officer may appoint an alternate COTR to act during short absences of the COTR. Technical organizations are responsible for ensuring that the individual they recommend to the contracting officer possesses training, qualifications and experience commensurate with the duties and responsibilities to be delegated and the nature of the contract.

(b) NASA Form 1634, Contracting Officer Technical Representative (COTR) Delegation, shall be used to appoint COTRs. A COTR's duties and responsibilities may not be redelegated by the COTR and the COTR may be held personally liable for unauthorized acts. However, this does not prohibit the COTR from receiving assistance for the purpose of monitoring contractor progress and gathering information. When an individual is appointed as a COTR on more than one contract, separate delegations shall be issued for each contract. A separate NASA Form 1634 will be used to appoint an alternate COTR.

(c) A COTR delegation remains in effect throughout the life of the contract unless canceled in writing by the cognizant contracting officer or at any level above that contracting officer. The contracting officer may modify the delegation only by issuance of a new delegation canceling and superseding the existing delegation.

(d) A COTR shall not be authorized to initiate procurement actions or in any way cause a change to the contract or increase the Government's financial obligations. However, delegations may be made to construction contract COTRs to sign emergency on-site change orders with an estimated value not to exceed the value specified in writing by the contracting officer in the NASA Form 1634 but in no event to exceed $25,000.

(e) Each COTR shall acknowledge receipt and accept the delegation by signing the original delegation letter. The original of the COTR delegation letter shall be filed in the applicable contract file. Copies of the signed COTR delegation letter shall be distributed to the COTR, the contractor, and each cognizant contract administration office. Acknowledgment and distribution for terminations of COTR delegations and COTR delegations which revise authority, duties and responsibilities shall follow the same rules.

(f) Mandatory training for COTRs and their alternates shall include the following core topic areas: contracting authority; procurement integrity; performance-based contracting; contract modifications; surveillance plans; contracting for inherently governmental functions, personal services, and NASA policy on the acquisition of services; the Service Contract Act; the Anti-Deficiency Act; contract financial management; the ''Changes'' clause; the ''Disputes'' clause; the ''Inspection'' clause; Government property and policy procedures; and the ''Limitation of Funds'' and ''Limitation of Cost'' clauses. Procurement officers are responsible for assuring that the course(s) utilized by their installation address the mandatory core topics in sufficient detail for the purpose of COTR training.

(g) The contracting officer shall verify that the COTR has received the mandatory training before signing NASA Form 1634. If an urgent need arises for the appointment of a COTR and no trained and otherwise qualified individual is available, then the procurement officer may make a temporary COTR appointment not to exceed six months. Temporary appointments must be so identified and clearly reflect the appointment expiration date.

(h) No technical direction may be issued by a COTR relative to performance-based contract requirements or when serving under a temporary appointment.

**1842.271 NASA clause.**

Insert the clause at 1852.242–70, Technical Direction, when paragraph 3(m) of the NASA Form 1634 specifically authorizes a COTR to issue technical direction.

## Subpart 1842.5—Postaward Orientation

**1842.503 Postaward conferences. (NASA paragraphs (1) and (2))**

(1) A postaward conference shall be held with representatives of the contract administration office when—

(i) A contract is expected to exceed $10,000,000;

(ii) Contract performance is required at or near a NASA installation or NASA-controlled launch site;

(iii) The delegation will impose an abnormal demand on the resources of the contract administration office receiving the delegation; or

(iv) Complex contract management problems are expected.

(2) Procurement officer approval is required to waive a post-award planning conference for contracts meeting any of the criteria in paragraph (1) of this section. The request for procurement officer approval to waive a post-award conference shall address action taken and planned to ensure effective communication with the contract administration office during the performance of the contract.

## Subpart 1842.7—Indirect Cost Rates

**1842.705 Final indirect cost rates.**

**1842.705–1 Contracting officer determination procedure. (NASA supplements paragraph (a))**

(a) Applicability and responsibility. (i) Since many NASA contractors are under DOD's final overhead rate determination procedure, NASA's policy is to participate jointly with DOD for those companies where NASA has a major financial interest. The NASA participant shall be a representative from that installation having the predominance of NASA work.

(ii) When NASA has been assigned the final indirect cost rate determination authority, settlement of indirect costs shall be conducted by the cognizant NASA contracting officer (normally from the installation providing the preponderance of NASA funding).

**1842.708 Quick-closeout procedure. (NASA supplements paragraph (a))**

(a)(2)(ii) The 15 percent parameter does not apply to NASA contracts. Instead, quick-closeout may be used if an individual contract's value, excluding fee, is not greater than $2,000,000. Quick closeout may be used for contracts above $2,000,000 with the prior approval of the installation procurement officer.

**1842.708–70 NASA quick-closeout procedures.**

After a decision is made that the use of quick closeout is appropriate, the contracting officer shall:

(a) Obtain a written agreement from the contractor to participate in the quick-closeout process under FAR 42.708 for the selected contract(s).

(b) Require the contractor to submit a final voucher and a summary of all costs by cost element and fiscal year for the contract(s) in question, as well as a copy of the contractor's final indirect cost rate proposal for each fiscal year quick closeout is involved.

(c) Notify the cognizant audit activity in writing, identify the contract(s), and request: (1) the contractor's indirect cost history covering a sufficient number of fiscal years to see the trend of claimed, audit questioned, and disallowed costs; and (2) any other information that could impact the decision to use quick-closeout procedures. Indirect cost histories should be requested from the contractor only when the cognizant audit activity is unable to provide the information.

(d) Review the contract(s) for indirect cost rate ceilings and any other contract limitations, as well as the rate history information.

(e) Establish final indirect cost rates using one of the following rates:

(1) The contract's ceiling indirect cost rates, if applicable, and if less than paragraphs (e)(2) through (e)(6) of this section.

(2) The contractor's claimed actual rates adjusted based on the contractor's indirect cost history, if less than paragraphs (e)(3) through (e)(6) of this section.

(3) Recommended rates from the cognizant audit agency, the local pricing office, another installation pricing office, or other recognized knowledgeable source.

(4) The contractor's negotiated billing rates, if less than paragraphs (e)(5) or (e)(6) of this section.

(5) The previous year's final rates.

(6) Final rates for another fiscal year closest to the period for which quick-closeout rates are being established.

(f) If an agreement is reached with the contractor, obtain a release of all claims and other applicable closing documents.

(g) For those contracts where the indirect cost rate negotiation function was delegated or falls under the cognizance of another agency, send a copy of the agreement to that office.

## Subpart 1842.8—Disallowance of Costs

**1842.803 Disallowing costs after incurrance. (NASA supplements paragraph (b))**

(b) Auditor receipt of vouchers. (1) NASA has designated the contract auditor as the contracting officer's representative for—

(A) Reviewing vouchers received directly from contractors;

(B) Approving vouchers for provisional payment and sending them to the disbursing office;

(C) Reviewing completion/final vouchers and sending them to the designated contracting officer for approval.

(2)(A) When contract costs are questioned, the auditor shall prepare and send to the cognizant contracting officer NASA Form 456, Notice of Contract Costs Suspended and/or Disapproved.

(B) After coordination with other NASA and Federal agency contracting officers administering contracts with the same contractor under which a NASA Form 456 or a DCAA Form 1 has been issued for the same items of cost, the NASA contracting officer shall take one of the following actions:

(a) Assign a notice number and sign the NASA Form 456.

(b) Issue a new NASA Form 456 suspending the costs rather than disapproving them pending resolution of the issues.

(c) Return the unsigned NASA Form 456 to the auditor with a detailed explanation of why the suspension or disapproval is not being signed, and process the contractor's claim for payment.

(C) When more than one NASA contract is affected by a notice, the NASA contracting officer with the largest amount of contract dollars affected is responsible for coordination of the NASA Form 456 with the other contracting officers, including those of other Federal agencies, listed in the notice.

(D) An original and three copies (which includes two acknowledgment copies, one each for return to the contracting officer and the auditor) of the NASA Form 456 shall be sent to the contractor by certified mail, return receipt requested; one copy shall be attached to the Standard Form 1034 and each copy of the Standard Form 1034A on which the deduction for the suspension/disapproval is made.

(E)(a) If the amount of the deduction is more than the amount of the public voucher, the installment method of deduction shall be applied to the current and subsequent public vouchers until the amount is fully liquidated. The deductions on any voucher may not exceed the voucher amount to avoid processing of a voucher in a credit amount. Public voucher(s) with zero amounts must be forwarded to the fiscal or financial management office for appropriate action.

(b) If deductions are in excess of contractor claims, recovery may be made through a direct refund from the contractor, in the form of a check payable to NASA, or by a set-off deduction from the voucher(s) submitted by the contractor under any other contract unless those contracts contain a ''no set-off'' provision. If a set-off is affected, the voucher(s) from which the deduction is made should be annotated to identify the contract and appropriation affected and the applicable NASA Form 456.

## Subpart 1842.12—Novation and Change-of-Name Agreements

**1842.1203 Processing agreements. (NASA supplements paragraphs (b) and (f))**

(b) The installation shall immediately notify the Headquarters Office of Procurement (Code HS) of the request to execute a novation (successor-in-interest) or change-of-name agreement.

(f) The contracting officer shall forward one copy of the agreement to the Code HS.

**1842.1203–70 DOD processing of novation and change-of-name agreements on behalf of NASA.**

(a) Appendix E of the NASA/DOD Agreement for Contract Administration and Contract Audit Services authorizes DOD to process novation and change-of-name agreements on behalf of NASA. Copies of agreements executed by DOD on behalf of NASA are maintained by the Headquarters Office of Procurement (Code HS).

(b) Code HS is the Agency point of contact for issues related to proposed novation agreements. With the concurrence of Code HS, an installation may execute a separate agreement with the contractor.

## Subpart 1842.13—Suspension of Work, Stop-Work Orders, and Government Delay of Work

**1842.1305 Contract clauses. (NASA supplements paragraph (b))**

(b) FAR 52.242–15, Stop-Work Order, shall not be used in solicitations or contracts for research performed by educational or other nonprofit institutions.

## Subpart 1842.14—Traffic and Transportation Management

### 1842.1405 Discrepancies incident to shipment of supplies. (NASA supplements paragraph (a))

(a) NASA personnel shall also report discrepancies and adjust claims for loss of and damage to Government property in transit in accordance with NHB 6200.1, NASA Transportation and General Traffic Management.

## Subpart 1842.70—Additional NASA Contract Clauses

### 1842.7001 Observance of legal holidays.

(a) The contracting officer shall insert the clause at 1852.242–72, Observance of Legal Holidays, in contracts when work will be performed at a NASA installation.

(b) The clause shall be used with its Alternate I in cost-reimbursement contracts when it is desired that contractor employees not have access to the installation during Government holidays. This alternate may be appropriately modified for fixed-price contracts.

(c) The clause may be used with its Alternate II in cost-reimbursement contracts when Alternate I is used and it is desired that administrative leave be granted contractor personnel in special circumstances, such as inclement weather or potentially hazardous conditions.

### 1842.7002 Travel outside of the United States.

The contracting officer shall insert the clause at 1852.242–71, Travel Outside of the United States, in cost-reimbursement solicitations and contracts where a contractor may travel outside of the United States and it is appropriate to require Government approval of the travel.

## Subpart 1842.71—Submission of Vouchers

### 1842.7101 Submission of vouchers.

(a) Vouchers shall be submitted in accordance with the clause at 1852.216–87, Submission of Vouchers for Payment.

(b) The auditor shall retain an unpaid copy of the voucher.

(c) When a voucher submitted in accordance with the clause at 1852.216–87 contains one or more individual direct freight charges of $100 or more, an additional copy of Standard Form 1034A and Standard Form 1035A shall be submitted and marked for return to the contractor after payment. This copy shall be transmitted quarterly by the contractor with the freight bills to the General Services Administration. When a voucher is identified as the ''Completion Voucher,'' an additional copy shall be submitted for transmittal to the NASA contracting officer.

## Subpart 1842.72—NASA Contractor Financial Management Reporting

### 1842.7201 General.

(a) Contracting officer responsibilities. (1) Contracting officers must ensure contracts require cost reporting consistent with both policy requirements and project needs. Contracting Officers shall monitor contractor cost reports on a regular basis to ensure cost data reported is accurate and timely.

Adverse trends or discrepancies discovered in cost reports should be pursued through discussions with financial and project team members.

(2) Whenever cost performance threatens contract performance, contracting officers shall require corrective action plans from the contractors.

(b) Reporting requirements. (1) Use of the NASA Contractor Financial Management Reports, the NASA form 533 series, is required on cost-type, price redetermination, and fixed-price incentive contracts when the following dollar, period of performance, and scope criteria are met:

| Contract value/scope | Period of performance | 533M | 533Q |
|---|---|---|---|
| $500K to $999K | 1 year or more | Required | Optional. |
| $1,000,000 and over | Less than 1 year | Required | Optional. |
| $1,000,000 and over | 1 year or more | Required | Required. |

(2) When it is probable that a contract will ultimately meet the criteria in paragraph (b)(1) of this section through change orders, supplemental agreements, etc., the reporting requirement must be implemented in the contract based on the estimated final contract value at the time of award.

(3) NF 533Q reporting may be waived by the contracting officer, with the concurrence of the center chief financial officer and cognizant project manager, for support service or task order contracts, when NF 533M reports and other data are sufficient to ensure accurate monthly cost accruals, evaluation of the contractor's cost performance, and forecasting of resource requirements.

(4) Where a specific contractual requirement differs from the standard system set forth in NPG 9501.2, NASA Contractor Financial Management Reporting, but is determined to be in the best interests of the Government and does not eliminate any of the data elements required by the standard NF 533 formats, it may be approved by the contracting officer with the concurrence of the center chief financial officer and the project manager. Such approval shall be documented and retained, with the supporting rationale, in the contract file.

(5) The contractor's internal automated printout reports may be substituted for the 533 reporting formats only if the substitute reports contain all the data elements that would be provided by the corresponding 533's. The contracting officer shall coordinate any proposed substitute with the installation financial management office.

(c) Contract requirements. (1) Reporting requirements, including a description of reporting categories, shall be detailed in the procurement request, and reports shall be required by inclusion of the clause prescribed in 1842.7202. The contract schedule shall include report addressees and numbers of copies. Reporting categories shall be coordinated with the center financial management office to ensure that data required for agency cost accounting will be provided by the reports. Reporting dates shall be in accordance with NPG 9501.2, except that earlier submission is encouraged whenever feasible. No due date shall be permitted which is later than the date by which the center financial management office needs the data to enter an accurate monthly cost accrual in the accounting system.

(2) The contractor shall be required to submit an initial report in the NF 533Q format, time phased for the expected life of the contract, within 30 days after authorization to proceed has been granted. NF 533M reporting will begin no later than 30 days after incurrence of cost. NF 533Q reporting begins with the initial report.

### 1842.7202 Contract clause.

The contracting officer shall insert the clause at 1852.242–73, NASA

Contractor Financial Management Reporting, when any of the NASA Form 533 series of reports are required from the contractor.

## Subpart 1842.73—Audit Tracking and Resolution

### 1842.7301 NASA external audit follow-up system.

(a) This section implements OMB Circular No. A–50, NASA Management Instruction (NMI) 9970.1A, Audit Follow-up, and NASA Audit Follow-up Handbook 9970.2, which provide more detailed guidance. Recommendations for external audits (contracts and OMB Circulars No. A–128, Audits of State and Local Governments, and A–133, Audits of Institutions of Higher Learning and Other Non-Profit Institutions) shall be resolved by formal review and approval procedures analogous to those at 1815.807–71.

(b) The external audit follow-up system tracks all contract and OMB Circular A–128 or A–123 audits where NASA has resolution and disposition authority. The objective of the tracking system is to ensure that audit recommendations are resolved as expeditiously as possible, but a maximum, within 6 months of the date of the audit report.

(c) (1) The identification and tracking of contract audit reports under NASA cognizance are accomplished in cooperation with DCAA by means of the DCAA form, Contract Audit Follow-up Summary Sheet. The use of this form by DCAA and NASA is covered in Chapter 6 of the NASA Audit Follow-up Handbook.

(2) Identification and tracking of A–128 and A–133 audit reports are accomplished in cooperation with the NASA Office of the Inspector General (OIG) by means of a transmittal memorandum. A transmittal memorandum is sent by the OIG to the procurement officer of each NASA field installation having an award (contract, grant, or other agreement) covered by the audit report. The transmittal memorandum will identify whether there were any audit findings.

(d)(1) Chapter 6 of the NASA Audit Follow-up Handbook identifies which contract audit reports are reportable semiannually to the Headquarters Office of Procurement (Code HC).

(2) Only trackable A–128 and A–133 audit reports involving the following shall be reported semiannually to Code HC—

(i) A significant management control issue; or

(ii) For an individual NASA award, either the lower of 10 percent or $10,000 of the costs incurred in the period covered by the audit are questioned; or for institution-wide issues, the lower of 10 percent or $10,000 of the total costs incurred involving Government funds for the period covered by the audit are questioned.

(e)(1) The resolution and disposition of contract audits is covered by Chapter 6 of the NASA Audit Follow-up Handbook.

(2) The resolution and disposition of A–128 and A–133 are handled as follows:

(i) Audit findings pertaining to an individual NASA award are the responsibility of the procurement officer administering that award.

(ii) Audit findings having an institution-wide impact are the responsibility of the cognizant Federal agency or the agency responsible for oversight. OMB's January 6, 1986, **Federal Register** Notice (51 FR 552), titled ''Federal Agencies Responsible for Cost negotiation and Audit of State and Local Governments,'' provides cognizant agency assignments for OMB Circular A–128. For organizations subject to OMB Circular A–133, there is either a cognizant agency or an oversight agency. The cognizant agency is the Federal agency that provides the predominant amount of direct funding to the recipient organization unless OMB makes a specific agency cognizant, in which case a notice will be published in the **Federal Register**. To provide for the continuity of cognizance, the determination of the predominant amount of direct funding will be based on the direct Federal awards expended in the recipient's fiscal years ending in 1996, 2000, and every fifth year thereafter. If there is no cognizant Federal agency, there is an agency responsible for oversight. The oversight agency is that agency which provides the predominant amount of direct funding. When there is no direct funding, the Federal agency with the predominant indirect funding is to assume the oversight responsibilities. In cases where NASA is the cognizant or oversight Federal agency, audit resolution and disposition is the responsibility of the procurement officer for the field installation having the largest amount of direct funding, or, if there is no direct funding, the largest amount of indirect funding for the audited period. A copy of the memorandum disappointing the findings shall be provided by each field installation having resolution responsibility for the particular report to the OIG Center office within whose geographic area of responsibility the audited organization is located.

12. Part 1843 is revised to read as follows:

# PART 1843—CONTRACT MODIFICATIONS

### Subpart 1843.2—Change Orders

Sec.
1843.205 Contract clauses.
1843.205–70 NASA contract clause.

### Subpart 1843.70—Undefinitized Contract Actions

1843.7001 Definitions.
1843.7002 Policy.
1843.7003 Procedures.
1843.7004 Exceptions.
1843.7005 Definitions.

### Subpart 1843.71—Shared Savings

1843.7101 Shared Savings Program.
1843.7102 Solicitation provision and contract clause.

**Authority:** 42 U.S.C. 2473(c)(1).

## Subpart 1843.2—Change Orders

### 1843.205 Contract clauses.

As authorized in the prefaces of clauses FAR 52.243–1, Changes—Fixed Price; FAR 52.243–2, Changes—Cost Reimbursement; FAR 52.243–3, Changes—Time-and-Material or Labor-Hours; and FAR 52.243–4, Changes, the period within which a contractor must assert its rights to an equitable adjustment may be varied not to exceed 60 calendar days.

### 1843.205–70 NASA contract clause.

(a) The contracting officer may insert in contracts a clause substantially the same as 1852.243–70, Engineering Change Proposals, when ECPs are expected. Paragraphs (c) and (d) of the basic clause and Alternate I of the clause shall be changed to reflect the specific type of contract. A local format may be substituted for the MIL–STD–973 format.

(b) If it is desirable to preclude a large number of small-dollar, contractor-initiated engineering changes and to reduce the administrative cost of reviewing them, the contracting officer shall use the clause with its Alternate I.

(c) If the contract is a cost-reimbursement type, the contracting officer shall use the clause with its Alternate II.

## Subpart 1843.70—Undefinitized Contract Actions

### 1843.7001 Definitions.

*Undefinitized contract action (UCA)* means a unilateral or bilateral contract modification or delivery/task order in which the final price or estimated cost and fee have not been negotiated and mutually agreed to by NASA and the contractor. (Issuance of letter contracts

and their modifications are governed by subpart 1816.6.)

**1843.7002 Policy.**

Undefinitized contract actions shall be executed by contracting officers on an exception basis and shall be limited to the minimum urgent requirements. The contract file for all UCAs shall be documented to justify issuance and shall include a Government estimate for the changed requirements.

**1843.7003 Procedures.**

(a) Issuance of undefinitized contract actions with a Government estimated cost or price over $1,000,000 must be approved in writing by the Center Director. This approval authority is not delegable. Issuance of undefinitized contract actions with a Government estimated cost or price less than or equal to $1,000,000 shall also be minimized but may be approved on an exception basis in accordance with installation procedures.

(b) (1) Undefinitized contract actions exceeding $1,000,000 approved by the Center Director shall be issued as bilateral agreements setting forth a ceiling price or ''not to exceed'' estimated cost figure for the changed contractual requirements. For fixed price contracts the negotiated price for the changed contract requirements shall not exceed the established ceiling price. In the case of cost type contracts any costs eventually negotiated for the changed requirements in excess of the ''not to exceed'' estimated cost figure shall be non-fee bearing. The ceiling price or ''not to exceed'' estimated cost figures shall be separately identified in the UCA instrument from the pricing structure of the basic contract.

(2) The Center Director may waive the ceiling price or ''not to exceed'' estimated cost figure and bilateral agreement requirements prior to UCA issuance on the basis of urgency. This waiver authority is not delegable. Any waivers shall be documented in the contract file.

(c) The changed contractual requirements set forth in the UCA shall be clearly defined and shall be limited to the minimum effort required to satisfy urgent program requirements while a cost proposal is prepared, analyzed and negotiated.

(d) For undefinitized contract actions with a Government estimate greater than $1,000,000 and not excepted under subpart 1843.7004, a 180 day funding profile shall be obtained from the contractor prior to execution of the undefinitized contract action.

(e) Undefinitized contract actions with a Government estimated cost or price greater than $1,000,000 shall include a requirement that the change shall be separately accounted for by the contractor to the degree necessary to provide the contracting officer visibility into actual costs incurred pending definitization. The contracting officer may waive this requirement for individual actions if there is a documented finding that such accounting procedures would not be cost effective. Any such waiver shall not affect existing NASA Form 533 or other financial reporting requirements set forth in the contract.

**1843.7004 Exceptions.**

(a) Exceptions to the requirement for Center Director approval for issuance of undefinitized contract actions are—

(1) Modifications to facilities contracts;

(2) Modifications to construction contracts using Construction of Facilities funding;

(3) Urgent modification resulting from Shuttle manifest changes or that involve immediate issues of safety or damage/loss of property;

(4) Modifications to decrease the contract value; or

(5) Modification to letter contracts.

(b) The contract file for any of the modifications in paragraph (a) of this section shall cite the exception and include complete supporting rational for its applicability.

**1843.7005 Definitization.**

(a) Undefinitized contract actions should be sufficiently complete and detailed as to enable the contractor to begin immediate preparation of a cost proposal for the changed requirement. The NASA goal is to definitive UCAs within 180 from date of issuance.

(b) Whenever possible, pre-change study efforts or engineering change proposals (ECPs) shall be utilized to negotiate and definitize changes prior to issuance.

## Subpart 1843.71—Shared Savings

**1843.7101 Shared Savings Program.**

This subpart establishes and describes the methods for implementing and administering a Shared Savings Program. This program provides an incentive for contractors to propose and implement, with NASA approval, significant cost reduction initiatives. NASA will benefit as the more efficient business practices that are implemented lead to reduced costs on current and follow-on contracts. In return, contractors are entitled to share in cost savings subject to limits established in the contract. The contracting officer may require the contractor to provide periodic reporting, or other justification, or to require other steps (e.g., cost segregation) to ensure projected cost savings are being realized.

**1843.7102 Solicitation provision and contract clause.**

The contracting officer shall insert the clause at 1852.243–71, Shared Savings, in all solicitations and contracts expected to exceed $1,000,000, except those awarded under FAR part 12, NRA and AO procedures, or the SBIR and STTR programs.

13. Part 1844 is revised to read as follows:

# PART 1844—SUBCONTRACTING POLICIES AND PROCEDURES

**Subpart 1844.2—Consent to Subcontracts**

Sec.
1844.201 Consent requirements.
1844.201–1 Fixed-price prime contracts.
1844.201–2 Cost reimbursement and letter prime contracts.
1844.202 Contracting officer's evaluation.
1844.202–1 Responsibilties.
1844.204 Contract clauses.
1844.204–70 NASA contract clause.

**Subpart 1844.3—Contractors' Purchasing Systems Reviews**

1844.302 Requirements.
1844.302–70 DCMC-conducted contractor purchasing system reviews.
1844.302.71 NASA-conducted contractor purchasing systems reviews.
1844.304 Surveillance.
1844.304–70 Contracting officer surveillance.
1844.305 Granting, withholding, or withdrawing approval.
1844.305–70 Review of CPSR report.

**Authority:** 42 U.S.C. 2473(a)(1).

## Subpart 1844.2—Consent to Subcontracts

**1844.201 Consent requirements.**

**1844.201–1 Fixed-price prime contracts. (NASA supplements paragraph (b))**

(b)(2) (A) In determining special surveillance consent requirements, the contracting officer should consider specific subcontract awards, as well as any individual systems, subsystems, components, technologies, and services that should have contracting officer consent prior to being subcontracted.

(B) For each planned contract award expected to exceed $1 million in total estimated value (inclusive of options), the contracting officer should consider such factors as the following to determine whether certain subcontractors require special surveillance:

(*a*) The degree of subcontract pricing uncertainties at the time of contract award;

(*b*) The overall quality of the contractor's approach to pricing subcontractors;

(*c*) The extent of competition achieved, or to be achieved, by the contractor in the award of subcontracts;

(*d*) Technical complexity and the critically of specific supplies, services, and technologies on the successful performance of the contract; and

(*e*) The potential impact of planned subcontracts on source selection or incentive arrangements.

(C) The contracting officer shall document results of the review in the contract file. For contract modifications and change orders, the contracting officer shall make the determination required by paragraph (b)(2)(B) of this section whenever the value of any subcontract resulting from the change order or modification is proposed to exceed $100,000 or is one of the number of subcontracts with a single subcontractor for the same or related supplies or services that are expected cumulatively to exceed $100,000.

**1844.201–2 Cost reimbursement and letter prime contracts. (NASA supplements paragraph (c))**

(c)(2) The policy in 1844.201–1(b)(2) shall be followed to determine whether certain subcontracts require special surveillance. In addition, any subcontract under a cost type prime contract shall be identified for special surveillance if consent was not provided at the time of contract award and cost of pricing data would be required in accordance with FAR 15.806–2(a) (1) or (2).

**1844.202 Contracting officer's evaluation.**

**1844.202 Responsibilities. (NASA supplements paragraph (a))**

(a) NASA contracting officers shall retain consent to subcontract authority unless delegation is approved in writing by the procurement officer.

**1844.204 Contract clauses.**

**1844.204–70 NASA contract clause.**

The contracting officer shall insert the clause at 1852.244–70, Geographic Participation in the Aerospace Program, in all research and development solicitations and contracts of $500,000 or over that will be performed within the United States.

## Subpart 1844.3—Contractors' Purchasing Systems Reviews

**1844.302 Requirements.**

**1844.302–70 DCMC-conducted contractor purchasing system reviews.**

For contracts within their cognizance, NASA contracting officers shall be aware of purchasing system approval status and should become actively involved with the Defense Contract Management Command (DCMC) in the Contractor Purchasing System Review (CPSR) process. Involvement should include the following:

(a) Verifying that CPSRs are being conducted as required for each contractor meeting the thresholds in FAR 44.302.

(b) Ensuring that purchasing system review specifically includes the business unit performing the NASA contract.

(c) Actively participating as a team member, or arranging NASA representation, on DCMC CPSRs to review areas of NASA-specific interest. At a minimum, such participation or representation shall be arranged when the DCMC CPSR review involves—

(1) Contractors with major NASA programs;

(2) Contractors' business units where the total dollar value of NASA contracts is substantial; or

(3) Any contractor system where the contracting officer has special concerns.

(d) Ensuring that the selected CPSR sample to be reviewed reflects the level of NASA business in the contractor's purchasing organization.

(e) Providing to the cognizant DCMC CPSR team leader any areas of special emphasis regarding the contractor's purchasing system to ensure that the review is tailored to address any NASA concerns.

**1844.302–71 NASA-conducted contractor purchasing system reviews.**

If a NASA activity is the cognizant contract administration officer, or after coordination with the cognizant DCMC CPSR office it is determined that a CPSR is required but cannot be accomplished by DCMC, then a CPSR should be conducted by NASA personnel. The NASA CPSR team leader:

(a) May use the DOD FAR Supplement, Contractor Purchasing System Review (CPSR) guidance, as a general guide to conducting the CPSR.

(b) May vary the scope of review depending on the contractor and contracts involved.

(c) Shall maintain close coordination with the cognizant ACO during CPSRs at contractors under DOD cognizance.

**1844.304 Surveillance.**

**1844.304–70 Contracting officer surveillance.**

(a) In the period between complete CPSRs, NASA contracting officers shall maintain a sufficient level of surveillance to ensure contractor purchasing efforts in support of NASA contracts are accomplished in an appropriate manner and protect the interests of the Agency.

(b) Surveillance shall be accomplished primarily through performance of subcontract consent reviews. Other methods of surveillance, including periodic reviews of contractor purchasing records, may also be conducted. Contracting officers shall document the results of subcontract consent reviews and periodic reviews, maintaining a record of contractor subcontract or purchase order award performance on NASA contracts. Contractor performance shall be summarized on an annual basis and provided to the ACO cognizant of the contractor's purchasing system. Annual reports should summarize the number of consent reviews and other reviews conducted during the year by NASA representatives, and summarize the types and quantity of deficiencies identified during reviews, the need for special reviews, and recommended areas of emphasis during future CPSRs.

**1844.305 Granting, withholding, or withdrawing approval.**

**1844.305–70 Review of CPSR reports.**

ACO actions related to purchasing system approval have a potential impact on NASA contracting officer consent requirements. Accordingly, NASA contracting officers shall review system deficiencies documented in CPSR reports and when results of consent reviews and other sources conflict with CPSR or DOD surveillance conclusions, formally communicate such concerns to the ACO having cognizance of purchasing system approval. Significant issues or significant conflicts with DOD CPSR results should be formally referred to the Office of Procurement (Code HS).

14. Part 1846 is revised to read as follows:

# PART 1846—QUALITY ASSURANCE

**Subpart 1846.3—Contract Clauses**

Sec.
1846.370 NASA contract clauses.

**Subpart 1846.4—Government Contract Quality Assurance**

1846.470 Contract clause.

**Subpart 1846.6—Material Inspection and Receiving Reports**

1846.670 Introduction.
1846.670–1 General.
1846.670–2 Applicability.
1846.670–3 Use.
1846.670–4 Multiple shipments.
1846.670–5 Forms.
1846.671 Contract quality assurance on shipments between contractors.

1846.672 Preparing DD Forms 250 and 250c.
1846.672–1 Preparation instructions.
1846.672–2 Consolidated shipments.
1846.672–3 Multiple consignee instructions.
1846.672–4 Correction instructions.
1846.672–5 Invoice instructions.
1846.672–6 Packing list instructions.
1846.672–7 Receiving instructions.
1846.673 Distribution of DD Forms 250 and 250c.
1846.674 Contract clause.

**Subpart 1846.7—Warranties**

1846.703 Criteria for use of warranties.
1846.703–70 Additional criteria.
1846.704 Authority for use of warranties.
1846.770 Administration.

**Authority:** U.S.C. 2473(c)(1).

## Subpart 1846.3—Contract Clauses

### 1846.370 NASA contract clauses.

(a) The contracting officer shall insert the clause at 1852.246–70, Mission Critical Space System Personnel Reliability Program, in solicitations and contracts involving critical positions designated in accordance with 14 CFR 1214.5, Mission Critical Space System Personnel Reliability Program.

(b) The contracting officer shall insert the clause at 1852.246–73, Human Space Flight Item, in solicitations and contracts for human space flight hardware and flight-related equipment if the highest available quality standards are necessary to ensure astronaut safety.

## Subpart 1846.4—Government Contract Quality Assurance

### 1846.470 Contrct clause.

The contracting officer may insert a clause substantially as stated at 1852.246–71, Government Contract Quality Assurance Functions, in solicitations and contracts to specify the location(s) of quality assurance functions.

## Subpart 1846.6—Material Inspection and Receiving Reports.

### 1846.670 Introduction.

### 1846.670–1 General.

(a) This Subpart contains procedures and instructions for use of the Material Inspection and Receiving Report (MIRR) (DD Form 250 series) and commercial shipping/packing lists used to evidence Government contract quality assurance (CQA).

(b) MIRRs are used to document CQA, acceptance of supplies and services, and shipments. MIRRs are not used for—

(1) Shipments by subcontractors not made to the Government;

(2) Shipment of contractor inventory (see FAR 45.601); or

(3) Movement of Government property unless for original acquisition.

### 1846.670–2 Applicability.

(a) This subpart applies to all deliveries of supplies or services acquired by or for NASA except:

(1) Acquisitions under FAR part 13;

(2) Negotiated subsistence acquisitions; or

(3) Contracts for which the end item is a technical or scientific report.

(b) The DD Form 250 may be used for imprest fund purchases, purchase orders, delivery orders placed against Federal Supply Schedule contracts, delivery orders placed against indefinite-delivery contracts, or delivery orders placed against blanket purchase agreements, or when the purchasing, requisitioning, or ordering document provides for inspection and/or acceptance.

(c) When NASA provides CQA and/or acceptance services for non-NASA activities, the MIRR shall be prepared in accordance with the instructions of this subpart unless the contract specifies otherwise.

### 1846.670–3 Use.

The DD Form 250 is a multipurpose report used for—

(a) Providing evidence of CQA at origin or destination;

(b) Providing evidence of acceptance at origin or destination;

(c) Packing list documentation;

(d) Receiving;

(e) Shipping;

(f) Contractor invoice; and

(g) Contractor invoice support.

### 1846.670–4 Multiple shipments.

(a) If the ''shipped to,'' ''marked for,'' ''shipped from,'' ''CQA,'' and ''acceptance'' data are the same for more than one shipment made on the same day under the same contract in a single car, truck, or other vehicle, one MIRR shall be prepared to cover all such shipments.

(b) If the volume of the shipments precludes the use of a single car, truck, or other vehicle, a separate MIRR shall be provided for each vehicle.

### 1846.670–5 Forms.

(a) Contractors may obtain MIRR forms from the contracting office at no cost.

(b) Contractors may print forms, provided their format and dimensions are identical to the MIRR forms printed by the Government.

### 1846.671 Contract quality assurance on shipments between contractors.

(a) The supplier's commercial shipping document/packing list shall indicate performance of required CQA actions at subcontract level.

The following entries shall be made on the document/packing list:

Required CQA of items has been performed.

_____

(Signature of Authorized Government Representative)

_____

(Date)

_____

(Typed Name and Office)

(b) Distribution for Government purposes shall be one copy each—

(1) With shipment;

(2) For the Government representative at consignee (via mail); and

(3) For the Government representative at consignor.

### 1846.672 Preparing DD Forms 250 and 250c.

### 1846.672–1 Preparation instructions.

(a) General. (1) Dates shall utilize seven spaces consisting of the last two digits of the year, three-alpha month abbreviation, and two digits for the day (e.g., 96SEP24).

(2) Addresses shall consist of the name, street address/P.O. box, city, State, and ZIP code.

(3) The data entered in the blocks at the top of DD Form 250C shall be identical to the comparable entries in Blocks 1, 2, 3, and 6 of the DD Form 250.

(4) Overflow data of the DD Form 250 shall be entered in Block 16 or in the body of the DD Form 250c with block cross reference. Additional DD Form 250c sheets solely for continuation of Block 23 data shall not be numbered or distributed as part of the MIRR.

(b) *Classified information.* Classified information shall not appear on the MIRR, nor shall the MIRR be classified.

(c) *Block 1—PROC. INSTRUMENT IDEN. (CONTRACT).* Enter the contract number, with its identifying center prefix, as contained in the contractual document, including any call/order number.

(d) *Block 2—SHIPMENT NO.* (1) The shipment number is a three-alpha character prefix and a four-character numeric or alpha-numeric serial number.

(i) The prefix shall be controlled and assigned by the prime contractor and shall consist of three alpha characters for each ''shipped from'' address (Block 11). The prefix shall be different for each ''Shipped From'' address and shall remain constant throughout the contract period.

(ii) The serial number for the first shipment under a prime contract from

each ''shipped from'' address shall be 0001; subsequent shipments under that prime contract shall be consecutively numbered. Alpha-numerics shall be used when more than 9,999 numbers are required. Alpha-numerics shall be serially assigned, with the alpha in the first position, followed by the three-position numeric serial number. The alpha-numeric sequence shall be (the letters I and O shall not be used) A001 through A999 (10,001 through 10,999); B001 through B999 (11,001 through 11,999); to Z999. When this series is completely used, numbering shall revert to 0001.

(2) The shipment number of the initial shipment shall be reassigned when a ''replacement shipment'' is involved (see paragraph (r)(4)(iv) of this section).

(3) The prime contractor shall control deliveries and on the last shipment of the contract shall suffix the shipment number with a ''Z'' in addition to that required for line items (see Block 17). If the contract final shipment is from other than the prime contractor's plant, the prime contractor may elect

(i) To direct the subcontractor to suffix the ''Z'' or

(ii), On receipt of the subcontractor final shipment information, to correct the DD Form 250 covering the last shipment from the prime contractor's plant by adding a ''Z'' to that shipment number.

(e) *Block 3—DATE SHIPPED.* Enter the date the shipment is released to the carrier or the date of completion of services. If the shipment will be released after the date of CQA and/or acceptance, enter the estimated date of release. When the date is estimated, enter an ''E'' after it. Distribution of the MIRR shall not be delayed for entry of the actual shipping date. Reissurance of the MIRR is not required to show the actual shipping date.

(f) *Block 4—B/L TCN.* When applicable, enter the commercial or Government bill of lading number after ''B/L''; and the Transportation Control Number after ''TCN.''

(g) *Block 5—DISCOUNT TERMS.* (1) The Contractor may enter the discount in terms of percentages on all copies of the MIRR.

(2) When the MIRR is used as an invoice, see 1846.672–5.

(h) *Block 6—INVOICE.* (1) The contractor may enter the invoice number and actual or estimated date on all copies of the MIRR. When the date is estimated, enter an ''E'' after the date. Do not correct MIRRs other than invoice copies to reflect the actual date of invoice submission.

(2) When the MIRR is used as an invoice, see 1846.672–5.

(i) *Block 7—PAGE/OF.* Consecutively number the pages comprising the MIRR. On each page, enter the total number of pages of the MIRR.

(j) *Block 8—ACCEPTANCE POINT.* Enter an ''S'' for origin or ''D'' for destination as specified in the contract as the point of acceptance. Enter an alphabetic ''O'' for other if the point of acceptance is not specified in the contract.

(k) *Block 9—PRIME CONTRACTOR.* Enter the code and address.

(l) *Block 10—ADMINISTERED BY.* Enter the code and address of the contracting office cited in the contract.

(m) *Block 11—SHIPPED FROM/CODE/FOB.* (1) Enter the code and address of the ''shipped from'' location. If identical to Block 9, enter ''See Block 9.''

(2) For performance of services that do not require delivery of items upon completion, enter the code and address of the location at which the services were performed. If the DD Form 250 covers performance at multiple locations or if identical to Block 9, enter ''See Block 9.''

(3) Enter on the same line and to the right of ''FOB'' an ''S'' for origin or ''D'' for destination as specified in the contract. Enter an alphabetic ''O'' if the FOB point cited in the contract is other than origin or destination.

(n) *Block 12—PAYMENT WILL BE MADE BY.* Enter the address of the payment office cited in the contract.

(o) *Block 13—SHIPPED TO/CODE.* Enter the code and address from the contract or shipping instructions.

(p) *Block 14—MARKED FOR/CODE.* Enter the code and address from the contract or shipping instructions.

(q) *Block 15—ITEM NO.* Enter the item number used in the contract. If four or fewer digits are used, position them to the left of the vertical dashed line. Where a six-digit identification is used, enter the last two digits to the right of the vertical dashed line.

(r) *Block 16—STOCK/PART NO./DESCRIPTION.* (1) Enter, as applicable, for each item, using single spacing between each line item, the following:

(i) The Federal Stock Number (FSN) or noncatalog number and, if applicable, prefix or suffix. When a number is not provided or it is necessary to supplement the number, include other identification such as the manufacturer's name or Federal Supply Code (as published in Cataloging Handbook H4–1), and part numbers. Additional part numbers may be shown in parentheses. Also enter the descriptive noun of the item nomenclature and, if provided, the Government-assigned management/material control code. In the case of equal-kind supply items, the first entry shall be the description without regard to kind (e.g., ''Resistor''). Below this description, enter the contract item number in Block 15 and stock/part number followed by the size or type in Block 16.

(ii) On the next printing line, if required by the contract for control purposes, enter the make, model, serial number, lot, batch, hazard indicator, and/or similar description.

(iii) On the next printing line, enter the FEDSTRIP requisition number(s) when provided in the contract or shipping instructions.

(2) For service items, enter the word ''SERVICE'' followed by a short description of less than 20 characters. Do not complete items 4, 13, and 14 when material is not shipped.

(3) For all contracts administered by the Defense Contract Management Command, with the exception of fast pay procedures, enter and complete the following:

Gross Shipping Wt.____(State weight in pounds only).

(4) Enter on the next line the following as appropriate (entries may be extended through Block 20). When entries apply to more than one item in the MIRR, enter them only once after the last item and reference the applicable item numbers.

(i) Enter in capital letters any special handling instructions/limits for material environmental control (e.g., temperature, humidity, aging, freezing, and shock).

(ii) When an FSN is required by, but not cited in, a contract and has not been furnished by the Government, shipment may be made at the direction of the contracting officer. Enter the authority for the shipment.

(iii) When Government-furnished property (GFP) is included with or incorporated into the line item, enter ''GFP''.

(iv) When the shipment consists of replacements for supplies previously furnished, enter in capital letters ''REPLACEMENT SHIPMENT'' (see paragraph (s)(3) of this section for replacement indicators.)

(v) For items shipped with missing components, enter and complete the following: ''Item(s) shipped short of the following component(s): FSN or comparable identification _____, Quantity _____, Estimated Value _____, Authority _____.''

(vi) When shipment is made of components that were short on a prior shipment, enter and complete the following: ''These components were

listed as shortages on Shipment Number _____, date shipped_____.''

(vii) When shipments involve drums, cylinders, reels, containers, skids, etc., designated as returnable under contract provisions, enter and complete the following: ''Return to _____, Quantity _____, Item _____, Ownership (Government/contractor).''

(viii) Enter shipping container number(s), the type, and the total number of the shipping container(s) included in the shipment.

(ix) The MIRR shall be used to record and report the waivers and deviations from contract specifications, including the source and authority for the waiver or deviation (e.g., the contracting office authorizing the waiver or deviation and the identification of the authorizing document).

(x) For shipments involving discount terms, enter ''DISCOUNT EXPEDITE'' in at least one-inch outline-type letters.

(xi) When test/evaluation results are a condition of acceptance and are not available before shipment, the following note shall be entered if the shipment is approved by the contracting officer: ''Note: Acceptance and payment are contingent upon receipt of approved test/evalution results.'' The contracting officer shall advise (A) the consignee of the results (approval/disapproval) and (B) the contractor to withhold invoicing pending attachment to its invoice of the approved test/evaluation results.

(xii) The copy of the DD Form 250 required to support payment for destination acceptance (top copy of the four with shipment) or Alternative Release Procedure (ARP) origin acceptance (additional copy furnished to the Quality Assurance Representative (QAR)) shall be identified by entering ''PAYMENT COPY'' in approximately one-half-inch outline-type letters with ''FORWARD TO BLOCK 12 ADDRESS'' in approximately one-quarter-inch letters immediately below. Do not obliterate any other entries.

(xiii) A double line shall be drawn completely across the form following the last entry.

(s) *Block 17—QUANTITY SHIP/REC'D.* (1) Enter the quantity shipped, using the unit of measure indicated in the contract for payment. When a second unit of measure is used for purposes other than payment, enter the appropriate quantity directly below in parentheses.

(2) Enter a ''Z'' below the first digit of the quantity when the total quantity of the item is delivered, including variations within contract terms; and all shortages on items previously shipped short are delivered.

(3) If a replacement shipment is involved, enter below the first digit of the quantity the letter ''A'' top designate first replacement, ''B'' for second replacement, and so forth. The final shipment indicator ''Z'' shall not be used when a final line item shipment is replaced.

(t) *Block 18 UNIT.* Enter the abbreviation of the unit of measure indicated in the contract for payment. When a second unit of measure is indicated in the contract for purposes other than payment or is used for shipping purposes, enter the abbreviation of the second unit of measure directly below in parentheses. Authorized abbreviations are listed in MIL–STD–129, Marking for Shipping and Storage.

(u) *Block 19—UNIT PRICE.* Enter the unit price on all NASA copies whenever the MIRR is used for voucher or receiving purposes.

(v) *Block 20—AMOUNT.* Enter the extended amount when the unit price is entered in Block 19.

(w) *Block 21—CONTRACT QUALITY ASSURANCE.* The words ''conform to contract'' contained in the printed statements in Blocks A and B relate to contract obligations pertaining to quality and to the quantity of the items on the report. The statements shall not be modified. Notes taking exception shall be entered in Block 16 or on attached supporting documents with block cross reference.

(1) *''A. ORIGIN.''*

(i) The authorized Government representative shall—

(A) Place an ''X'' when applicable in the appropriate CQA and/or acceptance box(es) to evidence origin CQA and/or acceptance. When the contract requires CQA at destination in addition to origin CQA, an asterisk shall be entered at the end of the statement and an explanatory note in Block 16;

(B) Sign and date; and

(C) Enter the typed, stamped, or printed name of the signer and office code.

(2) *''B. DESTINATION.''*

(i) When acceptance at origin is indicated in Block 21A, no entries shall be made in Block 21B.

(ii) When acceptance of CQA and acceptance are at destination, the authorized Government representative shall—

(A) Place an ''X'' in the appropriate box(es);

(B) Sign and date; and

(C) Enter the typed, stamped, or printed name of the signer and office code.

(x) *Block 22—RECEIVER'S USE.* This block shall be used by the receiving authority (Government or contractor) to denote receipt, quantity, and condition. The receiving activity shall enter in this block the date the supplies arrived. For example, when off-loading or in-checking occurs subsequent to the day of arrival of the carrier at the installation, the date of the carrier's arrival is the date received for purposes of this block.

(y) *Block 23—CONTRACTOR USE ONLY.* This block is provided and reserved for contractor use.

**1846.672–2 Consolidated shipments.**

When individual shipments are held at the contractor's plant for authorized transportation consolidation to a single destination on a single bill of lading, the applicable DD Forms 250 may be prepared at the time of CQA or acceptance prior to the time of actual shipment (see Block 3).

**1846.672–3 Multiple consignee instructions.**

The contractor may prepare one MIRR when the identical item(s) of a contract is to be shipped to more than one consignee, with the same or varying quantities, and the shipment requires origin acceptance. Prepare the MIRR using the procedures in this subpart with the following changes:

(a) Blocks 2, 4, 13, and, if applicable, 14—Enter ''See Attached Distribution List.''

(b) Block 15—The contractor may group item numbers for identical stock/part number and description.

(c) Block 17—Enter the ''total'' quantity shipped by item or, if applicable, grouped identical items.

(d) Use the DD Form 250c to list each individual ''Shipped To'' and ''Marked For'' with—

(1) Code(s) and complete shipping address and a sequential shipment number for each;

(2) Item number(s);

(3) Quantity;

(4) The FEDSTRIP requisition number and quantity for each when provided in the contract or shipping instructions; and

(5) If applicable, bill of lading number and mode of shipment code.

**1846.672–4 Correction instructions.**

When, because of errors or omissions, it is necessary to correct the MIRR after distribution, it shall be revised by correcting the original master and distributing the corrected form. The corrections shall be made as follows:

(a) Circle the error and place the corrected information in the same block. If space is limited, enter the corrected information in Block 16, referencing the error page and block.

(b) When corrections are made to Blocks 15 and 17, enter the words *''CORRECTIONS HAVE BEEN VERIFIED''* on page 1. The authorized Government representative shall date and sign immediately below the statement. This verification statement and signature are not required for other corrections.

(c) MIRRs shall not be corrected for Block 19 and 20 entries.

(d) Clearly mark pages of the MIRR requiring correction with the words *''CORRECTED COPY''*, avoiding obliteration of any other entries. Even though corrections are made on continuation sheets only, also mark page 1 *''CORRECTED COPY''*.

(e) Page 1 and only those continuation pages marked *''CORRECTED COPY''* shall be distributed to the initial distribution. A complete MIRR with corrections shall be distributed to new addressee(s) created by error corrections.

#### 1846.672–5 Invoice instructions.

The Government encourages, but does not require, contractors to use copies of the MIRR as an invoice in lieu of a commercial form. If the MIRR is used as an invoice, four copies shall be prepared and forwarded to the payment office as follows:

(a) Complete Blocks 5, 6, 19, and 20.

(b) Mark, in letters approximately one inch high, the first copy *''ORIGINAL INVOICE''* and the remaining three copies *''INVOICE COPY''*.

(c) Forward the four copies to the payment office (Block 12 address).

#### 1846.672–6 Packing list instructions.

Copies of the MIRR may be used as a packing list. The packing list copies shall be in addition to the copies of the MIRR required for distribution (see 1846.673) and shall be marked ''PACKING LIST''.

#### 1846.672–7 Receiving instructions.

When the MIRR is used for receiving purposes, procedures shall be as prescribed by local directives. If acceptance or CQA and acceptance of supplies are required upon arrival at destination, see Block 21B for instructions.

#### 1846.673 Distribution of DD Forms 250 and 250c.

(a) DD Forms 250 and 250c shall be distributed in accordance with installation procedures.

(b) The contractor is responsible for distributing DD Forms 250 and 250c in accordance with the provisions of the contract or instructions of the contracting officer.

#### 1846.674 Contract clause.

The contracting officer shall insert the clause at 1852.246–72, Material Inspection and Receiving Report, in solicitations and contracts, except those using simplified acquisition procedures or where the only deliverable items are technical or scientific reports. Insert the number of copies to be prepared. Paragraph (a) may be changed to specify advance copies or separate distribution of the DD Form 250.

### Subpart 1846.7—Warranties

#### 1846.703 Criteria for use of warranties.

#### 1846.703–70 Additional criteria.

In deciding whether to use a warranty clause, at least the following factors shall be considered in addition to those at FAR 46.703:

(a) Cost of correction or replacement, either by the contractor or by another source, in the absence of a warranty;

(b) The warranty as a deterrent against the furnishing of defective or nonconforming supplies;

(c) Whether the contractor's quality program is reliable enough to provide adequate protection without a warranty, or, if not, whether a warranty would cause the contractor to institute an effective quality program;

(d) Reliance on ''brand-name'' integrity; and

(e) Whether a warranty is regularly given for a commercial component of a more complex end item.

#### 1846.704 Authority for use of warranties. (NASA paragraphs (1), (2) and (3))

(1) A warranty clause may be used when it is found to be in the best interests of the Government, after an analysis of the factors listed in 1846.703–70 and FAR 46.703.

(2) Except for the warranty of commercial items (see FAR 12.404 and 46.709), and warranties contained in Federal, military, or construction specifications, the decision to use a warranty clause or to include a warranty provision in a specification other than a Federal, military, or construction specification shall be made only upon the written authorization of the procurement officer or a designee. This decision may be made either for individual acquisitions or classes of acquisitions.

(3) Warranties required by applicable architect-engineer specifications shall be included in construction contracts.

#### 1846.770 Administration.

When notified of a defect in warranted items, the contracting officer should ascertain whether the warranty is currently in effect and ensure that the contractor is given proper and timely notice of the defect.

15. Part 1847 is revised to read as follows:

## PART 1847—TRANSPORTATION

**Subpart 1847.2—Contracts for Transportation or for Transportation-Related Services**

Sec.
1847.200 Scope of subpart.
1847.200–70 Charter of aircraft.

**Subpart 1847.3—Transportation in Supply Contracts**

1847.304 Determination of delivery terms.
1847.304–3 Shipments from CONUS for overseas delivery.
1847.304–370 NASA export privilege.
1847.305 Solicitation provisions, contract clauses, and transportation factors.
1847.305–10 Packing, marking, and consignment instructions.
1847.305–13 Transit arrangements.
1847.305–70 NASA contract clauses.

**Subpart 1847.5—Ocean Transportation by U.S.-Flag Vessels**

1847.506 Procedures.

**Subpart 1847.70—Protection of the Florida Manatee**

1847.7001 Contract clause.

**Authority:** 42 U.S.C. 2473(c)(1).

### Subpart 1847.2—Contracts for Transportation or for Transportation-Related Services

#### 1847.200 Scope of subpart.

#### 1847.200–70 Charter of aircraft.

When acquiring aircraft by charter, contracting officers shall comply with NHB 7900.3, Aircraft Operations Management Manual.

### Subpart 1847.3—Transportation in Supply Contracts

#### 1847.304 Determination of delivery terms.

#### 1847.304–3 Shipments from CONUS for overseas delivery.

#### 1847.304–370 NASA export privilege.

NASA has export licensing privileges for moving commodities to foreign destinations. Contracting officers shall request the advice of the Center Export Administrator to ensure full and appropriate use is made of these privileges.

#### 1847.305 Solicitation provisions, contract clauses, and transportation factors.

#### 1847.305–10 Packing, marking, and consignment instructions.

In contracts providing for delivery f.o.b. origin and shipment under Government bills of lading, consignment instructions may be limited to the mail address of the

consignee (receiving activity), provided the contract instructions state: ''Shipment other than mail shall be consigned as indicated on the Government bill of lading furnished to the contractor.''

#### 1847.305–13 Transit arrangements. (NASA supplements paragraph (a))

(a)(3)(ii) When the provision at FAR 52.247–56 is used, the solicitation shall state that offers will be evaluated on the basis of the lowest overall cost to the Government, including transportation costs to NASA from point of origin to final destination, taking into account any applicable transit privileges.

#### 1847.305–70 NASA contract clauses.

(a) The contracting officer may insert a clause substantially as stated at 1852.247–72, Advance Notice of Shipment, in solicitations and contracts when the f.o.b. point is destination and special Government assistance is required in the delivery or receipt of the items.

(b) The contracting officer may insert a clause substantially as stated at 1852.247–73, Shipment of Government Bills of Lading, in f.o.b. origin solicitations and contracts.

### Subpart 1847.5—Ocean Transportation by U.S.-Flag Vessels

#### 1847.506 Procedures. (NASA supplements paragraph (d))

(d)(i) The transportation officer in each installation shall establish and maintain a register to reflect adherence to the Cargo Preference Act. The register shall contain data related to shipments made by the installation and by NASA contractors. Where no transportation officer is available, it shall be maintained by the contracting office. The register shall contain pertinent details of ocean shipments including, but not limited to, the ports of origin and destination of shipments, commodity descriptions, gross weight, freight revenue, name of vessel, operator of vessel, and date of loading. The register shall be maintained current and organized so that adherence to the Cargo Preference Act can be ascertained at all times. To the maximum practicable extent, compliance with the 50-percent minimum requirements of the Cargo Preference Act shall be maintained on a quarter-year basis; any deficiencies in maintaining compliance shall be corrected by the end of the calendar year.

(ii) On the basis of the registers maintained under paragraph (d)(i) of this section, the official maintaining the register shall submit quarterly reports reflecting ocean shipments to the Division of National Cargo, Office of Market Development, Maritime Administration, Department of Transportation, Washington, DC, 20590. Negative reports are required when applicable.

### Subpart 1847.70—Protection of the Florida Manatee

#### 1847.7001 Contract clause.

The contracting officer shall insert the clause at 1852.247–71, Protection of the Florida Manatee, in solicitations and contracts when deliveries or vessel operations, dockside work, or disassembly functions under the contract will involve use of waterways inhabited by manatees. The clause shall also be included in applicable subcontracts (including vendor deliveries).

16. Part 1848 is revised to read as follows:

## PART 1848—VALUE ENGINEERING

### Subpart 1848.1—Policies and Procedures

Sec.
1848.102 Policies.
1848.103 Processing value engineering change proposals.
1848.104 Sharing arrangements.
1848.104–2 Sharing collateral savings.

### Subpart 1848.2—Contract Clauses

1848.201 Clauses for supply or service contracts.

**Authority:** 42 U.S.C. 2473(c)(1).

### Subpart 1848.1—Policies and Procedures

#### 1848.102 Policies. (NASA supplements paragraphs (a) and (f))

(a) The Associate Administrator for Procurement (Code HS) is the approval authority for exemptions.

(f) In calculating instant or future contract savings on firm-fixed-price contracts when the parties have not set out a specific figure for profit, the contracting officer shall use the total contract price as the basis for calculating the savings.

#### 1848.103 Processing value engineering change proposals. (NASA supplements paragraph (a))

(a) Upon receipt of a VECP, the contracting officer shall promptly forward it to the technical officer responsible for the contract with the following information:

(i) Date of VECP receipt;

(ii) Date for notifying the contractor of VECP acceptance or rejection;

(iii) Notification of the potential for awarding concurrent, future, or collateral savings to the contractor if the VECP is accepted;

(iv) Request for a technical evaluation, with complete rationale for recommended acceptance or rejection, to include if acceptance is recommended:

(A) An estimate of the type of savings, Government costs, etc., that can be expected from its acceptance;

(B) A procurement request setting forth the specification changes to be used in any contract modification accepting the VECP in whole or in part; and

(C) Additional funds if acceptance of the VECP results in negative instant contract savings.

(v) Technical evaluation due date.

#### 1848.104 Sharing arrangements.

#### 1848.104–2 Sharing collateral savings.

The contracting officer is authorized to make the determination that the cost of calculating and tracking collateral savings will exceed the benefits to be derived.

### Subpart 1848.2—Contract Clauses

#### 1848.201 Clauses for supply or service contracts. (NASA supplements paragraphs (a), (b), (c), and (d))

(a)(6) The Associate Administrator for Procurement (Code HS) is the approval authority for exemptions.

(b) The contracting officer shall not insert the clause at FAR 52.248–1, Value Engineering, either with or without its Alternates, in an R&D contract where the statement of work is essentially an incorporation by reference of the prospective contractor's proposal. If any other part of the statement of work in such a contract reflects a Government specification that might benefit from application of VE techniques, the contracting officer shall consider inserting the VE incentive clause at FAR 52.248–1 with any applicable Alternate(s), and establish the applicability of the clause to that part.

(c) Except as prescribed in paragraph (b) of this section, the contracting officer shall insert the clause at FAR 52.248–1 with its Alternate I in initial production contracts for major systems, and major systems R&D contracts for full-scale development, unless the contracting officer determines in writing that its use is inappropriate. Use of Alternate I is appropriate for an R&D major systems contract only if the contract specifications contain detailed requirements that lend themselves to VE.

(d) The contracting officer shall insert the clause at FAR 52.248–1 with its Alternate II under the conditions prescribed in paragraph (c) of this section

17. Part 1849 is revised to read as follows:

## PART 1849—TERMINATION OF CONTRACTS

### Subpart 1849.1—General Principles

Sec.
1849.101 Authorities and responsibilities.
1849.101–70 NASA authorities and responsibilities.
1849.101–71 Termination authority.
1849.102 Notice of termination.
1849.102–70 Prior clearance of significant contract terminations.
1849.105 Duties of termination contracting officer after issuance of notice of termination.
1849.105–70 Termination docket checklist.
1849.110 Settlement negotiation memorandum.
1849.110–70 Memorandum contents.
1849.111 Review of proposed settlements.

### Subpart 1849.5—Contract Termination Clauses

1849.505 Other termination clauses.
1849.505–70 NASA contract clause.

**Authority**: 42 U.S.C. 2473(c)(1).

## Subpart 1849.1—General Principles

### 1849.101 Authorities and responsibilities.

#### 1849.101–70 NASA authorities and responsibilities.

(a) Installations shall appoint a termination contracting officer (TCO) (see FAR 2.101) to perform specific duties relating to contract termination as one of that individual's primary functions. In addition to the responsibilities described in this part and FAR part 49, such duties should include—

(1) Reviewing NASA Forms 1412, Termination Authority;

(2) Reviewing the contract and related documents before issuing the notice of termination, to ensure protection of the Government's rights under the contract; and

(3) Issuing notices of termination, reinstatement, and recision to contractors;

(b) Contracting offices shall utilize the services of the Department of Defense and other Government agencies whenever possible to administer and negotiate settlement of terminated contracts. Delegation of the negotiation of termination settlement function shall be made in accordance with FAR subpart 42.2 and 1842.2.

#### 1849.101–71 Termination authority.

NASA Form 1412, Termination Authority, is prescribed for use by NASA installations when initiating action to terminate a contract for convenience or default. The project manager or the activity initiating the procurement request should initiate the action by completing NASA Form 1412 and submitting it to the contracting officer.

### 1849.102 Notice of termination.

#### 1849.102–70 Prior clearance of significant contract terminations.

(a) Congressional notification is required for any termination involving a reduction in employment of 100 or more contractor employees. Proposed terminations must be cleared through the Headquarters Office of Legislative Affairs (Code LB) before release of the termination notice, or any information on the proposed termination, to the contractor. Proposed terminations expected to result in a reduction of fewer than 100 should be similarly cleared if the installation believes it to be significant.

(b) The contracting officer shall submit the following information to Code LB, and a copy to the Office of Procurement (Code HS), as soon as possible after the decision to terminate is made. Until clearance is obtained, this information shall be treated as ''For Official Use Only'' unless the information is classified.

(1) Contract number.

(2) Date of award.

(3) Type of award.

(4) Name of company.

(5) Nature of contract or end item.

(6) Reasons for the termination.

(7) Contract price of items terminated.

(8) Total number of contractor employees involved, including the Government's estimate of the number that may be discharged.

(9) Anticipated impact on the company and the community.

(10) Name of the community affected.

(11) Area labor category.

(12) Whether contractor is large or small business.

(13) Any known impact on disadvantaged employment programs.

(14) Total number of subcontractors involved and the impact in this area, if known.

(15) Unclassified draft of suggested press release.

(c) To minimize termination costs, Code LB shall act promptly on the request and provide a response not later than two working days after receipt of the information in paragraph (b) of this section.

### 1849.105 Duties of termination contracting officer after issuance of notice of termination.

#### 1849.105–70 Termination docket checklist.

The termination contracting officer shall complete NASA Form 1413, Termination Docket Checklist.

### 1849.110 Settlement negotiation memorandum.

#### 1849.110–70 Memorandum contents.

The TCO shall include the following information in the settlement negotiation memorandum. Contractors and subcontractors are encouraged to use this format appropriately modified for subcontract settlements submitted for review and approval.

(a) General information—(1) Identification. (i) Name and address of the contractor and any pertinent affiliation between prime contractors and subcontractors relative to the overall settlement.

(ii) Names and titles of contractor and Government personnel who participated in the negotiation.

(2) Description of terminated contract.

(i) Contract number;

(ii) Date of award;

(iii) Contract type;

(iv) General description of contract items;

(v) Total contract price; and

(vi) Applicable contract termination provisions and clause.

(3) Termination notice.

(i) Date of the termination notice;

(ii) Effective date of termination;

(iii) Scope and nature of termination (complete or partial);

(iv) Items terminated;

(v) Unit prices;

(vi) Total price of items terminated for fixed-price contracts or the estimated cost and fee applicable to items terminated for cost-reimbursement type contracts;

(vii) Whether the termination notice was amended and, if so, why;

(viii) Whether the contractor stopped work on the termination effective date (if it did not, furnish details) and whether subcontracts were terminated promptly;

(ix) Any redirection of common items and return of goods to the contractor's suppliers; and

(x) Extent of contract performance and timely deliveries by the contractor.

(b) Contractor's settlement proposal—(1) Date and amount. Date and location where the claim was filed and its gross amount (if interim settlement proposals were filed, information shall be furnished for each claim).

(2) Basis of claim. E.g., inventory, total cost, or other basis, including an explanation of any approvals granted in connection with submission on other than an inventory basis.

(3) Examination of proposal. Types of reviews made and by whom (audit, engineering, legal, or other).

(c) Tabular summary of contractor's claim and the settlement. The cost

elements/items, the amounts claimed, the Government recommended position (including auditor, field, and technical personnel recommendations), and the negotiated settlement amounts. This summary shall include, if appropriate, previously reimbursed and unreimbursed costs applicable to the prime contractor and subcontractor, previous profit/fees paid and unpaid; settlement cost less disposal credit or other credits, and a recapitulation of previous settlements. The summary of the negotiated settlement shall include the amount claimed and allowed for contractor and/or subcontractor changes, disposal, prior payment credits, and contract price.

(d) Settlement narrative summary.

(1) Contractor's cost.

(2) Profit/Fee.

(3) Settlement expenses not included in the audit.

(4) Number and dollar amount of any subcontractor settlements approved by the TCO and concluded by the contractor under delegation of authority.

(5) Total amount of any partial payments.

(6) Total of unliquidated progress or advance payments.

(7) Claims of the Government against the contractor included in settlement agreement reservations.

(8) Assignments, including the name and address of each assignee.

(9) Disposal credits.

(10) Status of plant clearance actions and all inventory sold, retained, or otherwise properly disposed of in accordance with applicable plant clearance regulations, including a consolidated closing plant clearance report, if applicable.

(11) Status of Government property accountability.

(12) Disposition of any special tooling, if applicable.

(13) Proposed reservations of rights to the Government or to the contractor.

(e) Recommendation. Amount of the gross settlement recommended and TCO statement that it is fair and reasonable to the Government and the contractor.

(f) TCO Signature and date.

#### 1849.111 Review of proposed settlements. (NASA paragraphs (1) and (2))

(1) Settlements shall be reviewed in accordance with center-prescribed procedures.

(2) The TCO may authorize the contract administration office cognizant of a lower-tier subcontractor grant approval or ratification of proposed subcontractor settlements described in FAR 49.108–3(c) that are first reviewed and referred by the prime contractor to the TCO. This procedure is not applicable to settlements between the contractor and its first tier subcontractors.

### Subpart 1849.5—Contract Termination Clauses

#### 1849.505 Other termination clause.

#### 1849.505–70 NASA contract clause.

The contracting officer shall insert the clause at 1852.249–72, Termination (Utilities), in all solicitations and contracts for utilities services.

18. Part 1850 is revised to read as follows:

## PART 1850—EXTRAORDINARY CONTRACTUAL ACTIONS

#### Subpart 1850.2—Delegation of and Limitations on Exercise of Authority

Sec.
1850.202 Contract adjustment boards.

#### Subpart 1850.3—Contract Adjustments

1850.305 Processing cases.
1850.305–70 Submission of request to the Contract Adjustment Board.
1850.306 Disposition.
1850.306–70 Implementation of the Contract Adjustment Board's decision.

#### Subpart 1850.4—Residual Powers

1850.403 Special procedures for unusually hazardous or nuclear risks.
1850.403–1 Indemnification requests.
1850.403–170 Subcontractor indemnification requests.
1850.403–2 Action on indemnification requests.
1850.470 Lead NASA installation.

**Authority:** 42 U.S.C. 2473(c)(1).

### Subpart 1850.2—Delegation of and Limitations on Exercise of Authority

#### 1850.202 Contract adjustment boards.

14 CFR part 1209, subpart 3, Contract Adjustment Board, establishes the Contract Adjustment Board (CAB) as the approving authority to consider and dispose of requests from NASA contractors for extraordinary contractual actions.

### Subpart 1850.3—Contract Adjustments

#### 1850.305 Processing cases.

#### 1850.305–70 Submission of request to the Contract Adjustment Board.

(a) After investigating the facts and issues relevant to the contractor's request, the contracting officer shall forward the request to the Associate General Counsel for General Law (Code GG), including in the forwarding letter—

(1) The nature of the case;

(2) The recommended disposition; and,

(3) If contractual action is recommended, the contracting officer's opinion that the action will facilitate the national defense.

(b) The forwarding letter shall enclose the contractor's request, all supporting material submitted by the contractor, and any material the contracting officer has obtained while investigating the facts and issues relevant to the request. Any classified information in the material forwarded shall be so identified.

(c) Electronic submittal is preferred for unclassified material.

#### 1850.306 Disposition.

#### 1850.306–70 Implementation of the Contract Adjustment Board's decision.

(a) The contracting officer shall take action authorized in the CAB's decision.

(b) Immediately upon execution, including any required Headquarters approval, of a contract or contract modification or amendment implementing the CAB decision, the contracting officer shall forward a copy of the contractual document to the Associate General Counsel for General Law (Code GG).

### Subpart 1850.4—Residual Powers

#### 1850.403 Special procedures for unusually hazardous or nuclear risks.

#### 1850.403–1 Indemnification requests. (NASA supplements paragraph (a))

(a) The contractor shall also provide evidence, such as a certificate of insurance or other customary proof of insurance, that such insurance is either in force or is available and will be in force during the indemnified period.

#### 1850.403–170 Subcontractor indemnification requests.

Subcontractors shall submit requests for indemnification to the prime contractor and through higher tier subcontractor(s), as applicable. If the prime contractor agrees an indemnity clause should be flowed down to the subcontractor, the prime contractor shall forward its written request for subcontractor indemnification to the cognizant contracting officer for approval in accordance with FAR 50.403–1. The prime contractor's request shall provide information responsive to 1850.403–1, FAR 50.403–1, and FAR 50.403–2(a) (1), (2), (4), (5) and (7). The agreed upon definition of the unusually hazardous risk to be incorporated into the subcontract shall be the same as that incorporated in the prime contract.

**1850.403–2 Action on indemnification requests. (NASA supplements paragraphs (a) and (d))**

(a) If recommending approval, the contracting officer shall forward the required information to the Associate Administrator for Procurement (Code HS), along with the following:

(i) For contracts of five years duration or longer, a determination, with supporting rationale, whether the indemnification approval and insurance coverage and premiums should be reviewed for adequacy and continued validity at points in time within the extended contract period.

(ii) A recommended Memorandum of Decision. In addition to the applicable requirements of FAR 50.306, the Memorandum of Decision shall contain the following:

(A) The specific definition of the unusually hazardous risk to which the contractor is exposed in the performance of the contract(s);

(B) A complete discussion of the contractor's financial protection program; and

(C) The extend to, and conditions under, which indemnification is being approved for subcontracts.

(d) If approving subcontractor indemnification, the contracting officer shall document the file with a memorandum for record addressing the items set forth in FAR 50.403–2(a) and include an analysis of the subcontractor's financial protection program. In performing this analysis, the contracting officer shall take into consideration the availability, cost, terms and conditions of insurance in relation to the unusually hazardous risk.

**1850.470 Lead NASA installation.**

(a) Contractors applying for indemnification shall determine which NASA installation has the highest dollar amount of contracts for which indemnification is requested. The indemnification request should be submitted to the procurement officer for that installation, who will then designate a cognizant contracting officer. Contractors shall submit a single request and ensure duplicate requests are not submitted by associate divisions, subsidiaries, or central offices of the contractor.

(b) The receiving installation will become the lead installation and will remain so indefinitely. Lead installation designation may change to another installation if the affected procurement officers agree to the change. Should a change occur in the lead installation, all records related to indemnification of that contractor shall be transferred to the gaining installation.

19. Part 1851 is revised to read as follows:

## PART 1851—USE OF GOVERNMENT SOURCES BY CONTRACTORS

### Subpart 1851.1—Contractor Use of Government Supply Sources

Sec.
1851.101 Policy.
1851.102 Authorization to use Government supply sources.
1851.102–70 Contractor acquisition of filing cabinets.

**Authority:** 42 U.S.C. 2473(c)(1).

### Subpart 1851.1—Contractor Use of Government Supply Sources

**1851.101 Policy.**

Use of official Government mailing privileges by NASA contractors is covered in NMI 1450.11, NASA Mail Management Program.

**1851.102 Authorization to use Government supply sources. (NASA supplements paragraph (e)).**

(e) The contracting officer shall use substantially the following format for letters authorizing contractor use of Government supply sources:

SUBJECT: Authorization to Lease, Rent, or Purchase from General Services Administration (GSA) Supply Sources

(Contractor's name) _____

(Address) _____

(1) You are hereby authorized to act for the Government in the following matters:

(i) The acquisition of supplies and/or services under Contract No. _____ available for purchase by Government agencies either directly from GSA stock or under Federal Supply Schedules, including GSA nonmandatory ADTS/ADP schedule contracts and GSA ADP requirements contracts, subject to the limitations set forth in this authorization.

(ii) The leasing or rental of equipment for use on Contract No. _____ available for lease or rental by Government agencies under Federal Supply Schedules, including GSA nonmandatory ADTS/ADP schedule contracts and GSA ADP requirements contracts, subject to the limitations set forth in this authorization.

(iii) The issuance of tax exemption certificates in lieu of the payment of State or other taxes for which the government is not liable on supplies or services purchased under this authorization.

(2)(i) Purchase orders under GSA schedules and contracts shall be placed in accordance with the terms and conditions of the GSA schedule or contract and this authorization. A copy of this authorization shall be attached to the order (unless a copy was previously furnished to the GSA contractor) and shall contain the following statement:

''This order is placed on behalf of the National Aeronautics and Space Administration in furtherance of United States Government Contract No. _____, pursuant to written authorization dated _____, a copy of which (is attached) (you have on file). In the event of any inconsistency between the terms and conditions of this order and those of the applicable GSA schedule/contract, the latter will govern.''

(ii) Orders for items in the GSA Supply Catalog shall be placed in accordance with the Catalog and this authorization and shall include the address to which billings are to be sent. Bills are not issued by GSA until after shipment has been made and should therefore be paid promptly. Any necessary adjustments will be made by GSA subsequent to payment. All orders shall contain the following statement:

''This order is placed on behalf of the National Aeronautics and Space Administration in furtherance of United States Government Contract No. _____, pursuant to written authorization dated _____, a copy of which (is attached) (you have on file).''

(3) (Insert any other provisions and restrictions.)

(4) The authority hereby granted is not transferable or assignable.

_____

(Contracting Officer)

(e)(3) Contracting officers shall use NHB 4100.1, NASA Materials Inventory Management Manual, to obtain activity address codes to enable use of FEDSTRIP and MILSTRIP.

**1851.102–70 Contractor acquisition of filing cabinets.**

(a) The Contractor officer must approve any planned contractor acquisition of filing cabinets whose title will vest in the Government. The contracting officer shall ensure that the contractor takes the following actions before submitting a request for approval:

(1) Transfer inactive records to contractor storage areas;

(2) Dispose of unnecessary records in accordance with corporate procedures;

(3) Use less expensive shelf filing methods; and

(4) Take other actions to reduce the need for filing cabinets.

(b) If after taking the actions in paragraphs (a)(1) through (4) of this section, the contractor requires additional filing capacity, it shall submit for contracting officer approval a request to order filing cabinets. This request shall include a discussion of why sufficient additional filing capacity is necessary and shall address the results of the actions in paragraphs (a)(1) through (4) of this section. The contracting officer shall review the request in consultation with the Records Management Officer, the Property and Supply Officer, and the project officer, is appropriate.

(c) If the need for filing cabinets is approved, the contracting officer shall

attempt to fill the need by providing any available excess items of the type required through appropriate property accountability channels. Approved requests that cannot be filled from excess shall be returned to the contractor with an authorization to obtain file cabinets, preferably through GSA.

## PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

### 1852.211–72, 1852.211–74 [Removed]

20–21. Sections 1852.211–72 and 1852.211–74 are removed.

### 1852.223–70 [Amended]

22. In the clause to section 1852.223–70, the date ''(FEB 1996)'' is revised to read ''(MAR 1997)'', and in paragraph (g)(2) of the clause the phrase ''A certification program'' is revised to read ''Qualification standards''.

### 1852.223–73 [Amended]

23. In the introductory text to section 1852.223–73, the citation ''1823.7001'' is revised to read ''1823.7001(c)'', and in the introductory text to ALTERNATE I of section 1852.223–73, the citation ''1823–7001'' is revised to read ''1823.7001(d)''.

### 1852.243–70, 1852.243–71 [Amended]

24. Sections 1852.243–70 and 1852.243–71 are revised to read as follows:

### 1852.243–70 Engineering change proposals.

As prescribed in 1843.205–70(a), insert the following clause, modified to suit contract type:

ENGINEERING CHANGE PROPOSALS (MAR 1997)

(a) Definitions.

*ECP* means an Engineering Change Proposal (ECP) which is a proposed engineering change and the documentation by which the change is described, justified, and submitted to the procuring activity for approval or disapproval.

*MIL-STD–973* means a DOD publication entitled, Military Standard Configuration Control—Egnineering Changes, Deviations and Waivers, 15 July 1988.

(b) Either party to the contract may originate ECPs. The originator shall forward proposed ECPs to the Contracting Officer. Unless another process has been approved by the Government or specified by the Contracting Officer, the ECP formats, forms and controls specified in MIL-STD–973 shall be used. Implementation of an approved ECP may occur by either a supplemental agreement or, if appropriate, as a written change order to the contract.

(c) Any ECP submitted to the Contracting Officer shall include a ''not-to-exceed'' _____ [price or estimated cost] increase or decrease adjustment amount, if any, and the required [time of delivery or period of performance] adjustment, if any, acceptable to the originator of the ECP. If the change is originated within the Government, the Contracting Officer shall obtain a written agreement with the Contractor regarding the ''not-to-exceed'' _____ [price or estimated cost] and [delivery or period of performance] adjustments, if any, prior to issuing an order for implementation of the change.

(d) After submission of a Contractor initiated ECP, the Contracting Officer may require the Contractor to submit the following information:

(1) Cost or pricing data in accordance with FAR 15.804–6 if the proposed change meets the criteria for its submission under FAR 15.804–2; or

(2) Information other than cost or pricing data adequate for Contracting Officer determination of price reasonableness or cost realism. The Contracting Officer reserves the right to request additional information if that provided by the Contractor is considered inadequate for that purpose. If the Contractor claims applicability of one of the exceptions to submission of cost or pricing data, it shall cite the exception and provide rationale for its applicability.

(e) If the ECP is initiated by NASA, the Contracting Officer shall specify the cost information requirements, if any.

(End of clause)

ALTERNATE I (SEPT 1990)

As prescribed in 1843.205–70(b), add the following paragraph (e), modified to suit contract type, to the basic clause:

(e) If the _____ [price of estimated cost] adjustment proposed for any Contractor-originated ECP is _____ [Insert a percent or dollar amount of the contract price or estimated cost.] or less, the ECP shall be executed with no adjustment to the contract _____ [price or estimated cost].

ALTERNATE II (SEPT 1990)

As prescribed in 1843.205–70(c), add the following sentence at the end of paragraph (c) of the basic clause:

An ECP accepted in accordance with the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost in the contract Schedule, unless the estimated cost is increased by the change order or other contract modification.

### 1852.243–71 Shared savings.

As prescribed in 1843.7102, insert the following clause:

SHARED SAVINGS (MAR 1997)

(a) The Contractor is entitled, under the provisions of this clause, to share in cost savings resulting from the implementation of cost reduction projects which are presented to the Government in the form of Cost Reduction Proposals (CRP) and approved by the Contracting Officer. These cost reduction projects may require changes to the terms, conditions or statement of work of this contract. Any cost reduction projects must not change the essential function of any products to be delivered or the essential purpose of services to be provided under the contract.

(b) Definitions:

(1) *Cost savings,* as contemplated by this clause mean savings that result from instituting changes to the covered contract, as identified in an approved Cost Reduction Proposal.

(2) *Cost Reduction Proposal*—For the purposes of this clause, a Cost Reduction Proposal means a proposal that recommends alternatives to the established procedures and/or organizational support of a contract or group of contracts. These alternatives must result in a net reduction of contract cost and price to NASA. The proposal will include technical and cost information sufficient to enable the Contracting Officer to evaluate the CRP and approve or disapprove it.

(3) *Covered contract*—As used in this provision, covered contract means the contract, including unexercised options but excluding future contracts, whether contemplated or not, against which the CRP is submitted.

(4) *Contractor implementation costs*—As used in this provision, Contractor implementation costs, or ''implementation costs'', shall mean those costs which the Contractor incurs on covered contracts specifically in developing, preparing, submitting, and negotiating a CRP, as well as those costs the Contractor will incur on covered contracts to make any structural or organizational changes in order to implement an approved CRP.

(5) *Government costs*—As used in this provision, the term Government costs means internal costs of NASA, or any other Government agency, which result directly from development and implementation of the CRP. These may include, but are not limited to, costs associated with the administration of the contract or with such contractually related functions such as testing, operations, maintenance and logistics support. These costs also include costs associated with other Agency contracts (including changes in contract price or cost and fee) that may be affected as a result of the implementation of a CRP. They do not include the normal administrative costs of reviewing and processing the Cost Reduction Proposal.

(c) General. The Contractor will develop, prepare and submit CRP's with supporting information as detailed in paragraph (e) of this clause, to the Contracting Officer. The CRP will describe the proposed cost reduction activity in sufficient detail to enable the Contracting Officer to evaluate it and to approve or disapprove it. The Contractor shall share in any net cost savings realized from approved and implemented CRPs in accordance with the terms of this clause. The Contractor's actual percentage share of the cost savings shall be a matter for negotiation with the Contracting Officer, but shall not, in any event, exceed 50 percent of the total cost savings recognized by the Contracting Officer. The Contractor may propose changes in other activities that impact performance on its contract, including Government and other Contractor operations, if such changes will optimize cost savings. A Contractor shall not be entitled to share, however, in any cost savings that are

internal to the Government, or which result from changes made to any contracts to which it is not a party even if those changes were proposed as a part of its CRP. Early communication between the Contractor and Government is encouraged. The communication may be in the form of a concept paper or preliminary proposal. The Government is not committed to accepting any proposal as a result of these early discussions.

(d) Computation of cost savings. The cost savings to be shared between the Government and the Contractor will be computed by the Contracting Officer by comparing a current estimate to complete (ETC) for the covered contract, as structured before implementation of the proposed CRP, to a revised ETC which takes into account the implementation of that CRP. The cost savings to be shared shall be reduced by any cost overrun, whether experienced or projected, that is identified on the covered contract before implementation of the CRP. Although a CRP may result in cost savings that extend far into the future, the period in which the Contractor may share in those savings will be limited to no more than five years. Implementation costs of the Contractor must be considered and specifically identified in the revised ETC. The Contracting Officer shall offset Contractor cost savings by any increased costs (whether implementing or recurring) to the Government when computing the total cost savings to be shared. The Contractor shall not be entitled, under the provisions of this clause, to share in any cost reductions to the contract that are the result of changes stemming from any action other than an approved CRP. However, this clause does not limit recovery of any such reimbursements that are allowed as a result of other contract provisions.

(e) Supporting Information. As a minimum, the Contractor shall provide the following supporting information with each CRP:

(1) Identification of the current contract requirements or established procedures and/or organizational support which are proposed to be changed.

(2) A description of the difference between the current process or procedure and the proposed change. This description shall address how proposed changes will meet NASA requirements and discuss the advantages and disadvantages of the existing practice and the proposed changes.

(3) A list of contract requirements which must be revised, if any, if the CRP is approved, along with proposed revisions. Any changes to NASA or delegated contract management processes should also be addressed.

(4) Detailed cost estimates which reflect the implementation costs of the CRP.

(5) An updated ETC for the covered contract, unchanged, and a revised ETC for the covered contract which reflects changes resulting from implementing the CRP. If the CRP proposes changes to only a limited number of elements of the contract, the ETCs need only address those portions of the contract that have been impacted. Each ETC shall depict the level of costs incurred or to be incurred by year, or to the level of detail required by the Contracting Officer. If other CRPs have been proposed or approved on a contract, the impact of these CRPs must be addressed in the computation of the cost savings to ensure that the cost savings identified are attributable only to the CRP under consideration in the instant case.

(6) Identification of any other previous submissions of the CRP, including the dates submitted, the agencies and contracts involved, and the disposition of those submittals.

(f) Administration.

(1) The Contractor shall submit proposed CRPs to the Contracting Officer who shall be responsible for the review, evaluation and approval. Normally, CRP's should not be entertained for the first year of performance to allow the Contracting Officer to assess performance against the basic requirements. If a cost reduction project impacts more than a single contract, the Contractor may, upon concurrence of the Contracting Officers responsible for the affected contracts, submit a single CRP which addresses fully the cost savings projected on all affected contracts that contain this Shared Savings Clause. In the case of multiple contracts affected, responsibility for the review and approval of the CRP will be a matter to be decided by the affected Contracting Officers.

(2) Within 60 days of receipt, the Contracting Officer shall complete an initial evaluation of any proposed cost reduction plan to determine its feasibility. Failure of the Contracting Officer to provide a response within 60 days shall not be construed as approval of the CRP. The Government shall promptly notify the Contractor of the results of its initial evaluation and indicate what, if any, further action will be taken. If the Government determines that the proposed CRP has merit, it will open discussions with the Contractor to establish the cost savings to be recognized, the Contractor's share of the cost savings, and a payment schedule. The Contractor shall continue to perform in accordance with the terms and conditions of the existing contract until a contract modification is executed by the Contracting Officer. The modification shall constitute approval of the CRP and shall incorporate the changes identified by the CRP, adjust the contract cost and/or price, establish the Contractor's share of cost savings, and incorporate the agreed to payment schedule.

(3) The Contractor will receive payment by submitting invoices to the Contracting Officer for approval. The amount and timing of individual payments will be made in accordance with the schedule to be established with the Contracting Officer. Notwithstanding the overall savings recognized by the Contracting Officer as a result of an approved CRP, payment of any portion of the Contractor's share of savings shall not be made until NASA begins to realize a net cost savings on the contract (i.e., implementation, startup and other increased costs resulting from the change have been offset by cumulative cost savings). Savings associated with unexercised options will not be paid unless and until the contract options are exercised. It shall be the responsibility of the Contractor to provide such justification as the Contracting Officer deems necessary to substantiate that cost savings are being achieved.

(4) Any future activity, including a merger or acquisition undertaken by the Contractor (or to which the Contractor becomes an involved party), which has the effect of reducing or reversing the cost savings realized from an approved CRP for which the Contractor has received payment may be cause for recomputing the net cost savings associated with any approved CRP. The Government reserves the right to make an adjustment to the Contractor's share of cost savings and to receive a refund of moneys paid if necessary. Such adjustment shall not be made without notifying the Contractor in advance of the intended action and affording the Contractor an opportunity for discussion.

(g) Limitations. Contract requirements that are imposed by statute shall not be targeted for cost reduction exercises. The Contractor is precluded from receiving reimbursements under both this clause and other incentive provisions of the contract, if any, for the same cost reductions.

(h) Disapproval of, or failure to approve, any proposed cost reduction proposal shall not be considered a dispute subject to remedies under the Disputes clause.

(i) Cost savings paid to the Contractor in accordance with the provisions of this clause do not constitute profit or fee within the limitations imposed by 10 U.S.C. 2306(d) and 41 U.S.C. 254(b).

(End of clause)

**1852.244–70 [Amended]**

25. In the introductory text to section 1852.244–70, the citation ''1844.170'' is revised to read ''1844.204–70''.

**1852.246–70 [Amended]**

26. Section 1852.246–70 is revised to read as follows:

**1852.246–70 Mission Critical Space System Personnel Reliability Program.**

As prescribed in 1846.370(a), insert the following clause:

MISSION CRITICAL SPACE SYSTEM

PERSONNEL RELIABILITY PROGRAM (MAR 1997)

(a) In implementation of the Mission Critical Space System Personnel Reliability Program, described in 14 CFR 1214.5, the Government shall identify personnel

positions that are mission critical. Some of the positions as identified may now or in the future be held by employees of the Contractor. Upon notification by the Contracting Officer that a mission-critical position is being or will be filled by one or more of the Contractor's employees, the Contractor shall (1) provide the affected employees with a clear understanding of the investigative and medical requirements and, (2) to the extent permitted by applicable law, assist the Government by furnishing personal data and medical records.

(b) The standard that will be used in certifying individuals for a mission-critical position is that they must be determined to be suitable, competent, and reliable in the performance of their assigned duties in accordance with the screening requirements 14 CFR 1214.5. If the Government determines that a Contractor employee occupying or nominated to occupy a mission-critical position will not be certified for such duty, the Contracting Officer shall (1) furnish to the employee the specific reasons for its action; (2) advise the employee that he/she may avail himself/herself of the review procedures that are a part of the certification system; and (3) furnish him/her a copy of those procedures upon request.

(c) If a Contractor employee who has been nominated for (but has not yet filled) a mission-critical position is not certified, the Contractor agrees to defer the appointment to the position until the employee has had an opportunity to pursue the referenced procedures. If the employee is an incumbent to the position, the Contractor agrees, upon the request of the Government, to remove him/her from the position temporarily pending an appeal of the action under the review procedures. If any employee not certified elects not to take action under the procedures, or, if having taken action, is not successful in obtaining a reversal of the determination, the Contractor agrees not to appoint the employee to the position, or if already appointed, to promptly remove the employee.

(End of clause)

**1852.246–71 [Amended]**

27. In the introductory text to section 1852.246–71, the citation ''1846.470–2(a)'' is revised to read ''1846.470''.

**1852.246–73 [Amended]**

28. Section 1852.246–73 is revised to read as follows:

**1652.246–73 Human Space Flight Item.**

As prescribed in 1845.370(b), insert the following clause:

HUMAN SPACE FLIGHT ITEM (MAR 1997)

The Contractor shall include the following statement in all subcontracts and purchase orders placed by it in support of this contract, without exception as to amount or subcontract level:

''FOR USE IN HUMAN SPACE FLIGHT; MATERIALS, MANUFACTURING, AND WORKMANSHIP OF HIGHEST QUALITY STANDARDS ARE ESSENTIAL TO ASTRONAUT SAFETY.

IF YOU ARE ABLE TO SUPPLY THE DESIRED ITEM WITH A HIGHER QUALITY THAN THAT OF THE ITEMS SPECIFIED OR PROPOSED, YOU ARE REQUESTED TO BRING THIS FACT TO THE IMMEDIATE ATTENTION OF THE PURCHASER.''

(End of clause)

**1852.246–74, 1852.246–75 [Removed]**

29. Section 1852.246–74 and 1852.246–75 are removed.

**1852.247–70 [Removed]**

30. Section 1852.247–70 is removed.

**1852.247–72 [Amended]**

31. In the introductory text to section 1852.247–72, the citation ''1847.305–70(b)'' is revised to read ''1847.305–70(a)''.

**1852.247–73 [Amended]**

32. In the introductory text to section 1852.247–73, the citation ''1847.305–70(c)'' is revised to read ''1847.305–70(b)''.

33. In the clause to section 1852.247–73, the date ''(MARCH 1989)'' is revised to read ''(MAR 1997)'', and in paragraph (b), the word ''certificate'' is revised to read ''statement''.

[FR Doc. 97–7075 Filed 3–24–97; 8:45 am]

BILLING CODE 7510–01–M

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## 48 CFR Parts 1819 and 1845

## Revision to the NASA FAR Supplement to Eliminate Non-Statutory Certification Requirements

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This is a final rule amending the NASA FAR Supplement to eliminate offeror and contractor certification requirements not mandated by statute.

**EFFECTIVE DATE:** March 25, 1997.

**FOR FURTHER INFORMATION CONTACT:** Tom O'Toole, (202) 358–0478.

**SUPPLEMENTARY INFORMATION:**

### Background

NASA published a proposed rule in the December 18, 1996 Federal Register (61 FR 66643–66646) of its intent to delete a number of offeror and contractor certification requirements in the NASA FAR Supplement (NFS). Only editorial comments were received, and these are considered in the final rule. The proposed changes to sections 1819.7211 and 1845.302–73 are incorporated as a final rule without revision.

The changes to the following NFS sections listed in the proposed rule have already been accomplished via the ongoing NFS rewrite:

1. 1816.303 Cost Sharing Contracts. Certification requirement deleted from renumbered section 1816.303–70 in the October 7, 1996 interim rule (61 FR 52325–52347) and subsequent January 23, 1997 final rule (62 FR 3464–3487).

2. 1823.7002 Responsibility. Section deleted in the October 29, 1996 final rule (61 FR 55753–55764).

3. 1832.7004(b) Contractual Implementation (Milestone Billing). Section deleted in the October 29, 1996 final rule (61 FR 55765–55774).

4. 1834.005–1 Competition. Certification requirement deleted from renumbered Subpart 1834.70 in the January 30, 1997 final rule (62 FR 4466–4492).

5. 1870.102–703, VI, Proposed Submission Information (Investigation Acquisition System). Certification requirement deleted in renumbered Part 1872 in the January 30, 1997 final rule (62 FR 4466–4492).

The changes to the following sections listed in the proposed rule will be accomplished as part of the NFS rewrite in a separate final rule:

1. 1852.223–70, Safety and Health.

2. 1852.247–73, Shipment by Government Bills of Lading.

### Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This final rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

### List of Subjects in 48 CFR Parts 1819 and 1845

Government procurement.

**Tom Luedtke,**

*Deputy Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1819 and 1845 are amended as follows:

1. The authority citation for 48 CFR Parts 1819 and 1845 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

## PART 1819—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

**1819.7211 [Amended]**

2. In section 1819.7211, paragraph (b)(1) is revised to read as follows:

**1819.7211 Application process for mentor firms to participate in the program.**

(a) * * *

(b) * * *

(1) A statement that the mentor firm is currently performing under at least one active approved subcontracting plan (small business exempted) and that they are eligible, as of the date of application, for the award of Federal contracts.

* * * * *

## PART 1845—GOVERNMENT PROPERTY

### 1845.302–73 [Amended]

3. In section 1845.302–73(b), the first two sentences of paragraph 3 under FINDINGS are revised to read as follows:

### 1845.302–73 Determination and findings.

(a) * * *

(b) * * *

Findings

* * * * *

3. (If the contract effort cannot be fulfilled by any other means, indicate why the contractor cannot provide the facilities. For example, due to financial constraints, the contractor has demonstrated inability to acquire the facilities; or, even though the contractor is willing and financially able to acquire these facilities for its own account, the contractor has stated that time will not permit making arrangements to obtain timely delivery to meet NASA requirements. * * *

* * * * *

[FR Doc. 97–7074 Filed 3–24–97; 8:45 am]

BILLING CODE 7510–01–M

# Proposed Rules

Federal Register
Vol. 62, No. 57
Tuesday, March 25, 1997

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Parts 300 and 319

**[Docket No. 96–046–1]**

### Importation of Fruits and Vegetables

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to allow a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. All of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a U.S. Department of Agriculture inspector. In addition, some of the fruits and vegetables would be required to meet other special conditions. The removal of these prohibitions would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction and dissemination of injurious plant pests by imported fruits and vegetables.

We are also proposing to extend the production area in Arava, Israel, where peppers may be grown for importation into the United States; to eliminate the distribution restrictions for peppers from Arava, Israel; to eliminate the trust fund provisions for papayas from Costa Rica; to declare all Provinces in Chile free of the Mediterranean fruit fly; and to make several nonsubstantive editorial changes to the regulations. These actions would relieve restrictions while continuing to prevent the introduction of plant pests into the United States.

**DATES:** Consideration will be given only to comments received on or before May 27, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 96–046–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 96–046–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Campbell, Staff Officer, Import/Export, PPQ, APHIS, 4700 River Road Unit 136, Riverdale, MD 20737–1236; (301) 734–6799.

**SUPPLEMENTARY INFORMATION:**

## Background

The regulations in 7 CFR 319.56 through 319.56–8 (referred to below as ''the regulations'') prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of fruit flies and other injurious plant pests that are new to or not widely distributed within and throughout the United States.

We are proposing to amend the regulations to allow additional fruits and vegetables to be imported into the United States from certain parts of the world under specified conditions. The importation of these fruits and vegetables has been prohibited because of the risk that the fruits and vegetables could introduce fruit flies or other injurious plant pests into the United States. We are proposing to allow these importations at the request of various importers and foreign ministries of agriculture, and after conducting pest risk analyses [1] that indicate the fruits or vegetables can be imported under certain conditions without significant pest risk.

All of the fruits and vegetables included in this document would be subject to the requirements in § 319.56–6 of the regulations. Section 319.56–6 provides, among other things, that all imported fruits and vegetables, as a condition of entry, shall be subject to inspection, disinfection, or both, at the port of first arrival, as may be required by a U.S. Department of Agriculture (USDA) inspector to detect and eliminate plant pests. Section 319.56–6 also provides that any shipment of fruits and vegetables may be refused entry if the shipment is infested with fruit flies or other injurious plant pests and an inspector determines that it cannot be cleaned by disinfection or treatment.

Some of the fruits and vegetables proposed for importation would be required to meet other special conditions. The proposed conditions of entry, which are discussed in greater detail below, appear adequate to prevent the introduction and dissemination of fruit flies and other injurious plant pests by the importation of fruits and vegetables from certain foreign countries and localities into the United States.

## Subject to Inspection and Treatment Upon Arrival

We are proposing to allow the following fruits and vegetables to be imported into the United States from the country or locality indicated in accordance with § 319.56–6 and all other applicable requirements of the regulations:

| Country/Locality | Common Name | Botanical Name | Plant Part(s) |
|---|---|---|---|
| Ecuador | Radicchio | *Cichorium* spp | Above ground parts. |
| El Salvador | Eggplant | *Solanum melongena* | Fruit. |
| Guatemala | Basil | *Ocimum basilicum* | Above ground parts. |
| Guatemala | Dill | *Anethum graveolens* | Above ground parts. |
| Japan | Mioga Ginger | *Zingiber mioga* | Above ground parts. |
| Nicaragua | Eggplant | *Solanum melongena* | Fruit. |

[1] Information on these pest risk analyses and any other pest risk analysis referred to in this document may be obtained by writing to the person listed under **FOR FURTHER INFORMATION CONTACT** or by calling the Plant Protection and Quarantine (PPQ) fax vault at 301–734–3560.

| Country/Locality | Common Name | Botanical Name | Plant Part(s) |
|---|---|---|---|
| Nicaragua | Radicchio | *Cichorium* spp | Above ground parts. |

Pest risk analyses conducted by the Animal and Plant Health Inspection Service (APHIS) have shown that the fruit and vegetables listed above are not attacked by fruit flies or other injurious plant pests, either because they are not hosts to the pests or because the pests are not present in the country or locality of origin. In addition, we have determined that any other injurious plant pests that might be carried by any of the listed fruit or vegetables would be readily detectable by a USDA inspector. Therefore, the provisions in § 319.56–6 concerning inspection, disinfection, or both, at the port of first arrival, appear adequate to prevent the introduction into the United States of fruit flies or other injurious plant pests by the importation of these fruits and vegetables.

**Subject to Inspection and Treatment Upon Arrival; Additional Conditions**

We would allow the following fruits and vegetables to be imported into the United States from the countries indicated subject to the prescribed conditions and in accordance with § 319.56–6 and all other applicable requirements of the regulations:

*Leeks From Belgium and the Netherlands*

We are proposing to allow leeks (*Allium* spp.) from Belgium and The Netherlands to be imported into the United States if the leeks are accompanied by a phytosanitary certificate issued by the Ministry of Agriculture of the country of production (either Belgium or The Netherlands). The phytosanitary certificate must state that the leeks are apparently free from *Acrolepiopsis assectella*, commonly known as leek moth. This certification would ensure that, prior to departure for the United States, a thorough phytosanitary inspection of the leeks was performed and no leek moths were found in the shipment.

*Papaya From Brazil*

We are proposing to allow solo type papayas (*Carica papaya*) from Brazil to be imported into the United States if the fruit is grown in the State of Espirito Santo and if the fruit has been grown, packed, and shipped in accordance with certain phytosanitary conditions.

Because papayas can be hosts of several serious plant pests, including the Mediterranean fruit fly (*Ceritatis capitata*) (Medfly) and the South American fruit fly (*Anastrepha fraterculus*), we would require that papayas intended for importation into the United States from the State of Espirito Santo, Brazil, be subject to certain special conditions. The proposed special conditions outlined below for the importation of papaya from Brazil are based on the provisions in § 319.56–2w of the regulations for papaya from Costa Rica and on the proposed changes to those provisions located under the heading ''Papaya from Costa Rica'' in this document. The conditions would read as follows:

1. The papayas were grown and packed for shipment to the United States in the State of Espirito Santo.

This condition would ensure that papayas intended for the United States would only be grown and packed in Espirito Santo. The State of Espirito Santo is currently the only papaya production and packing area in Brazil where fruit fly traps are maintained and where the other elements of the systems approach described below are in place.

2. Beginning at least 30 days before harvest began and continuing through the completion of harvest, all trees in the area where the papayas were grown were kept free of papayas that were one-half or more ripe (more than one-quarter of shell surface yellow), and all culled and fallen fruit were removed from the field at least twice a week.

Papayas that are one-half or more ripe, as well as culled or fallen papayas, could serve as host material for Medfly and South American fruit fly. Therefore, this condition would greatly reduce the risk that Medfly or South American fruit fly would be attracted to the fields where papayas intended for importation into the United States are grown.

3. When packed, the papayas were less than one-half ripe (shell surface no more than one-quarter yellow, surrounded by light green) and appeared to be free of all injurious plant pests.

This condition would also reduce the risk of introduction of Medfly or South American fruit fly, as well as other injurious plant pests, into the United States. Papayas themselves are not a preferred host for these fruit flies, and papayas that are less than one-half ripe pose very little risk of attracting Medfly or South American fruit fly.

4. The papayas were packaged so as to prevent access by fruit flies or other injurious plant pests, and the package does not contain any other fruit, including papayas not qualified for importation into the United States.

This condition would ensure that papayas that have already been inspected and packaged for shipment to the United States would not be at risk for fruit fly infestation.

5. All activities described in provisions 1 through 4 above were carried out under the general supervision and direction of plant health officials of the national Ministry of Agriculture.

The supervision of the Brazilian Ministry of Agriculture would help ensure that all of the activities required by the regulations were properly carried out.

6. Beginning at least 1 year before harvest began and continuing through the completion of harvest, fruit fly traps were maintained in the field where the papayas were grown. The traps were placed at the rate of 1 trap per hectare and were checked for fruit flies at least once a week by plant health officials of the national Ministry of Agriculture. Fifty percent of the traps were of the McPhail type, and 50 percent of the traps were of the Jackson type. The national Ministry of Agriculture kept records of the fruit fly finds for each trap, updating the records each time the traps were checked, and made the records available to APHIS upon request. The records were maintained for at least 1 year.

This condition would ensure that the earliest possible detection of the presence of fruit flies in and around fields where papayas are grown can be made. If a fruit fly is trapped, the Brazilian Ministry of Agriculture would increase the trap density in the area and, if more fruit flies are found, begin malathion bait sprays. This condition would also allow APHIS to monitor the trapping records of the area for a 1-year period.

7. All shipments of papayas must be accompanied by a phytosanitary certificate issued by the national Ministry of Agriculture stating that the papayas were grown, packed, and shipped in accordance with the provisions of this section.

This condition would help ensure that the provisions of the regulations have been met.

We believe that the provisions of § 319.56–6 and all other applicable requirements, as well as the proposed special conditions, would be sufficient

to prevent the introduction of leek moths and fruit flies into the United States. Pest risk analyses conducted by APHIS have determined that injurious plant pests other than those mentioned that might be carried by the leek or papaya would be readily detectable by a USDA inspector. As noted, the leek and papaya would be subject to inspection, disinfection, or both, at the port of first arrival, in accordance with § 319.56–6.

*Garlic From Romania*

Section 319.56–2g lists countries from which garlic may be imported into the United States. We are proposing to amend § 319.56–2g to allow garlic to be imported from Romania into the United States if it has been fumigated with methyl bromide, according to the treatment schedule set forth below. Garlic is attacked by the garlic borer (*Brachycerus* spp.) and the garlic moth (*Dyspessa ulula* [Bkh.]) in Romania. Visual inspection cannot be relied upon to detect these insects. However, the garlic can be treated as follows to destroy these injurious plant pests:

32 g/m$^3$ (2 lbs/1000 ft$^3$) for 1½ hours at 37 °C or above (90 °F or above); or
32 g/m$^3$ (2 lbs/1000 ft$^3$) for 2 hours at 26.5–31.5 °C (80–89 °F); or
40 g/m$^3$ (2 lbs/1000 ft$^3$) for 2 hours at 21–26 °C (70–79 °F); or
48 g/m$^3$ (3 lbs/1000 ft$^3$) for 2 hours at 15.5–20.5 °C (60–69 °F); or
48 g/m$^3$ (3 lbs/1000 ft$^3$) for 3 hours at 10–15 °C (50–59 °F); or
48 g/m$^3$ (3 lbs/1000 ft$^3$) for 4 hours at 4.5–9.5 °C (40–49 °F)

The treatments described above have been determined to be effective against the specified insects. This determination is based on research evaluated and approved by the Department. A bibliography and additional information on this research may be obtained from APHIS by writing to the Oxford Methods Development Center, 901 Hillsboro St., Oxford, NC 27555.

Pest risk analyses conducted by APHIS have determined that any other injurious plant pests that might be carried by the garlic would be readily detectable by a USDA inspector. As noted, the garlic would be subject to inspection, disinfection, or both, at the port of first arrival, in accordance with § 319.56–6.

Currently, § 319.56–2g sets out the treatment schedule shown above. We are proposing to remove this schedule from the regulations, and, instead refer readers to the Plant Protection and Quarantine Treatment Manual (PPQ Treatment Manual), which is incorporated into the regulations by reference at 7 CFR 300.1. This will eliminate unnecessary duplication of treatment provisions. We would also update the PPQ Treatment Manual to show that the treatment schedule shown above is approved for garlic from Romania.

*Peppers From Israel*

The regulations at § 319.56–2u(b) allow peppers from the Paran region of the Arava Valley in Israel to be imported into the United States under certain conditions. Based on trapping data [2] from the agricultural production areas of the Arava Valley, we are proposing to extend the production area where peppers may be grown for importation into the United States to include all of the Arava Valley. All of the current conditions for importation under § 319.56–2u(b) for peppers from the Paran region would apply to the entire Arava Valley; the peppers, among other things, would have to be grown in insect-proof plastic screenhouses, sorted and packed in insect-proof screenhouses, and transported in fruit fly-proof containers. Additionally, malathion bait spray treatments would have to be applied to residential areas in the Arava Valley at 6- to 10-day intervals beginning not less than 30 days before the harvest of backyard fruit fly host material in residential areas and continuing through the harvest. The Israeli Department of Plant Protection and Inspection would also conduct trapping for Medfly throughout the agricultural production areas of the Arava Valley, Israel, and if a single Medfly is captured in a screenhouse, exports from that screenhouse would immediately be cancelled until the source of the infestation is delimited, trap density is increased, pesticide sprays are applied, or other measures acceptable to APHIS are taken to prevent further occurrences. Further, signs in English and Hebrew must be posted along Arava Highway 90 stating that discarding fruits and vegetables from passing vehicles is prohibited. Accordingly, we propose to amend § 319.56–2u(b) to extend the production area in the Arava Valley, Israel, where peppers may be grown for importation into the United States to include all of the Arava Valley.

In accordance with § 319.56–2u(b)(6), peppers imported into the United States from the Paran region of the Arava Valley, Israel, may not be distributed outside of the following States: Connecticut, the District of Columbia, Delaware, Iowa, Illinois, Indiana, Massachusetts, Maryland, Maine, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, or West Virginia. We are proposing to amend § 319.56–2u(b)(6) to eliminate the distribution restrictions on peppers from the Arava Valley, Israel. As peppers from the Arava Valley must be grown, harvested, and packed under the conditions described in the preceding paragraph, the distribution restrictions were imposed as an additional, final precaution against the introduction of Medfly into the United States. We are proposing to eliminate these distribution requirements because there have been no Medfly interceptions in the area of production in the Arava Valley. We believe that this demonstrates that the growing, harvesting, and packing conditions imposed on the importation into the United States of peppers from the Arava Valley, Israel, are dependable in preventing the introduction of Medfly into the United States. Therefore, we conclude that restricting the distribution of peppers from the Arava Valley in the United States is unnecessary.

*Papayas From Costa Rica*

The regulations at § 319.56–2w allow papayas from Costa Rica to be imported into the United States under certain conditions. One of the conditions is that an APHIS inspector in Costa Rica certify that specified growing, packing, and trapping requirements have been met. We are proposing to allow the Costa Rican Ministry of Agriculture (MAG) to make this certification. We are proposing this change because of the success of the joint effort between the Costa Rican MAG and APHIS in the Costa Rican papaya program. Since the inception of the papaya program in Costa Rica, no fruit fly larvae or adult flies have been intercepted in either the preclearance program in Costa Rica or at the port of entry in the United States. We believe that this demonstrates that the growing, harvesting, and trapping conditions governing the entry into the United States of the papayas (see § 319.56–2w) are dependable in preventing the introduction of fruit flies into the United States and that the Costa Rican MAG is committed to, familiar with, and capable of sole oversight of the papaya program in Costa Rica. Therefore, we are proposing that the Costa Rican MAG would oversee the program as stated in § 319.56–2w. All shipments of papayas from Costa Rica would have to be accompanied by a phytosanitary certificate signed by a

[2] Information on this trapping data may be obtained by writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

MAG official stating that the conditions of 7 CFR 319.56–2w have been met.

In conjunction with this change, we are proposing to eliminate the trust fund agreement requirements contained in § 319.56–2w(a) of the regulations. Currently a trust fund must be mainatined to pay for services that APHIS provides in the inspection and certification of shipments of Costa Rican papayas bound for the United States.

*Medfly-Free Areas of Chile*

The regulations at § 319.56–2(j) provide that all of the provinces of Chile, except for the Provinces of Arica, Iquique, and Parinacota, have been determined to be free of Medfly. We are proposing to declare all of the provinces of Chile, including Arica, Iquique, and Parinacota, free of Medfly. Recently, Chile provided APHIS with the trapping data, including the protocol and results of fruit sampling, sterile fly release, and bait spray applications, that demonstrates that the provinces of Arica, Iquique, and Parinacota meet the criteria for a Medfly-free area. Accordingly, we would amend § 319.56–2(j) to state that all of the provinces of Chile are considered free of Medfly.

Lastly, we are proposing to make minor editorial changes to § 319.56–2r(a)(1) and § 319.56–2g(a)(1) to correct out-of-date references to countries or locations.

*Use of Methyl Bromide*

Methyl bromide is currently in widespread use as a fumigant. It is presented in this proposal as an alternative to a phytosanitary inspection that determines that shipments of garlic from Romania are apparently free of living stages of *Brachycerus* spp. and *Dyspessa ulula* (Bkh.). The environmental effects of using methyl bromide, however, are being scrutinized by international, Federal, and State agencies. The U.S. Environmental Protection Agency (EPA), based on its evaluation of data concerning the ozone depletion potential of methyl bromide, published a notice of final rulemaking in the **Federal Register** on December 10, 1993 (58 FR 65018–65082). That rulemaking freezes methyl bromide production in the United States at 1991 levels and requires the phasing out of domestic use of methyl bromide by the year 2001. APHIS is studying the effectiveness and environmental acceptability of alternative treatments to prepare for the eventual unavailability of methyl bromide fumigation. Our current proposal assumes the continued availability of methyl bromide for use as a fumigant for at least the next few years.

**Executive Order 12866 and Regulatory Flexibility Act**

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this proposed rule on small entities. Based on the information we have, there is no basis to conclude that adoption of this proposed rule would result in any significant economic impact on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

Under the Federal Plant Pest Act and the Plant Quarantine Act (7 U.S.C. 150dd, 150ee, 150ff, 151–165, and 167), the Secretary of Agriculture is authorized to regulate the importation of fruits and vegetables to prevent the introduction of injurious plant pests.

This proposed rule would amend the regulations governing the importation of fruits and vegetables by allowing a number of previously prohibited fruits and vegetables to be imported into the United States from certain foreign countries and localities under specified conditions. The importation of these fruits and vegetables has been prohibited because of the risk that they could introduce injurious plant pests into the United States.

Our proposal is based on pest risk assessments that were conducted by APHIS at the request of various importers and foreign ministries of agriculture. The pest risk assessments indicate that the fruits or vegetables listed in this proposed rule could, under certain conditions, be imported into the United States without significant pest risk. All of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a USDA inspector. In addition, some of the fruits and vegetables would be required to undergo mandatory treatment for injurious plant pests as a condition of entry, or to meet other special conditions. This action would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction into the United States of injurious plant pests by imported fruits and vegetables.

**Availability of Data**

For many of the commodities proposed for importation into the United States in this document, data on the levels of production and the anticipated import volume is unavailable for a number of reasons. First, many of these commodities are not produced in significant quantities either in the United States or in the country that would be exporting the commodity to the United States; generally, less statistical data is collected— and therefore available —for commodities produced in small quantities when compared to a country's more heavily-produced commodities. Second, some of these commodities do not appear to be produced in the United States at all; therefore, data on the U.S. production and export levels for those commodities does not exist. Finally, estimates of potential exports of commodities from foreign countries to the United States are often difficult to obtain, due in part to the uncertainty surrounding the cost and availability of transportation and the demand for the commodity in the United States.

*Leeks From Belgium*

No information is available on U.S. production of leeks. Data is available, however, on U.S. exports and imports of the commodity. In 1995, the United States imported 2,764 metric tons of leeks, an increase over the 1993 and 1994 levels (2,328 metric tons and 2,042 metric tons, respectively). In 1995, the United States exported 3,279 metric tons of leeks, also an increase over the 1993 and 1994 levels (2,519 metric tons and 2,708 metric tons, respectively).

The fact that the United States exports leeks suggests that the commodity is produced in the United States. However, the volume of exports suggests that the level of production is low relative to other, more popular vegetables.

Data on the number or size of leek producers in the United States is not available. However, since most U.S. vegetable and melon farms are small by Small Business Administration (SBA) standards, it is very likely that the U.S. farms that produce leeks are also small.

Data on the volume of potential exports of leeks from Belgium to the United States is not available.

*Papaya From Brazil*

In 1995, the United States produced 23,042 metric tons (fresh equivalent) of papaya for human consumption, valued at $18.5 million. In 1993 and 1994, the United States produced 28,939 metric tons and 28,123 metric tons, respectively, of papaya for human consumption.

Imports into the United States of fresh papaya have grown rapidly, to the point where imports now exceed U.S. production levels of papaya for human consumption. In 1995, the United States imported 33,288 metric tons of fresh papaya, a significant increase over the 1993 and 1994 levels (14,198 metric tons and 18,677 metric tons, respectively). The increase in U.S. imports of fresh papaya since 1993 is due almost entirely to increased shipments from Mexico, the source of most U.S. papaya imports. The United States is a net importer of fresh papaya, as exports of the commodity from the United States did not exceed 8,293 metric tons in any of the years between 1993 and 1995.

In 1992, papaya was produced at 519 farms in the United States. It is not known how many of those farms are considered small entities under SBA standards, since information on their sizes is not available. However, most are probably small, since most U.S. farms whose revenues are derived primarily from the sale of fruits and tree nuts are considered small.

In 1993, Brazil was the world's largest producer of papaya. In that year, Brazil produced an estimated 1,750,000 metric tons of papaya, 30.1 percent of the world's total. No data is available, however, on the volume of potential exports of this commodity from Brazil to the United States.

*Radicchio From Ecuador*

Data on radicchio production for the entire United States is not available. However, production data is available for the State of California, where most, if not all, of U.S. radicchio is produced. In 1994, California produced 7,040 metric tons of radicchio, an increase over the State's 1993 volume of 6,387 metric tons. California's 1994 production had a value of $7.7 million. No information on U.S. (or California) trade in radicchio is available.

Data on the number or size of radicchio producers in the United States (or California) is not available. However, since most U.S. vegetable and melon farms are considered small by SBA standards, it is very likely that the U.S. farms that produce radicchio are also small.

Information on Ecuador's production and export of radicchio, including potential exports to the United States, is not available.

*Eggplant From El Salvador*

In 1995, the United States produced 28,710 metric tons of eggplant, with a value of $16.2 million. In 1993 and 1994, domestic production levels were 34,160 metric tons and 35,380 metric tons, respectively. U.S. production has been supplemented by a steadily growing level of eggplant imports, 18,154 metric tons in 1993, 21,302 metric tons in 1994, and 24,946 metric tons in 1995. The United States is a net importer of eggplant, as exports of the commodity from the United States did not exceed 9,090 metric tons in any of the years between 1993 and 1995.

In 1992, the latest year for which data is available, eggplant was produced at 2,203 farms in the United States. It is not known how many of these farms are considered small entities under SBA standards, since information as to their size is not available. However, most are probably small, since most vegetable and melon farms in the United States are small.

Data on the volume of eggplant production in El Salvador is not available. Data on the volume of potential exports of eggplant from El Salvador to the United States is also not available.

*Basil and Dill From Guatemala*

Information on U.S. production and exportation of basil is not available, but indicators suggest that basil is not grown commercially in significant quantities in the United States. In 1995, the United States imported 3,404 metric tons of basil with a value of $4.9 million. U.S. basil imports in 1994 and 1993 were 3,216 metric tons and 2,449 metric tons, respectively.

Information on U.S. production and exportation of dill is not available, but indicators suggest that dill, like basil, is not grown commercially in significant quantities in the United States. In 1995, the United States imported 766 metric tons of dill with a value of $1.0 million. U.S. dill imports in 1994 and 1993 were 949 metric tons and 828 metric tons, respectively.

Guatemala currently produces basil and dill for its local market only. No data is available on the exact level of basil or dill production in Guatemala, but the volume is believed to be very small. Data on the volume of potential exports of these commodities from Guatemala to the United States is not available.

*Mioga Ginger From Japan*

No information is available on U.S. production or exportation of the flowers, leaves, and stems of mioga ginger. The absence of such data suggests that commercial production of mioga ginger in the United States is negligible, at most. Mioga ginger is a spice, and most spices are not grown commercially in significant quantities in the United States. Data on U.S. imports of mioga ginger is also not available.

Japan produced 6,638 metric tons of mioga ginger in 1994. No information is available on the potential volume of exports of this commodity from Japan to the United States. At the present time, all mioga ginger produced in Japan is consumed locally; none is exported.

*Leek From The Netherlands*

Data on U.S. production and trade of leeks is discussed above under the heading ''Leeks from Belgium.''

In 1994, The Netherlands produced 102,727 metric tons of leeks, and its exports of leeks that year totaled 43,764 metric tons. In 1995, the Netherlands exported 51,062 metric tons of leeks, with just over 50 percent of those exports directed to Germany. Potential exports of leeks from The Netherlands to the United States could reach 1,000 metric tons annually, depending on such factors as the cost and availability of air transportation and demand in the United States. However, as the United States is a net exporter of leeks, it is doubtful that consumer demand in the United States will encourage a substantial volume of leek imports from The Netherlands.

*Eggplant From Nicaragua*

Data on U.S. production and trade of eggplant is discussed above under the heading ''Eggplant from El Salvador.''

To date, all of the eggplant produced commercially in Nicaragua has been consumed locally. No data is available, however, on the volume of eggplant production in Nicaragua. In addition, no data on the volume of potential exports of eggplant from Nicaragua to the United States is available. However, relatively small quantities are likely to be imported. In 1993, for example, Nicaragua produced little or no eggplant, and its production of all vegetables and melons that year totaled only 59,000 metric tons. By comparison, U.S. supply (domestically produced and imported) of eggplant alone in 1993 totaled 52,314 metric tons, just slightly less than Nicaragua's entire vegetable and melon production that year.

*Radicchio From Nicaragua*

Data on the production of radicchio in California is discussed above under the heading ''Radicchio from Ecuador.''

Nicaragua currently produces radicchio for its local market. No data is available on the exact volume of radicchio production in Nicaragua, but the volume is believed to be very small. Data on the volume of potential exports of radicchio from Nicaragua to the United States is also not available.

*Garlic From Romania*

In 1995, the United States produced 232,010 metric tons of fresh garlic, valued at $179.8 million. In 1993 and 1994, domestic production levels were 188,690 metric tons and 208,200 metric tons, respectively. While U.S. production has been growing rapidly, U.S. imports of garlic have steadily declined, 39,381 metric tons in 1993, 21,705 metric tons in 1994, and 18,594 metric tons in 1995. U.S. exports of the commodity have also steadily declined, from 11,274 metric tons in 1993 to 7,659 metric tons in 1995.

In 1992, garlic was produced at 619 U.S. farms. It is not known how many of these farms are considered small entities under SBA standards, since information as to their size is not available. However, most are probably small, since most vegetable and melon farms in the United States are small.

In 1995, Romania produced 58,000 metric tons of garlic, an increase over the country's 1994 and 1993 production levels (56,400 metric tons and 48,900 metric tons, respectively). In 1996, Romanian garlic production is estimated to have fallen to approximately 50,000 metric tons, due to unfavorable weather conditions. Data on the volume of potential exports of garlic from Romania to the United States is not available. However, trade sources within Romania indicate that the prospects for future exports to the United States are reduced, owing to both the high price and low quality of Romanian garlic.

The alternative to this proposed rule was to make no changes in the regulations. After consideration, we rejected this alternative because there is no biological reason to prohibit the importation into the United States of the fruits and vegetables listed in this document.

**Executive Order 12988**

This proposed rule would allow certain fruits and vegetables to be imported into the United States from certain parts of the world. If this proposed rule is adopted, State and local laws and regulations regarding the importation of fruits and vegetables under this rule would be preempted while the fruits and vegetables are in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public, and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 96–046–1. Please send a copy of your comments to: (1) Docket No. 96–046–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OIRM, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

The paperwork associated with the importation of the fruits and vegetables named in this document would include the completion of phytosanitary certificates and fruit fly monitoring records. We are soliciting comments from the public (as well as affected agencies) concerning our information collection and recordkeeping requirements. We need this outside input to help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as 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).

*Estimate of burden:* Public reporting burden for this collection of information is estimated to average 1.31 hours per response.

*Respondents:* Foreign plant health protection authorities.

*Estimated number of respondents:* 50.

*Estimated number of responses per respondent:* 10.

*Estimated total annual burden on respondents:* 656 hours.

Copies of this information collection can be obtained from: Clearance Officer, OIRM, USDA, Room 404-W, 14th Street and Independence Ave., SW, Washington, DC 20250.

**List of Subjects**

*7 CFR Part 300*

Incorporation by reference, Plant diseases and pests, Quarantine.

*7 CFR Part 319*

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR parts 300 and 319 are proposed to be amended as follows:

## PART 300—INCORPORATION BY REFERENCE

1. The authority citation for part 300 would continue to read as follows:

**Authority:** 7 U.S.C. 150ee, 154, 161, 162, and 167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 300.1, paragraph (a), the introductory text would be revised to read as follows:

**§ 300.1 Materials incorporated by reference; availability.**

(a) *Plant Protection and Quarantine Treatment Manual.* The Plant Protection and Quarantine Treatment Manual, which was reprinted November 30, 1992, and includes all revisions through _____, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

## PART 319—FOREIGN QUARANTINE NOTICES

3. The authority citation for part 319 would continue to read as follows:

**Authority:** 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

**§ 319.56–2 [Amended]**

4. In § 319.56–2, paragraph (j) would be amended by removing the words ''except Arica, Iquique, and Parinacota'.

5. In § 319.56–2g, paragraph (a) would be revised to read as follows:

**§ 319.56–2g Adminstrative instructions prescribing method of treatment of garlic from specified countries.**

(a) Except as otherwise provided in these administrative instructions, fumigation with methyl bromide in vacuum fumigation chambers, in accordance with the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at § 300.1 of this chapter, is a condition of entry under permit for all shipments of garlic (*Allium sativum*) from Algeria, Armenia, Austria, Azerbaijan, Czech Republic, Egypt, Estonia, France, Georgia, Germany, Greece, Hungary, Iran, Israel, Italy, Latvia, Lithuania, Moldova, Morocco, Portugal, Romania, the area of the Russian Federation west of the Ural Mountains, Slovakia, South Africa (Republic of), Spain, Switzerland, Syria, Turkey, Ukraine, and the area of the former Yugoslavia. Fumigation is to be carried out under the supervision of a plant quarantine inspector and at the expense of the importer. While it is believed that the garlic will be unaffected by the fumigation, the treatment will be at the importer's risk. Such entry will be limited to ports named in the permits, where approved facilities for vacuum fumigation with methyl bromide are available.

* * * * *

**§ 319.56–2r [Amended]**

6. In § 319.56–2r, paragraph (a)(1) would be amended by removing the words '', and West Germany'', by adding the word ''Germany,'' immediately following the word ''France'', and by adding the word ''and'' immediately following the word ''Sweden,''.

7. In § 319.56–2t, the table would be amended by adding, in alphabetical order, the following entries:

**§ 319.56–2t Administrative instructions: conditions governing the entry of certain fruits and vegetables.**

* * * * *

| Country/locality | Common name | Botanical name | Plant part(s) |
|---|---|---|---|
| * | * | * | * |
| Belgium | Leek | *Allium* spp. | Whole plant. (Must be accompanied by a phytosanitary certificate issued by the Ministry of Agriculture of Belgium stating that the leek is apparently free of *Acrolepiopsis assectella*.) |
| * | * | * | * |
| Ecuador | | | |
| * | * | * | * |
| | Radicchio | *Cichorium* spp. | Above ground parts. |
| El Salvador | | | |
| * | * | * | * |
| | Eggplant | *Solanum melongena* | Fruit. |
| * | * | * | * |
| Guatemala | | | |
| * | * | * | * |
| | Basil | *Ocimum* spp. | Above ground parts. |
| | Dill | *Anethum graveolens* | Above ground parts. |
| * | * | * | * |
| Japan | Mioga Ginger | *Zingiber mioga* | Above ground parts. |
| * | * | * | * |
| Netherlands | Leek | *Allium* spp. | Whole plant. (Must be accompanied by a phytosanitary certificate issued by the Ministry of Agriculture of The Netherlands stating that the leek is apparently free of *Acrolepiopsis assectella*.) |
| * | * | * | * |
| Nicaragua | | | |
| * | * | * | * |
| | Eggplant | *Solanum melongena* | Fruit. |
| | Radicchio | *Cichorium* spp. | Above ground parts. |
| * | * | * | * |

**§ 319.56–2u [Amended]**

8. Section 319.56–2u would be amended as follows:

a. In paragraph (b)(1), by removing the words ''in the Paran region of''.

b. In paragraph (b)(2), by removing the word ''Paran'' and by adding in its place the words ''the Arava Valley''.

c. By removing paragraph (b)(6) and redesignating paragraphs (b)(7) through (b)(9) as paragraphs (b)(6) through (b)(8), respectively.

d. In newly designated paragraph (b)(6), by removing the word ''Paran''

and by adding in its place the words ''the Arava Valley'.

e. In newly designated paragraph (b)(7), by removing the word ''Paran'' and by adding in its place the words ''the Arava Valley''.

9. Section 319.56–2w would be revised to read as follows:

**§ 319.56–2w Administrative instruction; conditions governing the entry of papayas from Brazil and Costa Rica.**

The Solo type of papaya may be imported into the continental United States, Alaska, Puerto Rico, and the U.S. Virgin Islands from the State of Espirito Santo, Brazil, and the provinces of Guanacaste, San Jose, and Puntarenas, Costa Rica, only under the following conditions:

(a) The papayas were grown and packed for shipment to the United States in the State of Espirito Santo, Brazil, or in the provinces of Guanacaste, San Jose, and Puntarenas, Costa Rica.

(b) Beginning at least 30 days before harvest began and continuing through the completion of harvest, all trees in the field where the papayas were grown were kept free of papayas that were ½ or more ripe (more than ¼ of the shell surface yellow), and all culled and fallen fruits were removed from the field at least twice a week.

(c) When packed, the papayas were less than ½ ripe (the shell surface was no more than ¼ yellow, surrounded by light green), and appeared to be free of all injurious insect pests.

(d) The papayas were packaged so as to prevent access by fruit flies and other injurious insect pests, and the package does not contain any other fruit, including papayas not qualified for importation into the United States.

(e) All activities described in paragraphs (a) through (d) of this section were carried out under the general supervision and direction of plant health officials of the national Ministry of Agriculture.

(f) Beginning at least 1 year before harvest begins and continuing through the completion of harvest, fruit fly traps were maintained in the field where the papayas were grown. The traps were placed at a rate of 1 trap per hectare and were checked for fruit flies at least once weekly by plant health officials of the national Ministry of Agriculture. Fifty percent of the traps were of the McPhail type, and fifty percent of the traps were of the Jackson type. The national Ministry of Agriculture kept records of fruit fly finds for each trap, updated the records each time the traps were checked, and made the records available to APHIS inspectors upon request. The records were maintained for at least 1 year.

(g) All shipments must be accompanied by a phytosanitary certificate issued by the national Ministry of Agriculture stating that the papayas were grown, packed, and shipped in accordance with the provisions of this section.

Done in Washington, DC, this 19th day of March 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97–7455 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–34–P

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## 9 CFR Parts 1 and 3

**[Docket No. 97–018–1]**

## Animal Welfare; Petition for Rulemaking

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

**ACTION:** Notice of petition and request for comments.

**SUMMARY:** We are notifying the public of our receipt of a petition for rulemaking, and we are soliciting public comment on that petition. The petition, sponsored by the Doris Day Animal League, requests that we amend the Animal Welfare regulations by redefining the term ''retail pet store'' and by including dealers of dogs intended for hunting, security, and breeding in the regulations.

**DATES:** Consideration will be given only to comments received on or before May 27, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97–018–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–018–1. Anyone wishing to see copies of comments received, or the petition, including appendices, may do so by coming to USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Please call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Bettye Walters, Veterinary Medical Officer, AC, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234, (301) 734–7833.

**SUPPLEMENTARY INFORMATION:**

### Background

Under the Animal Welfare Act (the Act) (7 U.S.C. 2131 *et seq.*), the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, and carriers and intermediate handlers. Regulations established under the Act are contained in 9 CFR parts 1, 2, and 3. 9 CFR part 1 contains definitions for terms used in 9 CFR parts 2 and 3. Subpart A of 9 CFR part 3 contains specific standards for the humane handling, care, treatment, and transportation of dogs and cats.

A petition for rulemaking, sponsored by the Doris Day Animal League, requests two changes to the regulations at 9 CFR parts 1 and 3. The requested changes are: (1) to redefine the term ''retail pet store'' in 9 CFR part 1; and (2) to regulate dealers of dogs intended for hunting, security, and breeding under the provisions applicable to other dealers of dogs in 9 CFR part 3. The petition is printed below. A brief description of the appendices referred to in the petition appears at the end of the petition.

Comments are invited on the proposed changes discussed in the petition. In particular, we are soliciting comments addressing the following questions:

1. Should the definition of ''retail pet store'' in 9 CFR part 1 be revised to read ''a non-residential business establishment used primarily for the sale of pets to the ultimate customer'?

2. Should dealers of dogs intended for hunting, security, and breeding be subject to the applicable regulations at 9 CFR part 3, subchapter A''?

**Authority:** 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.2(g).

Done in Washington, DC, this 19th day of March 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

Petition Before the U.S. Department of Agriculture

### Petition for Rulemaking and Collateral Relief; Doris Day Animal League, 227 Massachusetts Avenue, NE, Suite 100, Washington, DC 20002

June 22, 1995.

### I. Introduction

Pursuant to the Administrative Procedure Act, 5 U.S.C. § 553(e), the Doris Day Animal League, a national animal protection organization, petitions the Department of Agriculture

to: (1) change the department policy of excluding from regulation hunting, security and breeding dog dealers, under the Animal Welfare Act (''Act''), 7 U.S.C. § 2131 *et seq.*; and, (2) amend regulations under the Act, that currently define the term ''retail pet store'' in the Act as all retail pet ''outlets.'' Doris Day Animal League proposes that the definition of ''retail pet store'' under USDA regulations be a ''non-residential business establishment used primarily for the sale of pets to the ultimate consumer.''

## II. Nature of Petitioner's Interests

Petitioner, the Doris Day Animal League (DDAL), is a non-profit, charitable corporation with principal offices in Washington, D.C. The DDAL represents a membership and mailing constituency of more than 298,000 persons nationwide. The primary goal of DDAL is to promote humane care and treatment of all animals, including animals bred and raised in puppy mills for pets or hunting dogs.

Petitioner DDAL has used substantial resources in seeking to correct the deficiencies in the Animal Welfare Act,[1] regulations under the Act[2] and the enforcement of regulations promulgated pursuant to the Act. DDAL actively participated in the promulgation of regulations under the 1985 amendments to the Act and in monitoring the enforcement of the Act as it relates to Class ''A'' dealers. DDAL played a significant role in the development of Canadian regulations limiting the numbers of sick and diseased puppies entering Canada from U.S. Class ''A'' and Class ''B'' dealer operations, and has sent the Department of Agriculture over 75,000 petitions and postcards from our members requesting prompt action to reduce the abuses prevalent in the puppy breeding industry.

## III. Statement of the Problem

### *A. Current USDA Regulations Defining ''Retail Pet Store'' as any ''Outlet'' are Overly Broad and Violate Both the Clear Language and the Spirit of the Animal Welfare Act*

When Congress first enacted the Animal Welfare Act in 1966 it was intended to regulate only those entities that sold animals to laboratories and to reduce the incidence of pet theft.[3] The 1970 amendments expanded the coverage to include dealers of animals sold ''for use as pets . . .''[4] The Congressional amendment specifically excluded ''retail pet stores.''[5] The Department of Agriculture promulgated regulations interpreting the term ''retail pet store'' to include any retail ''outlet'' under the 1970 Amendments.[6] The arbitrary expansion of the ''retail pet store'' exemption called for in the statute to include any ''outlet'' selling to the consumer confounds any reasonable definition of ''store'' in the English language and undermines the clear intent of the statute. This expanded exclusion allows dozens if not hundreds of dog breeders to keep animals in inhumane conditions, without adequate veterinary care and completely protected from public view by simply raising and selling pets directly to the public.

Investigations have found some of these facilities to be operated in a manner that allows communicable diseases such as parvo and distemper to spread, and provides inadequate shelter and unhealthy sanitary conditions including fetid water, vermin infestation and fecal material in and around cages.

For example, a ''20/20'' television report highlighted a case in which a dog purchased from one of these facilities was found to have a staph infection, cot cicada, diarrhea, skin fungus, pyoderma parasites, tapeworms, hook worms, whip worms, an eye infection, a weak immune system and emodectic mange.[7] The facility involved was eventually prosecuted and closed down by local authorities.

A more recent case involves a breeder in Glendale, West Virginia. This breeder was given a six-month-old male Shih-Tzu as a co-owner in January of 1994. When he was returned to the other owners on October 19, 1994 he was emaciated and dehydrated and had severe flea infections, worms, was extremely matted, and needed stitches to close a wound. The co-owners had tried to solicit help from the local police to investigate complaints regarding odors emanating from the yard, but the police stated that they did not have the authority to act.[8] If the kennel were licensed under the Act, it would be open to inspections and the kennel would be mandated to correct deficiencies.

The agency's interpretation that the term ''store'' includes all ''outlets'' has allowed these and other equally deficient establishments to operate unchecked and for the dogs involved to suffer from inadequate housing, food and veterinary care. A ''store'' simply cannot be interpreted to encompass operations that breed, raise or sell puppies from a backyard, living room or barn. Therefore this interpretation by the agency constitutes an unreasonable and arbitrary interpretation of the clear and plain meaning of the statute and is therefore contrary to the law.

The agency may have been influenced in promulgating the regulation by the legislative history accompanying the 1970 amendments which states that the bill's purpose is to regulate ''more people who handle animals. It will, for example, bring into the regulatory framework of the Act for the first time . . . wholesale pet dealers (emphasis added).''[9] This explanation of the expansion of the coverage of the Act is clearly intended as an overview and not as a limit on the potential for regulation. The section states that it is intended as an ''example'' of the expansion of coverage and not a description of the universe of coverage.[10] It is reasonable for the author of the legislative history, in seeking to generally characterize a section that excludes retail dealers to state that the section includes wholesale dealers. It is not reasonable, however, for the agency to use this general description to limit coverage only to those entities clearly given as ''examples'' of intended coverage under the Act.

While it is true that a dealer operating as a breeder but selling to the public directly is not a wholesaler, it is also clear that he or she in most, if not all, cases is not a ''store.'' The Act does not exclude ''retail outlets'', it does not exclude ''all dealers except wholesalers.'' It only excludes establishments that are both (1) retail *and* (2) stores. Clearly, had Congress intended to limit coverage either to only include wholesalers or to expand the exclusion of retailers to all ''outlets,'' it could have done so. It did not.

It is not the intent of the petitioner to seek amendment of the statute to include the casual breeder who sells directly to the public; these breeders are excluded from coverage under the Act by the specific exclusion of individuals who derive no more that $500 gross income from the sale of animals each year.[11] Rather it is the intention of the petitioner to seek regulations that clearly include individuals making a substantial income from the sales of dozens of puppies each year for whom no protection currently exists by selling directly to the ultimate consumer.

### *B. The Current Policy of U.S.D.A. To Exclude the Dealers of ''Hunting, Breeding and Security Dogs'' From the Provisions of the Act Is in Direct Contravention of the Explicit Language of the Statute*

The U.S.D.A. has repeatedly stated its ''policy'' of not regulating hunting dog dealers under the Animal Welfare Act.[12] However, this policy is in conflict with the clear language of the Animal Welfare Act and its supporting

legislative history. Just as the 1970 amendments expanded coverage of the Act to include animals sold for pets, Congress also intended to include under this category dogs sold for hunting, security or breeding purposes.

The Department did not include these animals under the Act's protection when implementing the 1970 amendments. Therefore, when Congress revisited the Act in 1976 to expand coverage to the transportation of animals by air and to ban animal fighting ventures, it also clarified its intention in the previous bill by including the following language:

(f) The term ''dealer'' means any person who, in commerce, for compensation or profit . . . buys or sells . . . (2) *any dog for hunting, security, or breeding purposes* . . . [13]

(g) The term ''animal'' means any live or dead dog . . . *With respect to a dog the term means all dogs including those used for hunting, security, or breeding purposes.*'' [14]

The agency cites two sources for the basis of its exclusion of some dogs from the provisions of the Act. [15] The first is the legislative history related to the 1966 bill (referenced in letter as H.R. 13881). However, the 1966 bill only dealt with the sale of animals to medical research and not to any facet of the pet industry. Therefore, this provides no justification for this exclusion. The second source is the exclusion of ''retail pet store'' from the Act in the 1970 Amendments. Clearly Congress did not intend to exclude any retail operation, but rather retail stores. This is evidenced by Congress' attempts to correct the Department's misinterpretation of the exclusions under the 1970 amendments. Had Congress agreed with the agency's interpretation of the Act to expand the term ''store'' to include an ''outlet'' it would have been silent on the issue in the 1976 Amendments.

With regard to dogs used for hunting, security, or breeding, Congress made its intent extremely clear in 1976. In the legislative history related to the 1976 amendments, the House report recognized the Department's flawed interpretation of the 1970 Amendments which were intended to cover hunting, security and breeding dogs by stating that ''Contrary to the interpretation presently held by the Secretary of Agriculture, all dogs, including dogs used for hunting, security or breeding purposes, do fall within the protection of the Act.'' [16]

The Department's later analysis that these dogs are not covered ''since hunting dogs are usually sold at the retail level'' flies in the face of the express wishes of Congress. Because hunting, security and breeding dogs are rarely if ever sold at a retail pet store but, even according to the agency, are sold at the retail level, [17] and, because Congress clearly indicated that the agency's interpretation that hunting dogs are to be excluded is wrong, the only logical interpretation of the Act is that ''retail level'' sales are intended to be included at least as they relate to hunting, security and breeding dogs. Also, because the exemption relates to dogs sold ''as pets'' and not to dogs used for hunting, breeding or security, it should have no application to establishments dealing in these animals.[18]

Because ''breeding dogs'' are included in Congress' clarification, and because no Class ''A'' dealer can operate without buying or selling breeding dogs, *all* Class ''A'' dealers should be covered under the provisions of the Act unless they are breeding in a ''retail store.''

## IV. Petitioner's Request For Rulemaking

Petitioner requests that USDA change current policies that exclude dealers handling dogs used for hunting, security, or breeding purposes from the provisions of the Act and promulgate regulations that would change the definition of ''retail pet store'' to ''non-residential business establishment used primarily for the sale of pets to the ultimate consumer.''

## V. The Regulatory Changes Sought Are Supported by the Clear Language of the Statute

In order to be valid, regulations must be consistent with the statute under which they are promulgated. *United States* v. *Larinoff,* 431 U.S. 864, 873 (1971).[19] The starting point for interpreting a statute is the language of the statute itself and, absent a clearly expressed legislative intent to the contrary, that language must ordinarily be regarded as conclusive. *Consumer Product Safety Comm.* v. *G.T.E. Sylvania, Inc.,* 447 U.S. 102 (1980).

Furthermore, an agency's interpretation of a statute is not entitled to deference when it goes beyond the meaning that the statute can bear. *MCI Telecommunications* v. *American Telephone and Telegraph Company,* 114 S. Ct. 2223, 2231 (1994).

The Animal Welfare Act calls for the exemption of ''retail pet stores'' from the provisions of the Act. The expansion of this exclusion to include any ''outlet'' is inconsistent with the plain language of the statute. Nothing suggests that Congress intended to limit coverage to wholesalers. Therefore, the exclusion from coverage for ''retail pet stores'' should be limited to those entities that clearly fall within this exemption. All other entities, including retail pet dealers, not operating as stores, should be covered and regulated.

The policy of the Department to exclude breeders of dogs for hunting, breeding or security purposes has an even shakier foundation. The statute expressly calls for the inclusion of these dealers. Yet, inexplicably, the Department has based its exclusion of these animals on its own flawed interpretation of the Act to exclude all retail outlets. In fact, the exclusion of dogs bred for hunting, breeding or security purposes is not only inconsistent with the statute, it is contrary to its express language. Dogs bred for hunting, security and breeding purposes fall within the clearly expressed legislative intent and therefore should be covered.

## VI. The Regulatory Change Sought Would Further the Purpose of the Act

The purpose of the Animal Welfare Act is to establish humane treatment of dogs by animal dealers.[20] The Act establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature and adequate veterinary care.[21] The inclusion of all dealers who breed dogs, including those sold for hunting, breeding or security purposes, and with the limited exception of retail stores, will assure protection under the Act for more animals, and therefore, will further its purpose.

## VII. Conclusion

For the reasons set forth, Petitioner requests that the U.S.D.A. make the requested changes in its rules and administrative policies.

Respectfully Submitted,

**Holly E. Hazard,**

*Executive Director, Doris Day Animal League.*

### Appendices

Appendix 1: Letter from Dayne E. Vendal concerning purchase of a dog

Appendix 2: Statement and other documents from Stephen and Peggy Waltman concerning the care of a dog

Appendix 3: Letter to Holly Hazard, DDAL, from P.L. Allen, APHIS

Appendix 4: Letter to Sara Amundsen, DDAL, from Cheryl A. Oswalt, APHIS

Appendix 5: Letter to Holly Hazard, DDAL, and William Long, HSUS, from the law firm of Davis, Graham, and Stubbs

### Endnotes

1. 7 U.S.C.A. 2131 *et seq.*

2. 9 CFR Sec. 1.1 *et seq.*
3. 2 U.S. Cong. & Admin. News '66, at 2636.
4. P.L. 91–579.
5. 7 U.S.C.A. 2132(f).
6. 9 CFR at 1.1.
7. *See* Appendix 1.
8. *See* Appendix 2.
9. 3 Cong. & Admin. News '70 , at 5104.
10. *Id*.
11. 7 U.S.C.A. 2132(f)(ii).
12. *See* letter to Ms. Holly Hazard from P.L. Allen, February 2, 1989 at Appendix 3. *See also,* letter to Ms. Sara Amundson from Cheryl Oswalt, October 14, 1992 at Appendix 4.
13. 7 U.S.C.A. 2132(f).
14. 7 U.S.C.A. 2132(g).
15. *See* letter to Holly Hazard from P.L. Allen, February 2, 1989 at Appendix 3.
16. 2 U.S. Cong. & Admin News '76, at 758–759.
17. *See* letter to Amundson at Appendix 4.
18. For a further analysis of this argument see letter to Ms. Holly Hazard and Mr. William Long from Mark D. Colley, Esq., Davis, Graham & Stubbs, L.L.C., June 9, 1995, at page 3 at Appendix 5 which is herein incorporated by reference.
19. *Id*. at page 1–2 at Appendix 5 which is herein incorporated by reference.
20. 2 U.S. Cong. & Admin. News '66, at 2635.
21. 3 U.S. Cong. & Admin. News '70, at 5104.

[FR Doc. 97–7454 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 96–NM–193–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 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 British Aerospace Model BAC 1–11 200 and 400 series airplanes. This proposal would require inspections of the main landing gear (MLG) A-frame attachment fittings to detect corrosion or cracking, and repair or replacement of cracked or corroded components with new components. This proposal is prompted by findings of corroded and cracked A-frame components of the MLG. The actions specified by the proposed AD are intended to prevent corrosion and cracking of MLG A-frame components, which could result in collapse of the MLG.

**DATES:** Comments must be received by May 5, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–193–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 British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. 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–193–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–193–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

### Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace Model BAC 1–11 200 and 400 series airplanes. The CAA advises that, during regular inspections for corrosion, several cases of cracks were found in the main landing gear (MLG) A-frame attachment fittings of airplanes that had accumulated between 32,000 and 43,000 landings. Laboratory investigation of cracked components revealed that cracks occurred as a result of stress corrosion. The cracks initiated in the bores of the lugs and propagated to the outside radii. This condition, if not corrected, could result in collapse of the MLG.

### Explanation of Relevant Service Information

British Aerospace has issued Alert Service Bulletin 53–A–PM6036, Issue 1, dated November 24, 1995, which describes procedures for repetitive detailed visual inspections of MLG A-frame attachment fittings to detect corrosion or cracking. The alert service bulletin also provides procedures for either repair or replacement of cracked or corroded components with new components. The CAA classified the alert service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

### FAA's Conclusions

These airplane models are manufactured in the United Kingdom 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 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 require repetitive detailed visual inspections of the MLG A-frame attachment fittings to detect corrosion or cracking, and repair or replacement of cracked or corroded components with new components. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

## Cost Impact

The FAA estimates that 25 Model BAC 1–11 200 and 400 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,500, or $60 per airplane, per inspection.

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:

**British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group):** Docket 96–NM–193–AD.

*Applicability:* Model BAC 1–11 200 and 400 series airplanes; equipped with main landing gear (MLG) A-frame attachment fittings having the part numbers listed in British Aerospace Alert Service Bulletin 53–A–PM6036, Issue 1, dated November 24, 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 (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.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent corrosion or cracking of MLG A-frame fittings, which could result in collapse of the MLG, accomplish the following actions.

(a) Conduct a detailed visual inspection to detect corrosion or cracking of the MLG A-frame attachment fittings, in accordance with British Aerospace Alert Service Bulletin 53–A–PM6036, Issue 1, dated November 24, 1995, and at the applicable time specified in paragraph (a)(1) or (a)(2) of this AD:

(1) For airplanes that have accumulated 16,000 or fewer total landings as of the effective date of this AD: Conduct the initial inspection at the later of the times specified in paragraphs (a)(1)(i) and (a)(1)(ii).

(i) Prior to the accumulation of 16,000 total landings or within 8 years since new, whichever occurs first; or

(ii) Within 6 months after the effective date of this AD.

(2) For airplanes that have accumulated more than 16,000 total landings as of the effective date of this AD: Conduct the initial inspection within 4,000 landings or 2 years after the effective date of this AD, whichever occurs first.

(b) If no corrosion or cracking is found, repeat the inspection required by paragraph (a) of this AD thereafter at intervals of 4,000 landings or 2 years, whichever occurs first.

(c) If corrosion is found and it is within the limits specified in British Aerospace Alert Service Bulletin 53–A–PM6036, Issue 1, dated November 24, 1995, prior to further flight, repair the component in accordance with the alert service bulletin. After repair, repeat the inspection required by paragraph (a) of this AD thereafter at intervals of 4,000 landings or 2 years, whichever occurs first.

(d) If corrosion is found and it is outside the limits specified in British Aerospace Alert Service Bulletin 53–A–PM6036, Issue 1, dated November 24, 1995, prior to further flight, replace the corroded component with a new component in accordance with the alert service bulletin. After replacement, repeat the inspection required by paragraph (a) of this AD thereafter at intervals of 4,000 landings or 2 years, whichever occurs first.

(e) If any cracking is found, prior to further flight, replace the cracked component with a new component in accordance with British Aerospace Alert Service Bulletin 53–A–PM6036, Issue 1, dated November 24, 1995. After replacement, repeat the inspection required by paragraph (a) of this AD thereafter at intervals of 4,000 landings or 2 years, whichever occurs first.

(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, 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.

(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 March 19, 1997.

**Darrell M. Pederson,**

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

[FR Doc. 97–7518 Filed 3–24–97; 8:45 am]

BILLING CODE 4910–13–U

## FEDERAL TRADE COMMISSION

## 16 CFR Part 304

## Request for Comments Concerning Rules and Regulations Under the Hobby Protection Act

**AGENCY:** Federal Trade Commission (''FTC'' or ''Commission'').

**ACTION:** Request for public comments.

**SUMMARY:** The Federal Trade Commission requests public comments on its Rules and Regulations Issued Under the Hobby Protection Act (''the Rule''). The Commission, as a part of its systematic review of all current Commission regulations and guides, requests comments about the overall costs, benefits, and regulatory and economic impact of the Rule. Further, the Commission, as mandated by the Regulatory Flexibility Act, 5 U.S.C. 601, seeks information about the impact of the Rule on small business firms.

**DATES:** Written comments will be accepted until May 27, 1997.

**ADDRESS:** Comments should be should be identified as ''16 CFR Part 304—Comment'' and sent to: Secretary, FTC, Room H–159, Sixth and Pennsylvania Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Robert E. Easton, Special Assistant, Division of Enforcement, Bureau of Consumer Protection, FTC, Washington, D.C. 20580, (202) 326–3029.

**SUPPLEMENTARY INFORMATION:** The Commission has determined, as part of its oversight responsibilities, to review its rules and guides periodically to seek information about their costs and benefits and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or rescission. Where appropriate, the Commission will combine such periodic general reviews with reviews seeking information about the economic impact of the rule on small business firms as required by the Regulatory Flexibility Act.

### A. Background

On November 29, 1973, Congress passed the Hobby Protection Act (''Act''), 15 U.S.C. 2101–2106. The Act requires manufacturers and importers of ''imitation political items'' [1] to mark ''plainly and permanently'' such items with the ''calendar year'' such items were manufactured. 15 U.S.C. 2101(a). The Act also requires manufacturers and importers of ''imitation numismatic items'' [2] to mark ''plainly and permanently'' such items with the word ''copy.'' 15 U.S.C. 2101(b). The Act further provides that the Commission is to promulgate regulations for determining the ''manner and form'' imitation political items and imitation numismatic items are to be permanently marked with the calendar year of manufacture or the word ''copy.'' 15 U.S.C. 2101(c).

Pursuant to the Act, in 1975 the Commission issued Rules and Regulations under the Hobby Protection Act, 16 CFR Part 304. The Rule tracks the definitions of terms used in the Act and implements the Act's ''plain and permanent'' marking requirements by establishing the sizes and dimensions of the letters and numerals to be used, the location of the marking on the item, and how to mark incusable and nonincusable items. In 1988, the Rule was amended to provide additional guidance on the minimum size of letters for the word ''copy'' as a proportion of the diameter of the diameter of coin reproductions.[3] 53 FR 38942 (1988).

In preparation for the reviews of the Rule, staff undertook a limited inquiry to ascertain the degree of compliance with the Rule. Based on this inquiry, it appears that there is a high level of compliance with the Rule, both as to imitation political items and imitation numismatic items.

### B. Issues for Comment

The Commission solicits written public comments on the following questions:

(1) Do there continue to be reasons for legislative and regulatory intervention in the sale and marking of imitation political items and imitation numismatic items, but not for other items collected by hobbyists (e.g., stamps)? If so, please explain.

(a) What benefits has the Rule provided to purchasers of the products or services affected by the Rule?

(b) Has the Rule imposed costs on purchasers?

(2) What changes, if any, should be made to the Rule to increase the benefits of the Rule to purchasers?

(a) How would these changes affect the costs the Rule imposes on firms subject to its requirements?

(3) What significant burdens or costs, including costs of compliance, has the Rule imposed on firms subject to its requirements?

(a) Has the Rule provided benefits to such firms?

(4) What changes, if any, should be made to the Rule to reduce the burdens or costs imposed on firms subject to its requirements?

(a) How would these changes affect the benefits provided by the Rule?

(5) Does the Rule overlap or conflict with other federal, state, or local laws or regulations?

(6) Since the Rule was issued, what effects, if any, have changes in relevant technology or economic conditions had on the Rule?

(7) What significant burdens or costs, including costs of compliance, has the Rule imposed on small firms subject to its requirements?

(a) How do these burdens or costs differ from those imposed on larger firms subject to the Rule's requirements?

(8) To what extent are the burdens or costs that the Rule imposes on small firms similar to those small firms would incur under standard and prudent business practices?

(9) What changes, if any, should be made to the Rule to reduce the burdens or costs imposed on small firms?

(a) How would these changes affect the benefits of the Rule?

(b) Would such changes adversely affect the competitive position of larger firms?

(10) The Rule currently mandates the minimum sizes for the calendar year to be marked on imitation political items and for the word ''copy'' to be marked on imitation numismatic items.

(a) Should the Commission amend the Rule to replace the mandated minimum sizes with a performance based standard (e.g., clear and prominent disclosure)?

(b) If so, what should the performance based standard be?

(c) What would be the costs and benefits of the proposed performance based standard?

### List of Subjects in 16 CFR Part 304

Hobbies, Labeling, Trade practices.

**Authority:** 15 U.S.C. 41–58.

[1] An imitation political item is ''an item which purports to be, but in fact is not, an original political item, or which is a reproduction, copy, or counterfeit of an original political item.'' 15 U.S.C. 2106(2).

[2] An imitation numismatic item is ''an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item.'' 15 U.S.C. 2106(4).

[3] Prior to the amendment, if a coin were too small to comply with the minimum letter size requirements, the manufacturer or importer had to individually request from the Commission a variance from those requirements. Because imitation miniature coins were becoming more common, the Commission determined that it was in the public interest to allow the placing of the word ''copy'' on miniature imitation coins in sizes that could be reduced proportionately with the size of the item.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 97–7434 Filed 3–24–97; 8:45 am]

**BILLING CODE 7518–01–M**

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## 16 CFR Part 403

## Deceptive Use of ''Leakproof,'' ''Guaranteed Leakproof,'' Etc., as Descriptive of Dry Cell Batteries

**AGENCY:** Federal Trade Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Federal Trade Commission (the ''FTC'' or ''Commission'') proposes to commence a rulemaking proceeding to repeal its Trade Regulation Rule on Deceptive Use of ''Leakproof,'' ''Guaranteed Leakproof,'' Etc., as Descriptive of Dry Cell Batteries (''the Dry Cell Battery Rule'' or ''the Rule''), 16 CFR Part 403. The Commission is soliciting written comments, data, and arguments concerning this proposal. The Commission also is requesting comments about the overall costs and benefits of the Rule and its overall regulatory and economic impact as a part of its systematic review of all current Commission regulations and guides.

**DATES:** Written comments must be submitted on or before April 24, 1997.

**ADDRESSES:** Written comments should be identified as ''16 CFR Part 403 Comment'' and sent to Secretary, Federal Trade Commission, Room 159, Sixth St. and Pennsylvania Ave., N.W., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Neil Blickman, Attorney, FTC, Bureau of Consumer Protection, Division of Enforcement, Sixth St. and Pennsylvania Ave., N.W., Washington, DC 20580, (202) 326–3038.

**SUPPLEMENTARY INFORMATION:**

### Part A—Background Information

This notice is being published pursuant to Section 18 of the Federal Trade Commission (''FTC'') Act, 15 U.S.C. 57a *et seq.*, the provisions of Part 1, Subpart B of the Commission's Rules of Practice, 16 CFR 1.7 *et seq.*, and 5 U.S.C. *et seq*. This authority permits the Commission to promulgate, modify, and repeal trade regulations rules that define with specificity acts or practices that are unfair or deceptive in or affecting commerce within the meaning of Section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1).

On May 20, 1964, the Commission promulgated a trade regulation rule that states that in connection with the sale of dry cell batteries in commerce, the use of the word ''leakproof,'' the term ''guaranteed leakproof,'' or any other word or term of similar import, or any abbreviation thereof, in advertising, labeling, marking or otherwise, as descriptive of dry cell batteries, constitutes an unfair method of competition and an unfair or deceptive act or practice in violation of section 5 of the FTC Act (16 CFR 403.4). This Rule was based on the Commission's finding that, despite efforts by dry cell battery manufacturers to eliminate electrolyte leakage, battery leakage and damage therefrom occurs from the use to which consumers ordinarily subject dry cell batteries.

The Rule does not prohibit manufacturers or marketers from offering or furnishing guarantees that provide for restitution in the event of damage from battery leakage, provided no representation is made, directly or indirectly, that dry cell batteries will not leak (16 CFR 403.5). The Rule further provides that in the event any person develops a new dry cell battery that he believes is in fact leakproof, he may apply to the Commission for an amendment to the Rule, or other appropriate relief (16 CFR 403.6).

The Commission conducted an informal review of industry practices by examining the advertising, labeling and marking of dry cell batteries available for retail sale. The products, packaging and advertising inspected contained no presentations that the batteries so described were leakproof. The Commission's review, therefore, indicated general compliance with the Rule's provisions. Moreover, the Commission has no record of receiving any complaints regarding non-compliance with the Rule, or of initiating any law enforcement actions alleging violations of the Rule.

Additionally, the Commission's review indicated general voluntary compliance by the industry with the requirements of American National Standards Institute (''ANSI'') Standard C18.1M–1992 Dry Cells and Batteries—Specifications. The ANSI standard contains specifications for dry cell batteries, and requirements for labeling the products and their packages. The ANSI standard requires the following information to be printed on the outside of each battery (when necessary, the standard permits some of this information to be applied to the unit package): (1) The name or trade name of the manufacturer; (2) the ANSI/National Electronic Distributors Association number, or some other identifying designation; (3) year and month, week or day of manufacture, which may be a code, or the expiration of a guarantee period, in a clear readable form; (4) the nominal voltage; (5) terminal polarity; and (6) warnings or cautionary notes where applicable.[1]

The ANSI standard recommends that dry cell battery manufacturers and sellers include on their products and packages several battery user guidelines and warnings that are relevant to this proceeding. They are: (1) although batteries basically are trouble-free products, conditions of abuse or misuse can cause leakage; (2) failure to replace all batteries in a unit at the same time may result in battery leakage; (3) mixing batteries of various chemical systems, ages, applications, types or manufacturers may result in poor device performance and battery leakage; (4) attempting to recharge a non-rechargeable battery is unsafe because it could cause leakage; (5) reverse insertion of batteries may cause charging, which may result in leakage; (6) devices that operate on either household current or battery power may subject batteries to a charging current, which may cause leakage; (7) do not store batteries or battery-powered equipment in high-temperature areas; and (8) do not dispose of batteries in fire.[2]

At a minimum, each dry cell battery and battery package inspected by Commission staff informed consumers that the batteries may explode or leak if recharged, inserted improperly, disposed of in fire, or mixed with different battery types. Based on the foregoing, the Commission has tentatively concluded that industry members that comply with the standard's point-of-sale disclosure requirements, of necessity, also are in compliance with the Rule.

### Part B—Objectives

Based on the review described above, the Commission has tentatively determined that the Rule is no longer necessary.[3] the objective of this notice is

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[1] *See* section 8.1 of ANSI Standard C18.1M–1992.

[2] *See* section 7.5 of ANSI Standard C18.1M–1992.

[3] Repealing the Dry Cell Battery Rule would eliminate the Commission's ability to obtain civil penalties for any future misrepresentations that dry cell batteries are leakproof. The Commission, however, has tentatively determined that repealing the Rule would not seriously jeopardize the Commission's ability to act effectively. Any significant problems that might arise could be addressed on a case-by-case basis under Section 5 of the FTC Act, 15 U.S.C. 45, either administratively or through Section 13(b) action, 15 U.S.C. 53(b), filed in federal district court. Prosecuting serious misrepresentations in district court allows the Commission to obtain injunctive relief as well as equitable remedies, such as redress or disgorgement.

to solicit comment on whether the Commission should initiate a rulemaking proceeding to repeal the Dry Cell Battery Rule.

### Part C—Alternative Actions

The Commission is not considering any alternative other than the possibility of repealing the Dry Cell Battery Rule.

### Part D—Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the Dry Cell Battery Rule. The Commission requests that factual data upon which the comments are based be submitted with the comments. In this section, the Commission identifies the issues on which it solicits public comments. The identification of issues is designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

### Questions

(1) Is there a continuing need for the Rule?

(a) What benefits has the Rule provided to purchasers of the products affected by the Rule?

(b) Has the Rule imposed costs on purchasers?

(2) What changes, if any, should be made to the Rule to increase the benefits of the Rule to purchasers?

(a) How would these changes affect the costs the Rule imposes on firms subject to its requirements?

(3) What significant burdens or costs, including costs of compliance, has the Rule imposed on firms subject to its requirements?

(a) Has the Rule provided benefits to such firms?

(4) What changes, if any, should be made to the Rule to reduce the burdens or costs imposed on firms subject to its requirements?

(a) How would these changes affect the benefits provided by the Rule?

(5) Does the Rule overlap or conflict with other federal, state, or local laws or regulations?

(6) Since the Rule was issued, what effects, if any, have changes in relevant technology or economic conditions had on the rule?

(7) Are ''leakproof'' or ''guaranteed leakproof'' representations by manufacturers and marketers of dry cell batteries a significant problem in the marketplace?

(8) Should the Rule, or any portion of it, be kept in effect, or should it be repealed?

(9) How would repealing the Rule affect the benefits experienced by consumers?

(10) How would repealing the Rule affect the benefits and burdens experienced by firms subject to Rule's requirements?

(11) Does the existence of ANSI Standard C18.1M–1992 for Dry Cell Batteries eliminate or greatly lessen the need for the Rule?

**Authority:** Section 18(d)(2)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(d)(2)(B).

### List of Subjects in 16 CFR Part 403

Advertising, Dry cell batteries, Labeling, Trade practices.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 97–7433 Filed 3–24–97; 8:45 am]

BILLING CODE 6750–01–M

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## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[REG–209785–95]**

**RIN 1545–AT97**

## Substantiation of Business Expenses for Travel, Entertainment, Gifts and Listed Property

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations relating to the substantiation requirements for business expenses for travel, entertainment, gifts, or listed property. The text of those temporary regulations also serves as the text of these proposed regulations.

**DATES:** Written or electronically generated comments and requests for a public hearing must be received by June 23, 1997.

**ADDRESSES:** Send submissions to CC:DOM:CORP:R (REG–209785–95), room 5228, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to CC:DOM:CORP:R (REG–209785–95), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or electronically, via the IRS Internet site at: http://www.irs.ustreas.gov/prod/tax__regs/comments.html.

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, contact Donna M. Crisalli, (202) 622–4920; concerning submissions, contact Christina Vasquez, (202) 622–7190 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION**

### Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224. Comments on the collection of information should be received by May 27, 1997.

Comments are specifically requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of service to provide information.

The collection of information in this notice of proposed rulemaking is in § 1.274–5T(c)(2) and (f)(4). This information is required by the IRS as a condition for a taxpayer to deduct certain business expenses or exclude from income certain reimbursed business expenses of employees. This information will be used to determine whether a taxpayer properly qualifies for a deduction or exclusion. The collection of information is required in order to deduct certain business expenses or exclude from income certain reimbursed business expenses of

employees. The likely respondents and recordkeepers are individuals, business or other for-profit institutions, state or local governments, federal agencies, and nonprofit institutions.

*Estimated total annual reporting and recordkeeping burden:* 36,920,000 hours.

The estimated annual burden per respondent or recordkeeper varies from 10 minutes to 20 hours, depending on individual circumstances, with an estimated average of 1.3 hours.

*Estimated number of respondents and recordkeepers:* 28,400,000.

*Estimated annual frequency of responses:* On occasion.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

### Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations do not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that, by increasing the receipt threshold from $25 to $75, these regulations are expected to reduce the existing recordkeeping requirements of taxpayers, including small entities, from 49,375,000 hours to 36,920,000 hours. The regulations do not otherwise significantly alter the reporting or recordkeeping duties of small entities. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

### Comments and Requests for a Public Hearing

Before adopting these proposed regulations as final regulations, consideration will be given to any comments that are submitted timely (and in the manner described in ADDRESSES portion of this preamble) to the IRS. The IRS is considering publishing a revenue procedure implementing § 1.274–5T(f)(4)(ii) of the temporary regulations (that is, prescribing rules under which an employee may make an adequate accounting to his employer by submitting an expense voucher or equivalent without submitting documentary evidence such as receipts) for federal government agencies that use the published procedures. In addition, the IRS is considering whether there are circumstances or conditions under which the IRS could extend these procedures beyond federal government agencies, and requests comments in this regard. The IRS also requests comments on what procedures (such as internal controls) should be required in any rules that permit a taxpayer to satisfy the substantiation requirements of section 274(d) for purposes of deducting business expenses reimbursed to employees who have accounted for their expenses only by means of an expense voucher or equivalent without documentary evidence such as receipts. All comments will be available for public inspection and copying. A public hearing will be scheduled and held upon written request by any person who submits written comments on the proposed rules. Notice of the time and place for the hearing will be published in the **Federal Register**.

### Drafting Information

The principal author of these proposed regulations is Donna M. Crisalli, Office of the Assistant Chief Counsel (Income Tax and Accounting). However, personnel from other offices of the IRS and Treasury Department participated in their development.

### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

### Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

## PART 1—INCOME TAXES

**Paragraph 1.** The authority citation for part 1 is amended by adding an entry to read in part as follows:

**Authority:** 26 U.S.C. 7805 * * *

Section 1.274–5 also issued under 26 U.S.C. 274(d). * * *

**Par. 2.** Section 1.274–5 is added to read as follows:

**§ 1.274–5 Substantiation requirements.**

(a) through (c)(2)(iii)(A) [Reserved]. For further guidance, see § 1.274–5T.

(c)(2)(iii)(B) [The text of paragraph (c)(2)(iii)(B) is the same as the text in § 1.274–5T published elsewhere in this issue of the **Federal Register**].

(c)(2)(iv) through (f)(3) [Reserved]. For further guidance, see § 1.274–5T.

(f)(4) through (f)(4)(iii) [The text of paragraphs (f)(4) through (f)(4)(iii) is the same as the text in § 1.274–5T published elsewhere in this issue of the **Federal Register**].

(f)(5) through (1) [Reserved]. For further guidance, see § 1.274–5T.

**Margaret Milner Richardson,**

*Commissioner of Internal Revenue.*

[FR Doc. 97–7094 Filed 3–24–97; 8:45 am]

BILLING CODE 4830–01–U

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## FEDERAL MEDIATION AND CONCILIATION SERVICE

## 29 CFR Part 1404

## Arbitration Policy; Roster of Arbitrators, and Procedures for Arbitration Services

**AGENCY:** Federal Mediation and Conciliation Service.

**ACTION:** Correction to proposed rule.

**SUMMARY:** A proposed rule on arbitration policy contained an error in page costs. This document is intended to correct that error.

**FOR FURTHER INFORMATION CONTACT:** Peter L. Regner, (202) 606–8181.

**SUPPLEMENTARY INFORMATION:** In proposed rule document 97–6305 beginning on page 11797, in the **Federal Register** issue of Thursday, March 13, 1997, make the following correction:

In the appendix to 29 CFR Part 1404 on page 11805, under ''List and biographical sketches of arbitrators in specific areas'', the term ''$10 per page'' should read ''$.10 per page''.

**John Calhoun Wells,**

*Director.*

[FR Doc. 97–7463 Filed 3–24–97; 8:45 am]

BILLING CODE 6732–01–M

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## DEPARTMENT OF THE INTERIOR

## Minerals Management Service

## 30 CFR Part 253

**RIN 1010–AC33**

## Oil Spill Financial Responsibility for Offshore Facilities

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** MMS is proposing new requirements for demonstrating oil spill financial responsibility (OSFR) for cleanup and damages from oil discharges due to oil exploration, production, and associated pipeline facilities. This rule will apply to operations located in: the Outer Continental Shelf (OCS); State waters seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea; and in coastal inland waters, such as bays and estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea. This rule implements the authority of the Oil Pollution Act of 1990 (OPA).

**DATES:** MMS will consider all comments received by June 23, 1997. We may not fully consider comments received after June 23, 1997.

**ADDRESSES:** Mail or hand-carry comments to the Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, Virginia 20170–4817; Attention: Rules Processing Team.

**FOR FURTHER INFORMATION CONTACT:** Ray Beittel, Performance and Safety Branch, at (703) 787–1591.

**SUPPLEMENTARY INFORMATION:** Title I of OPA (33 U.S.C. 2701 *et seq.*), as amended by the Coast Guard Authorization Act of 1996 (Pub. L. 104–324), provides at section 1016 that parties responsible for offshore facilities establish and maintain OSFR for those facilities according to methods determined acceptable to the President. Section 1016 supersedes the offshore facility OSFR provisions of the Outer Continental Shelf Lands Act Amendments (OCSLAA) of 1978. The Presidential Executive Order (E.O.) implementing OPA (E.O. 12777; October 18, 1991) assigned the offshore facility OSFR certification function to the Department of the Interior (DOI). The Secretary of the Interior, in turn, delegated this function to MMS.

The regulation proposed today replaces the current offshore facility OSFR regulation written pursuant to the OCSLAA. The OCSLAA regulation is limited to facilities located in the OCS and sets the amount of OSFR that must be demonstrated by responsible parties at $35 million. The regulation proposed today covers both the OCS and State waters lying seaward of the line of ordinary low water. Today's proposal also requires responsible parties to demonstrate as much as $150 million in OSFR if MMS believes it is justified by the risks from potential oil spills from covered offshore facilities.

The minimum amount of OSFR that must be demonstrated under the proposed regulation is $35 million for covered facilities located in the OCS and $10 million for covered facilities located in State waters. The proposed regulation provides a conditional exemption for persons responsible for facilities having a potential worst case oil-spill discharge of 1,000 barrels or less.

## Background

The initial OSFR program for offshore facilities was developed under Title III of the OCSLAA and administered by the U.S. Coast Guard (USCG). OPA replaced and rescinded the Title III OSFR requirements. However, section 1016(h) of OPA provides that any regulation relating to OSFR remain in force until superseded by a new regulation issued under OPA. Therefore, the existing USCG OSFR regulations for offshore facilities in the OCS (33 CFR part 135) remain in effect until this proposed rule becomes final.

The Secretary of Transportation has authority for vessel oil pollution financial responsibility, and the USCG regulates the financial responsibility program for vessels. However, a well drilled from a mobile offshore drilling unit (MODU), which is a type of vessel, is an offshore facility under the proposed rule.

Upon request from the USCG, MMS will provide available information for any covered offshore facility (COF) involved in an oil pollution incident including:

(1) The lease, permit, or right of use and easement (RUE) for the area in which the COF is located;

(2) The designated applicant and guarantors and their contacts for claims;

(3) Agents for service of process; and

(4) Amounts guaranteed.

## Section-by-Section Discussion

*Subpart A*

*§ 253.1 What is the purpose of this regulation?* This is an introductory section explaining that this part establishes the requirements for OSFR for COF's under Title I of OPA, 33 U.S.C. 2701 *et seq.*

*§ 253.3 How are the terms used in this regulation defined?* This section contains definitions of terms used in this part. Some of these definitions are based on terms in OPA and differ from how MMS normally uses them. The principal definitions will be addressed later in this preamble in the context in which they are used.

*§ 253.5 What is the authority for collecting OSFR information?* This section explains that the information collected under this part is used to ensure compliance with the OSFR requirements in OPA.

*Subpart B*

*§ 253.10 What facilities does this regulation cover?* This introductory section provides a general statement of applicability. It states that this part applies to any ''COF'' or any ''lease'' or ''permit'' issued under, or a ''RUE'' granted under the Outer Continental Shelf Lands Act (OCSLA) or applicable State law. This applicability concept incorporates many defined terms.

An important term in these rules is COF which is based on requirements in OPA. There are three tests to determine whether your facility is a COF. First, it must be a structure, group of structures, a well (including a well drilled from an MODU), equipment, pipeline, or device used for exploring for, drilling for, or producing oil. This includes platforms, gathering lines, subsea completions, and other equipment common to oil production activities. Facilities that are used to store, handle, transfer, or process oil and that are related to the oil production process also are included. Thus, a platform with equipment to initially treat oil (dewatering, desanding, etc.) is covered.

OPA excludes from the COF definition vessels and pipelines licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 *et seq.*). Also within the coverage of this first test are facilities used to transport oil, which includes transportation pipelines (gathering lines are part of production facilities) and pipeline appurtenances. If a well is drilled from a MODU, the well could be a COF under the proposed regulation, but the MODU could not. However, the MODU owner or operator is required to demonstrate OSFR for the MODU according to USCG regulations at 33 CFR part 138.

Under the proposed rule, for a facility to be a COF, it must pass two other tests. First, it must be located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea, or located in coastal inland waters, such as bays and estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea. This concept comes directly from the 1996 amendments to OPA (see section 1016(c)(1)). It clearly includes the Federal OCS and each State's territorial sea.

The line of ordinary low water along that portion of the coast that is in direct contact with the open sea was defined by the courts for each coastal State

where there might be a COF. This adjudicated line, known as the ''coastline,'' represents both the seaward limit of inland waters and the base for establishing a State's seaward boundary that separates State waters from the Federal OCS.

It is clear that OSFR regulations should apply to areas seaward of the coastline. It also seems clear that ''coastal inland waters, such as bays and estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea'' lie landward of the coastline. However, OPA does not define the extent of these coastal inland waters, and the record of Congress for the 1996 amendments to OPA offers no clarification or statement of intent. Thus, MMS is afforded some discretion in determining the extent to which areas lying landward of the coastline should be covered by this proposed regulation.

We considered two options for defining the phrase ''coastal inland waters, such as bays and estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea.'' In developing these options, we focused on the three relevant statutory phrases: line of ordinary low water, coastal inland waters, and bays and estuaries.

The first option for defining places landward of the coastline that are covered by the rule includes the submerged coastal areas subject to tidal influence. That is, if an area affected by the tide is normally submerged, even at low tide, it is seaward of the line of ordinary low water. As such, it is covered by the rule. Given the dynamic nature of coastal geologic processes, especially in places like the Mississippi River Delta, the area covered by this option could change with time. As a result, a person responsible for a facility currently located on dry land is not subject to the proposed rule today. However, if that facility is later inundated as a result of shoreline erosion, the facility might become a COF.

The area covered by this option does not include large inland water bodies affected by the tides (e.g., the Great Salt Lake) because none lie along the coast. Likewise, smaller landlocked water bodies located along the coast are not included because they are not affected by the tides. The area that is covered by this option includes coastal bays, river mouths to the extent there is a tidal influence, and coastal wetlands that are submerged at low tide.

A second option for defining places landward of the coastline that are covered by the rule includes the area affected by the tides lying between the coastline and a parallel line that is a fixed distance from the coastline. This band of coastal inland waters does not change unless the adjudicated coastline changes. The band should be wide enough to cover the prominent coastal bays and estuaries. We believe an appropriate width is 50 to 100 miles, although some may not consider locations 100 miles inland to be ''along the coast.'' Conversely, if the band is narrow, some bays and estuaries along the coast might not be covered completely. For example, a 50-mile band excludes the furthest reaches of San Francisco Bay and all of the Lake Pontchartrain estuary.

MMS incorporated the first coastal inland waters option into the proposed rule because we believe it is more consistent with the word and spirit of OPA. However, we have neither finally determined this option to be the best one, nor have we decided that the two options considered are the only suitable ones. As such, we invite your comments on both options and your recommendations for others that might be appropriate. In particular, we would like your opinion on how wide the coastal band should be if the second option is adopted. Given the known locations of existing coastal oil facilities, we found little difference between the options regarding who is subject to the proposed rule. If you have evidence that this finding may be inaccurate, please submit it to us with your comments on the proposed rule.

The last test to be a COF is that a facility must have a worst case oil-spill discharge potential of more than 1,000 barrels. MMS could require a facility with a lesser spill potential to be covered if we determine in writing that OSFR must be demonstrated. Also, a person may agree to cover a facility with OSFR even if it does not exceed the worst case oil-spill threshold. As explained in more detail below, this would occur if a person is providing maximum blanket coverage for all its facilities under the blanket.

For this proposed rule to apply, the COF must be on a lease, permit (defined as a permit for geological exploration), or RUE issued under OCSLA or applicable State law.

MMS recognizes the possibility that a transportation pipeline could begin offshore and move production onshore. In that event, under § 253.10(b), the pipeline is covered to the point it reaches the first accessible flow shutoff device landward of the line of ordinary low water.

*§ 253.11 Who must demonstrate OSFR?* MMS's proposal is that every lease, permit, or RUE with a COF would have only one person who demonstrates OSFR. This person is the designated applicant.

The designated applicant is required to submit Form MMS 1016 and agree to demonstrate OSFR on behalf of all the responsible parties for the lease, permit, or RUE. If the designated applicant is not a responsible party, it must agree to be liable for oil pollution damages, cleanup costs, and other claims under OPA jointly and severally with the responsible parties. MMS's intent is that the responsible parties agree who the one designated applicant should be on their behalf. MMS also wants that person to be liable for any damages or other claims so a claimant or the Oil Spill Liability Trust Fund (the Fund) does not have to pursue anyone other than the person who agreed to be the designated applicant. Of course, the other responsible parties still remain liable if the designated applicant does not satisfy the liability.

Under paragraph (b), if the land within a lease with a COF also is subject to a permit or RUE with a COF, there must be a designated applicant for the lease and a designated applicant for each permit or RUE. They may be the same person, but a Form MMS 1017 designating the applicants for the different COF's must be filed with MMS.

Paragraph (c) requires the designated applicant for a lease with a COF to be either a lessee (who is a responsible party under these rules and OPA) or the designated operator (who, if not a lessee, does not meet the definition of responsible party). However, the designated operator for an OCS lease or unit must be the same party that is the designated operator under 30 CFR 250.8. That rule requires the designated operator to fulfill the lessee's obligations under the OCSLA and MMS regulations. Therefore, it makes sense for that person to demonstrate OSFR and to accept liability on behalf of the lessees. For leases not in the OCS, to ensure that any nonlessee designated applicant is a person with similar responsibilities for spill prevention and cleanup to those of a Federal OCS operator, paragraph (c)(2) requires that such applicant be an operator under a lease or unit operating agreement that provides the operator is responsible for compliance with all the laws and regulations applicable to the lease or unit. Otherwise, that operator could not be a designated applicant under the proposed rules, and a lessee

is required to demonstrate OSFR for the lease.

Paragraph (d) provides that only the permittee may be a designated applicant for a permit with a COF. Under paragraph (e), for a RUE with a COF, who the designated applicant may be depends on whether the COF is a pipeline. If it is, then an owner or operator of each pipeline segment on the RUE must be a designated applicant. For a RUE with a COF that is not a pipeline segment, the holder of the RUE is the designated applicant. If there also is a pipeline segment on the RUE, both the owner or operator of the pipeline segment and the holder of the RUE must be designated applicants. Again, the designated applicant for each of these situations could be the same person, but the designation is required to be separately denominated on the Form MMS 1017.

Paragraph (f) is a catchall provision allowing MMS to require a different designated applicant if MMS determines that the circumstances warrant a different person than the rules otherwise prescribe.

*§ 253.12 Who determines whether I must demonstrate OSFR?* As a general matter, it is the obligation of those persons who could be responsible parties to determine if there is a COF on their lease, permit, or RUE. MMS recognizes that this rule is unusual since it regulates persons who do not operate in the Federal OCS and are not otherwise subject to MMS jurisdiction. These persons may need help in interpreting their obligation under the rules, especially in marginal situations. In other words, the person may not be sure whether the lease, permit, or RUE is geographically covered or whether its facility has a sufficient worst case oil-spill potential to warrant a demonstration of OSFR. In this circumstance, you could ask MMS whether the rule applies to you. You are required to submit sufficient information for MMS to make the determination.

*§ 253.13 How much OSFR must I demonstrate?* This section explains the amount of OSFR a designated applicant must demonstrate. If you have only one COF for your lease, permit, or RUE, paragraph (b) of the section has a table with different amounts of OSFR depending on the worst case oil-spill discharge volume for your COF. For a COF in the Federal OCS, the amount of OSFR ranges from $35 million to $150 million. For a COF not in the Federal OCS, it ranges from $10 million to $150 million.

If you have two or more COF's on the lease, permit, or RUE, then you must demonstrate the highest amount of OSFR that applies to any of the COF's. Thus, if you had three production platforms on a lease, then you must demonstrate the amount of OSFR based on the one with the highest worst case oil-spill potential.

If you are the designated applicant for more than one lease, permit, or RUE with a COF, you are required to demonstrate the highest amount of OSFR that applies to any of them. By way of illustration, assume you had one lease with two production platforms requiring $10 million of OSFR and the other requiring $35 million, and you had a second lease with a platform requiring $10 million of OSFR. You are required to demonstrate $35 million in OSFR which covers all the COF's on both leases.

The table in paragraph (a) of this section clarifies that if you have leases, permits, and RUE's located in the Federal OCS and State waters, you must demonstrate the highest amount of OSFR that applies to any of the COF's on those leases, permits, or RUE's regardless of which jurisdiction they are located in.

In addition to setting out the amount of OSFR for a COF based on whether it is located in the Federal OCS and its worst case oil-spill discharge volume, paragraph (b) allows MMS to increase the OSFR amount to a maximum of $150 million based on the relative operational, environmental, human health, and other risks posed by the quality or quantity of oil handled. The dollar amounts in the table are based on estimates of the per-barrel costs of oil-spill removal and damages as generated by the ''Spillcalc'' element of MMS General Purpose Environmental Cost Model (GPECM).

The GPECM was developed to support the MMS 5-Year OCS Oil and Gas Leasing Program. The average of the calculated high-range oil-spill removal and damages costs for the offshore regions analyzed in the GPECM (Atlantic, Gulf of Mexico, California, Washington-Oregon, Alaska) is about $900 per barrel in 1993 dollars. For simplicity, the table uses a cost factor of $1,000 and the largest volume covered by a spill discharge bracket to establish the required OSFR amount for any COF that fits into the bracket.

Under paragraph (b)(3), MMS could require an OSFR demonstration in excess of the table amounts based on the relative operational, human health, and other risks your COF poses. As noted above, the maximum still is $150 million.

*§ 253.14 How do I determine the worst case oil-spill discharge volume?* Designated applicants are instructed to use the same method of calculating worst case discharges they use in preparing oil spill response plans for MMS or another Federal agency administering section 311 of the Federal Water Pollution Control Act.

*§ 253.15 What are my general OSFR compliance responsibilities?* This section spells out the designated applicant's obligation to maintain continuous coverage for all leases, permits, and RUE's with COF's.

*Subpart C*

*§ 253.20 What are the methods for evidencing OSFR?* This section authorizes the use of self-insurance, insurance, guarantees or surety bonds to evidence OSFR. In addition, the Director may approve alternative methods under § 253.32.

*§§ 253.21 through 253.28 How can I use self-insurance as OSFR evidence?* These sections establish two methods for qualifying as a self-insurer: a net-worth test and a test involving the pledge of unencumbered assets. The self-insurance application must be supported by audited financial statements.

The section contains formulae for calculating the level of self-insurance for which you qualify under each self-insurance method. These formulae are different from those MMS currently uses to determine whether a person qualifies as a self-insurer under 33 CFR part 135. The revised formulae are intended to provide a more realistic assessment of net worth by better reflecting current business practices and economic conditions.

An independent certified public accounting firm has reviewed the proposed formulae and has recommended certain changes to ensure their suitability for making self-insurance determinations. You are encouraged to request a copy of this report from the address listed at the beginning of this notice and provide MMS comments on the formulae and the contractor's recommendations. We will consider your comments and the contractor's recommendations in developing the formulae that will be included in the final rule.

*§ 253.29 How can I use insurance as OSFR evidence?* This section establishes minimum qualifications of insurers and the documentation required to support insurance as OSFR evidence. An insurer must be a syndicate of Lloyds of London, a member of the Institute of London Underwriters, or rated ''secure'' or better by A.M. Best, Standard and Poor's, or an equivalent rating service. While you may obtain insurance

coverage in layers, the rule limits the number of layers in relation to the amount of coverage provided.

*§ 253.30 How can I use a guarantee as OSFR evidence?* This section allows a designated applicant to use a single guarantee to meet all or part of its OSFR obligation. A guarantee is a promise of indemnification by a single indemnitor who meets the qualifications for self-insurance under §§ 253.21 through 253.28.

*§ 253.31 How can I use a surety bond as OSFR evidence?* This section allows a designated applicant to use a surety bond as OSFR evidence if the bond is issued by a surety acceptable to the Department of the Treasury and licensed in the State (or the State adjacent to that portion of the OCS) where at least one COF is located.

*§ 253.32 Are there alternative methods to evidence OSFR?* This section authorizes the MMS Director, within his/her sole discretion, to accept letters of credit, pooling arrangements, or other alternative methods of evidencing OSFR that provide equivalent assurance of the prompt satisfaction of claims that is equivalent to the methods authorized in the proposed regulations.

*Subpart D*

*§ 253.40 What OSFR evidence must I submit to MMS?* This section describes the forms that must be submitted as part of the OSFR evidence. Designated applicants are directed to submit a single demonstration for all leases, permits, and RUE's for which they are designated applicants.

*§ 253.41 What terms must I include in my OSFR evidence?* The rule specifies the terms and conditions under which OSFR instruments can be terminated. Notice to MMS of intent to cancel and replacement of the terminated instruments is required unless the COF is permanently abandoned. Requirements for including in each OSFR instrument information about direct action for claims and service of process also is covered in this section.

*§ 253.42 How can I amend my OSFR demonstration?* This section describes how to add or delete COF's from an existing OSFR demonstration. You must submit information on additional leases, permits, or RUE's at least 30 days before they are added or deleted.

*§ 253.43 When is my OSFR demonstration effective?* This section provides that MMS notify designated applicants when it determines whether the evidence submitted is adequate to demonstrate OSFR. It also states how long an OSFR demonstration is effective.

*§ 253.44 When must I comply with this regulation?* This section establishes a schedule for complying with this rule. You are allowed not more than 60 days after the effective date of the final regulation to submit to MMS your evidence of OSFR for all the COF's on all the leases, permits, and RUE's for which you are the designated applicant.

*§ 253.45 To whom do I submit my OSFR evidence?* Submissions are made to the listed address of MMS Oil Spill Financial Responsibility Program.

*Subpart E*

*§ 253.50 How can my OSFR evidence be refused or invalidated?* Generally, MMS would give a 15-day notice of its intent to invalidate an OSFR demonstration. However, we could immediately invalidate an OSFR demonstration if a person is no longer the designated applicant or permits the cancellation or termination of the insurance policy, surety bond, or guarantee on which your demonstration is based.

*§ 253.51 What are the penalties for not complying with this part?* Failure to comply with these regulations could result in penalties of up to $25,000 per COF per day. The maximum civil penalties are stated along with a reference to the appeals process of 30 CFR part 250. MMS has considered the civil penalty amounts that should be applied to this part, and the amounts may be those shown in the following table.

AMOUNTS OF CIVIL PENALTIES PER COF FOR NONCOMPLIANCE WITH OIL SPILL FINANCIAL RESPONSIBILITY REQUIREMENTS (OSFR) [1]

| Category of noncompliance | Period of noncompliance | | |
|---|---|---|---|
| | First week | Second and third weeks | After 3 weeks |
| Failure to submit OSFR evidence | $500 | $750 per week | $250 per day. |
| Lapse in OSFR coverage | $750 | $1,000 per week | $300 per day. |
| Cancellation of OSFR without alternative coverage | $2,500 | $5,000 per week | $1,000 per day. |
| Failure to correct an erroneous or inadequate submission within 30 Days of MMS request [2]. | $100 | $250 per week | $1,000 per week. |

Notes:
[1] Penalties will be doubled each time there is an additional violation within 1 calendar year of the first violation, up to a maximum of $25,000 per day. The penalty amounts in this table will be updated periodically as needed to ensure compliance.
[2] Includes under-subscribed insurance slips, use of insurers not rated ''secure'' or better, errors in lease, permit, or RUE identification and similar problems with the OSFR evidence submitted.

This section also provides for penalties that are greater or less than the amounts shown in the table, depending on specific factors listed in OPA.

*Subpart F*

*§ 253.60 How must a claim be presented?* This section prescribes the process a claimant follows to recover the costs of oil-spill removal and damages from the designated applicant, its guarantor, or the Fund. The general approach is to present claims first to the designated applicant and then, if necessary, to the designated applicant's guarantor or the Fund.

*§ 253.61 When is a guarantor subject to direct action for claims?* This section specifies the situations in which a designated applicant's guarantor is subject to suit on claims for oil spill removal and damage costs directly by a claimant. It also states the protections from direct action a guarantor is allowed under OPA.

The 1996 amendments to OPA limit the assertion of a claim against a guarantor to three circumstances: (1) The United States makes a claim for removal costs and damages for compensation paid by the Fund; (2) the responsible party denies or fails to pay a claim on grounds of insolvency; and (3) the responsible party has filed for bankruptcy. OPA does not expressly address the common circumstance of numerous responsible parties for a single offshore facility and whether all

responsible parties must be insolvent before the claimant may pursue the guarantor. MMS believes that it should be sufficient for the claimant to demonstrate only that the designated applicant is insolvent before it could pursue the guarantor. The claimant should not be required to pursue multiple responsible parties in that circumstance because, for some COF's, there could be over 20 responsible parties. Thus, the proposed rule allows recourse to a guarantor if the designated applicant is insolvent or in bankruptcy. MMS does not believe it would serve OPA's objective of prompt payment to force a claimant to determine whether each and every responsible party is insolvent or in bankruptcy before a claim could be asserted against a guarantor.

MMS specifically invites comments on this issue. We specifically invite comments on whether the final rule should instead adopt the alternative of limiting action against a guarantor by private claimants to cases where every responsible party has denied or failed to pay on grounds of insolvency, or where every single responsible party has petitioned for bankruptcy.

*§ 253.62 What are the designated applicant's obligations regarding a claim?* This section specifies whom the designated applicant must notify upon receipt of a claim for oil discharge removal and damages.

*Appendix*

This section presents the nine MMS forms and a cover sheet the designated applicant is required to use to submit OSFR information to MMS. These forms are referenced throughout the OSFR regulations. You must submit to MMS only those forms that apply to your OSFR demonstration. You are not allowed to alter a form in any way.

*Author*

Ray L. Beittel, Performance and Standards Branch, MMS, prepared this document.

**E.O. 12886**

This proposed rule does not meet the criteria for a significant rule requiring review by the Office of Management and Budget (OMB) under E.O. 12866.

All of the oil and gas companies currently operating in the OCS, including those considered to be small businesses, comply with the existing OSFR regulations (i.e., 33 CFR part 135). MMS does not expect that these companies will incur any significant operating cost increases from complying with the proposed rule. Also, of the estimated 20 oil and gas companies operating in State coastal waters that would be affected by the proposed rule, all but three hold, have applied for, or have held a Certificate of Financial Responsibility under 30 CFR part 135. If these three companies use insurance to demonstrate OSFR under the proposed rule, the estimated annual cost of the insurance is $35,000 per company, which represents an industry-wide cost of $105,000.

The proposed rule should not generate any adverse effects on competition, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, OMB review of this proposed regulation under E.O. 12866 is unnecessary.

**Regulatory Flexibility Act**

The Small Business Administration defines small business as a company employing 500 or fewer people. There are many small oil and gas exploration, production, and transportation businesses operating in the Federal OCS and in State coastal waters. MMS estimates that approximately 20 of the oil and gas businesses operating in State coastal waters are subject to this proposed regulation. We consider 8 of those 20 to be large businesses because they each employ more than 500 people. All but 3 of the 12 small businesses in this group currently demonstrate or have demonstrated $35 million in OSFR under current regulation. We expect that under the proposed regulation those three businesses will be required to demonstrate $10 million in OSFR. It is reasonable to assume that each company would use insurance as the means for demonstrating OSFR, and the annual premium for such insurance will be about $35,000 per company. Thus, the total annual economic impact on small businesses under this proposed regulation is estimated to be $105,000.

The amount of oil a company produces is generally proportional to its size. We do not expect smaller companies to operate any individual facilities that produce, store, or transport more than 35,000 barrels of oil per day. If a smaller company undertakes a project with higher production levels, such as the deep-water ventures in the Gulf of Mexico, we expect it to do so in partnership with a larger company that can demonstrate OSFR by qualifying as a self-insurer. We further expect that the larger company will be selected as the designated applicant under the proposed regulations and demonstrate OSFR on behalf of the smaller partner. Therefore, we do not expect that implementing the proposed regulations will require small businesses to demonstrate OSFR for amounts greater than $35 million.

MMS expects the proposed regulations will have no adverse effect on oil company service industries, such as the supply vessel and service vessel industries. The persons responsible for such vessels already comply with separate OSFR requirements under 33 CFR part 135.

**Paperwork Reduction Act**

This proposed rule contains a collection of information which has been submitted to OMB for review and approval under section 3507(d) of the Paperwork Reduction Act of 1995. As part of our continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on any aspect of the reporting burden. Submit your comments to the Office of Information and Regulatory Affairs, OMB, Attention Desk Officer for the Department of the Interior (OMB control number 1010–XXXX), 725 17th Street, NW., Washington, DC 20503. Send a copy of your comments to the Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 20170–4817.

You may obtain a copy of the proposed collection of information and supporting statement by contacting the Bureau's Information Collection Clearance Officer at (703) 787–1242. The Paperwork Reduction Act of 1995 provides that 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.

OMB may make a decision to approve or disapprove this collection of information after 30 days from receipt of our request. Therefore, your comments are best assured of being considered if OMB receives them within that time period. However, MMS will consider all comments received during the comment period for this notice of proposed rulemaking.

The title of this collection of information is ''30 CFR Part 253, Oil Spill Financial Responsibility for Offshore Facilities.'' The information collected consists of the following, and the estimated burden for each is shown in parentheses:

- Form MMS 1016, Designated Applicant Information Certification (1 hour)
- Form MMS 1017, Designation of Applicant (9 hours)
- Form MMS 1018, Self-insurance or Guarantee Information (1 hour)

- Form MMS 1019, Insurance Certificate (120 hours)
- Form MMS 1020, Surety Bond (24 hours)
- Forms MMS 1021, Lease Listing (3 hours)
- Form MMS 1022, Permit or Right of Use and Easement Listing (3 hours)
- Form MMS 1023, Lease Changes (1 hour)
- Form MMS 1024, Permit or Right of Use and Easement Changes (1 hour)
- Letter requesting a determination of applicability of the regulation (2 hours)
- Proposal to accept an alternative method to demonstrate OSFR (no burden—we anticipate no requests but have provided the option in the rule)
- Written notice to MMS of change in ability to comply (1 hour)
- Claims (no burden-MMS will not be involved in the claims process; the regulations only provide procedures for claimants to follow; MMS will not be advised of claims activity, and we will have no way of estimating the numbers).

MMS will use the information to verify compliance with OPA, to confirm that applicants possess the required amounts of OSFR for a potential worst case oil spill discharge of more than 1,000 barrels (or a lesser amount if MMS determines the risk justifies it), and to establish a reference source of names, addresses, and telephone numbers of parties responsible for COF's and their designated agents and guarantors for claims associated with oil pollution.

Respondents will be approximately 600 holders of leases, permits, and RUE's in the OCS and in State coastal waters who appoint approximately 200 designated applicants. Other respondents will be the designated applicants' insurance agents and brokers, bonding companies, and indemnitors. MMS receives approximately 2,631 responses each year. The frequency of submission will vary, but most will respond at least once per year. We estimate the total annual burden of this collection of information to be 20,381 reporting hours and zero recordkeeping hours. Based on $35 per hour, the total burden hour cost to respondents is estimated to be $713,335. The public reporting burden for this information will vary by form and collection (as shown above). The burden per response is averaged to be 8 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection.

In addition to the hour burden, some respondents will bear the cost of demonstrating OSFR. The amount of OSFR currently required in the OCS under the OCSLA is $35 million, the same as the minimum level of OSFR required in the OCS under OPA. The estimated annual cost to OCS operators of providing evidence of OSFR for that amount is $21.6 million. This cost is already borne by all operators in the OCS under the OCSLA provisions. No additional costs to OCS operators are attributable to the proposed rule. New annual costs of approximately $850,000 will be imposed on persons operating in State coastal waters. There is currently no Federal requirement for demonstrating OSFR in State coastal waters, and the entire $850,000 is a new cost imposed by the proposed rule. Therefore, MMS estimates the total annual cost for OSFR demonstrations to be $22.5 million.

MMS will summarize written responses to this notice and address them in the final rule. All comments will become a matter of public record.

1. MMS specifically solicits comments on the following questions:

(a) Is the proposed collection of information necessary for the proper performance of MMS's functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the Paperwork Reduction Act of 1995 requires agencies to estimate the total annual cost burden to respondents or recordkeepers resulting from the collection of information. MMS needs your comments on this item. Your response should split the cost estimate into two components: (a) Total capital and startup cost and (b) annual operation, maintenance, and purchase of services. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: before October 1, 1995; to comply with requirements not associated with the information collection; for reasons other than to provide information or keep records for the Government; or as part of customary and usual business or private practices.

**Takings Implication Assessment**

DOI has determined that this proposed rule does not represent a governmental action capable of interfering with constitutionally protected property rights. Thus, DOI does not need to prepare a Takings Implication Assessment under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**E.O. 12988**

DOI has certified to OMB that the proposed rule meets the applicable reform standards provided in section 3(a) and 3(b)(2) of E.O. 12988.

**Unfunded Mandates Reform Act of 1995**

DOI has determined and certifies under the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of $100 million or more in any given year on State, local, and tribal governments or the private sector.

**National Environmental Policy Act**

DOI has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an environmental impact statement is not required.

**List of Subjects in 30 CFR Part 253**

Continental shelf, Environmental protection, Insurance, Oil and gas exploration, Oil pollution, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, and Surety bonds.

Dated: March 13, 1997.

**Bob Armstrong,**

*Assistant Secretary, Land and Minerals Management.*

For the reasons stated above, MMS proposes to add a new part 253 to Chapter II of Title 30 of the CFR as follows:

## PART 253—OIL SPILL FINANCIAL RESPONSIBILITY FOR OFFSHORE FACILITIES


### Subpart A—General

Sec.
253.1 What is the purpose of this regulation?
253.3 How are the terms used in this regulation defined?
253.5 What is the authority for collecting Oil Spill Financial Responsibility (OSFR) information?

### Subpart B—Applicability And Amount of OSFR

253.10 What facilities does this regulation cover?
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253.12 Who determines whether I must demonstrate OSFR?
253.13 How much OSFR must I demonstrate?
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### Subpart C—Methods for Evidencing OSFR

253.20 What are the methods for evidencing OSFR?
253.21 How can I use self-insurance as OSFR evidence?
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253.24 When I submit audited financial statements in connection with my net worth, what standards must they meet?
253.25 What financial test procedures must I use to evaluate the amount of self-insurance allowed as OSFR evidence based on net worth?
253.26 What information must I submit to support my net assets qualifications?
253.27 When I submit audited financial statements in connection with my net assets, what standards must they meet?
253.28 What financial test procedures must I use to evaluate the amount of self-insurance allowed as OSFR evidence based on net assets?
253.29 How can I use insurance as OSFR evidence?
253.30 How can I use a guarantee as OSFR evidence?
253.31 How can I use a surety bond as OSFR evidence?
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### Subpart D—Requirements for Submitting OSFR Information

253.40 What OSFR evidence must I submit to MMS?
253.41 What terms must I include in my OSFR evidence?
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253.44 When must I comply with this regulation?
253.45 To whom do I submit my OSFR evidence?

### Subpart E—Revocation and Penalties

253.50 How can my OSFR evidence be refused or invalidated?
253.51 What are the penalties for not complying with this part?

### Subpart F—Claims for Oil-Spill Removal Costs and Damages

253.60 How must a claim be presented?
253.61 When is a guarantor subject to direct action for claims?
253.62 What are the designated applicant's obligations regarding a claim?

### Appendix—Forms for Submitting OSFR Information


**Authority:** 33 U.S.C. 2701 *et seq.*

## Subpart A—General

### § 253.1 What is the purpose of this regulation?

This part establishes the requirements for demonstrating OSFR for covered offshore facilities under Title I of the Oil Pollution Act of 1990 (OPA), as amended, 33 U.S.C. 2701 *et seq.*

### § 253.3 How are the terms used in this regulation defined?

*Claim* means a request, made in writing for a sum certain, for compensation for damages or removal costs resulting from an incident.

*Claimant* means any person or government who presents a claim for compensation under OPA.

*Covered offshore facility* (COF) means a facility:

(1) Including any structure, group of structures (including wells), mobile offshore drilling unit, equipment, pipeline, or device (other than a vessel or other than a pipeline or deep water port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 *et seq.*)) used for exploring for, drilling for, or producing oil (including storing, handling, transferring, or processing oil associated with such production activities) or used for transporting oil from such facilities. This includes a well drilled by a MODU, but it does not include the MODU;

(2) That is located in the area along the coast that is affected by the tides and is submerged when free from disturbing influences or in the area offshore therefrom; and

(3) That has a worst case oil-spill discharge potential of more than 1,000 barrels of oil, or that has a worst case oil-spill discharge potential of less than 1,000 barrels of oil if MMS determines in writing that OSFR must be demonstrated for the facility.

*Designated applicant* means a person designated by the responsible parties to demonstrate OSFR for COF's on a lease, permit, or right of use and easement.

*Director* means the Director of the Minerals Management Service.

*Fund* means the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Service Code of 1986 (26 U.S.C. 9509).

*Guarantee* means an agreement to indemnify a designated applicant upon its satisfaction of a claim.

*Guarantor* means a person other than the designated applicant who provides a guaranty.

*Guaranty* means any acceptable form of OSFR evidence provided by a guarantor including a guarantee, insurance, or surety bond.

*Incident* means any occurrence or series of occurrences having the same origin resulting in the discharge or substantial threat of discharge of oil.

*Indemnitor* means a person providing a guarantee for a designated applicant using self-insurance.

*Independent accountant* means a certified public accountant who is certified by one of the States or a chartered accountant certified by the country of incorporation.

*Insolvent* has the meaning set forth in 11 U.S.C. 101 and generally refers to a financial condition in which the sum of a person's debts is greater than the value of the person's property.

*Lease* means any form of authorization issued under the Outer Continental Shelf Lands Act or State law which allows oil and gas exploration or production in the area covered by the authorization.

*Lessee* means a person holding a leasehold interest in an oil or gas lease including an owner of record title or a holder of operating rights (working interest owner).

*Oil* means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601) and which is subject to the provisions of CERCLA. Oil includes hydrocarbons produced at the wellhead in liquid form. Condensate is oil, including condensate that has been separated from gas before pipeline injection.

*Outer Continental Shelf (OCS)* means the term ''Outer Continental Shelf'' as defined in section 2(a) of the OCS Lands Act (OCSLA) (43 U.S.C. 1331(a)).

*Permit* means an authorization, license, or permit for geological exploration issued under section 11 of the OCSLA (43 U.S.C. 1340) or applicable State law.

*Person* means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State or any interstate body.

*Pipeline* means all the pipeline segments and any associated equipment and appurtenances used or intended for use in the transportation of oil or natural gas. A pipeline segment is any portion of a pipeline connecting two COF's, any COF to shore, a COF and a subsea tie-in, or two subsea tie-ins.

*Responsible party* means for a COF:

(1) Other than a pipeline, the lessee or permittee of the area in which the COF is located, or the holder of a right of use and easement granted under applicable State law or the OCSLA (43 U.S.C. 1301–1356) for the area in which the COF is located (if the holder is a different person than the lessee or permittee). A responsible party is not a Federal agency, State, municipality, commission, or political subdivision of a State, or any interstate body that as owner transfers possession and right to use the property to another person by lease, assignment, or permit;

(2) That is a pipeline, any person owning or operating the pipeline; and

(3) That is abandoned, the persons who would have been the responsible parties for the COF immediately prior to abandonment.

*Right of use and easement* (RUE) means any authorization other than a lease or permit to use the OCS or State land seaward of the line of ordinary low water along the coast. It includes pipeline rights-of-way.

*State* means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession of the United States.

### § 253.5 What is the authority for collecting Oil Spill Financial Responsibility (OSFR) information?

(a) The Office of Management and Budget (OMB) has approved the information collection requirements in this part 253 under 44 U.S.C. 3501 *et seq.* and assigned OMB control number 1010–XXXX.

(b) MMS collects the information to ensure that a party responsible for a COF has the financial resources necessary to pay for cleanup and damages that could be caused by oil discharges from the COF. MMS uses the information to ensure compliance of offshore lessees, owners, and operators of offshore facilities with OPA; to establish eligibility of designated applicants for OSFR certification; and to establish a reference source of names, addresses, and telephone numbers of responsible parties for offshore facilities and their designated agents and guarantors for claims associated with oil pollution from designated offshore facilities. The requirement to provide the information is mandatory. No confidential or proprietary information must be submitted. All information collected will be treated according to the requirements of the Freedom of Information Act (5 U.S.C. 552).

(c) 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.

(d) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Minerals Management Service, Mail Stop 2200, 381 Elden Street, Herndon, Virginia 20170–4817; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Department of the Interior (1010–XXXX), 725 17th Street NW., Washington, DC 20503.

## Subpart B—Applicability and Amount of OSFR

### § 253.10 What facilities does this regulation cover?

(a) This part applies to any COF on any lease or permit issued or on any RUE granted under the OCSLA or applicable State law.

(b) For a pipeline flowing landward across the line of ordinary low water, this part applies seaward of the point the pipeline reaches the first accessible flow shutoff device landward of the line of ordinary low water.

### § 253.11 Who must demonstrate OSFR?

(a) A designated applicant must show OSFR. A designated applicant may be a responsible party or another person authorized under this section. Every lease, permit, or RUE with a COF must have a single designated applicant.

(1) If there is more than one responsible party, those responsible parties must use Form MMS 1017 to select a designated applicant. The designated applicant must submit Form MMS 1016 and agree to demonstrate OSFR on behalf of all the responsible parties.

(2) If you are a designated applicant who is not a responsible party, you must agree to be liable for claims under OPA jointly and severally with the responsible parties.

(b) If the land within a lease with a COF includes a permit or RUE with a COF, there must be a designated applicant for:

(1) The lease;

(2) Each permit with a COF; and

(3) Each RUE with a COF.

(c) The designated applicant for a lease with a COF must be either:

(1) A lessee; or

(2) The designated operator for the OCS lease under 30 CFR 250.8; the unit operator designated under a federally approved unit including the OCS lease. For a lease or unit not in the OCS, the operator designated under the lease or unit operating agreement for the lease may be the designated applicant only if the operating agreement provides that the operator is responsible for compliance with all the laws and regulations applicable to the lease or unit.

(d) The designated applicant for a permit with a COF must be the permittee.

(e) The designated applicant for a RUE with a COF must be the holder of the RUE or, if there is a pipeline on the RUE, the owner or operator of the pipeline.

(f) MMS may require the designated applicant for a lease, permit, or RUE to be a person other than a person identified in paragraphs (c) through (e) of this section if MMS determines there is inadequate demonstration of OSFR.

### § 253.12 Who determines whether I must demonstrate OSFR?

You may ask MMS whether this part applies to you. You must submit a request for a determination of OSFR applicability according to § 253.45. You must include in your request any information that will assist MMS in making the determination. MMS may require you to submit other information before making a determination of OSFR applicability.

### § 253.13 How much OSFR must I demonstrate?

(a) The following general parameters apply to the amount of OSFR that you must demonstrate:

| If you are the designated applicant for | then you must demonstrate . . . |
|---|---|
| A lease, permit, or RUE with only one COF | The amount of OSFR that applies to the COF. |
| A lease, permit, or RUE with more than one COF | The highest amount of OSFR that applies to any of the COF's. |
| More than one lease, permit, or RUE with one or more COF's | The highest amount of OSFR that applies to any of the COF's on any of the leases, permits, or RUE's. |
| Leases, permits, and RUE's located in both OCS and State lands with one or more COF's. | The highest amount of OSFR that applies to any of the COF's located on the leases, permits, or RUE's. |

(b) The amount of OSFR applicable to a lease, permit, or RUE is as follows:

(1) For a COF located wholly or partially in the OCS:

| COF worst case oil-spill discharge volume | Applicable amount of OSFR |
|---|---|
| Up to 35,000 barrels | $35,000,000 |
| Over 35,000 but not more than 70,000 barrels | 70,000,000 |
| Over 70,000 but not more than 105,000 barrels | 105,000,000 |
| Over 105,000 barrels | 150,000,000 |

(2) For a COF not located in the OCS:

| COF worst case oil-spill discharge volume | Applicable amount of OSFR |
|---|---|
| Up to 10,000 barrels | $10,000,000 |
| Over 10,000 but not more than 35,000 barrels | 35,000,000 |
| Over 35,000 but not more than 70,000 barrels | 70,000,000 |
| Over 70,000 but not more than 105,000 barrels | 105,000,000 |
| Over 105,000 barrels | 150,000,000 |

(3) The Director may determine that you must demonstrate an amount of OSFR greater than the amount in paragraph (b)(1) and (2) of this section based on the relative operational, environmental, human health, and other risks your COF poses. The amount that the Director may require will be one or more levels higher than the amount indicated in paragraph (b)(1) or (2) of this section for your COF. The Director will not require an OSFR demonstration that exceeds $150 million.

**§ 253.14 How do I determine the worst case oil-spill discharge volume?**

(a) To calculate the amount of OSFR you must demonstrate for a facility under § 253.13(b), you must use the worst case oil-spill discharge volume that you determined under whichever of the following regulations applies:

(1) 30 CFR part 254-Response Plans for Facilities Located Seaward of the Coast Line;

(2) 40 CFR part 112-Oil Pollution Prevention; or

(3) 49 CFR part 194-Response Plans for Onshore Oil Pipelines.

(b) If you are a designated applicant and you choose to demonstrate $150 million in OSFR, you are not required to determine any worst case oil-spill discharge volumes, since that is the maximum amount of OSFR required by this part.

**§ 253.15 What are my general OSFR compliance responsibilities?**

(a) You must maintain continuous OSFR coverage for all your leases, permits, and RUE's with COF's.

(b) You must ensure that new OSFR evidence is bound before your current evidence lapses or is canceled and that coverage for a new COF is bound before the COF goes into operation.

(c) You may use self-insurance to demonstrate OSFR and find that you no longer qualify for that amount of self-insurance, based upon your latest audited financial statements. If this happens, you must demonstrate supplemental means of OSFR acceptable to MMS by whichever of the following dates comes first:

(1) Sixty calendar days after you receive your latest financial statement; or

(2) The first calendar day of the 5th month after the close of your fiscal year.

(d) You must notify MMS in writing within 15 calendar days after a change occurs (e.g., you or your indemnitor petitions for bankruptcy under Title 11, U.S.C.) that would prevent you or your guarantors from complying with requirements to accept direct action for claims or meeting any other OSFR obligations. You must take any action MMS directs to ensure an acceptable OSFR demonstration.

(e) If you deny payment of a claim presented to you under § 253.60(b) or (d), you must give the claimant a written explanation for your denial.

## Subpart C—Methods for evidencing OSFR

**§ 253.20 What are the methods for evidencing OSFR?**

You may satisfy your OSFR requirements by using one or a combination of the following methods to demonstrate OSFR:

(a) Self-insurance under §§ 253.21 through 253.28;

(b) Insurance under § 253.29;

(c) A guarantee under § 253.30;

(d) A surety bond under § 253.31; or

(e) An alternative method the Director approves under § 253.32.

**§ 253.21 How can I use self-insurance as OSFR evidence?**

(a) If you use self-insurance to satisfy all or part of your obligation to demonstrate OSFR, you must annually pass either a net worth test or an unencumbered net asset test.

(b) You must submit a complete and unaltered Form MMS 1018 with each application to demonstrate OSFR using self-insurance.

(c) You may submit to MMS your initial application to demonstrate OSFR using self-insurance at any time.

(d) You must submit your application to renew OSFR using self-insurance by the first calendar day of the 5th month after the close of your fiscal year.

**§ 253.22 How do I establish the amount of self-insurance allowed as OSFR evidence?**

To establish the amount of self-insurance allowed, you must submit evidence of your net worth (see § 253.23) or your unencumbered assets (see § 253.26).

**§ 253.23 What information must I submit to support my net worth qualifications?**

You must support your net worth qualifications with information contained in your previous fiscal year's audited financial statements.

(a) Audited financial statements must be in the form of:

(1) An annual report, prepared in accordance with the generally accepted accounting practices of the United States or other international accounting practices determined to be equivalent by MMS; or

(2) A Form 10–K, prepared in accordance with Securities and Exchange Commission regulations.

(b) Audited financial statements must be submitted together with a letter signed by your treasurer highlighting:

(1) The State or the country of incorporation;

(2) The total value of the stockholders' equity as shown on the balance sheet;

(3) The net value of the plant, property, and equipment shown on the balance sheet; and

(4) The net value of the identifiable U.S. assets and the identifiable total assets in the auditor's notes to the financial statements (i.e., a geographic segmented business note).

**§ 253.24 When I submit audited financial statements in connection with my net worth, what standards must they meet?**

(a) Your audited financial statements must be bound.

(b) Your audited financial statements must include the unqualified opinion by an independent accountant that:

(1) The financial statements are free from material misstatement, and

(2) The audit was conducted in accordance with the generally accepted auditing standards of the United States or other international auditing standards MMS determines to be equivalent.

(c) The financial information you submit must be expressed in U.S. dollars. If this information was originally reported in another form of currency, you must provide a conversion factor to U.S. dollars that was effective on the last day of the fiscal year pertinent to your financial statements. You also must identify the market source of the currency exchange rate.

**§ 253.25 What financial test procedures must I use to evaluate the amount of self-insurance allowed as OSFR evidence based on net worth?**

(a) Divide the total value of the stockholder's/owners' equity listed on the balance sheet by 10.

(b) Divide the net value of the identifiable U.S. assets by the net value of the identifiable total assets.

(c) Multiply the net value of plant, property, and equipment shown on the balance sheet by the number calculated under paragraph (b) of this section and divide the resultant product by 10.

(d) The smaller of the numbers calculated under paragraphs (a) or (c) of this section is the maximum allowable amount you may use to demonstrate OSFR under this method.

**§ 253.26 What information must I submit to support my net assets qualifications?**

You must support your net assets qualifications with the information required by § 253.23(a) and a list of pledged, unencumbered, and unimpaired U.S. assets whose value will not be affected by an oil discharge from a COF. The assets must be plant, property, or equipment. You must submit a letter signed by you or your treasurer:

(a) Identifying which assets are pledged;

(b) Certifying that the assets are unencumbered, including contingent encumbrances;

(c) Promising that the identified assets will not be sold, subjected to a security interest, or otherwise encumbered throughout the specified fiscal year; and

(d) Specifying:

(1) The State of the country of incorporation;

(2) The total value of the stockholder's/owners' equity;

(3) The identification and location of the pledged U.S. assets; and

(4) The value of the pledged U.S. assets using the same valuation method used in your audited financial statements.

**§ 253.27 When I submit audited financial statements in connection with my net assets, what standards must they meet?**

Any audited financial statements that you submit must:

(a) Meet the standards in § 253.24; and

(b) Include a certification by the independent accountant who audited the financial statements that:

(1) The value of the unencumbered assets is reasonable and

(2) There are no encumbrances on the asset.

**§ 253.28 What financial test procedures must I use to evaluate the amount of self-insurance allowed as OSFR evidence based on net assets?**

(a) Divide the total value of the stockholders'/owners' equity listed on the balance sheet by 4.

(b) Divide the value of the unencumbered U.S. assets by 2.

(c) The smaller number calculated under paragraphs (a) or (b) of this section is the maximum allowable amount you may use to demonstrate OSFR under this method.

**§ 253.29 How can I use insurance as OSFR evidence?**

(a) If you use insurance to satisfy all or part of your obligation to demonstrate OSFR, you may use only insurance certificates issued by insurers that are:

(1) Syndicates of Lloyds of London;

(2) Members of the Institute of London Underwriters; or

(3) Other foreign or domestic insurers that have achieved a ''Secure'' rating of claims paying ability in their latest review by A.M. Best's Insurance Reports, Standard & Poor's Insurance Rating Services, or other equivalent rating made by a rating service acceptable to MMS.

(b) You must submit information about your insurers to MMS on a completed and unaltered Form MMS 1019. The information you submit must:

(1) Include all the information required by § 253.41 of this part; and

(2) Be executed on one original insurance certificate showing all participating insurers and their respective percentage of participation in this risk. The certificate must bear the original signatures of each insurer's underwriter or of their lead underwriters, underwriting managers, or delegated brokers, depending on the underwriting arrangement.

(3) For each insurance company on the insurance certificate, indicate the insurer's rating of claims paying ability and the rating service that issued the rating.

(c) The insurance you provide to MMS as OSFR evidence may be divided into layers, subject to the following restrictions:

(1) The total amount of insurance must equal the total amount of OSFR you must demonstrate as determined under § 253.13 of this part;

(2) No more than four insurance layers may be used, including the base layer;

(3) If the total amount of insurance is $35 million or less, it must not be layered. Insurance for greater amounts may be layered in multiples of $35 million. If the amount of insurance is $150 million, one $45 million layer is allowed;

(4) Each insurer's participation in the covered insurance risk must be expressed as a percentage of a whole layer with no intermediate, horizontal layering permitted;

(5) You may use an insurance deductible. If your insurance is layered, the deductible amount must apply only to the base layer. You must use one or more of the other MMS-approved OSFR methods to establish an insurance deductible; and

(6) Each insurance layer submitted as OSFR evidence must be presented on a separate Form MMS 1019.

### § 253.30 How can I use a guarantee as OSFR evidence?

(a) You may use only one guarantee issued by only one indemnitor to satisfy all or part of your obligation to demonstrate OSFR.

(b) Your indemnitor must complete an unaltered Form MMS 1018 and provide a guarantee that:

(1) Includes all the information required by § 253.41 of this part; and

(2) Does not exceed the amounts calculated using the net worth and net assets tests specified under §§ 253.21 through 253.28 of this part.

(c) You may submit to MMS your initial application to demonstrate OSFR using a guarantee at any time. You must submit your application to renew OSFR using a guarantee by the first calendar day of the 5th month after the close of your indemnitor's fiscal year.

### § 253.31 How can I use a surety bond as OSFR evidence?

(a) Each bonding company that issues a surety bond that you submit to MMS as OSFR evidence must:

(1) Be licensed to do business in the State in which the surety bond is executed;

(2) Be certified by the U.S. Treasury Department as an acceptable surety for Federal obligations and listed in the current Treasury Circular No. 570; and

(3) Provide the surety bond on Form MMS 1020 without alteration specifying the terms of your surety agreement for claims filed against you under OPA; and

(4) Be in compliance with applicable statutes regulating surety company participation in insurance-type risks.

(b) A surety bond that you submit as OSFR evidence must include all the information required by § 253.41 of this part.

### § 253.32 Are there alternative methods to demonstrate OSFR?

The Director may accept other methods to demonstrate OSFR that provide equivalent assurance of timely satisfaction of claims. This may include pools of guarantors, letters of credit, or other comparable methods. Submit your proposal, together with all the supporting documents, to the Director at the address in § 253.45. The Director's decision whether to approve your alternative method to evidence OSFR is solely at the Director's discretion and is not subject to administrative appeal under 30 CFR part 290 or 43 CFR part 4.

## Subpart D—Requirements for Submitting OSFR Information

### § 253.40 What OSFR evidence must I submit to MMS?

(a) You must submit to MMS:

(1) A single demonstration of OSFR that covers all the COF's on all the leases, permits, and RUE's for which you are the designated applicant;

(2) A completed and unaltered Form MMS 1016;

(3) MMS forms that identify your leases (MMS 1021), permits (MMS 1022), and RUE's (MMS 1022), and the methods you used to demonstrate OSFR for any COF's (forms are available from the address in § 253.45); and

(4) Any insurance certificates, guarantees, and surety bonds used as OSFR evidence for the leases, permits, and RUE's for which you are the designated applicant.

(b) You must sign each MMS form submitted to MMS as part of an OSFR demonstration. You also must attach to Form MMS 1016 evidence of your authority to sign if:

(1) You submit OSFR evidence on behalf of a designated applicant; and

(2) You are not disclosed as an individual (sole proprietor), designated applicant, or a managing partner of a partnership-designated applicant.

### § 253.41 What terms must I include in my OSFR evidence?

Each instrument you submit as OSFR evidence must specify:

(a) The effective date, and except for a surety bond, the expiration date;

(b) That termination of the instrument will not affect the liability of the instrument issuer for claims arising from an incident that occurred on or before the effective date of termination;

(c) That the instrument will remain in force until the termination date or until:

(1) Thirty calendar days after MMS and the designated applicant receive from the instrument issuer a notification of intent to cancel;

(2) MMS receives from the designated applicant other acceptable OSFR evidence; or

(3) All the COF's to which the instrument applies are permanently abandoned in compliance with 30 CFR part 250 or equivalent State requirements;

(d) That the instrument issuer agrees to direct action for claims made under OPA up to the guaranty amount, subject to the defenses in paragraph (f) of this section and following the procedures in § 253.60 of this part;

(e) An agent in the United States for service of process; and

(f) That the instrument issuer will not use any defenses against a claim made under OPA except:

(1) All the rights and defenses that would be available to a designated applicant or responsible party for whom the guaranty was provided; and

(2) The incident leading to the claim for removal costs or damages was caused by willful misconduct of a responsible party for whom the designated applicant demonstrated OSFR.

### § 253.42 How can I amend my OSFR demonstration?

(a) If you want to add lease, permit, or RUE areas not included in your initial OSFR demonstration, you must submit to MMS a completed Form MMS 1023 or Form MMS 1024. If applicable, you also must submit any additional guarantees, surety bonds, insurance certificates, or other instruments required to extend the coverage of your original OSFR demonstration to the COF's on the areas to be added. You do not need to resubmit previously accepted audited financial statements for the current fiscal year. You must ensure that MMS receives this information at least 30 days before the areas are to be added.

(b) If you want to drop lease, permit, or RUE areas included in your initial OSFR demonstration, you must submit to MMS a completed Form MMS 1023 or Form MMS 1024. You must ensure that MMS receives this information at least 30 days before the leases, permits, or RUE's are to be dropped.

### § 253.43 When is my OSFR demonstration effective?

(a) MMS will notify you in writing after we determine whether your evidence is acceptable to demonstrate OSFR, and your demonstration is effective upon MMS acceptance. If we

find that you have not submitted all the information needed to demonstrate OSFR, we may require you to provide additional information before we determine whether your OSFR evidence is acceptable.

(b) Except in the case of self-insurance or guarantee, MMS acceptance of OSFR evidence is valid until the surety bond, insurance certificate, or other accepted OSFR instrument expires. In the case of self-insurance or guarantee, acceptance is valid until the first day of the 5th month after the close of your or your indemnitor's current fiscal year.

### § 253.44 When must I comply with this regulation?

You must submit to MMS your evidence of OSFR for all the COF's on all the leases, permits, and RUE's for which you are the designated applicant no later than 60 days after May 21, 1997.

### § 253.45 To whom do I submit my OSFR evidence?

All correspondence and required submissions relative to this part must be addressed to: U.S. Department of the Interior, Minerals Management Service, Gulf of Mexico Region, Oil Spill Financial Responsibility Program, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123.

## Subpart E—Revocation and Penalties

### § 253.50 How can my OSFR evidence be refused or invalidated?

(a) If MMS determines that any OSFR evidence you submit fails to comply with the requirements of this part, we may refuse to accept it. If we refuse to accept your OSFR evidence, we will notify you in writing. You must take any corrective action included with that notification.

(b) MMS may immediately and without prior notice invalidate your OSFR demonstration if you:

(1) Are no longer the designated applicant for the COF included in your demonstration; or

(2) Permit the cancellation or termination of the insurance policy, surety bond, or guarantee upon which the continued validity of the demonstration is based.

(c) If MMS determines you are not complying with the requirements of this part for any reason other than paragraph (b) of this section, we may notify you of our intent to invalidate your OSFR demonstration. Unless you take the corrective action MMS specifies within 15 calendar days from the date you receive such a notice, we will invalidate your OSFR demonstration.

### § 253.51 What are the penalties for not complying with this part?

(a) If you fail to comply with the requirements of OPA and this part, you are subject to a civil penalty of up to $25,000 per COF per day of violation (that is, each day you operate a COF without acceptable evidence of OSFR). For any COF with more than one responsible party, each responsible party is subject to a civil penalty of up to $25,000 per COF per day of violation.

(b) MMS will determine the date of a noncompliance. MMS will assess penalties in accordance with an OSFR penalty schedule using the procedures found at 30 CFR part 250, subpart N. You may obtain a copy of the penalty schedule from MMS at the address in § 253.45 of this part.

(c) MMS may assess a civil penalty against you that is greater or less than the amount in the penalty schedule after taking into account the factors in section 4303(a) of OPA (33 U.S.C. 2716a).

(d) If you fail to correct a deficiency in the OSFR evidence for a COF, the Director may suspend operation of a COF in the OCS under 30 CFR 250.10 or seek judicial relief, including an order suspending the operation of any COF.

## Subpart F—Claims for Oil Spill Removal Costs and Damages

### § 253.60 How must a claim be presented?

(a) You must present your claim for removal costs and damages first to the designated applicant for the COF that is the source of the incident resulting in your claim.

(b) If the designated applicant denies your claim under paragraph (a) of this section for a reason in § 253.61(b), you may elect to present your claim to:

(1) The designated applicant's guarantor if there is a guarantor;

(2) The Fund using the procedures at 33 CFR part 136; or

(3) Any of the responsible parties for the COF that is the source of the incident resulting in your claim.

(c) If the designated applicant fails to pay your claim under paragraph (a) of this section for a reason in § 253.61(b), you may elect to present your claim to:

(1) The designated applicant's guarantor if there is a guarantor;

(2) The Fund using the procedures at 33 CFR part 136 if at least 90 days have passed since you first presented your claim to the designated applicant; or

(3) Any of the responsible parties for the COF that is the source of the incident resulting in your claim.

(d) If the designated applicant denies your claim under paragraph (a) of this section for a reason not in § 253.61(b), you may elect to:

(1) Start a court action against the designated applicant and/or any of the parties responsible for the COF that is the source of the incident resulting in your claim;

(2) Present your claim to the Fund using the procedures found at 33 CFR part 136; or

(3) Any of the responsible parties for the COF that is the source of the incident resulting in your claim.

(e) If the designated applicant fails to pay your claim under paragraph (a) of this section within 90 days for a reason not in § 253.61(b), you may elect to:

(1) Start a court action against the designated applicant and/or any of the parties responsible for the COF that is the source of the incident resulting in your claim;

(2) Present your claim to the Fund using the procedures at 33 CFR part 136; or

(3) Any of the responsible parties for the COF that is the source of the incident resulting in your claim.

(f) If the guarantor denies your claim under paragraph (b)(1) of this section, you may elect to:

(1) Start a court action against the guarantor; or

(2) Present your claim to the Fund using the procedures at 33 CFR part 136.

(g) If the guarantor fails to pay your claim under paragraph (c)(1) of this section within 90 days after it was first presented to the designated applicant, you may elect to:

(1) Start a court action against the guarantor; or

(2) Present your claim to the Fund using the procedures at 33 CFR part 136.

(h) You may ask MMS for assistance if you are uncertain whether the guarantor is subject to your claim under paragraphs (b)(1) or (c)(1) of this section. Submit your request for assistance to the address in § 253.45. You must include with your request any information that will assist MMS in determining whether you may present your claim to the guarantor.

### § 253.61 When is a guarantor subject to direct action for claims?

You are subject to direct action for any claim asserted by:

(a) The United States or for any compensation paid by the Fund under OPA, including compensation claim processing costs; and

(b) A claimant other than the United States if the designated applicant has:

(1) Denied or failed to pay a claim because of being insolvent; or

(2) Filed a petition for bankruptcy under Title 11, U.S.C.

**§ 253.62 What are the designated applicant's obligations regarding a claim?**

When you receive a claim for removal costs and damages, you must notify within 15 calendar days of receipt of a claim:

(a) Your guarantor(s); and

(b) The responsible parties for whom you are acting as the designated applicant.

## Appendix—Forms for Submitting OSFR Information

### Minerals Management Service Oil Pollution Act of 1990

*Application for Certification of Oil Spill Financial Responsibility*

OMB Control Number 1010–XXXX

Expiration Date: _____

Paperwork Reduction Act Statement

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires us to inform you that the Minerals Management Service (MMS) collects this information to:

1. Provide a standard method for establishing eligibility for certification of oil spill financial responsibility (OSFR) for offshore facilities;

2. Identify and maintain a record of those offshore facilities that have a potential oil-spill liability;

3. Establish and maintain a continuous record, over the liability term specified in Title I of the Oil Pollution Act of 1990, of financial evidence and instruments established to pay claims for oil-spill cleanup and damages resulting from operations conducted on offshore facilities and the transportation of oil from offshore platforms and wells;

4. Establish and maintain a continuous record of responsible parties, as defined in Title I of the Oil Pollution Act of 1990, and their agents for certification of OSFR for offshore facilities; and

5. Establish and maintain a continuous record, over the liability term specified in Title I of the Oil Pollution Act of 1990, of persons to contact and U.S. agents for service of process for claims associated with oil spills from offshore facilities.

The MMS will routinely use the information to:

1. Ensure compliance of offshore lessees and owners and operators of offshore facilities with Title I of the Oil Pollution Act of 1990;

2. Establish eligibility of applicants for certification of OSFR; and

3. Establish a reference source of names, addresses, and telephone numbers of responsible parties for offshore facilities and their designated agents and guarantors for claims associated with oil pollution from designated offshore facilities.

Response to this request is mandatory (33 U.S.C. 2716). No confidential or proprietary information must be submitted. OSFR demonstrations, including supporting audited financial statements, will be subject to review under the Freedom of Information Act (5 U.S.C. 552).

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 Office of Management and Budget (OMB) Control Number. The combined public reporting burden for an application for certification of oil spill financial responsibility is estimated to average 8 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the application. The average burden for each of the nine forms that could comprise an application is:

Form MMS 1016, Designated Applicant Information .....1 hour
Form MMS 1017, Designation of Applicant .....9 hours
Form MMS 1018, Self-insurance or Guarantee Information .....1 hour
Form MMS 1019, Insurance Certificate ..... 120 hours
Form MMS 1020, Surety Bond .....24 hours
Form MMS 1021, Lease Listing .....3 hours
Form MMS 1022, Permit or Right of Use and Easement Listing .....3 hours
Form MMS 1023, Lease Changes.....1 hour
Form MMS 1024, Permit or Right of Use and Easement Changes .....1 hour

Direct comments regarding the burden estimate or any other aspect of this collection to the Information Collection Clearance Officer, Mail Stop 2200, Minerals Management Service, 381 Elden Street, Herndon, VA 20170–4817; and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Desk Officer for the Department of the Interior (OMB No. 1010–XXXX), 725 17th Street, NW, Washington, DC 20503.

BILLING CODE 4310–MR–P

**MINERALS MANAGEMENT SERVICE**

**DESIGNATED APPLICANT INFORMATION CERTIFICATION**

**OIL POLLUTION ACT OF 1990**

**APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY**

(TYPE OR PRINT ALL INFORMATION EXCEPT SIGNATURES)

| AGENCY USE ONLY | |
|---|---|
| COFR NUMBER | APPLICANT NUMBER |

Pg. 1 of 1
MMS–1016
OMB No. 1010 –_____
Expiration Date: _____

1. DESIGNATED APPLICANT: _____
COMPANY LEGAL NAME

_____
ADDRESS

_____
CITY STATE ZIP CODE

_____ ( ) _____
CONTACT PERSON AREA CODE and TELEPHONE NUMBER

_____ ( ) _____
CONTACT PERSON'S TITLE AREA CODE and FAX NUMBER

2. SUMMARY OF EVIDENCE OF OIL SPILL FINANCIAL RESPONSIBILITY:

| Type of Evidence | Amount (in U.S. Dollars) | Effective Date of Evidence | Expiration Date of Evidence |
|---|---|---|---|
| Self-Insurance | $ | | |
| Guarantee | $ | | |
| Surety Bonds | $ | | |
| Insurance | $ | | |
| Other: | $ | | |
| TOTAL AMOUNT | $ | | |

3. I, AS AN OFFICER OF THE COMPANY, HEREBY CERTIFY THE INFORMATION CONTAINED HEREIN, INCLUDING ALL INFORMATION IN THE ATTACHED FORMS SUPPORTING THIS APPLICATION, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I AGREE TO ESTABLISH AND MAINTAIN OIL SPILL FINANCIAL RESPONSIBILITY ON BEHALF OF ALL THE PARTIES RESPONSIBLE FOR THE LEASES, PERMITS, AND RIGHTS OF USE AND EASEMENT COVERED BY THIS APPLICATION. I AGREE TO BE LIABLE FOR CLAIMS UNDER THE ACT JOINTLY AND SEVERALLY WITH ALL THE PARTIES RESPONSIBLE FOR THE LEASES, PERMITS AND RIGHTS OF USE AND EASEMENT COVERED BY THIS APPLICATION. I WILL IMMEDIATELY NOTIFY THE OIL SPILL FINANCIAL RESPONSIBILITY PROGRAM OF ANY CHANGES IN THE INFORMATION INCLUDED IN THIS APPLICATION.

_____ _____
NAME SIGNATURE

_____ _____
TITLE DATE

4. MY DESIGNATED U.S. AGENT FOR SERVICE OF PROCESS IS: _____
NAME

_____
ADDRESS

_____
CITY STATE ZIP CODE

( ) _____ ( ) _____
AREA CODE AND TELEPHONE NUMBER AREA CODE AND FAX NUMBER

**MINERALS MANAGEMENT SERVICE**

**DESIGNATION OF APPLICANT**

**OIL POLLUTION ACT OF 1990**

**APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY**

(TYPE OR PRINT ALL INFORMATION EXCEPT SIGNATURES)

AGENCY USE ONLY

COFR NUMBER | APPLICANT NUMBER | RESPONSIBLE PARTY NUMBER

Pg. 1 of 1
MMS–1017
OMB No. 1010 –_____
Expiration Date: _____

1. DESIGNATED APPLICANT: _____
COMPANY LEGAL NAME

_____
ADDRESS

_____
CITY STATE ZIP CODE

2. RESPONSIBLE PARTY: _____
COMPANY LEGAL NAME

_____
ADDRESS

_____
CITY STATE ZIP CODE

_____
CONTACT PERSON

_____
CONTACT PERSON'S TITLE

(____) _____ (____) _____
AREA CODE AND TELEPHONE NUMBER AREA CODE AND FAX NUMBER

3. I, AS AN OFFICER OF THE RESPONSIBLE PARTY COMPANY, NAME THE DESIGNATED APPLICANT IDENTIFIED ABOVE TO ACT FOR MY COMPANY FOR THE CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY IN ACCORDANCE WITH THE OIL POLLUTION ACT OF 1990 AND 30 CFR 253 FOR THE ATTACHED LIST OF LEASES, PERMITS, AND RIGHTS OF USE AND EASEMENT. I WILL ENSURE THAT THE DESIGNATED APPLICANT ESTABLISHES AND MAINTAINS OIL SPILL FINANCIAL RESPONSIBILITY FOR THESE NAMED LEASES, PERMITS, AND RIGHTS OF USE AND EASEMENT IN ACCORDANCE WITH 30 CFR 253 AND IN THE AMOUNTS SPECIFIED BY THE MINERALS MANAGEMENT SERVICE. I CERTIFY THAT MY COMPANY WILL BE JOINTLY, SEVERALLY, AND STRICTLY LIABLE, TOGETHER WITH THE OTHER RESPONSIBLE PARTIES, FOR ALL OIL SPILL REMOVAL COSTS AND DAMAGES IN ACCORDANCE WITH THE OIL POLLUTION ACT OF 1990. THIS DESIGNATION IS EFFECTIVE BEGINNING ON _____ (DATE). I WILL NOTIFY THE MINERALS MANAGEMENT SERVICE IN WRITING WHEN THIS DESIGNATION IS CANCELED.

_____ _____
NAME SIGNATURE

_____ _____
TITLE DATE

4. MY DESIGNATED U.S. AGENT FOR SERVICE OF PROCESS IS: _____
NAME

_____
ADDRESS

_____
CITY STATE ZIP CODE

(____) _____ (____) _____
AREA CODE AND TELEPHONE NUMBER AREA CODE AND FAX NUMBER

**MINERALS MANAGEMENT SERVICE**

**SELF-INSURANCE OR GUARANTEE INFORMATION**

**OIL POLLUTION ACT OF 1990**

**APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY**

(TYPE OR PRINT ALL INFORMATION EXCEPT SIGNATURES)

AGENCY USE ONLY

| COFR NUMBER | APPLICANT NUMBER | INDEMNITOR NUMBER |
|---|---|---|
| | | |

Pg. 1 of 1
MMS–1018
OMB No. 1010 –_____
Expiration Date: _____

1. DESIGNATED APPLICANT: _____
COMPANY LEGAL NAME

2. FOR THE PURPOSE OF THIS APPLICATION THE UNDERSIGNED IS ACTING IN THE FOLLOWING CAPACITY:

☐ SELF-INSURER (30 CFR 253.21 AND 30 CFR 253.41) ☐ INDEMNITOR (30 CFR 253.23 AND 30 CFR 253.41)

3. THE AMOUNT OF COVERAGE FOR WHICH EVIDENCE OF OIL SPILL FINANCIAL RESPONSIBILITY IS BEING ESTABLISHED IS:

| FROM | $ | TO | $ |
|---|---|---|---|
| | LOWER LIMIT (Must Complete) | | UPPER LIMIT (Must Complete) |

4. THIS COVERAGE IS EFFECTIVE: _____ (MM/DD/YY) AND EXPIRES ON THE FIRST CALENDAR DAY OF THE FIFTH MONTH AFTER THE CLOSE OF THE SELF-INSURER'S OR INDEMNITOR'S FISCAL YEAR, WHICH ENDS: _____ (MM/DD/YY).

5. SELF-INSURER OR INDEMNITOR PROVIDING EVIDENCE OF OIL SPILL FINANCIAL RESPONSIBILITY FOR THE DESIGNATED APPLICANT:

_____
COMPANY LEGAL NAME

_____
ADDRESS

_____
CITY STATE ZIP CODE

_____ ( ) _____
CONTACT PERSON FOR CLAIMS AREA CODE and TELEPHONE NUMBER

_____ ( ) _____
CONTACT PERSON'S TITLE AREA CODE and FAX NUMBER

6. THE UNDERSIGNED, AS AN OFFICER OF THE ABOVE NAMED SELF-INSURER OR INDEMNITOR COMPANY, AGREES TO THE CONDITIONS STATED IN 30 CFR 253.21 THROUGH 30 CFR 253.28 AND 30 CFR 253.41, AND TO NOTIFY THE OIL SPILL FINANCIAL RESPONSIBILITY PROGRAM IN THE EVENT THE DESIGNATED APPLICANT OR THE INDEMNITOR IS NO LONGER ABLE TO MAINTAIN EVIDENCE OF OIL SPILL FINANCIAL RESPONSIBILITY TO THE EXTENTSTATED IN SECTION 3 ABOVE (REF. 30 CFR 253.15).

_____ _____
NAME SIGNATURE

_____ _____
TITLE DATE

7. THE DESIGNATED U.S. AGENT FOR SERVICE OF PROCESS IS:

_____
NAME

_____
ADDRESS

_____
CITY STATE ZIP CODE

( ) _____ ( ) _____
AREA CODE AND TELEPHONE NUMBER AREA CODE AND FAX NUMBER

**MINERALS MANAGEMENT SERVICE**

**INSURANCE CERTIFICATE**

**OIL POLLUTION ACT OF 1990**
**APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY**
(TYPE OR PRINT ALL INFORMATION EXCEPT SIGNATURES)

AGENCY USE ONLY

| COFR NUMBER | APPLICANT NUMBER | BROKER/AGENTNUMBER |
|---|---|---|
| | | |

Pg. 1 OF 4
MMS–1019
OMB No. 1010 –_____
Expiration Date: _____

1. DESIGNATED APPLICANT: _____
COMPANY LEGAL NAME

2. THE AMOUNT OF INSURANCE COVERAGE ESTABLISHED AS EVIDENCE OF OIL SPILL FINANCIAL RESPONSIBILITY FOR THE DESIGNATED APPLICANT (HEREAFTER THE INSURED) BY THE NAMED INSURERS IN COMPLIANCE WITH TITLE I OF THE OIL POLLUTION ACT OF 1990 (HEREAFTER THE ACT) AND PART 253 OF TITLE 30, CODE OF FEDERAL REGULATIONS (CFR), FOR ANY ONE INCIDENT IS:

FROM $_____ (STARTING AMOUNT ABOVE ANY DEDUCTIBLE OR EXCESS AMOUNT) TO $_____ (UPPER LIMIT OF THIS INSURANCE LAYER)

THE FOLLOWING INSURANCE OPTION HAS BEEN SELECTED TO PROVIDE THIS COVERAGE:

- ☐ Full Option—Insurance is provided for the first full $ ___ million without deductible.
- ☐ Deductible Option—Insurance is provided for the amount of $ ___ million less the deductible amount of $ _____ .
- ☐ Excess Option—Insurance is provided for the amount of $ ___ million in excess of the amount of $ _____ million.

3. THIS COVERAGE IS EFFECTIVE: _____ (MM/DD/YY) AT _____ (CENTRAL STANDARD TIME) AND EXPIRES: _____ (MM/DD/YY) AT _____ (CENTRAL STANDARD TIME)

The termination date and time shall be the date and time this instrument expires or, if prior thereto, the date cancellation is effective. Expiration shall be effective with or without written notice. Termination does not affect the liability of the insurers in connection with an oil discharge occurring before the termination date (Ref. 30 CFR 253.41(b)).

4. INSURANCE AGENT OR BROKER FOR THIS INSURANCE CERTIFICATE:

_____
COMPANY NAME

_____
STREET ADDRESS

_____ , _____ , _____ _____
CITY STATE COUNTRY (IF NOT U.S.A.) ZIP CODE

(____)_____ (____)_____
AREA CODE AND TELEPHONE NUMBER AREA CODE AND FAX NUMBER

I, as an authorized representative of the insurance agent or broker identified above, certify that the information contained in this insurance certificate is accurate and correct, and that this insurance certificate and the named insurers comply with the requirements stated in 30 CFR 253.29. I agree to maintain and provide to the Designated Applicant and the Minerals Management Service (MMS), on demand, any delegations of authority to a broker or an underwriter of another insurer or underwriting manager to bind a named insurer to all risks and liabilities specified in Title I of the Act. I further agree to notify, in accordance with 30 CFR 253.41(c), the Designated Applicant and the MMS Oil Spill Financial Responsibility Program, by written notice sent by certified mail, of the intent to terminate this insurance certificate prior to the end of the coverage period specified above.

_____ NAME _____ SIGNATURE

_____ TITLE _____ DATE

MMS–1019 Pg. 2 OF 4

5. THE NAMED INSURERS, LISTED BELOW, CERTIFY THAT THE DESIGNATED APPLICANT IS INSURED BY THE NAMED INSURERS FOR THE OFFSHORE FACILITIES, SPECIFIED BY THE SELECTED OFFSHORE FACILITY COVERAGE OPTION, AGAINST LIABILITY FOR REMOVAL COSTS AND DAMAGES TO WHICH THE DESIGNATED APPLICANT COULD BE SUBJECTED UNDER TITLE I OF THE ACT AND 30 CFR 253 WITHIN THE INSURANCE LAYER SPECIFIED.

   THE FOLLOWING OFFSHORE FACILITY COVERAGE OPTION HAS BEEN SELECTED:

   ☐ General Option—All offshore facilities on all leases, permits, and rights of use and easement for which the Insured is the Designated Applicant.

   ☐ Schedule Option—All offshore facilities on the list of leases, permits, and rights of use and easement on the Designated Applicant's attached information form and schedule of properties forms, all dated _____.

6. THE NAMED INSURERS AGREE THAT ANY SUIT FOR CLAIM FOR WHICH THE INSURED MAY BE LIABLE UNDER TITLE I OF THE ACT MAY BE BROUGHT DIRECTLY AGAINST THE NAMED INSURERS FOR CLAIMS ASSERTED BY THE U.S. GOVERNMENT OR, IN THE CASE OF THE INSURED'S INSOLVENCY OR PETITION FOR BANKRUPTCY UNDER CHAPTER 11, U.S. CODE, FOR CLAIMS ASSERTED BY OTHER CLAIMANTS.

7. THE NAMED INSURERS AGREE THAT IN THE EVENT OF A DIRECT CLAIM, THE NAMED INSURERS SHALL BE ENTITLED TO INVOKE ONLY (1) THE RIGHTS AND DEFENSES PERMITTED BY TITLE I OF THE ACT TO THE INSURED AND (2) THE DEFENSE THAT THE INCIDENT GIVING RISE TO THE CLAIM WAS CAUSED BY THE WILLFUL MISCONDUCT OF THE INSURED.

8. THE NAMED INSURERS DESIGNATE THE FOLLOWING U.S. AGENT FOR SERVICE OF PROCESS FOR THIS INSURANCE CERTIFICATE:

_____
NAME

_____
ADDRESS

_____, _____ _____
CITY STATE ZIP CODE

( ) _____ ( ) _____
AREA CODE AND TELEPHONE NUMBER AREA CODE AND FAX NUMBER

If the designated U.S. Agent for Service of Process cannot be served due to death, disability, or unavailability, the Director, U.S. Coast Guard National Pollution Funds Center, is the U.S. Agent for Service of Process.

9. THE FOLLOWING NAMED INSURERS HEREBY CERTIFY THEIR PARTICIPATION ON THIS INSTRUMENT:

| INSURER'S NAME | PERCENT RISK | AUTHORIZED SIGNATURE | NAME AND TITLE OF BINDING OFFICIAL | INSURANCE RATING | INSURANCE RATING SERVICE | DATE OF RATING (MM/YY) |
|---|---|---|---|---|---|---|
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| **SUBTOTAL PERCENTAGE OF RISK** | | | | | | |

MMS–1019 Pg. 4 OF 4

CONTINUATION OF INSURERS CERTIFICATION OF THEIR PARTICIPATION ON THIS INSTRUMENT:

| INSURER'S NAME | PERCENT RISK | AUTHORIZED SIGNATURE | NAME AND TITLE OF BINDING OFFICIAL | INSURANCE RATING | INSURANCE RATING SERVICE | DATE OF RATING (MM/YY) |
|---|---|---|---|---|---|---|
| **SUBTOTAL FROM PREVIOUS PAGE** | | | | | | |
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| **TOTAL PERCENTAGE OF RISK** (MUST EQUAL 100%) | | | | | | |

**MINERALS MANAGEMENT SERVICE**

**SURETY BOND**

**OIL POLLUTION ACT OF 1990**

**APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY**

(TYPE OR PRINT ALL INFORMATION EXCEPT SIGNATURES)

AGENCY USE ONLY

COFR NUMBER | APPLICANT NUMBER | SURETY NUMBER

Pg. 1 OF 2
MMS–1020
OMB No. 1010 –_____
Expiration Date: _____

1. DESIGNATED APPLICANT: _____
COMPANY LEGAL NAME

2. SURETY COMPANY BOND NUMBER: _____

3. KNOW ALL MEN BY THESE PRESENTS, that we, _____ of _____ (STATE), U.S.A., as Designated Applicant (hereinafter called Principal), and _____, a company created and existing under the laws of _____ (STATE), and authorized to do business in the United States, as Surety (hereinafter called Surety), and are held and firmly bound unto the United States of America and other claimants for damages and removal cost liability under Title I of the Oil Pollution Act of 1990 (hereinafter called Act) in the penal sum of $_____, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents under the terms and conditions prescribed in Part 253 of Title 30 Code of Federal Regulations.

This bond is written to ensure compliance by the Principal with the requirements of section 1016(c) of the Act; and shall inure to the benefit of claimants under Title I of the Act.

The condition of this obligation is that if the Principal shall pay or cause to be paid to claimants any sum or sums for which the Principal may be held legally liable under Title I of the Act, then this obligation, to the extent of such payment, shall be void, otherwise to remain in full force and effect.

4. The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond. In no event shall the Surety's obligation hereunder exceed the amount of the penalty, provided the Surety furnishes written notice to the MMS forthwith of all claims filed, judgments rendered, and payments made by the Surety under this bond.

Any claim for which the Principal may be liable under Title I of the Act may be brought directly against the Surety for claims asserted by the U.S. Government or, in the case of the Principal's insolvency or petition for bankruptcy under Chapter 11, U.S. Code, for claims asserted by other claimants. In the event of a direct claim, the Surety shall be entitled to invoke only (1) the rights and defenses permitted by Title I of the Act to the Principal and (2) the defense that the incident giving rise to the claim was caused by the willful misconduct of the Principal.

MMS–1020 Pg. 2 OF 2

5. This bond is effective the _____ day of _____ (MONTH), _____ (YEAR), 12:01 a.m., standard time at the address of the Surety as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice sent by certified mail to the other party with a copy (plainly indicating the original notice was sent by certified mail) to the MMS at its regional office in New Orleans, Louisiana, by certified mail. The termination becomes effective thirty (30) calendar days after actual receipt by the MMS of written notice. The Surety shall not be liable hereunder in connection with an incident occurring after the termination of this bond as herein provided; but termination shall not affect the liability of the Surety in connection with an incident occurring before the termination becomes effective.

6. The Surety designates the following U.S. Agent for Service of Process:

_____
NAME

_____
ADDRESS

_____
CITY STATE ZIP CODE

( ) _____ ( ) _____
AREA CODE AND TELEPHONE NUMBER AREA CODE AND FAX NUMBER

If the designated U.S. Agent for Service of Process cannot be served due to death, disability, or unavailability, the Director, U.S. Coast Guard National Pollution Funds Center, is the U.S. Agent for Service of Process.

7. In witness whereof, the Principal and the Surety have executed this instrument on the _____ day of _____ (MONTH), _____ (YEAR).

PRINCIPAL:

_____
SIGNATURE (OF A COMPANY OFFICER WHO IS A CORPORATE PRINCIPAL)

_____
NAME (OF THE COMPANY OFFICER)

_____ (CORPORATE SEAL)
TITLE (OF THE COMPANY OFFICER)

SURETY:

_____
COMPANY NAME

_____
ADDRESS

_____
CITY STATE ZIP CODE

_____
SIGNATURE (OF CORPORATE SURETY)

_____
NAME (OF CORPORATE SURETY)

_____ (CORPORATE SEAL)
TITLE (OF CORPORATE SURETY)

**MINERALS MANAGEMENT SERVICE**

**LEASE LISTING**

**OIL POLLUTION ACT OF 1990**

**APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY**

(TYPE OR PRINT ALL INFORMATION EXCEPT SIGNATURES)

| AGENCY USE ONLY | |
|---|---|
| COFR NUMBER | APPLICANT NUMBER |

Pg. 1 of 1
MMS–1021
OMB No. 1010 –_____
Expiration Date: _____

1. DESIGNATED APPLICANT: _____
COMPANY LEGAL NAME

2. THE FOLLOWING LIST COMPRISES PART OR ALL OF _____ LEASES TO BE COVERED BY MY APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY.
NUMBER

_____ NAME OF CORPORATE OFFICER

_____ SIGNATURE OF CORPORATE OFFICER

_____ TITLE OF CORPORATE OFFICER

_____ DATE

3. LEASES:

| AREA | BLOCK | LEASE NUMBER | STATE OR FEDERAL LOCATION (Specify State name or OCS) | POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) |
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IF ADDITIONAL SPACE IS REQUIRED TO LIST LEASES, ADDITIONAL COPIES OF THIS PAGE MAY BE ATTACHED AS CONTINUATION PAGES.

**MINERALS MANAGEMENT SERVICE**

**PERMIT OR RIGHT OF USE AND EASEMENT LISTING**

**OIL POLLUTION ACT OF 1990**

**APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY**

(TYPE OR PRINT ALL INFORMATION EXCEPT SIGNATURES)

| AGENCY USE ONLY | |
|---|---|
| COFR NUMBER | APPLICANT NUMBER |

Pg. 1 of 1
MMS–1022
OMB No. 1010 –_____
Expiration Date: _____

1. DESIGNATED APPLICANT: _____
COMPANY LEGAL NAME

2. THE FOLLOWING LIST COMPRISES PART OR ALL OF _____ PERMITS OR RIGHTS OF USE AND EASEMENT TO BE
NUMBER
COVERED BY MY APPLICATION FOR CERTIFICATION OF OIL SPILL RESPONSIBILITY.

_____ NAME OF CORPORATE OFFICER

_____ SIGNATURE OF CORPORATE OFFICER

_____ TITLE OF CORPORATE OFFICER

_____ DATE

3. PERMIT OR RIGHTS OF USE AND EASEMENT:

| PERMIT NUMBER | RIGHTS OF USE AND EASEMENT NUMBER | PIPELINE SEGMENT NUMBER (If any) | STATE OR FEDERAL LOCATION (Specify State name or OCS) | POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) |
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**MINERALS MANAGEMENT SERVICE**

**LEASE CHANGES**

**OIL POLLUTION ACT OF 1990**

**APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY**

(TYPE OR PRINT ALL INFORMATION EXCEPT SIGNATURES)

| AGENCY USE ONLY | |
|---|---|
| COFR NUMBER | APPLICANT NUMBER |

Pg. 1 of 1
MMS–1023
OMB No. 1010 –_____
Expiration Date: _____

1. DESIGNATED APPLICANT: _____
COMPANY LEGAL NAME

2. THE FOLLOWING LIST COMPRISES PART OR ALL OF _____ CHANGES TO LEASES COVERED BY MY APPLICATION FOR
NUMBER
CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY OF _____ .
DATE

_____ NAME OF CORPORATE OFFICER

_____ SIGNATURE OF CORPORATE OFFICER

_____ TITLE OF CORPORATE OFFICER

_____ DATE

3. LEASES ADDED:

| AREA | BLOCK | LEASE NUMBER | STATE OR FEDERAL LOCATION (Specify State name or OCS) | EFFECTIVE DATE (MM/DD/YY) | POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) | PREVIOUS DESIGNATED APPLICANT |
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4. LEASES DELETED:

| AREA | BLOCK | LEASE NUMBER | STATE OR FEDERAL LOCATION (Specify State name or OCS) | EFFECTIVE DATE (MM/DD/YY) | POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) | NEW DESIGNATED APPLICANT |
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| AREA | BLOCK | LEASE NUMBER | STATE OR FEDERAL LOCATION (Specify State name or OCS) | EFFECTIVE DATE (MM/DD/YY) | OLD POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) | NEW POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) |
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IF ADDITIONAL SPACE IS REQUIRED TO LIST LEASES, ADDITIONAL COPIES OF THIS PAGE MAY BE ATTACHED AS CONTINUATION PAGES.

**MINERALS MANAGEMENT SERVICE**

**PERMIT OR RIGHT OF USE AND EASEMENT CHANGES**

**OIL POLLUTION ACT OF 1990**

**APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY**

(TYPE OR PRINT ALL INFORMATION EXCEPT SIGNATURES)

| AGENCY USE ONLY | |
|---|---|
| COFR NUMBER | APPLICANT NUMBER |

Pg. 1 of 1
MMS–1024
OMB No. 1010 –_____
Expiration Date: _____

1. DESIGNATED APPLICANT: _____
COMPANY LEGAL NAME

2. THE FOLOWING LIST COMPRISES PART OR ALL OF _____ CHANGES TO PERMITS OR RIGHTS OF USE AND EASEMENT
NUMBER
COVERED BY MY APPLICATION FOR CERTIFICATION OF OIL SPILL FINANCIAL RESPONSIBILITY OF _____ .
DATE

_____ NAME OF CORPORATE OFFICER

_____ SIGNATURE OF CORPORATE OFFICER

_____ TITLE OF CORPORATE OFFICER

_____ DATE

3. PERMITS OR RIGHTS OF USE AND EASEMENT ADDED:

| PERMIT NUMBER | RIGHT OF USE AND EASEMENT NUMBER | PIPELINE SEGMENT NUMBER , | STATE OR FEDERAL LOCATION (Specify State name or OCS) | EFFECTIVE DATE (MM/DD/YY) | POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) | PREVIOUS DESIGNATED APPLICANT |
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4. PERMITS OR RIGHTS OF USE AND EASEMENT DELETED:

| PERMIT NUMBER | RIGHT OF USE AND EASEMENT NUMBER | PIPELINE SEGMENT NUMBER | STATE OR FEDERAL LOCATION (Specify State name or OCS) | EFFECTIVE DATE (MM/DD/YY) | POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) | NEW DESIGNATED APPLICANT |
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5. POTENTIAL WORST CASE OIL SPILL DISCHARGE CHANGES:

| PERMIT NUMBER | RIGHT OF USE AND EASEMENT NUMBER | PIPELINE SEGMENT NUMBER | STATE OR FEDERAL LOCATION (Specify State name or OCS) | EFFECTIVE DATE (MM/DD/YY) | OLD POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) | NEW POTENTIAL WORST CASE OIL SPILL DISCHARGE (In barrels) |
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[FR Doc. 97–7270 Filed 3–24–97; 8:45 am]
BILLING CODE 4310–MR–C

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 920

**[MD–041–FOR]**

## Maryland Regulatory Program

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

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

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Maryland regulatory program (hereinafter the ''Maryland program'' under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of changes to provisions of the Maryland regulations pertaining to bonding. The amendment is intended to revise the Maryland program to be consistent with the corresponding Federal regulations and SMCRA.

**DATES:** Written comments must be received by 4:00 p.m. E.S.T. April 24, 1997. If requested, a public hearing on the proposed amendment will be held on April 21, 1997. Requests to speak at the hearing must be received by 4:00 p.m., E.S.T., on April 9, 1997.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to George Rieger, Program Manager, at the address listed below.

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

George Rieger, Program Manager, OSM, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburgh, PA 15220. Telephone: (412) 937–2153.

Maryland Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532. Telephone: (301) 689–4136.

**FOR FURTHER INFORMATION CONTACT:**

George Rieger, Program Manager, Appalachian Regional Coordinating Center, at (412) 937–2153.

**SUPPLEMENTARY INFORMATION:**

### I. Background on the Maryland Program

On December 1, 1980, the Secretary of the Interior conditionally approved the Maryland program. Background information on the Maryland program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 1, 1980, **Federal Register** (45 FR 79449). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 920.12, 920.15, and 920.16.

### II. Description of the Proposed Amendment

By letter dated March 6, 1997 (Administrative Record No. MD–552.18), Maryland submitted a proposed amendment to its program pursuant to SMCRA in response to required amendments at 30 CFR 920.16 (h), (i), (j), and (n). Maryland is revising the Code of Maryland Regulations (COMAR) at section 26.20.14.01B—Performance Bonds and is formally submitting actuarial study which reviews the adequacy of its alternative bonding system. Specifically, Maryland proposes to require that a performance bond be conditioned upon the permittee faithfully performing every requirement of Subtitle 5 of the Annotated Code of Maryland, the Regulatory Program, the permit, and the reclamation plan.

## III. Public Comment Procedures

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

*Written Comments*

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

*Public Hearing*

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.S.T. on April 9, 1997. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

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

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

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

*Public Meeting*

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

## IV. Procedural Determinations

*Executive Order 12866*

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

*Executive Order 12988*

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

*National Environmental Policy Act*

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

*Paperwork Reduction Act*

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

*Regulatory Flexibility Act*

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

## Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

## List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 17, 1997.

**Michael K. Robinson,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 97–7537 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–05–M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 105–60

**RIN 3090–AG16**

## Public Availability of Agency Records and Informational Materials

**AGENCY:** Office of Management Services and Human Resources, GSA.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The General Services Administration (GSA) is revising its regulations which implement the Freedom of Information Act (FOIA), to incorporate changes since publication in 1988 of GSA's last final rule implementing the FOIA. This rule also issues instructions to current and former GSA employees concerning the response to subpoenas and other demands in litigation before judicial and administrative tribunals.

**DATES:** Comments must be received by April 24, 1997.

**ADDRESSES:** Comments should be submitted to the Freedom of Information Officer (CAIR), General Services Administration, 1800 F Street, N.W., Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Mary Cunningham, GSA Freedom of Information Act (FOIA) Officer (202–501–3415); or Helen C. Maus, Office of General Counsel (202–501–1460).

**SUPPLEMENTARY INFORMATION:** This rule was not submitted to the Office of Management and Budget pursuant to Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, because it is not a significant regulatory action as defined in Executive Order 12866. The GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and the consequences of this rule, particularly the subpart which governs responses to subpoenas and other judicially enforceable demands for material or information. Specifically, the increase in the number of subpoenas and other demands to its employees in judicial or administrative proceedings, particularly in cases in which neither GSA nor the United States is a party, necessitates detailed and uniform instructions to be followed by current and former GSA employees.

The Paperwork Reduction Act does not apply because the rule does not impose information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

The principles of Executive Order 12988 of February 5, 1996, Civil Justice Reform, have been incorporated where applicable.

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

**Comprehensive Summary**

*I. Implementation of the FOIA*

These regulations implement the FOIA which codified Pub.L. 89–487 and amended section 3 of the Administrative Procedure Act, formerly 5 U.S.C. 1002 (1964 ed.). These regulations also implement Pub. L. 93–502, popularly known as the Freedom of Information Act Amendments of 1974, as amended by Pub. L. 99–570, the Freedom of Information Reform Act of 1986; and Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, of June 23, 1987.

The revisions incorporate predisclosure notification procedures for confidential commercial information. These procedures were published as a previous proposed rule March 26, 1991. The revisions also:

(a) Update organizational references;

(b) Clarify the definition of available records to include electronic records;

(c) Revise fees for manual searches by clerical staff from $9 to $13 per hour or fraction of an hour and for manual searches and review by professional staff from $18 to $29 per hour or fraction of an hour, to more accurately reflect the full cost of searches and document review.

(d) Clarify GSA policy with regard to: (1) reconstructing records and providing incomplete records; (2) explaining compelling reasons for denial of access to records; (3) requiring assurance of payment;

(e) Provide instructions on submission of FOIA requests via Telefax and fee payment by credit card; and

(f) Extend the time limit for administrative appeal within GSA from 30 to 120 days.

(g) Clarify GSA policy with respect to the availability of records from other sources which have statutory authority to provide information to the public at set fees.

(h) Incorporate, as appropriate, policies in Executive Order 12988 of February 5, 1996 on Civil Justice Reform.

*II. Response to Demands in Judicial or Administrative Proceedings.*

This rule also amends 41 CFR Subpart 105–60.6 which pertains to production of information pursuant to demands in judicial or administrative proceedings. Subpart 41 CFR Subpart 105–60.6 is amended to prescribe instructions and procedures to be followed by current and former GSA employees with respect to the production and disclosure of material or information acquired as a result of performance of the person's official duties or because of the person's official status in response to judicially enforceable subpoenas or demands in judicial or administrative proceedings, except demands from the Congress or in Federal grand jury proceedings. Included are detailed factors to be considered by Appropriate Authority within the General Services Administration in determining the Agency's response to a subpoena or other judicially enforceable demand, including widely acknowledged areas of privilege which may render disclosure or production inappropriate. Instructions concerning the appropriate response by employees and former employees to courts and other authorities are included.

The rules governing responses to subpoenas and demands in judicial or administrative proceedings provide instructions and procedures for employees and former employees regarding the internal operations of the General Services Administration and is not intended to be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against the General Services Administration.

(a) GSA is amending this subpart to set forth uniform prescribed instructions and procedures to be complied with by current and former GSA employees concerning disclosure or production of agency materials or information in judicial or administrative proceedings in response to a judicially enforceable subpoena or demand. These instructions establish policy, assign responsibilities and prescribe procedures for responding to demands for GSA materials or testimony of current and former GSA employees in judicial and administrative proceedings. The instructions in 41 CFR Subpart 105–60.6 do not apply to requests unrelated to litigation before judicial or administrative tribunals, to requests made pursuant to the FOIA or Privacy Act, 5 U.S.C. 552 and 552a, respectively, to demands from the Congress, or to demands in Federal grand jury proceedings.

(b) These instructions are intended to solely provide an orderly means by which current and former GSA employees respond to demands for material and information covered by this rule, and to protect the interests of the United States, including the safeguarding of privileged or otherwise sensitive information. This rule is consistent with the decision in the landmark case of United States ex rel. Touhy v. Ragen, 340 U.S. 462 (1951) in which the Supreme Court upheld the ability of an agency head to issue regulations for the preservation of agency records, determined that an agency employee, acting pursuant to such instructions, could not be held in contempt of court for declining to produce records in response to a subpoena duces tecum. Accordingly, current and former GSA employees shall respond to the party on whose behalf the demand is issued only in accordance with the instructions and procedures required by 41 CFR Subpart 105–60.6. Furthermore, the GSA can refuse to disclose materials or make information available based on the factors set forth in 41 CFR 105–60.605. These instructions and procedures are not intended to preclude disclosures or productions in compliance with Court orders except where disclosure would be inappropriate even if required by a court, e.g., where disclosure would be legally prohibited or would be contrary to a recognized privilege.

**List of Subjects in 41 CFR Part 105–60**

Freedom of information.

For the reasons set out in the preamble, 41 CFR Part 105–60 is proposed to be revised to read as follows:

## PART 105–60—PUBLIC AVAILABILITY OF AGENCY RECORDS AND INFORMATIONAL MATERIALS

Sec.
105–60.000 Scope of part.

**Subpart 105–60.1—General Provisions**

105–60.101 Purpose.
105–60.102 Application.
105–60.103 Policy.
105–60.103–1 Availability of records.
105–60.103–2 Applying exemptions.
105–60.104 Records of other agencies.

**Subpart 105–60.2—Publication of General Agency Information and Rules in the Federal Register**

105–60.201 Published information and rules.
105–60.202 Published materials available for sale to the public.

**Subpart 105–60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions**

105–60.301 General.
105–60.302 Available materials.
105–60.303 Rules for public inspection and copying.
105–60.304 Index.
105–60.305 Fees.
105–60.305–1 Definitions.
105–60.305–2 Scope of section.
105–60.305–3 GSA records available without charge.
105–60.305–4 GSA records available at a fee.
105–60.305–5 Searches.
105–60.305–6 Reviews.
105–60.305–7 Assurance of payment.
105–60.305–8 Prepayment of fees.
105–60.305–9 Form of payment.
105–60.305–10 Fee schedule.
105–60.305–11 Fees for authenticated and attested copies.
105–60.305–12 Administrative actions to improve assessment and collection of fees.
105–60.305–13 Waiver of fee.

**Subpart 105–60.4—Described Records**

105–60.401 General.
105–60.402 Procedures for making records available.
105–60.402–1 Submission of requests.
105–60.402–2 Response to initial requests.
105–60.403 Appeal within GSA.
105–60.404 Extension of time limits.
105–60.405 Processing requests for confidential commercial information.

**Subpart 105–60.5—Exemptions**

105–60.501 Categories of records exempt from disclosure under the FOIA.

**Subpart 105–60.6—Production or Disclosure by Present or Former General Services Administration Employees in Response to Subpoenas or Similar Demands in Judicial or Administrative Proceedings**

105–60.601 Purpose and scope of subpart.
105–60.602 Definitions.
105–60.603 Acceptance of service of a subpoena duces tecum or other legal demand on behalf of the General Services Administration.
105–60.604 Production or disclosure prohibited unless approved by the Appropriate Authority.
105–60.605 Procedure in the event of a demand for production or disclosure.
105–60.606 Procedure where response to demand is required prior to receiving instructions.
105–60.607 Procedure in the event of an adverse ruling.
105–60.608 Fees, expenses, and costs.

**Authority:** 5 U.S.C. 301 and 552; 40 U.S.C. 486(c).

**§ 105–60.000 Scope of part.**

(a) This part sets forth policies and procedures of the General Services Administration (GSA) regarding public access to records documenting:

(1) Agency organization, functions, decisionmaking channels, and rules and regulations of general applicability;

(2) Agency final opinions and orders, including policy statements and staff manuals;

(3) Operational and other appropriate agency records; and

(4) Agency proceedings.

(b) This part also covers exemptions from disclosure of these records; procedures for the public to inspect or obtain copies of GSA records; and instructions to current and former GSA employees on the response to a subpoena or other legal demand for material or information received or generated in the performance of official duty or because of the person's official status.

(c) Any policies and procedures in any GSA internal or external directive inconsistent with the policies and procedures set forth in this part are superseded to the extent of that inconsistency.

## Subpart 105–60.1—General Provisions

**§ 105–60.101 Purpose.**

This part 105–60 implements the provisions of the Freedom of Information Act (FOIA), as amended, 5 U.S.C. 552. The regulations in this part also implement Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, of June 23, 1987 (3 CFR, 1987 Comp., p. 235). This part prescribes procedures by which the public may inspect and obtain copies of GSA records under the FOIA, including administrative procedures which must be exhausted before a requester invokes the jurisdiction of an appropriate United States District Court for GSA's failure to respond to a proper request within the statutory time limits, for a denial of agency records or challenge to the adequacy of a search, or for a denial of a fee waiver.

**§ 105–60.102 Application.**

This part applies to all records and informational materials generated, maintained, and controlled by GSA that come within the scope of 5 U.S.C. 552.

**§ 105–60.103 Policy.**

**§ 105–60.103–1 Availability of records.**

The policies of GSA with regard to the availability of records to the public are:

(a) GSA records are available to the greatest extent possible in keeping with the spirit and intent of the FOIA. GSA will disclose information in any existing GSA record, with noted exceptions, regardless of the form or format of the record. For example, records maintained in an electronic form, as part of a data base, will be provided on request using existing programming. GSA will provide the record in the form or format requested if the record is readily reproducible by the agency in that form or format. GSA will make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.

(b) The person making the request does not need to demonstrate an interest in the records or justify the request.

(c) The FOIA does not give the public the right to demand that GSA compile a record that does not already exist. For example, FOIA does not require GSA to collect and compile information from multiple sources to create a new record or develop a new computer program to extract requested records. GSA will compile records or perform minor reprogramming when doing so is not costly or burdensome.

(d) Similarly, FOIA does not require GSA to reconstruct records that have been destroyed in compliance with disposition schedules approved by the Archivist of the United States. However, GSA will not destroy records after a member of the public has requested access to them and will process the request even if destruction would otherwise be authorized.

(e) If the record requested is not complete at the time of the request, GSA may, at its discretion, inform the requester that the complete record will be provided when it is available, with no additional request required, if the record is not exempt from disclosure.

(f) Requests must be addressed to the office identified in § 105–60.402–1.

(g) Fees for locating and duplicating records are listed in § 105–60.305–10.

**§ 105–60.103–2 Applying exemptions.**

GSA may deny a request for a GSA record if it falls within an exemption under the FOIA outlined in subpart 105–60.5 of this part. Except when a record is classified or when disclosure would violate any Federal statute, the authority to withhold a record from disclosure is permissive rather than mandatory. GSA will not withhold a record unless there is a compelling reason to do so; i.e., disclosure will likely cause harm to a Governmental or private interest. In the absence of a compelling reason, GSA will disclose a record even if it otherwise is subject to exemption. GSA will cite the compelling reason(s) to requesters when any record is denied under FOIA.

**§ 105–60.104 Records of other agencies.**

If GSA receives a request for access to records that are known to be the primary responsibility of another agency, GSA will refer the request to the agency concerned for appropriate action. For example, GSA will refer requests to the appropriate agency in cases in which GSA does not have sufficient knowledge of the action or matter that is the subject of the requested records to determine whether the records must be released or may be withheld under one of the exemptions listed in § 105–60.5. If GSA does not have the requested records, the agency will attempt to determine whether the requested records exist at another agency and, if possible, will forward the request to that agency. GSA will inform the requester that GSA has forwarded the request to another agency.

## Subpart 105–60.2—Publication of General Agency Information and Rules in the Federal Register

**§ 105–60.201 Published information and rules.**

In accordance with 5 U.S.C. 552(a)(1), GSA publishes in the **Federal Register**, for the guidance of the public, the following general information concerning GSA:

(a) Description of the organization of the Central Office and regional offices and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(b) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure, descriptions of forms available or the places where forms may be obtained, and instructions on the scope and contents of all papers, reports, or examinations;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by GSA; and

(e) Each amendment, revision, or repeal of the materials described in this section.

**§ 105–60.202 Published materials available for sale to the public.**

(a) Substantive rules of general applicability adopted by GSA as

authorized by law which this agency publishes in the **Federal Register** and which are available for sale to the public by the Superintendent of Documents at pre-established prices are: The General Services Administration Acquisition Regulation (48 CFR Ch. 5), the Federal Acquisition Regulation (48 CFR Ch. 1), the Federal Property Management Regulations (41 CFR Ch. 101), and the Federal Travel Regulation (41 CFR Ch. 301–304).

(b) GSA also provides technical information, including manuals and handbooks, to other Federal entities, e.g., the National Technical Information Service, with separate statutory authority to make information available to the public at pre-established fees.

(c) Requests for information available through the sources in paragraphs (a) and (b) of this section will be referred to those sources.

## Subpart 105–60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions

### § 105–60.301 General.

GSA makes available to the public the materials described under 5 U.S.C. 552(a)(2), which are listed in § 105–60.302, at the locations listed in § 105–60.303. An Index of those materials as described in § 105–60.304 is available at GSA's Central Office in Washington, DC. Reasonable copying services are provided at the fees specified in § 105–60.305.

### § 105–60.302 Available materials.

GSA materials available under this Subpart 105–60.3 are as follows:

(a) Final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases.

(b) Those statements and policy and interpretations which have been adopted by GSA and are not published in the **Federal Register**.

(c) Administrative staff manuals and instructions to staff affecting a member of the public unless these materials are promptly published and copies offered for sale.

### § 105–60.303 Rules for public inspection and copying.

(a) *Locations.* Selected areas containing the materials available for public inspection and copying, described in this section 105–60.302, are located in the following places:

Central Office (GSA Headquarters)
General Services Administration, Washington, DC., Telephone: 202–501–2974, FAX: 202–501–2727, 18th & F Street, NW (CAIR), Washington, DC 20405

New England Region
General Services Administration (1AB), (Comprised of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont). Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222, Telephone: 617–565–8100, FAX: 617–565–8101

Northeast and Caribbean Region
(Comprised of the States of New Jersey, New York, the Commonwealth of Puerto Rico, and the Virgin Islands). General Services Administration (2AR), 26 Federal Plaza, New York, NY 10278, Telephone: 212–264–1234, FAX: 212–264–2760

Mid-Atlantic Region
(Comprised of the States of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia, excluding the Washington, D.C. metropolitan area). General Services Administration (3ADS), 100 Penn Square East, Philadelphia, PA 19107, Telephone: 215–656–5530, FAX: 215–656–5590

Southeast Sunbelt Region
(Comprised of the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee). General Services Administration (4E), 401 West Peachtree Street, Atlanta, GA, 30365, Telephone: 404–331–5103, FAX: 404–331–1813

Great Lakes Region
(Comprised of the States of Illinois, Indiana, Ohio, Minnesota, Michigan, and Wisconsin). General Services Administration (5ADB), 230 South Dearborn Street, Chicago, IL 60604, Telephone: 312–353–5383, FAX: 312–353–5385

Heartland Region
(Comprised of the States of Iowa, Kansas, Missouri, and Nebraska). General Services Administration (6ADB), 1500 East Bannister Road, Kansas City, MO 64131, Telephone: 816–926–7203, FAX: 816–823–1167

Greater Southwest Region
(Comprised of the States of Arkansas, Louisiana, New Mexico, Texas, and Oklahoma). General Services Administration (7ADQ), 819 Taylor Street, Fort Worth, TX 76102, Telephone: 817–978–3902, FAX: 817–978–4867

Rocky Mountain Region
(Comprised of the States of Colorado, North Dakota, South Dakota, Montana, Utah, and Wyoming). Business Service Center, General Services Administration (8PB–B), Building 41, Denver Federal Center, Denver, CO 80225, Telephone: 303–236–7408, FAX: 303–236–7403

Pacific Rim Region
(Comprised of the States of Hawaii, California, Nevada, Arizona, Guam, and Trust Territory of the Pacific). Business Service Center, General Services Administration (9ADB), 525 Market Street, San Francisco, CA 94105, Telephone: 415–522–2715, FAX: 415–522–2705

Northwest/Arctic Region
(Comprised of the States of Alaska, Idaho, Oregon, and Washington). General Services Administration (10L), GSA Center, 15th and C Streets, SW, Auburn, WA 98002, Telephone: 206–931–7007, FAX: 206–931–7195

National Capital Region
(Comprised of the District of Columbia and the surrounding metropolitan area). General Services Administration, (WPFA–L), 7th and D Streets SW, Washington, DC 20407, Telephone: 202–708–5854, FAX: 202–708–4655

(b) *Time.* The reading rooms or selected areas will be open to the public during the business hours of the GSA office where they are located.

(c) *Reading room and selected area rules*—(1) *Handling of materials.* The removal or mutilation of materials is forbidden by law and is punishable by fine or imprisonment or both. When requested by a reading room or selected area attendant, a person inspecting materials must present for examination any briefcase, handbag, notebook, package, envelope, book or other article that could contain GSA informational materials.

(2) *Reproduction services.* The GSA Central Office or the Regional Business Service Centers will furnish reasonable copying and reproduction services for available materials at the fees specified in § 105–60.305.

### § 105–60.304 Index.

GSA will make available to any member of the public who requests it a current index identifying information for the public regarding any matter described in § 105–60.302.

### § 105–60.305 Fees.

#### § 105–60.305–1 Definitions.

For the purpose of this part:

(a) A statute specifically providing for setting the level of fees for particular types of records (5 U.S.C. 552(a)(4)(A)(vii)) means any statute that specifically requires a Government agency to set the level of fees for particular types of records, as opposed to a statute that generally discusses such fees. Fees are required by statute to:

(1) Make Government information conveniently available to the public and to private sector organizations;

(2) Ensure that groups and individuals pay the cost of publications and other services which are for their special use so that these costs are not borne by the general taxpaying public;

(3) Operate an information dissemination activity on self-sustaining basis to the maximum extent possible; or

(4) Return revenue to the Treasury for defraying, wholly or in part,

appropriated funds used to pay the cost of disseminating Government information.

(b) The term *direct costs* means those expenditures which GSA actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing and redacting) documents to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits), and the cost of operating duplicating machinery. Overhead expenses such as costs of space, and heating or lighting the facility where the records are stored are not included in direct costs.

(c) The term *search* includes all time spent looking for material that is responsive to a request, including line-by-line identification of material within documents. Searches will be performed in the most efficient and least expensive manner so as to minimize costs for both the agency and the requester. Line-by-line searches will not be undertaken when it would be more efficient to duplicate the entire document. ''Search'' for responsive material is not the same as ''review'' of a record to determine whether it is exempt from disclosure in whole or in part (see subparagraph e, below). Searches may be done manually or by computer using existing programming.

(d) The term *duplication* means the process of making a copy of a document in response to an FOIA request. Copies can take the form of paper, microform, audiovisual materials, or magnetic tapes or disks. GSA will provide a copy of the material in a form that is usable by the requester unless it is administratively burdensome to do so.

(e) The term *review* means the process of examining documents located in response to a request to determine if any portion of that document is permitted to be withheld and processing any documents for disclosure. See § 105–60.305–6.

(f) The term *commercial-use request* means a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or person on whose behalf the request is made. GSA will determine whether a requester properly belongs in this category by determining how the requester will use the documents.

(g) The term *educational institution* means a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education which operates a program or programs of scholarly research.

(h) The term *noncommercial scientific institution* means an institution that is not operated on a ''commercial'' basis as that term is used in paragraph (f) of this section and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(i) The term *representative of the news media* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of ''news'') who make their products available for purchase or subscription by the general public. ''Freelance'' journalists will be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization even though they are not actually employed by it.

**§ 105–60.305–2 Scope of this subpart.**

This subpart sets forth policies and procedures to be followed in the assessment and collection of fees from a requester for the search, review, and reproduction of GSA records.

**§ 105–60.305–3 GSA records available without charge.**

GSA records available to the public are displayed in the Business Service Center for each GSA region. The address and phone number of the Business Service Centers are listed in § 105–60.303. Certain material related to bids (excluding construction plans and specifications) and any material displayed are available without charge upon request.

**§ 105–60.305–4 GSA records available at a fee.**

(a) GSA will make a record not subject to exemption available at a time and place mutually agreed upon by GSA and the requester at fees shown in § 105–60.305–10. Waivers of these fees are available under the conditions described in § 105–60.305–13. GSA will agree to:

(1) Show the originals to the requester;

(2) Make one copy available at a fee; or

(3) A combination of these alternatives.

(b) GSA will make copies of voluminous records as quickly as possible. GSA will make a reasonable number of additional copies for a fee when commercial reproduction services are not available to the requester.

**§ 105–60.305–5 Searches.**

(a) GSA may charge for the time spent in the following activities in determining ''search time'' subject to applicable fees as provided in § 105–60.305–10:

(1) Time spent in trying to locate GSA records which come within the scope of the request;

(2) Time spent in either transporting a necessary agency searcher to a place of record storage, or in transporting records to the locations of a necessary agency searcher; and

(3) Direct costs of the use of computer time to locate and extract requested records.

(b) GSA will not charge for the time spent in monitoring a requester's inspection of disclosed agency records.

(c) GSA may assess fees for search time even if the search proves unsuccessful or if the records located are exempt from disclosure.

**§ 105–60.305–6 Reviews.**

(a) GSA will charge only commercial-use requesters for review time.

(b) GSA will charge for the time spent in the following activities in determining ''review time'' subject to applicable fees as provided in § 105–60.305–10:

(1) Time spent in examining a requested record to determine whether any or all of the record is exempt from disclosure, including time spent consulting with submitters of requested information; and

(2) Time spent in deleting exempt matter being withheld from records otherwise made available.

(c) GSA will not charge for:

(1) Time spent in resolving issues of law or policy regarding the application of exemptions; or

(2) Review at the administrative appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption which is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. GSA will charge for such subsequent review.

**§ 105–60.305–7 Assurance of payment.**

If fees for search, review, and reproduction will exceed $25 but will be less than $250, the requester must provide written assurance of payment

before GSA will process the request. If this assurance is not included in the initial request, GSA will notify the requester that assurance of payment is required before the request is processed. GSA will offer requesters an opportunity to modify the request to reduce the fee.

**§ 105–60.305–8 Prepayment of fees.**

(a) *Fees over $250.* GSA will require prepayment of fees for search, review, and reproduction which are likely to exceed $250. When the anticipated total fee exceeds $250, the requester will receive notice to prepay and at the same time will be given an opportunity to modify his or her request to reduce the fee. When fees will exceed $250, GSA will notify the requester that it will not start processing a request until payment is received.

(b) *Delinquent payments.* As noted in § 105–60.305–12(d), requesters who are delinquent in paying for previous requests will be required to repay the old debt and to prepay for any subsequent request. GSA will inform the requester that it will process no additional requests until all fees are paid.

**§ 105–60.305–9 Form of payment.**

Requesters should pay fees by check or money order made out to the General Services Administration and addressed to the official named by GSA in its correspondence. Payment may also be made by means of Mastercard or Visa. For information concerning payment by credit cards, call 816–926–7551.

**§ 105–60.305–10 Fee schedule.**

(a) When GSA is aware that documents responsive to a request are maintained for distribution by an agency operating a statutory fee based program, GSA will inform the requester of the procedures for obtaining records from those sources.

(b) GSA will consider only the following costs in fees charged to requesters of GSA records:

(1) Review and search fees.

Manual searches by clerical staff: $13 per hour or fraction of an hour.

Manual searches and reviews by professional staff in cases in which clerical staff would be unable to locate the requested records: $29 per hour or fraction of an hour.

Computer searches: Direct cost to GSA.

Transportation or special handling of records: Direct cost to GSA.

(2) Reproduction fees.

Pages no larger than 8½ by 14 inches, when reproduced by routine electrostatic copying: $0.10 per page.

Pages over 8½ by 14 inches: Direct cost of reproduction to GSA.

Pages requiring reduction, enlargement, or other special services: Direct cost of reproduction to GSA.

Reproduction by other than routine electrostatic copying: Direct cost of reproduction to GSA.

(c) Any fees not provided for under paragraph (b) of this section, shall be calculated as direct costs, in accordance with § 105–60.305–1(b).

(d) GSA will assess fees based on the category of the requester as defined in § 105–60.305–1(f)–(i); i.e., commercial-use, educational and noncommercial scientific institutions, news media, and all other. The fees listed in paragraph (b) of this section apply with the following exceptions:

(1) GSA will not charge the requester if the fee is $25 or less as the cost of collection is greater than the fee.

(2) Educational and noncommercial scientific institutions and the news media will be charged for the cost of reproduction alone. These requesters are entitled to the first 100 pages (paper copies) of duplication at no cost. The following are examples of how these fees are calculated:

(i) A request that results in 150 pages of material. No fee would be assessed for duplication of 150 pages. The reason is that these requesters are entitled to the first 100 pages at no charge. The charge for the remaining 50 pages would be $7.50. This amount would not be billed under the preceding section.

(ii) A request that results in 450 pages of material. The requester in this case would be charged $35.00. The reason is that the requester is entitled to the first 100 pages at no charge. The charge for the remaining 350 pages would be $35.

(3) Noncommercial requesters who are not included under paragraph (d)(2) of this section, will be entitled to the first 100 pages (paper copies) of duplication at no cost and 2 hours of search without charge. The term ''search time'' generally refers to manual search. To apply this term to searches made by computer, GSA will determine the hourly cost of operating the central processing unit and the operator's hourly salary plus 16 percent. When the cost of search (including the operator time and the cost of operating the computer to process a request) reaches the equivalent dollar amount of two hours of the salary of the person performing a manual search, i.e., the operator, GSA will begin assessing charges for computer search.

(4) GSA will charge commercial-use requesters fees which recover the full direct costs of searching for, reviewing for release, and duplicating the records sought. Commercial-use requesters are not entitled to 2 hours of free search time.

(e) Determining category of requester. GSA may ask any requester to provide additional information at any time to determine what fee category he or she falls under.

**§ 105–60.305–11 Fees for authenticated and attested copies.**

The fees set forth in § 105–60.305–10 apply to requests for authenticated and attested copies of GSA records.

**§ 105–60.305–12 Administrative actions to improve assessment and collection of fees.**

(a) *Charging interest.* GSA may charge requesters who fail to pay fees interest on the amount billed starting on the 31st day following the day on which the billing was sent. Interest will be at the rate prescribed in 31 U.S.C. 3717.

(b) *Effect of the Debt Collection Act of 1982.* GSA will take any action authorized by the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749), including disclosure to consumer reporting agencies, use of collection agencies, and assessment of penalties and administrative costs, where appropriate, to encourage payment.

(c) *Aggregating requests.* When the GSA reasonably believes that a requester, or group of requesters acting in concert, is attempting to break down a request into a series of requests related to the same subject for the purpose of evading the assessment of fees, GSA will combine any such requests and charge accordingly, including fees for previous requests where charges were not assessed. GSA will presume that multiple requests of this type within a 30-day period are made to avoid fees.

(d) *Advance payments.* Whenever a requester is delinquent in paying the fee for a previous request (i.e., within 30 days of the date of the billing), GSA will require the requester to pay the full amount owed plus any applicable interest penalties and administrative costs as provided in paragraph (a) of this section or to demonstrate that he or she has, in fact, paid the fee. In such cases, GSA will also require advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester. When advance payment is required under this section, the administrative time limits in subsection (a)(6) of the FOIA (i.e., 10 working days from receipt of appeals from initial denial plus permissible time extensions) will begin only after GSA has received the fee payments described in § 105–60.305–8.

**§ 105–60.305–13 Waiver of fee.**

(a) Any request for waiver or reduction of a fee should be included in the initial letter requesting access to GSA records under § 105–60.402–1. The waiver request should explain how disclosure of the information would contribute significantly to public understanding of the operations or activities of the Government and would not be primarily in the commercial interest of the requester. In responding to a request, GSA will consider the following factors:

(1) Whether the subject of the requested records concerns ''the operations or activities of the Government.'' The subject matter of the requested records must specifically concern identifiable operations or activities of the Federal Government. The connection between the records and the operations or activities must be direct and clear, not remote or attenuated.

(2) Whether the disclosure is ''likely to contribute'' to an understanding of Government operations or activities. In this connection, GSA will consider whether the requested information is already in the public domain. If it is, then disclosure of the information would not be likely to contribute to an understanding of Government operations or activities, as nothing new would be added to the public record.

(3) Whether disclosure of the requested information will contribute to ''public understanding.'' The focus here must be on the contribution to public understanding rather than personal benefit to be derived by the requester. For purposes of this analysis, the identity and qualifications of the requester should be considered, to determine whether the requester is in a position to contribute to public understanding through the requested disclosure.

(4) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and if so: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ''primarily in the commercial interest of the requester.''

(b) GSA will ask the requester to furnish additional information if the initial request is insufficient to evaluate the merits of the request. GSA will not start processing a request until the fee waiver issue has been resolved unless the requester has provided written assurance of payment in full if the fee waiver is denied by the agency.

## Subpart 105–60.4—Described Records

**§ 105–60.401 General.**

(a) Except for records made available in accordance with Subparts 105–60.2 and 105–60.3 of this part, GSA will make records available to a requester promptly when the request reasonably describes the records unless GSA invokes an exemption in accordance with Subpart 105–60.5 of this part. Although the burden of reasonable description of the records rests with the requester, whenever practical GSA will assist requesters to describe records more specifically.

(b) Whenever a request does not reasonably describe the records requested, GSA may contact the requester to seek a more specific description. The 10-workday time limit set forth in § 105–60.402–2 will not start until the official identified in § 105–60.402–1 or other responding official receives a request reasonably describing the records.

**§ 105–60.402 Procedures for making records available.**

This subpart sets forth initial procedures for making records available when they are requested, including administrative procedures to be exhausted prior to seeking judicial review by an appropriate United States District Court.

**§ 105–60.402–1 Submission of requests.**

For records located in the GSA Central Office, the requester must submit a request in writing to the GSA FOIA Officer, General Services Administration (CAIR), Washington, DC 20405. Requesters may FAX requests to (202) 501–2727. For records located in the GSA regional offices, the requester must submit a request to the FOIA Officer for the relevant region, at the address listed in § 105–60.303(a). Requests should include the words ''Freedom of Information Act Request'' prominently marked on both the face of the request letter and the envelope. The 10-workday time limit for agency decisions set forth in § 105–60.402–2 begins with receipt of a request in the office of the official identified in this section, unless the provisions under §§ 105–60.305–8 and 105–60.305–12(d) apply. Failure to include the words ''Freedom of Information Act Request'' or to submit a request to the official identified in this section will result in processing delays. A requester with questions concerning a FOIA request should contact the GSA FOIA Office, General Services Administration (CAIR), 18th and F Streets, NW., Washington, DC 20405, (202) 501–2691.

**§ 105–60.402–2 Response to initial requests.**

GSA will respond to an initial FOIA request which reasonably describes requested records, including a fee waiver request, within 10 workdays (that is, excluding Saturdays, Sundays, and legal holidays) after receipt of a request by the office of the appropriate official specified in § 105–60.402–1. This letter will provide the agency's decision with respect to disclosure or nondisclosure of the requested records, or, if appropriate, a decision on a request for a fee waiver. If the records to be disclosed are not provided with the initial letter, the records will be sent as soon as possible thereafter. In unusual circumstances, as described in § 105–60.404, GSA will inform the requester of the agency's need to take an extension of time, not to exceed an additional 10 workdays.

**§ 105–60.403 Appeal within GSA.**

(a) A requester who receives a denial of a request, in whole or in part, or a denial of a fee waiver request, may appeal that decision within GSA. A requester may also appeal the adequacy of the search if GSA determines that it has searched for but has no requested records. The requester must send the appeal to the GSA FOIA Officer, General Services Administration (CAIR), Washington, DC 20405, regardless of whether the denial being appealed was made in the Central Office or in a regional office.

(b) The GSA FOIA Officer must receive an appeal no later than 120 calendar days after receipt by the requester of the initial denial of access or fee waiver.

(c) An appeal must be in writing and include a brief statement of the reasons he or she thinks GSA should release the records and enclose copies of the initial request and denial. The appeal letter must include the words ''Freedom of Information Act Appeal'' on both the face of the appeal letter and on the envelope. Failure to follow these procedures will delay processing of the appeal. GSA has 20 workdays after receipt of an proper appeal to issue a determination with respect to the appeal. The 20-workday time limit shall not begin until the GSA FOIA Officer receives the appeal. As noted in § 105–60.404, the GSA FOIA Officer may extend this time limit in unusual circumstances.

(d) A requester who receives a denial of an appeal, or who has not received a response to an appeal or initial request within the statutory time frame may seek judicial review in the United States District Court in the district in which

the requester resides or has a principal place of business, or where the records are situated, or in the United States District Court for the District of Columbia.

**§ 105–60.404 Extension of time limits.**

(a) In unusual circumstances, the GSA FOIA Officer or the regional FOIA Officer may extend the time limits prescribed in §§ 105–60.402 and 105–60.403. For purposes of this section, the term ''unusual circumstances'' means:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are described in a single request;

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of GSA having substantial subject-matter interest therein; or

(4) The need to consult with the submitter of the requested information.

(b) If necessary, GSA may take more than one extension of time. However, the total extension of time to respond to any single request shall not exceed 10 workdays. The extension may be divided between the initial and appeal stages or within a single stage. GSA will provide written notice to the requester of any extension of time limits.

**§ 105–60.405 Processing requests for confidential commercial information.**

(a) General. The following additional procedures apply when processing requests for confidential commercial information.

(b) Definitions. For the purposes of this section, the following definitions apply:

(1) *Confidential commercial information* means records provided to the Government by a submitter that contain material arguably exempt from release under 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(2) *Submitter* means a person or entity which provides to the Government information which may constitute confidential commercial information. The term *submitter* includes, but is not limited to, individuals, partnerships, corporations, State governments, and foreign governments.

(c) Designating confidential commercial information. After January 1, 1988, submitters must designate confidential commercial information as such when it is submitted to GSA or at a reasonable time thereafter. For information submitted in connection with negotiated procurements, the requirements of 48 CFR 15.407(c)(8) and 52.215–12 also apply.

(d) Procedural requirements—consultation with the submitter.

(1) If GSA receives a FOIA request for potentially confidential commercial information, it will notify the submitter immediately by telephone and invite an opinion whether disclosure will or will not cause substantial competitive harm.

(2) GSA will follow up the telephonic notice promptly in writing before releasing any records unless paragraph (f) of this section applies.

(3) If the submitter indicates an objection to disclosure GSA will give the submitter 7 workdays from receipt of the letter to provide GSA with a detailed written explanation of how disclosure of any specified portion of the records would be competitively harmful.

(4) If the submitter verbally states that there is no objection to disclosure, GSA will confirm this fact in writing before disclosing any records.

(5) At the same time GSA notifies the submitter, it will also advise the requester that there will be a delay in responding to the request due to the need to consult with the submitter.

(6) GSA will review the reasons for nondisclosure before independently deciding whether the information must be released or should be withheld. If GSA decides to release the requested information, it will provide the submitter with a written statement explaining why his or her objections are not sustained. The letter to the submitter will contain a copy of the material to be disclosed or will offer the submitter an opportunity to review the material in one of GSA's offices. If GSA decides not to release the material, it will notify the submitter orally or in writing.

(7) If GSA determines to disclose information over a submitter's objections, it will inform the submitter that GSA will delay disclosure for 5 workdays from the estimated date the submitter receives GSA's decision before it releases the information. The decision letter to the requester shall state that GSA will delay disclosure of material it has determined to disclose to allow for the notification of the submitter.

(e) When notice is required.

(1) For confidential commercial information submitted prior to January 1, 1988, GSA will notify a submitter whenever it receives a FOIA request for such information:

(i) If the records are less than 10 years old and the information has been designated by the submitter as confidential commercial information; or

(ii) If GSA has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(2) For confidential commercial information submitted on or after January 1, 1988, GSA will notify a submitter whenever it determines that the agency may be required to disclose records:

(i) That the submitter has previously designated as privileged or confidential; or

(ii) That GSA believes could reasonably be expected to cause substantial competitive harm if disclosed.

(3) GSA will provide notice to a submitter for a period of up to 10 years after the date of submission.

(f) When notice is not required. The notice requirements of this section will not apply if:

(1) GSA determines that the information should not be disclosed;

(2) The information has been published or has been officially made available to the public;

(3) Disclosure of the information is required by law other than the FOIA;

(4) Disclosure is required by an agency rule that—

(i) Was adopted pursuant to notice and public comment;

(ii) Specifies narrow classes of records submitted to the agency that are to be released under FOIA; and

(iii) Provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that disclosure of the information could reasonably be expected to cause substantial competitive harm;

(5) The information is not designated by the submitter as exempt from disclosure under paragraph (c) of this section, unless GSA has substantial reason to believe that disclosure of the information would be competitively harmful; or

(6) The designation made by the submitter in accordance with paragraph (c) of this section appears obviously frivolous; except that, in such cases, the agency must provide the submitter with written notice of any final administrative decision 5 workdays prior to disclosing the information.

(g) Lawsuits. If a FOIA requester sues the agency to compel disclosure of confidential commercial information,

GSA will notify the submitter as soon as possible. If the submitter sues GSA to enjoin disclosure of the records, GSA will notify the requester.

## Subpart 105–60.5—Exemptions

### § 105–60.501 Categories of records exempt from disclosure under the FOIA.

(a) 5 U.S.C. 552(b) provides that the requirements of the FOIA do not apply to matters that are:

(1) Specifically authorized under the criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) GSA will provide any reasonably segregable portion of a record to a requester after deletion of the portions that are exempt under this section. If GSA must delete information from a record before disclosing it, this information, and the reasons for withholding it, will be clearly described in the cover letter to the requester or in an attachment.

(c) GSA will invoke no exemption under this section to deny access to records that would be available pursuant to a request made under the Privacy Act of 1974 (5 U.S.C. 522a) and implementing regulations, 41 CFR Part 105–64, or if disclosure would cause no demonstrable harm to any governmental or private interest.

(d) Whenever a request is made which involves access to records described in § 105–60.501(a)(7)(i) and the investigation or proceeding involves a possible violation of criminal law, and there is reason to believe that the subject of the investigation or proceeding is not aware of it, and disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings, the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

(e) Whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

(f) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in paragraph (a)(1) of this section, the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.

## Subpart 105–60.6—Production or Disclosure by Present or Former General Services Administration Employees in Response to Subpoenas or Similar Demands in Judicial or Administrative Proceedings

### § 105–60.601 Purpose and scope of subpart.

(a) By virtue of the authority vested in the Administrator of General Services by 5 U.S.C. 301 and 40 U.S.C. 486(c) this subpart establishes instructions and procedures to be followed by current and former employees of the General Services Administration in response to subpoenas or similar demands issued in judicial or administrative proceedings for production or disclosure of material or information obtained as part of the performance of a person's official duties or because of the person's official status. Nothing in these instructions applies to responses to subpoenas or demands issued by the Congress or in Federal grand jury proceedings.

(b) This subpart provides instructions regarding the internal operations of GSA and the conduct of its employees, and is not intended and does not, and may not, be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against GSA.

### § 105–60.602 Definitions.

For purposes of this subpart, the following definitions apply:

(a) *Material* means any document, record, file or data, regardless of the physical form or the media by or through which it is maintained or recorded, which was generated or acquired by a current or former GSA employee by reason of the performance of that person's official duties or because of the person's official status, or any other tangible item, *e.g.*, personal property possessed or controlled by GSA.

(b) *Information* means any knowledge or facts contained in material, and any knowledge or facts acquired by current or former GSA employee as part of the performance of that person's official duties or because of that person's official status.

(c) *Demand* means any subpoena, order, or similar demand for the production or disclosure of material,

information or testimony regarding such material or information, issued by a court or other authority in a judicial or administrative proceeding, excluding Congressional subpoenas or demands in Federal grand jury proceedings, and served upon a present or former GSA employee.

(d) *Appropriate Authority* means the following officials who are delegated authority to approve or deny responses to demands for material, information or testimony:

(1) The Counsel to the Inspector General for material and information which is the responsibility of the GSA Office of Inspector General or testimony of current or former employees of the Office of the Inspector General;

(2) The Counsel to the GSA Board of Contract Appeals for material and information which is the responsibility of the Board of Contract Appeals or testimony of current or former Board of Contract Appeals employees;

(3) The GSA General Counsel, Associate General Counsel(s) or Regional Counsel for all material, information, or testimony not covered by paragraphs (d)(1) and (2) of this section.

**§ 105–60.603 Acceptance of service of a subpoena duces tecum or other legal demand on behalf of the General Services Administration.**

(a) The Administrator of General Services and the following officials are the only GSA personnel authorized to accept service of a subpoena or other legal demand on behalf of GSA: the GSA General Counsel and Associate General Counsel(s) and, with respect to material or information which is the responsibility of a regional office, the Regional Administrator and Regional Counsel. The Inspector General and Counsel to the Inspector General, as well as the Chairman and Vice Chairman of the Board of Contract Appeals, are authorized to accept service for material or information which are the responsibility of their respective organizations.

(b) A present or former GSA employee not authorized to accept service of a subpoena or other demand for material, information or testimony obtained in an official capacity shall respectfully inform the process server that he or she is not authorized to accept service on behalf of GSA and refer the process server to an appropriate official listed in paragraph (a) of this section.

(c) A Regional Administrator or Regional Counsel shall notify the General Counsel of a demand which may raise policy concerns or affect multiple regions.

**§ 105–60.604 Production or disclosure prohibited unless approved by the Appropriate Authority.**

No current or former GSA employee shall, in response to a demand, produce any material or disclose, through testimony or other means, any information covered by this subpart, without prior approval of the Appropriate Authority.

**§ 105–60.605 Procedure in the event of a demand for production or disclosure.**

(a) Whenever service of a demand is attempted in person or via mail upon a current or former GSA employee for the production of material or the disclosure of information covered by this subpart the employee or former employee shall immediately notify the Appropriate Authority through his or her supervisor or his or her former service, staff office, or regional office. The supervisor shall notify the Appropriate Authority. For current or former employees of the Office of Inspector General located in regional offices, Counsel to the Inspector General shall be notified through the immediate supervisor or former employing field office.

(b) The Appropriate Authority shall require that the party seeking material or testimony provide the Appropriate Authority with an affidavit, declaration, statement, and/or a plan as described in paragraphs (c)(1), (2), and (3) of this section if not included with or described in the demand. The Appropriate Authority may waive this requirement for a demand arising out of proceedings to which GSA or the United States is a party. Any waiver will be coordinated with the United States Department of Justice (DOJ) in proceedings in which GSA, its current or former employees, or the United States are represented by DOJ.

(c)(1) Oral testimony. If oral testimony is sought by a demand, the Appropriate Authority shall require the party seeking the testimony or the party's attorney to provide, by affidavit or other statement, a detailed summary of the testimony sought and its relevance to the proceedings. Any authorization for the testimony of a current or former GSA employee shall be limited to the scope of the demand as summarized in such statement or affidavit.

(2) Production of material. When information other than oral testimony is sought by a demand, the Appropriate Authority shall require the party seeking production or the party's attorney to provide a detailed summary, by affidavit or other statement, of the information sought and its relevance to the proceeding.

(3) The Appropriate Authority may require a plan or other information from the party seeking testimony or production of material of all demands reasonably foreseeable, including, but not limited to, names of all current and former GSA employees from whom testimony or production is or will likely be sought, areas of inquiry, for current employees the length of time away from duty anticipated, and identification of documents to be used in each deposition or other testimony, where appropriate.

(d) The Appropriate Authority will notify the current or former employee, the appropriate supervisor, and such other persons as circumstances may warrant, whether disclosure or production is authorized, and of any conditions or limitations to disclosure or production.

(e) Factors to be considered by the Appropriate Authority in responding to demands:

(1) Whether disclosure or production is appropriate under rules of procedure governing the proceeding out of which the demand arose;

(2) The relevance of the testimony or documents to the proceedings;

(3) The impact of the relevant substantive law concerning applicable privileges recognized by statute, common law, judicial interpretation or similar authority;

(4) The information provided by the issuer of the demand in response to requests by the Appropriate Authority pursuant to paragraphs (b) and (c) of this section;

(5) The steps taken by the issuer of the demand to minimize the burden of disclosure or production on GSA, including but not limited to willingness to accept authenticated copies of material in lieu of personal appearance by GSA employees;

(6) The impact on pending or potential litigation involving GSA or the United States as a party;

(7) In consultation with the head of the GSA organizational component affected, the burden the GSA which disclosure or production would entail; and

(8) Any additional factors unique to a particular demand or proceeding.

(f) The Appropriate Authority shall not approve a disclosure or production which would:

(1) Violate a statute or a specific regulation;

(2) Reveal classified information, unless appropriately declassified by the originating agency;

(3) Reveal a confidential source or informant, unless the investigative

agency and the source or informant consent;

(4) Reveal records or information compiled for law enforcement purposes which would interfere with enforcement proceedings or disclose investigative techniques and procedures the effectiveness of which would be impaired;

(5) Reveal trade secrets or commercial or financial information which is privileged or confidential without prior consultation with the person from whom it was obtained; or

(6) Be contrary to a recognized privilege.

(g) The Appropriate Authority's determination, including any reasons for denial or limitations on disclosure or production, shall be made as expeditiously as possible and shall be communicated in writing to the issuer of the demand and appropriate current or former GSA employee(s). In proceedings in which GSA, its current or former employees, or the United States are represented by DOJ the determination shall be coordinated with DOJ which may respond to the issuer of the subpoenas or demand in lieu of the Appropriate Authority.

**§ 105–60.606 Procedure where response to demand is required prior to receiving instructions.**

(a) If a response to a demand is required before the Appropriate Authority's decision is issued, a GSA attorney designated by the Appropriate Authority for the purpose shall appear with the employee or former employee upon whom the demand has been made, and shall furnish the judicial or other authority with a copy of the instructions contained in this Subpart. The attorney shall inform the court or other authority that the demand has been or is being referred for the prompt consideration by the Appropriate Authority. The attorney shall respectfully request the judicial or administrative authority to stay the demand pending receipt of the requested instructions.

(b) The designated GSA attorney shall coordinate GSA's response with DOJ's Civil Division or the relevant Office of the United States Attorney and may request that a DOJ or Assistant United States Attorney appear with the employee in addition to or in lieu of a designated GSA attorney.

(c) If an immediate demand for production or disclosure is made in circumstances which preclude the appearance of a GSA or DOJ attorney on the behalf of the employee or the former employee, the employee or former employee shall respectfully make a request to the demanding authority for sufficient time to obtain advice of counsel.

**§ 105–60.607 Procedure in the event of an adverse ruling.**

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with 105–60.606 pending receipt of instructions, or if the court or other authority rules that the demand must be complied with irrespective of instructions by the Appropriate Authority not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply, citing these instructions and the decision of the United States Supreme Court in United States ex rel. Touhy v. Ragen, 340 U.S. 462 (1951).

**§ 105–60.608 Fees, expenses, and costs.**

(a) In consultation with the Appropriate Authority, a current employee who appears as a witness pursuant to a demand shall ensure that he or she receives all fees and expenses, including travel expenses, to which witnesses are entitled pursuant to rules applicable to the judicial or administrative proceedings out of which the demand arose.

(b) Witness fees and reimbursement for expenses received by a GSA employee shall be disposed of in accordance with rules applicable to Federal employees in effect at the time.

(c) Reimbursement to the GSA for costs associated with producing material pursuant to a demand shall be determined in accordance with rules applicable to the proceedings out of which the demand arose.

Dated: March 17, 1997.

**Martha N. Johnson,**

*Associate Administrator for Management Services and Human Resources.*

[FR Doc. 97–7076 Filed 3–24–97; 8:45 am]

BILLING CODE 6820–34–P

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## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[MM Docket No. 97–39; RM–8905]**

## Radio Broadcasting Services; Driggs, ID

**AGENCY:** Federal Communications Commission.

**ACTION:** Correction to proposed rule.

**SUMMARY:** This document contains a correction to the proposed rule (MM Docket No. 97–39; RM–8905) which was published in the **Federal Register** on Friday, February 7, 1997 [62 FR 5789]. The proposed rule relates to a rule making proposal to allot FM Channel 271A to Driggs, Idaho.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:**

### Background

The synopsis of the Notice of Proposed Rule Making, MM Docket No. 97–39, adopted January 24, 1997, and released January 31, 1997, that is the subject of this correction is under 47 CFR Part 73, Radio Broadcasting.

### Need for Correction

As published, the synopsis of the Notice of Proposed Rule Making contains an error which may prove to be misleading and is in need of clarification.

### Correction of Publication

Accordingly, the publication on February 7, 1997 of the proposed rule (MM Docket No. 97–39; RM–8905), which is the subject of FR Doc. 97–3120, is corrected as follows:

On page 5789, in the second column under **ADDRESSES** the second sentence beginning on line 3 should read as follows:

''In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Vixon Valley Broadcasting, Attn: Victor A. Michael, Jr., President, c/o Magic City Media, 1912 Capitol Avenue, Suite 300, Cheyenne, WY 82001.''

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97–7259 Filed 3–24–97; 8:45 am]

BILLING CODE 6712–01–P

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## 47 CFR Part 73

**[MM Docket No. 97–91, RM–8854]**

## Radio Broadcasting Services; Lewisville, Gainesville, Robinson, Corsicana, Jacksboro and Mineral Wells, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Heftel Broadcasting Corporation, permittee of Station KECS(FM), Channel 300C2, Gainesville, Texas, and licensee of Station KICI(FM), Channel 300C1,

Corsicana, Texas, requesting the substitution of Channel 300C1 for Channel 300C2 at Gainesville; the reallotment of Channel 300C1 from Gainesville to Lewisville; the substitution of Channel 300A for Channel 300C1 at Corsicana and the reallotment of Channel 300A from Corsicana to Robinson, Texas, and the modification of KECS(FM) and KICI(FM)'s authorizations accordingly. To accommodate the above noted allotments, Heftel also requests the substitution of Channel 237A for Channel 299A at Jacksboro, Texas; the substitution of Channel 240C3 for Channel 240C1 at Mineral Wells, Texas, and the modification of Station KJKB(FM) and KYXS(FM)'s authorizations to specify the change in channels at Jacksboro and Mineral Wells, respectively. *See* Supplementary Information, *infra*.

**DATES:** Comments must be filed on or before May 5, 1997, and reply comments on or before May 20, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lee W. Shubert, Richard M. Riehl, Haley, Bader & Potts, 4350 North Fairfax Drive, Suite 900, Arlington, Virginia 22203–1633 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–91, adopted March 5, 1997, and released March 14, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

All channels can be allotted to the noted communities in compliance with the Commission's minimum distance separation requirements. Channel 300C1 at Lewisville will require a site restriction of 34.9 kilometers (21.7 miles) northeast. Channel 300A can be allotted to Robinson with a site restriction of 2.3 kilometers (1.4 miles) south. Channel 237A can be allotted to Jacksboro at city reference coordinates. Channel 240C3 can be allotted to Mineral Wells at the site specified in Station KYXS(FM)'s present site. The coordinates for Channel 300C1 at Lewisville are 33–17–33 and 97–13–46. The coordinates for Channel 300A at Robinson are 31–26–58 and 97–07–27. The coordinates for Channel 237A at Jacksboro are 33–13–06 and 98–09–48.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments.

See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97–7256 Filed 3–24–97; 8:45 am]

BILLING CODE 6712–01–F

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## 47 CFR Part 73

**[MM Docket No. 95–83; RM–8634]**

## Radio Broadcasting Services; Littlefield, Wolfforth and Tahoka, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This document denies a petition for rule making by 21st Century Radio Ventures, Inc., requesting the reallotment of Channel 238C3 from Littlefield to Wolfforth, Texas, and the modification the construction permit of Station KAIQ (FM) to specify Wolfforth as Station KAIQ (FM)'s community of license. See 60 FR 32933, June 26, 1995. The proposed reallotment was denied because retaining the allotment at Littlefield would provide a second aural reception service to 3,113 persons, which outweighs a first local transmission service to Wolfforth (population 1,941). With this action, this proceeding is terminated.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 95–83, adopted March 12, 1997, and released March 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97–7444 Filed 3–24–97; 8:45 am]

BILLING CODE 6712–01–P

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## 47 CFR Part 73

**[MM Docket No. 97–96; RM–8756]**

## Television Broadcasting Services; Johnstown and Jeannette, PA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Venture Technologies Group, Inc., proposing the reallotment of UHF Television Channel 19+ from Johnstown to Jeannette, Pennsylvania, as the community's first local television broadcast service. Petitioner also proposes the modification of Station WTWB-TV's license to specify Jeannette as its new community of license. Channel 19+ can be allotted to Jeannette in compliance with the Commission's minimum distance separation requirements with a site restriction of 43.8 kilometers (27.2 miles) east at petitioner's requested site. The coordinates for Channel 19+ at Jeannette are North Latitude 40–10–51 and West Longitude 79–07–46. Since Jeannette is located within 400 kilometers (250 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

**DATES:** Comments must be filed on or before May 12, 1997, and reply comments on or before May 27, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Irving Gastfreund, Esq., Kaye, Scholer, Fierman, Hays & Handler, 901 15th Street, NW., Washington, DC 20005 (Counsel for Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–96, adopted March 12, 1997, and released March 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97–7440 Filed 3–24–97; 8:45 am]

BILLING CODE 6712–01–P

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## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

**RIN 1018–AE06**

## Proposal To List the Preble's Meadow Jumping Mouse as an Endangered Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service proposes to list the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) as an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. The Preble's meadow jumping mouse, a small rodent in the family Zapodidae, is known to occur in only four counties in Colorado and two counties in Wyoming. Historical surveys document its former presence in five additional counties in Colorado and three additional counties in Wyoming. The Preble's meadow jumping mouse lives primarily in heavily vegetated riparian habitats. Habitat loss and degradation caused by agricultural, residential, commercial, and industrial development imperil its continued existence. This proposal, if made final, would extend protection of the Act to the Preble's meadow jumping mouse.

**DATES:** Comments from all interested parties must be received by May 27, 1997. Public hearing requests must be received by May 9, 1997.

**ADDRESSES:** Comments or materials concerning this proposed rule may be sent to the Colorado Field Supervisor, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service's Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado.

**FOR FURTHER INFORMATION CONTACT:** LeRoy W. Carlson, Field Supervisor, Colorado Field Office (see **ADDRESSES** section), (telephone 303/275–2370).

**SUPPLEMENTARY INFORMATION:**

### Background

The Preble's meadow jumping mouse (*Zapus hudsonius preblei*) is a small rodent in the family Zapodidae and is one of 11 subspecies of the species *Z. hudsonius*, the meadow jumping mouse (Krutzsch 1954, Whitaker 1972). The family consists of small to medium-sized mice with long tails and long feet adapted for jumping. Krutzsch (1954) reviewed taxonomy and distribution of the genus *Zapus* in North America and recognized three living species, *Z. hudsonius*, *Z. trinotatus*, and *Z. princeps*. Fitzgerald et al. (1994) described *Z. hudsonius* as greyish to yellowish-brown in color with an indistinct mid-dorsal band of darker hair and paler sides, large hindlegs and hindfeet, and a sparsely haired tail that accounts for more than 60 percent of the total length.

The Preble's meadow jumping mouse (Preble's) was first discovered and described from Loveland, Larimer County, Colorado, by A.E. Preble in 1895 (Preble 1899, cited by Krutzsch 1954). All records are from southeastern Wyoming and eastern Colorado. The coloration of Preble's was described by Krutzsch (1954) as ''color dull, back from near Clay Color to near Tawny-Olive with a mixture of black hair forming poorly defined dorsal band; sides lighter than back from near Clay Color to near Cinnamon-Buff; lateral line distinct and clear Ochraceous-Buff; belly white, sometimes faint wash of clear Ochraceous-Buff; tail bicolored, brownish to light brownish-black above, grayish-white to yellowish-white below'' (capitalized color terms refer to a scientific standard, while lower case terms reflect common usage). Krutzsch (1954) also provided a technical description of the skull of Preble's, which can prove critical to its identification.

A source of confusion is the similarity of appearance between the Preble's meadow jumping mouse and *Z. p. princeps*, a subspecies of the western jumping mouse that also occurs in portions of Colorado and Wyoming. In general, *Z. hudsonius* may be distinguished from *Z. princeps* by average external size and cranial size (Krutzsch 1954, Whitaker 1972). Preble's may be distinguished from *Z. p.* princeps by a less pronounced mid-dorsal band, smaller average total length, and a skull that is small and light with a narrower braincase and smaller molars (Fitzgerald et al. 1994). Since coloration of the mid-dorsal band and total length are not definitive characteristics, skull measurements are most useful for positive identification (Aaron Ellingson, Colorado Natural Heritage Program, *in litt. 1995). Ranges of the Preble's meadow jumping mouse and Z. p. princeps* are not thought to overlap in Colorado but may overlap in Wyoming (Armstrong 1972).

Krutzsch (1954) commented on the presence of physical habitat barriers and lack of known intergradation between the Preble's meadow jumping mouse, known only from eastern Colorado and southeastern Wyoming, and other identified subspecies of *Z. hudsonius* ranging to the east and north. Among recognized subspecies, Krutzsch found that Preble's most closely resembled *Z. h. campestris* from northeastern Wyoming, but summarized differences in coloration and skull characteristics. Krutzsch concluded that considerable differences existed between Preble's and related subspecies. Hafner et al. (1981) described an additional subspecies *Z. h. luteus* present in New Mexico and Arizona and differentiated it from Preble's. This subspecies was not addressed by Krutzsch since it was previously considered *Z. p. luteus*, a subspecies of the western jumping mouse.

Results from limited genetic analysis of *Z. hudsonius* from Minnesota and Indiana, presumed Preble's meadow jumping mouse from the Department of Energy's Rocky Flats Environmental Technology Site (Rocky Flats) in Jefferson County, Colorado, and *Z. princeps* from Colorado, provided clear evidence that the Rocky Flats mice were of the species *Z. hudsonius*. However, the analysis did not provide a means of separating subspecies of *Z. hudsonius* (Bruce Wunder, Colorado State University, pers. comm. 1996). Under a cost-sharing agreement with the U.S. Fish and Wildlife Service (Service), the Colorado Division of Wildlife supported genetic studies of Preble's trapped in Colorado during the 1996 field season. Tissue samples from Preble's trapped in Colorado are being assessed, through mitochondrial DNA analysis, and will be compared to available reference samples from *Z. hudsonius* from other areas. While mitochondrial DNA analysis is an accepted technique for establishing taxonomic relationships, it is uncertain whether these studies will produce conclusive results regarding the genetic differences between Preble's and other recognized subspecies of *Z. hudsonius*. Results of these studies will be available in 1997.

Under section 15.3 of the Act, the term ''species'' is defined to include recognized subspecies. Therefore, throughout the remainder of this document, Preble's meadow jumping mouse (*Z. h. preblei*) is treated, in the context of the Act, as a ''species.''

Though the Preble's meadow jumping mouse has not been studied as intensively as *Z. hudsonius* has been studied elsewhere, it is believed to be similar to other subspecies of *Z. hudsonius* in patterns of diet, behavior, breeding and habitat utilization. In general, *Z. hudsonius* subsists on seeds, small fruits, fungi, and insects, and hibernates from October to May (Fitzgerald et al. 1994, Whitaker 1972). It is adapted for digging, creates nests of grasses, leaves, and woody material several centimeters below the ground, and is primarily nocturnal or crepuscular, but can be observed during daylight. During the breeding season (June to mid-August), females typically have two to three litters (Fitzgerald et al. 1994).

Krutzsch (1954), Quimby (1951), and Armstrong (1972) agree that across its range, *Z. hudsonius* occurs mostly in low undergrowth consisting of grasses, forbs, or both, in open wet meadows and riparian corridors, or where tall shrubs and low trees provide adequate cover. In addition, *Z. hudsonius* prefers lowlands with medium to high moisture over drier uplands. Whitaker (1972) concluded that *Z. hudsonius* avoids the sparse vegetation that is generally associated with low moisture habitats. Fitzgerald et al. (1994) described *Z. hudsonius* as most common in lush vegetation along watercourses or in herbaceous understories in wooded areas. Some authors (Tester et al. 1993) have suggested that proximity to water may be the most important factor influencing habitat selection and utilization by *Z. hudsonius*.

Recent research on the Preble's meadow jumping mouse has focused mostly on current status; however, some aspects of life history, behavior, and habitat utilization have been documented. In general, results of recent investigations have not been documented in peer-reviewed scientific literature. Data have been gathered by researchers at Rocky Flats on the timing of the initial breeding period and time of hibernation (PTI Environmental Services 1996). The month of May marks the beginning of the active period for Preble's, with May 5 the earliest capture date at Rocky Flats. Breeding probably occurs soon after emergence. Adults begin hibernation in early September, while juveniles enter hibernation from mid-September to late October.

At Rocky Flats, the Preble's meadow jumping mouse appears to be primarily dependent on riparian corridors along creeks that are dominated by the shrubs *Salix exigua* (coyote willow) or *Amorpha fruticosa* (leadplant), and are in proximity to mesic grasslands dominated by *Andropyron smithii* (western wheatgrass) and *Poa pratensis* (Kentucky bluegrass) (Bakeman, Deans and Ryon, EG&G, *in litt.* 1995). Field studies at Rocky Flats led to the conclusion that Preble's is typically found in or near complex riparian communities with multi-strata woodland and herbaceous species (Harrington et al. 1996). Capture locations were typically humid with high litter content. In a spring 1996 study at Rocky Flats, all captures were within 25 meters (m) (82 feet (ft)) of streams, with 48 percent of captures within 5 m (16 ft) of streams (PTI Environmental Services 1996). In the same study, 90 percent of captures occurred within 5 m (16 ft) of canopy edge consisting of *Salix exigua*, *Symphoricarpos occidentalis* (western snowberry), *Prunus americana*. (choke cherry), and other species. Margins of artificial ponds at Rocky Flats are thought to be important foraging sites (Harrington et al. 1996).

Most successful capture sites at Rocky Flats presented burrowing or nesting opportunities. Five nests were located in dense vegetation (Harrington et al. 1995). Litter is used to construct nests, which are occupied during the Preble's meadow jumping mouse's active season. Based on a single underground hibernaculum, located through use of telemetry, upland habitats may be preferred for hibernation by Preble's (Fred Harrington, Pawnee Natural History Society, pers. comm. 1995).

Ryon (1995) reported that four of five recent Preble's meadow jumping mouse capture sites he evaluated in Colorado had five structural habitat components: trees, tall shrubs, short shrubs, herbaceous vegetation, and ground cover. The fifth site had few trees. In contrast, historic capture sites where Ryon failed to capture Preble's generally lacked one or more of these components. Harrington (1995) captured Preble's in riparian shrubland dominated by *Salix exigua* along East Plum Creek, Douglas County, Colorado. Preble's was captured along Monument Creek within the U.S. Air Force Academy lands in Colorado Springs, El Paso County, Colorado, primarily in densely vegetated riparian communities where *Salix* spp., *Symphoricarpos occidentalis*, *Populus angustifolia*. (narrow-leaf cottonwood), and thick grass understory were dominant (Corn et al. 1995). Garber (1995) characterized capture sites along Lodgepole Creek, Albany County, Wyoming as moist areas near beaver ponds with dense sedges and *Salix* sp. Ryon (1995) suggested that where Preble's occupies habitat along intermittent streams, adjacent wet meadows and seeps may be important habitats in dry periods.

Based on recent survey data, Preble's are most frequently encountered along riparian corridors of small intermittent and perennial streams, where low *Salix* sp. and other dense shrubs are found with lush ground cover (grasses, forbs, etc.). Recent captures that were exceptions to the above described habitat, include individuals found along a small irrigation ditch and in a mesic grassy field on City of Boulder Open Space land (Clint Miller, City of Boulder, *in litt.* 1996).

Preble's meadow jumping mouse may never have been widespread in historical times. Armstrong (1972) described it as poorly known in Colorado and apparently nowhere abundant. The historical range of Preble's may represent a relic of a much larger range, occupied when the climate was cooler and damper (Fitzgerald et al. 1994). Nevertheless, the apparent extirpation of Preble's from historically occupied sites in Colorado and Wyoming, and the difficulties in finding

it in apparently adequate habitat suggests a decline in populations of the Preble's throughout its range. The Colorado Natural Heritage Program (*in litt.* 1996) ranks Preble's as T2, imperiled globally, and S2, imperiled in the State of Colorado.

Records for Preble's meadow jumping mouse define a historical range including Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld counties in Colorado; and Albany, Laramie, Platte, Goshen, and Converse counties in Wyoming (Krutzsch 1954, Compton and Hugie 1993, Carron Meaney, Denver Museum of Natural History, pers. comm., 1996). Historical sites in Colorado were further discussed by Meaney and Clippenger (1995) and Ryon (1995). Based on distribution of apparently suitable habitat, the actual range may have extended further north, south, and east. Garber (1995) discussed historical sites from Wyoming and suggested that some historical Preble's study skins from Wyoming may have been misidentified. He indicated that without the skulls, positive identification was not possible.

As one would expect, given the intensity of recent surveys for Preble's meadow jumping mouse, many more individuals have been trapped in the last 5 years than were historically documented in all previous years combined. Preble's meadow jumping mouse is known to exist in four counties in Colorado and two in Wyoming, but it is not known to be present in five other counties in Colorado and three counties in Wyoming where previously documented.

**Colorado**

A number of historical and recent records of Preble's meadow jumping mouse exist for Boulder County; however, relatively few individuals have been documented in recent surveys. A summary of past records and a report of 1995 survey results was provided by Armstrong et al. (1996). Compton and Hugie (1993) reported a single Preble's capture, on the Van Vleet site near South Boulder Creek, resulting from a 1992 Service-funded study of four City of Boulder Open Space sites. One Preble's was found dead on the Van Vleet site in 1993 (Armstrong et al. 1996). A single Preble's was captured on City of Boulder Open Space land at Dowdy Draw (a tributary to South Boulder Creek) during 1994 surveys. In 1995, extensive surveys were conducted, through a challenge grant cost-share agreement with the Service, to determine the presence of Preble's on City of Boulder and Boulder County Open Space lands supporting suitable habitat. Of 13 sites surveyed, Preble's were captured from the Van Vleet site (14 individuals) and the Gebhard site (9 individuals), both along South Boulder Creek (Armstrong et al. 1996). The capture of 23 Preble's in 17,800 trapnights (one trap set for one night equals one trapnight) of effort in suspected habitat lead to the conclusion that Preble's is not abundant in the Colorado Piedmont of Boulder County. In 1996, one Preble's was captured on the Van Vleet site and two on the Burke 1 site (also City of Boulder Open Space), along South Boulder Creek, during an extensive study of grassland biodiversity entailing 6,600 trapnights of effort (Clint Miller, *in litt.* 1996). Meany and Clippenger (*in litt.* 1996) reported capturing seven or eight Preble's at a Boulder County Open Space site on St. Vrain Creek in 1996, the only captures of five Boulder County sites they surveyed.

At Rocky Flats, Jefferson County, annual studies have taken place since the discovery of the Preble's meadow jumping mouse there in 1991 (Harrington et al. 1996). Currently, known populations are located in all four major drainages within the Rocky Flats buffer zone (Tom Ryon, PTI Environmental Services, pers. comm. 1996). During the 1995 field season, 61 Preble's meadow jumping mice were trapped at Rocky Flats bringing the total number of individual mice trapped since 1991 to 161 (Fred Harrington, pers. comm. 1995). Estimated density of Preble's in areas trapped during 1995 studies ranged up to 36 per hectare 9 (ha) (15 per acre (ac)). In 1996, two Preble's were captured on Jefferson County Open Space land near the mouth of Coal Creek Canyon west of Rocky Flats (Chris Pague, Colorado Natural Heritage Program, pers. comm. 1996). This is the only recent report of Preble's in Jefferson County outside of Rocky Flats.

In 1995, seven Preble's meadow jumping mice were captured from a site on East Plum Creek, near Larkspur, Douglas County, by Harrington (Harrington 1995). Also in 1995, the Colorado Natural Heritage Program located Preble's at two sites, one on East Plum Creek and one on West Plum Creek (Carron Meaney, pers. comm. 1996). Surveys in 1996 by Meaney and Clippenger (*in litt.* 1996) located Preble's at an additional site on West Plum Creek south of Sedalia and at a site on Indian Creek (a tributary to Plum Creek) south of Louviers. Three Douglas County sites are on private land, with the fourth, Indian Creek, on Colorado Division of Wildlife property.

In 1994, the Colorado Natural Heritage Program discovered the Preble's meadow jumping mouse on Air Force Academy lands along Monument Creek, El Paso County, while performing small mammal surveys. In comprehensive 1995 studies, an estimated 67 individual Preble's were captured (Corn et al. 1995). Using varying assumptions regarding trapping results and habitat available, total population estimates for Air Force Academy lands of 308 and 449 Preble's were generated. These correspond to density estimates in occupied habitat of 2.00 per hectare (0.81 per ac) and 2.92 per ha (1.18 per ac). Twenty Preble's were captured in 1996 on private land along Smith Creek, east of the Air Force Academy (Meaney and Clippenger, *in litt.* 1996). Based on recent survey results, Air Force Academy lands and nearby private lands may support the largest existing population of Preble's.

**Wyoming**

Preble's meadow jumping mice were not located at five sites within their historical range during 1993 surveys funded by the Service (Compton and Hugie 1994). Tony Elliott of the Wyoming Cooperative Research Unit successfully captured two Preble's meadow jumping mice on F.E. Warren Air Force Base, Laramie County, in the 1995 field season (Garber 1995). Garber conducted Preble's surveys at four Wyoming sites during the 1995 field season. He was unable to locate any Preble's on F.E. Warren Air Force Base, but did find Preble's at two locations in the Lodgepole Creek drainage within the Medicine Bow National Forest in Albany County. The Colorado Natural Heritage Program surveyed for Preble's at Warren Air Force Base in 1996 and captured 8 individuals in 2,200 trapnights of effort (Chris Pague, pers. comm. 1996).

**Previous Federal Action**

The Service included the Preble's meadow jumping mouse as a (category 2) candidate species in the 1985 Animal Notice of Review (50 FR 37958) and retained that status in subsequent notice of review, published in the **Federal Register** on January 6, 1989 (54 FR 554), November 21, 1991 (56 FR 58810), and November 15, 1994 (59 FR 58982). The Service has since discontinued the practice of maintaining a list of category 2 species and the Preble's meadow jumping mouse did not appear in the February 28, 1996 (61 FR 7596), notice of review. Category 2 species were those species for which information in the Service's possession indicated that listing was possibly appropriate, but for

which substantive data on biological vulnerability and threats were not available to support a proposed rule.

On August 16, 1994, the Service received a petition from the Biodiversity Legal Foundation to list all known populations of the Preble's meadow jumping mouse as endangered or threatened throughout its range and to designate critical habitat within a reasonable amount of time following the listing. The petitioner submitted information that Preble's meadow jumping mouse populations in Colorado and Wyoming are imperiled by—ongoing and increasing urban, industrial, agricultural, ranching, and recreational development; ongoing and increasing wetland/riparian habitat destruction and/or modification; small size of known populations; and inadequacy or lack of governmental protection for the species and its habitats.

On February 27, 1995, the 90-day finding was approved. On March 15, 1995 (60 FR 13950–13952), the Service published notice of the 90-day finding that the petition presented substantial information indicating that listing the Preble's meadow jumping mouse may be warranted, and requested comments and biological data on the status of the mouse.

Section 4(b)(3)(A) of the Act, as amended, requires the Secretary of the Interior to reach a final decision on any petition accepted for review within 12 months of the receipt of the petition. This proposal constitutes the final finding on the petitioned action.

**Summary of Factors Affecting the Species**

Section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be a threatened or endangered species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The best indication of range curtailment and current status is the lack of captures at historical sites and other sites with suitable habitat within its historical range. Since 1992, efforts to document existing populations of Preble's meadow jumping mouse have increased commensurate with rising concern over its status. Presence of Preble's in Colorado has been documented in four counties—along South Boulder Creek and St. Vrain Creek (Boulder County); within drainages at Rocky Flats and along Coal Creek (Jefferson County); along East Plum Creek and West Plum Creek (Douglas County); and, along Monument Creek within the Air Force Academy and along Smith Creek (El Paso County). In Wyoming, Preble's has been recently documented in two counties, along Crow Creek at F.E. Warren Air Force Base (Laramie County) and in the Lodgepole Creek drainage, within the Medicine Bow National Forest (Albany County). Documented populations at the Air Force Academy and Rocky Flats are by far the largest known populations. Known Wyoming populations are separated from the closest known Colorado population by over 80 kilometers (km) (50 miles (mi)). Preble's is not known to be present in five counties in Colorado and three counties in Wyoming where previously documented.

Researchers are concerned with the lack of captures of Preble's at historical sites and other sites with suitable habitat within its historical range and believe that habitat loss and fragmentation resulting from human land uses have adversely impacted Preble's populations, and continues to do so. Ryon (1995) evaluated the current status of historical Preble's meadow jumping mouse capture sites in Colorado, addressing both the mouse's presence and current habitat conditions. No Preble's were captured when Ryon trapped six historical sites in five counties. Ryon found the lack of captures ''disturbing'' and related absence of Preble's to changes in habitat. He concluded that the range of Preble's has decreased, especially adjacent to or east of the Interstate Highway 25 urban corridor.

Meaney and Clippinger (1995) reviewed aerial photographs of 9 Colorado counties and, based on habitat and other factors, selected 16 priority sites to survey for Preble's. Of these, seven sites in five counties were surveyed in 1995, with priority given to counties representing the boundaries of suspected Preble's range. No Preble's were captured at these seven sites despite 6,750 trapnights of effort.

Extensive studies of public lands in Boulder County in 1995 documented Preble's on only 2 of 13 sites surveyed (Armstrong et al. 1996). Sites were selected based on documented historical presence and perceived quality of habitat. One conclusion of the study was that suitable habitat appeared to be present on some sites where trapping was unsuccessful.

Compton and Hugie (1993) found it difficult to assess historical trends and current status of Preble's due to the scarcity of demographic data. They recommended that Preble's be federally listed as a threatened species. However, after a largely unsuccessful search for suitable habitat in Wyoming and unsuccessful trapping surveys for Preble's at five sites in southeastern Wyoming in 1993, they concluded that Preble's might be extirpated from Wyoming (Compton and Hugie 1994). Their revised recommendation was that Preble's be federally listed as an endangered species. Garber (1995) documented Preble's persisting at only two Wyoming sites, commented on the difficulty of capturing Preble's on these sites, and concluded that substantial additional work was needed to determine the status of Preble's in Wyoming.

Recent surveys for Preble's meadow jumping mouse at a number of additional locations in Colorado have been unsuccessful in documenting presence. Surveys funded and carried out by the Department of the Army at the Army's Fort Carson Military Reservation in El Paso and Pueblo counties, resulted in no Preble's captures despite 3,311 trapnights of effort in apparently suitable habitat (Bunn et al. 1995). Private researchers and U.S. Department of Agriculture's Forest Service (Forest Service) personnel found no Preble's in limited surveys of seemingly adequate habitats within the Forest Service's Pawnee National Grassland in northern Weld County (Fred Harrington, pers. comm. 1995).

Dozens of site surveys for Preble's meadow jumping mouse have been conducted by environmental consultants in recent years at locations of anticipated development. Beane (Ron Beane, MDG Inc., pers. comm. 1996) reported conducting Preble's trapping surveys at 11 sites in 1996 with no captures. Aside from Harrington's (1995) work on East Plum Creek, none of these site-specific predevelopment surveys have resulted in Preble's captures.

Decline of the Preble's meadow jumping mouse is linked to widespread habitat alteration. Ryon (1995) commented that recent capture sites he observed were on large, historically undisturbed lands supporting native plant communities. Compton and Hugie (1993, 1994) cite human activities that have adversely impacted Preble's including: conversion of grasslands to farms; livestock grazing; water development and management practices; and, residential and

commercial development. They mention the ''urban sprawl'' occurring from Colorado Springs, Colorado, to Cheyenne, Wyoming, as a continuing threat to remaining populations.

Some researchers hypothesize that warm season livestock grazing may be an important cause of the decline of the Preble's meadow jumping mouse. Compton and Hugie (1994) stated that in southeastern Wyoming almost all private land of appropriate topography and hydrology to support Preble's habitat was heavily grazed by livestock and that grazing probably was the most significant factor in reducing habitat for Preble's. Ryon (1995) cited livestock grazing as a contributor to lack of structural habitat diversity he observed on historical Preble's sites in Colorado. The two largest known populations of Preble's exist on Federal properties (Rocky Flats and the Air Force Academy) where livestock grazing is excluded.

The importance of ''late season obesity'' (the buildup of fat reserves) in jumping mice and its positive correlation to hibernation survival, post-hibernation development, and successful reproduction has been well documented (Nichols and Conley 1982, Muchlinski 1980, Falk and Millar 1987, Brown 1970). Preble's entering hibernation with low fat reserves would be less likely to survive the winter or to successfully breed the following spring. Late season grazing of Preble's habitat, as well as mowing or burning, could adversely affect Preble's by reducing the availability of food resources essential for buildup of fat reserves.

City of Boulder Open Space lands endured intensive grazing, farming, or haying regimes until they became part of the City of Boulder Open Space system. Grazing and haying continue on sites supporting Preble's, largely as land management tools. Impacts of current management practices to Preble's and their habitats are unknown. Given the relatively low numbers of Preble's found during recent surveys of City of Boulder Open Space sites, continuation of any land management practices detrimental to Preble's and their habitat may contribute to extirpation from these sites.

Human development has produced profound changes in the hydrology of streams flowing east from the Colorado Front Range. Water development and management in its various forms can alter Preble's meadow jumping mouse habitat, usually with adverse impacts. Fitzgerald et al. (1994) stated that inundation of riparian areas to create reservoirs had deceased available Preble's habitat. Compton and Hugie (1993) concluded that management of water for commercial and residential use tends to channelize and isolate water resources, and has reduced in size and fragmented riparian habitats used by Preble's. They found development of irrigated farmland had a negative impact on Preble's habitat, and that any habitat creation it produced was minimal.

Water diversions and associated land use changes can impact Preble's habitat directly, as well as through hydrologic alterations to Preble's habitat located downstream. Corn et al. (1995) expressed concerns regarding the hydrologic integrity of Monument Creek and its tributaries upstream of the Air Force Academy. Flood control, through the placement of riprap and other structural stabilization options, is currently being considered on areas of the Smith Creek floodplain that support Preble's.

While Rocky Flats supports one of the two largest known populations of Preble's meadow jumping mouse and has served as a refuge for Preble's, the future conservation of Preble's at this site is uncertain due to possible impacts to occupied habitat. A specific threat is potential disruption of the current hydrology by mining operations. Alluvial aggregate extraction, often in or near riparian habitats, continues to expand as development intensifies along the Colorado Front Range. At Rocky Flats, there are proposals to expand existing commercial sand and gravel extraction and processing activities in the Rock Creek drainage both outside and within the boundary of Rocky Flats. The Department of Energy does not control mineral rights on the land in question. Proposed mining operations are consistent with Jefferson County zoning. Results of ongoing hydrological studies will be used by Jefferson County in site plan review.

Without careful planning Preble's meadow jumping mouse habitats could be impacted by the Department of Energy's planned bioremediation (the detoxification of toxic substances using biological agents) and hazardous contaminant cleanup, associated water management practices designed to contain hazardous materials spills and prevent their migration offsite, and dam safety and maintenance activities.

The Colorado Piedmont east of the Front Range and adjacent areas of southeastern Wyoming have changed from predominantly prairie habitat intermixed with perennial and intermittent streams and associated riparian habitats, to a more agricultural and urban setting with grazing, residential, commercial, industrial, and recreational development. The Colorado Front Range urban corridor represents only about 4 percent of the State's land area but supports 80 percent of its population (Wright 1993). Unfortunately, the area of development corresponds almost directly to known Preble's meadow jumping mouse range. Fueled by human population increases (another 1 million people estimated by 2020), development in this area continues at an unprecedented rate. The results are destruction, modification, and encroachment upon Preble's habitat and, with ever increasing real estate pressure, an increase in the vulnerability of the species to vandalism or intentional destruction of its habitat.

Residential and commercial development, accompanied by highway and bridge construction, and instream alterations to implement flood control, directly removes Preble's meadow jumping mouse habitat, or reduces, alters, fragments, and isolates habitat to the point where Preble's can no longer persist. At some historical capture sites, habitat appears intact, but isolation has probably rendered the sites unsuitable for Preble's (Ryon 1995). Bailey (1926) observed that jumping mice avoid roads and runways. Roads, trails, or other linear development through Preble's habitat may act as barriers to movement. Corn et al. (1995) proposed that a 100 m (328 ft) buffer of unaltered habitat be established to protect the floodplain of Monument Creek from a range of human activities that might adversely Affect Preble's or its habitat.

Development and heavy use of trails within occupied Preble's habitats may impact the species by destroying its habitat, nests, and food resources, or by disrupting behavior. Recreational trail systems have been established or are proposed along may riparian corridors within Preble's range. Heavily used recreational trails currently exist on City of Boulder Open Space lands, including sites that support Preble's. Based on information received by the Service's Colorado Field Office, a new paved trail is currently proposed by the City of Boulder within the Burke 1 and Gephard sites along South Boulder Creek.

Habitat alteration may in turn encourage invasion of weeds. While little is known regarding impact of invasive, nonnative vegetation on Preble's, Ryon (1995) expressed concern and Garber (1995) stated that this may represent one of the most serious problems facing the mouse. Corn et al. (1995) discussed both the problem of invasive weeds and the potential problem of weed control programs impacting Preble's habitat.

Patterns of capture suggest that populations may fluctuate over time at occupied sites, raising questions regarding status of documented populations. This report is based on the best scientific data currently available. In that context, Preble's appears to have undergone a significant decline in range. As the summary above demonstrates, a large number of known and potential threats to its continued existence have been documented.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The Preble's meadow jumping mouse has no known commercial or recreational value. Scientific and educational collecting has not been widespread over the past century. Overutilization is not currently thought to contribute to decline in the mouse's populations.

C. *Disease or predation.* The Preble's meadow jumping mouse, as well as other native rodents, carries parasites and diseases that may reduce vigor, curtail reproductive success, and cause death. There is no evidence that epizootic disease has caused significant impact to Preble's. While plague is regularly found in other rodent species within Preble's range, its impact to Preble's populations is not known.

Predation on the Preble's meadow jumping mouse has always existed as a naturally occurring association between predator and prey. While evidence is scant, human development may have altered this relationship. Armstrong et al. (1996) recommended studies be conducted on influences of the suburban environment and associated densities of species such as striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and the domestic cat (*Felis catus*) on Preble's. Free-ranging domestic cats may locally present a problem to Preble's. Corn et al. (1995) recommended a 1.5 km (.9 mi) setback of housing development from Preble's habitat to exclude predation by ''house cats.'' As an alternative they suggested a strict prohibition on cats. More information is needed about the effects from predation by domestic and feral cats, and perhaps dogs (*Canis familiaris*), on Preble's.

D. *The inadequacy of existing regulatory mechanisms.* The decline of the Preble's meadow jumping mouse is partially due to the inherent weakness of the existing laws and regulations that could serve to protect Preble's and their habitat. Relevant Federal laws include the Clean Water Act, Endangered Species Act, Federal Power Act, Fish and Wildlife Coordination Act, Food Security Act, and National Environmental Policy Act. Federal regulations and policies have limited protection authority and scope since Preble's is not a federally proposed or listed species. These statutes only recommend, not require, that projects carried out, funded, or permitted by the Federal government attempt to mitigate impacts to species of special concern.

Colorado Division of Wildlife Regulations (Chapter 10, Article IV) classify *Z. hudsonius* the as a ''nongame'' species. This designation means that permits must be obtained for take of Preble's meadow jumping mouse related to scientific, educational, or rehabilitation purposes. Preble's is a ''species of special concern'' in Colorado; however, this is not a statutory designation. In Wyoming, the Wyoming Game and Fish Department has classified *Z. hudsonius* as a nongame species protected under Wyoming Game and Fish Department Nongame Wildlife Regulations promulgated by WF23–1–103 and 23–1–302. This designation protects Preble's from takings and sales by only issuing permits for the purpose of scientific collection. While the above regulations limit the taking of Preble's, they provide no measures to protect the habitats critical to the survival of the species. State listing encourages State agencies to allocate funds and exercise authority to achieve recovery, stimulate research, and allow redirection of priorities within State natural resource departments. However, without additional measures to protect habitat, such State laws are generally inadequate. There are no known regional or local laws, regulations, or ordinances that specifically protect Preble's or its habitat from inadvertent or intentional adverse impacts.

E. *Other natural or manmade factors affecting its continued existence.* Use of pesticides and herbicides has undoubtably increased across known Preble's range as human land use has intensified. These chemicals could directly poison Preble's or they may be ingested through contaminated food or water. Specific impacts to Preble's from pesticides and herbicides are not currently known. Intensive human development creates a range of additional environmental impacts (including but not limited to noise, and the degradation of air and water quality) that could alter Preble's behavior, increase the levels of stress, and ultimately contribute to loss of vigor or death of individuals, and extirpation of populations.

In summary, the Preble's meadow jumping mouse has seriously declined from historic levels to a point where only four counties in Colorado and two in Wyoming are known to support Preble's populations. Based on numbers of Preble's, extent of suitable habitat, and land ownership, Rocky Flats and the Air Force Academy appear to be the sites with the greatest potential for maintaining Preble's. Riparian habitats required to support Preble's have been severely modified or destroyed by human development in many areas east of the Colorado Front Range and in southeastern Wyoming. With current human population increases, the loss and modification of riparian habitat continues unabated. Existing regulations have proven to be inadequate to protect Preble's, as witnessed by its documented decline and the continued destruction and modification of its habitats.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the Preble's meadow jumping mouse as an endangered species. The Service has determined that the Preble's meadow jumping mouse is in danger of extinction throughout all or a significant portion of its range and therefore meets the requirements to be listed as endangered. On September 5, 1995, the Preble's meadow jumping mouse was determined by the Service to have a listing priority of three. This priority emphasizes the need of this species to be protected under the Act.

Following publication of the proposed rule in the **Federal Register**, peer review by appropriate experts will occur. Responses from the peer review process will be incorporated into any final rule for listing Preble's meadow jumping mouse. Critical habitat is not being proposed for the reasons stated below.

**Critical Habitat**

Critical habitat is defined in section 3 of the Act as: (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at

which listing under the Act is no longer necessary.

The Service finds that critical habitat is not prudent for Preble's meadow jumping mouse. Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist—(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

Listing of the Preble's meadow jumping mouse as an endangered species publicizes the present vulnerability of this species and, thus, can be reasonably expected to increase the threat of vandalism or intentional destruction of the species habitat. In light of the vulnerability of this species to vandalism or the intentional destruction of its habitat, publication of maps providing its precise locations within increasingly developing urban areas and descriptions of critical habitat, as required for the designation of critical habitat, would reasonably be expected to increase the degree of threat to the species, increase the difficulties of enforcement, and further contribute to the decline of Preble's meadow jumping mouse.

Preble's meadow jumping mouse would not benefit from the designation of critical habitat. The Service determines that any potential benefits beyond those afforded by listing, when weighted against the negative impacts of disclosing site-specific location, does not yield an overall benefit and is therefore not prudent.

Protection of the habitat of the species will be addressed through the Act's recovery process and section 7 consultation process. Four of the remaining populations are located on Federal lands administered by the Department of Defense, the Department of Energy and the U.S. Forest Service. These Federal agencies are aware of the species' occurrence at these sites and the requirement to consult with the Service to ensure that any actions Federally authorized, funded or carried out do not jeopardize the continued existence of an endangered or threatened species. Therefore, the Service finds that designation of critical habitat for this species is not prudent, for such designation would reasonably increase the degree of threat from vandalism or intentional destruction of habitat and would provide no additional benefit to the species.

The Service will continue in its efforts to obtain more information on the Preble's meadow jumping mouse biology and ecology, including essential habitat characteristics, current and historic distribution, and existing and potential sites that can contribute to conservation of the species. The information resulting from this effort will be used to identify measures needed to achieve conservation of the species, as defined under the Act. Such measures could include, but are not limited to, development of conservation agreements with the State, other Federal agencies, local governments, and private landowners and organizations.

**Available Conservation Measures**

Conservation measures provided to a species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation actions by Federal, State, and local agencies, private organizations, and individuals. The Act provides for possible land acquisition, cooperation with the States, and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The Preble's meadow jumping mouse occurs on lands administered by the Air Force, Department of Energy, U.S. Forest Service, Colorado Division of Wildlife, Boulder County, Jefferson County, City of Boulder, and on private lands. For Federal lands where Preble's meadow jumping mice occur, the Act would require the appropriate land management agency to evaluate potential impacts to Preble's meadow jumping mice that may result from activities they authorize or permit. The Act requires consultation under section 7 of the Act for activities on Federal, State, county, or private lands, including tribal lands, that may impact the survival and recovery of Preble's, if such activities are funded, authorized, carried out, or permitted by Federal agencies. The Federal agencies that may be involved as a result of this proposed rule include the Service, Department of Energy, Forest Service, U.S. Army Corps of Engineers, Natural Resources Conservation Service, Bureau of Land Management, Agricultural Stabilization and Conservation Service, Bureau of Reclamation, Department of the Army, Department of the Air Force, Office of Surface Mining, Western Area Power Administration, Rural Electrification Administration, Federal Energy Regulatory Commission, Department of Housing and Urban Development, Federal Highway Commission, and Environmental Protection Agency. Federally listing the Preble's meadow jumping mouse will require these agencies to consider potential impacts to Preble's prior to approval of any activity authorized or permitted by them (e.g., Clean Water Act's section 404 permits, grazing management, military maneuvers, bioremediation and hazardous materials cleanup, mining permitting and expansion, highway construction, etc.).

Federal agency actions that may require conference and/or consultation as described in the preceding paragraph include—removing, thinning or altering vegetation; implementing livestock grazing management that alters vegetation during warm seasons; construction of roads or hiking/biking trails along or through riparian areas; channelization and other alteration of perennial and intermittent streams and their hydrological regimes for flood control and other water management purposes; permanent and temporary damming of streams to create water storage reservoirs or deviate the stream's course; human activities in or near Preble's meadow jumping mouse habitats; construction of residential, commercial, and industrial

developments, including roads, bridges, public utilities and telephone lines, pipelines, and other structures; bioremediation and hazardous materials management, containment, and cleanup efforts such as those at Rocky Flats; and, sand and gravel and other types of mining activities within or upstream of Preble's meadow jumping mouse habitats.

The Act and implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. The prohibitions codified at 50 CFR 17.21, in part, make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or incidental take in connection with otherwise lawful activities.

Requests for copies of the regulations regarding listed wildlife and inquiries about prohibitions and permits may be addressed to U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (telephone 303/236–8155, Facsimile 303/236–8192).

The Service adopted a policy on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is proposed for listing those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of the listing on proposed and ongoing activities within a species' range. The Service believes that, based upon the best available information, the following actions will not result in a violation of section 9, provided these activities are carried out in accordance with existing regulations and permit requirements:

(1) Activities authorized, funded, or carried out by Federal agencies (e.g., grazing management, agricultural conversions, wetland and riparian habitat modification, flood and erosion control, mineral and housing development, recreational trail development, road and dam construction, hazardous material containment and cleanup activities, prescribed burns, pest control activities, pipelines or utility lines crossing riparian/wet meadow habitats, logging, military maneuvers and training) when such activity is conducted in accordance with any incidental take statement prepared by the Service in accordance with section 7 of the Act;

(2) Activities such as grazing management, flood and erosion control, agricultural conversions, wetland and riparian habitat modification, mineral and housing development, road and dam construction, recreational trail development, hazardous material containment and cleanup activities, prescribed burns, pest control activities, pipelines or utility lines crossing riparian/wet meadow habitats, logging, military maneuvers and training when such activity does not occur in habitats suitable for the survival and recovery of the Preble's meadow jumping mouse, do not alter downstream hydrology or riparian habitat supporting Preble's, and do not result in actual death or injury to the species by significantly modifying essential behavioral patterns;

(3) Within the hibernating period and outside denning areas, controlled burns and mowing, or other activities that alter the Preble's meadow jumping mouse food sources. The period when mowing and burning activities would not impact the Preble's meadow jumping mouse nourishment may vary at specific locations, but would usually fall between October 15 and April 15 of every year;

(4) Human activities undertaken on foot or horseback at breeding, feeding, and hibernating sites that are non-invasive to the Preble's meadow jumping mouse (e.g., waterfowl hunting, bird watching, sightseeing, photography, camping, hiking); and,

(5) Application of pesticides in areas that do not drain into Preble's meadow jumping mouse habitats.

Activities that the Service believes could potentially result in a violation of section 9 include but are not limited to:

(1) Unauthorized or unpermitted collecting, handling, harassing, or taking of the species;

(2) Activities that directly or indirectly result in the actual death or injury death of Preble's meadow jumping mice, or that modify the known habitat of the species by significantly modifying essential behavioral patterns (e.g., plowing; conversion of wet meadow or riparian habitats to residential, commercial, industrial, recreational areas, or cropland; overgrazing; road and trail construction; water development or impoundment; mineral extraction or processing; off-highway vehicle use; and, hazardous material cleanup or bioremediation).

Questions regarding whether specific activities, such as changes in land use, will constitute a violation of section 9 should be directed to the Colorado Field Office (see **ADDRESSES** section).

The prohibition against intentional and unintentional ''take'' of listed species applies to all landowners regardless of whether or not their lands are within critical habitat (see 16 U.S.C. 1538(a)(1), 1532(1a) and 50 CFR 17.3). Section 10(a)(1)(B) authorizes the Service to issue permits for the taking of listed species incidental to otherwise lawful activities such as agriculture, surface mining, and urban development. Take permits authorized under section 10 must be supported by a habitat conservation plan (HCP) that identifies conservation measures that the permittee agrees to implement to conserve the species. A key element of the Service's review of an HCP is a determination of the plan's effect upon the long-term conservation of the species. The Service would approve an HCP, and issue a section 10(a)(1)(B) permit if the plan would minimize and mitigate the impacts of the taking and would not appreciably reduce the likelihood of the survival and recovery of that species in the wild.

**Public Comments Solicited**

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reason why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species;

(4) Current or planned activities in the subject area and their possible impacts on this species;

(5) Information regarding Preble's meadow jumping mouse ecology and

habitat requirements and preferences (e.g., preferential use, daily routines, night activities, site fidelity);

(6) Biological or physical elements that best describe Preble's habitat, that could be considered critical for the conservation of the species (e.g., colonies, hibernation, vegetation, food, topography);

(7) Possible alternative recreational, grazing, or farming practices that will reduce or eliminate the take of Preble's or their habitats (e.g., moderate grazing regimes); and,

(8) Other management strategies that will conserve the species throughout its range.

Final promulgation of the regulations on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Act provides for one or more public hearings on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing and addressed to the Colorado Field Supervisor, see **ADDRESSES** section.

### National Environmental Policy Act

The Service has determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

### Required Determinations

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements. This rulemaking was not subject to review by the Office of Management and Budget under Executive Order 12866.

### References Cited

A complete list of all references cited is available upon request from the Colorado Field Office (see **ADDRESSES** above).

### Author

The primary author of this document is Peter Plage of the Colorado Field Office (see **ADDRESSES** section).

### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

### Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

## PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under Mammals, to the List of Endangered and Threatened Wildlife to read as follows:

**§ 17.11 Endangered and threatened wildlife.**

* * * * *

(h) * * *

| Species | | Historic range | Vertebrate population where endangered or threatened | Status | When listed | Critical habitat | Special rules |
|---|---|---|---|---|---|---|---|
| Common name | Scientific name | | | | | | |
| MAMMALS | | | | | | | |
| * | * | * | * | * | * | * | |
| Mouse, Preble's meadow jumping. | *Zapus hudsonius preblei.* | U.S.A. (CO, WY) | do | E | | NA | NA |
| * | * | * | * | * | * | * | |

Dated: March 7, 1997.

**John G. Rogers,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 97–7428 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–55–P

## 50 CFR Part 17

**RIN 1018–AA98**

## Endangered and Threatened Wildlife and Plants; Notice of Reopening of Comment Period on Reports and Other Data Pertaining to the Listing of the Bruneau Hot Springsnail

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of reopening of public comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on reports and other data pertaining to the listing of the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) is reopened for an additional 75 days. A notice of availability that opened the original public comment period was published on September 12, 1995 (60 FR 47339). The Service extended the comment period until December 15, 1995, in a notice published on November 13, 1995 (60 FR 56976). The Service reopened the comment period in a notice published on January 23, 1997 (62 FR 3493). Because of requests from the High Desert Coalition, Inc., Bruneau Valley Coalition, and Quey Johns, the Service hereby reopens the comment period and solicits new information and public comment on all information and data received since the listing of the species in 1993.

**DATES:** The comment period is reopened until June 9, 1997. Any comments and materials received by the closing date will be considered in the final determination.

**ADDRESSES:** Comments and materials concerning the reports and other information pertaining to the listing of the Bruneau hot springsnail should be submitted to the U.S. Fish and Wildlife Service, Snake River Basin Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709. Reports and other data cited in this notice, and public comments and other materials received will be available for public inspection during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Robert Ruesink, Supervisor, at the address listed above (telephone 208/378–5243, facsimile 208/378–5262).

**SUPPLEMENTARY INFORMATION:**

## Background

On January 25, 1993, the Service published a final rule in the **Federal Register** determining the Bruneau hot springsnail (Pyrgulopsis bruneauensis) to be an endangered species (58 FR 5946). In its decision to the list the springsnail the Service relied, in part, on a provisional draft of a U.S. Geological Survey (USGS) report (Berenbrock 1992) analyzing the hydrology of the geothermal aquifer in the Bruneau Valley area. The USGS provided the Service with the draft report, but did not release it to the public and requested that the Service not release the report to the public, pending agency review and approval.

On May 7, 1993, the Idaho Farm Bureau Federation, Owyhee County Farm Bureau, Idaho Cattleman's Association, and Owyhee County Board of Supervisors challenged the listing decision on several grounds in a lawsuit filed in United States District Court for the District of Idaho. The plaintiffs argued that the Service committed a number of procedural errors during the listing process, including not allowing the public to review the draft USGS report. On December 14, 1993 the district court determined that the Service committed several procedural errors and set aside the final rule listing the springsnail as an endangered species.

The district court decision was appealed to the United States Court of Appeals for the Ninth Circuit by two intervening conservation groups, the Idaho Conservation League and Committee for Idaho's High Desert. On June 29, 1995 the appellate court overturned the district court decision and reinstated the Bruneau hot springsnail to the endangered species list. However, the appellate court concluded that the Service should have made the draft USGS report (i.e., Berenbrock 1992) available for public review, as the Service relied largely on this report to support the final listing rule. The appellate court directed the Service to provide an opportunity for public comment on the final USGS report and to reconsider its listing decision.

To comply with the court's direction, the Service announced that the Berenbrock (1992) report, and other reports and data pertaining to the listing of the springsnail were available for public comment until November 13, 1995, in a notice published on September 12, 1995 (60 FR 47339). Because of a request from Susan E. Buxton on behalf of her client (John B. Urquidi, J & J Ranches, Bruneau, Idaho), the Service extended the public comment period until December 15, 1995, in a notice published on November 13, 1995 (60 FR 56976). Nearly 400 comments were received from individuals and agencies during the public comment period.

Because of a moratorium on final listing actions from April 10, 1995, until April 26, 1996 (Public Law 104–6), the Service was unable to comply with the June 1995 court decision and issue its reconsidered listing decision. In anticipation of the end of the moratorium and after it was lifted, the Service issued interim guidance on March 11, 1996 (61 FR 9651), final guidance for fiscal year 1996 on May 16, 1996 (61 FR 24722), and final guidance for fiscal year 1997 on December 5, 1996 (61 FR 64475), regarding the setting of priorities for various listing actions. These guidance documents focused the Service's limited funds on emergency actions, and final rules for imminently and highly threatened species, and for multi-species packages. Consequently, the Service took no action on the springsnail during fiscal year 1996. Though listing priorities now allow the Service to take final action on this court decision, it has been over 1 year since the close of the last public comment period. As a result, the Service made available for public review new information and other data pertaining to the listing of the Bruneau hot springsnail received since the close of the November 13, 1995, comment period. Because of requests from the High Desert Coalition, Inc., Bruneau Valley Coalition, and Quey Johns, the Service hereby reopens the comment period and solicits new information and public comment on all information and data received since the listing of the species in 1993.

## Available Reports and Data

The following combined list of reports and letters contained in Service files, including other non-cited information, are available for public review:

*Berenbrock, C. 1992.* Effects of well discharges on hydraulic heads in and spring discharges from the geothermal aquifer system in the Bruneau area, Owyhee County, southwestern Idaho. U.S. Geological Survey, Water-Resources Investigations, Boise, Idaho. Preliminary report.

*Berenbrock, C. 1993.* Effects of well discharges on hydraulic heads in and spring discharges from the geothermal aquifer system in the Bruneau area, Owyhee County, southwestern Idaho. U.S. Geological Survey, Water-Resources Investigations Report 93–4001, Boise, Idaho.

*Bruneau Valley Coalition, Inc. 1995.* Habitat maintenance and conservation plan for the Bruneau hot springsnail, January, 1995. Unpublished plan.

*Bruneau Valley Coalition, Inc. 1995.* Proposed amendment to the ''Threatened and Endangered Species'' section of the Interim Comprehensive Land Use Plan for the federally and state managed lands in Owyhee County. Unpublished amendment.

*Idaho Water Resources Research Institute 1994.* Bruneau hot springs aquifer restoration report: a preproposal. Unpublished report, University of Idaho, Moscow, Idaho.

*Lee, J. A. 1994.* Summary report for the control survey of the Bruneau hot springsnail. Unpublished report, Bureau of Land Management, Boise District Office, Boise, Idaho.

*Mladenka, G. C. 1993.* Report on the 1993 Bruneau hot springsnail site survey. Unpublished report.

*Mladenka, G. C. 1995.* Bruneau Hot Springs invertebrate survey. Unpublished report, Stream Ecology Center, Idaho State University, Pocatello, Idaho.

*Mladenka, G.C. and G.W. Minshall 1996.* Report on the 1996 Bruneau hot springsnail site survey. Unpublished report.

*Royer, T. V. and G. W. Minshall 1993.* 1993 Annual Monitoring Report: Bruneau hot springsnail (*Pyrgulopsis bruneauensis*). Unpublished report, Stream Ecology Center, Idaho State University, Pocatello, Idaho.

*U.S. Geological Survey 1993.* Unpublished letter addressing error in estimating natural recharge to geothermal aquifer system, and status of Bruneau-area ground water-levels and spring discharges. Boise, Idaho.

*U.S. Geological Survey 1995a.* Unpublished letter summarizing results of Bruneau-area ground water-level and spring discharge monitoring data through December 1994. Boise, Idaho.

*U.S. Geological Survey 1995b.* Unpublished letter commenting on Idaho Water Resources Research Institute's report and summarizing provisional, spring discharge data collected from June 1994 through July 1995 from three hot springs above Hot Creek, Idaho.

*U. S. Geological Survey 1996a.* Unpublished letter summarizing Bruneau-area ground water-level and spring discharge monitoring data

collected through January 1996. Boise, Idaho.

*U.S. Geological Survey 1996b.* Annual report summarizing results of Bruneau-area ground water-level and spring discharge monitoring through June 1996. Boise, Idaho.

*U.S. Geological Survey 1996c.* Annual report summarizing results of Bruneau-area ground water-level and spring discharge monitoring through September 1996. Boise, Idaho.

*Varricchione, J. T. and G. W. Minshall 1995.* 1994 Monitoring Report: Bruneau hot springsnail (Pyrgulopsis bruneauensis). Technical Bulletin No. 95–14, Idaho Bureau of Land Management.

*Varricchione, J. T. and G. W. Minshall 1995.* Gut content analysis of wild Gambusia and Tilapia in Hot Creek, Bruneau, Idaho. Unpublished report, Idaho State University, Pocatello, Idaho.

*Varricchione, J.T. and G. W. Minshall 1996.* 1995 Monitoring Report: Bruneau hot springsnail (Pyrgulopsis bruneauensis). Idaho Bureau of Land Management Technical Bulletin No. 96–8. Stream Ecology Center, Idaho State University, Pocatello, Idaho.

## Authority

The authority for this action is the Endangered Species Act, as amended (16 U.S.C. 1531–1544.)

## List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: March 18, 1997.

**Thomas J. Dwyer,**

*Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. 97–7449 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–55–P

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## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 648

**[I.D. 031497B]**

## Mid-Atlantic Fishery Management Council; Public Hearings

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

**ACTION:** Public hearings; request for comments.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) will hold public hearings to allow for input on proposed Amendment 10 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fishery (FMP).

**DATES:** Written comments will be accepted until May 2, 1997. The public hearings will being at 7 p.m. and will be tape recorded with the tapes filed as the official transcript of the hearings. The hearings are scheduled as follows:

1. Tuesday, April 8, 1997, Machias, ME
2. Wednesday, April 9, 1997, Ellsworth, ME
3. Monday, April 14, 1997, Cape May Courthouse, NJ

**ADDRESSES:** Send comments to: David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904–6790.

The hearings will be held at the following locations:

1. Machias—University of Maine (Science Building, Room 202), 9 O'Brien Avenue, Machias, ME, telephone 207–255–1200.
2. Ellsworth—Holiday Inn, 215 High Street, Ellsworth, ME, telephone 207–667–9341.
3. Cape May Courthouse—Cape May Extension Office, Dennisville Road, Cape May Courthouse, NJ, telephone 609–465–5115.

**FOR FURTHER INFORMATION CONTACT:** David R. Keifer, 302-674-2331 (fax 302–674–5399).

**SUPPLEMENTARY INFORMATION:** An individual transferable quota (ITQ) allocation system for the FMP was implemented in Amendment 8 (55 FR 24184, June 14, 1990). It was discovered, about that time, that the Maine inshore ocean quahog, or ''mahogany quahog,'' fishery that occurred on the same species (*Arctica islandica*) was moving out of state waters into the exclusive economic zone (EEZ). This created quite a problem, in that the Magnuson Fishery Conservation and Management Act mandated that ''to the extent practical, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination'' (National Standard 3). The small inshore Maine mahogany ocean quahog fishery differs profoundly from the traditional EEZ ocean quahog fishery that occurs on Georges Bank and south, because the mahogany quahogs are harvested at a much smaller average size by fishermen on a much smaller scale individually than in the ocean quahog fishery. The management tools developed during the first 20 years of Federal management for surf clams and ocean quahogs did not fit the Maine fishery well. In 1990, as a temporary expedient, it was decided to declare the Maine ocean quahog fishery ''experimental,'' pending a better and permanent solution. Amendment 10 is intended to provide that solution and fully integrate the Maine fishery into the FMP upon the expiration of the experimental fishery on September 30, 1997. Amendment 10 would create a separate additional unit of quota (27,611 bushels, or less than 1 percent of the total EEZ quota) for ocean quahogs landed in Maine from the EEZ. There are currently no limitations on entry into the fishery. Vessel owners and dealers would have to obtain permits and comply with all reporting requirements, as has been done during the experimental fishery. The principal intent of Amendment 10 would be to preserve the artisanal nature of this fishery with the minimal amount of Federal intrusion necessary for the conservation and management of the fishery. Amendment 10 would also introduce a voluntary vessel tracking system (VTS) and would require mandatory operator permits.

Participants in the Maine ocean quahog fishery would be required to comply with the provisions of Amendment 8 to the FMP, except as modified by the following proposed management measures:

1. The Governor of the State of Maine would receive an allocation for ocean quahogs landed in Maine from the EEZ.
2. The initial provisional EEZ quota (27,611 bushels) would be the average of the first 5 years of the experimental fishery.
3. The State of Maine would continue to test for and certify for paralytic shellfish poisoning (PSP) in the ocean quahogs landed in its State, whether from the EEZ or Territorial Sea to ensure public health.
4. The status of the Maine allocation would have the same legal status as ITQs for the remainder of the fishery. Just as those quota owners may make any financial arrangements that they see fit (consistent with governing regulations) for the harvesting of their quota, so could the Governor of Maine.
5. The State of Maine would administer the EEZ quota, except that no program would exempt participants from any of the permitting and reporting requirements specified in Amendment 10 or prior amendments to the FMP.
6. Non-Maine vessels that hold ITQs for quahogs would not be prohibited from fishing in the Federal waters off Maine but, if they choose to land their catch in Maine, they would be required to adhere to all State landings laws.

7. There would be no provision to convert Maine allocation (bag tags) to cage tags or cage tags to bag tags.

8. Maine reporting would be in number of ''bushels'' through bag tags.

All vessels and dealers participating in the Maine fishery would be required to maintain and submit logbooks pursuant to § 648.7(b)(ii). Federal reporting, as is currently required for the experimental fishery, would continue. Maine landing laws require all bushels of Maine ocean quahogs to be tagged for PSP. Maine would continue their bag tag program, which could be used as a basis for allocation should Maine decide to distribute its allocation.

Any surf clam or ocean quahog fishermen may decide to voluntarily participate in a vessel tracking system (VTS) rather than the mandatory call-in system currently in place. The VTS requirements are specified at § 648.9.

All surf clam and ocean quahog fishermen would be required to have operator permits. Operator permit requirements are specified at § 648.5.

The hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to David Keifer at the Council (see **ADDRESSES**) at least 5 days prior to the hearing date.

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

Dated: March 19,1997.

**Bruce Morehead,**

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

[FR Doc. 97–7531 Filed 3-24-97; 8:45 am]

BILLING CODE 3510–22–F

# Notices

Federal Register
Vol. 62, No. 57
Tuesday, March 25, 1997

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

## DEPARTMENT OF AGRICULTURE

### Secretary of Agriculture

**[Special Cotton Import Quota Announcement Number 3]**

### Import Quota; Upland Cotton

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 44,900,528 kilograms (98,988,801 pounds) is established in accordance with section 136(b) of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) under Presidential Proclamation 6301 of June 7, 1991, and Presidential Proclamation 6948 of October 29, 1996. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 3, effective February 1, 1997, and is set forth in subheading 9903.52.03, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota is effective as of February 1, 1997, and applies to upland cotton purchased not later than May 1, 1997 (90 days from the date the quota is established), and entered into the United States not later than July 30, 1997 (180 days from the date the quota is established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, Stop 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1996 Act requires that a special import quota for upland cotton be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1–3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended December 19, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 3, effective February 1, 1997, is hereby established.

Previously there were only 20 subheadings available for designating upland cotton special import quotas in subchapter III of chapter 99 of the HTS. Therefore, at most, only 20 such quotas could be in effect at one time and any additional quota which had been triggered could not become effective until the earliest of the 20 quotas ended. However, Presidential Proclamation 6948 dated October 29, 1996, added six new HTS subheadings for quotas—21 through 26. A maximum of 26 quotas may now be in effect at one time.

To be effective as soon as possible, Quota 3 is established as of February 1, 1997, and applies to upland cotton purchased not later than May 1, 1997, and entered into the United States not later than July 30, 1997. The quota amount, 44,900,528 kilograms (98,988,801 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—September 1996 through November 1996. The special import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

**Authority:** Sec. 136, Pub. L. 104–127 and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on March 18, 1997.

**Dan Glickman,**

*Secretary.*

[FR Doc. 97–7405 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–05–P

**[Special Cotton Import Quota Announcement Number 4]**

### Import Quota; Upland Cotton

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 44,900,528 kilograms (98,988,801 pounds) is established in accordance with section 136(b) of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) under Presidential Proclamation 6301 of June 7, 1991, and Presidential Proclamation 6948 of October 29, 1996. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 4, effective February 8, 1997, and is set forth in subheading 9903.52.04, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota is effective as of February 8, 1997, and applies to upland cotton purchased not later than May 8, 1997 (90 days from the date the quota is established), and entered into the United States not later than August 6, 1997 (180 days from the date the quota is established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, Stop 0515, P.O. Box 2415, Washington, DC 20013–2415, or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1996 Act requires that a special import quota for upland cotton be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended December 26, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 4, effective February 8, 1997, is hereby established.

Previously there were only 20 subheadings available for designating

upland cotton special import quotas in subchapter III of chapter 99 of the HTS. Therefore, at most, only 20 such quotas could be in effect at one time and any additional quota which had been triggered could not become effective until the earliest of the 20 quotas ended. However, Presidential Proclamation 6948 dated October 29, 1996, added six new HTS subheadings for quotas—21 through 26. A maximum of 26 quotas may now be in effect at one time.

To be effective as soon as possible, Quota 4 is established as of February 8, 1997, and applies to upland cotton purchased not later than May 8, 1997, and entered into the United States not later than August 6, 1997. The quota amount, 44,900,528 kilograms (98,988,801 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—September 1996 through November 1996. The special import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

**Authority:** Sec. 136, Pub. L. 104–127 and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, DC, on March 18, 1997.

**Dan Glickman,**

*Secretary.*

[FR Doc. 97–7406 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–05–P

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**[Special Cotton Import Quota Announcement Number 5]**

## Import Quota; Upland Cotton

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 44,900,528 kilograms (98,988,801 pounds) is established in accordance with section 136(b) of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) under Presidential Proclamation 6301 of June 7, 1991, and Presidential Proclamation 6948 of October 29, 1996. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 5, effective February 15, 1997, and is set forth in subheading 9903.52.05, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota is effective as of February 15, 1997, and applies to upland cotton purchased not later than May 15, 1997 (90 days from the date the quota is established), and entered into the United States not later than August 13, 1997 (180 days from the date the quota is established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, Stop 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1996 Act requires that a special import quota for upland cotton be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended January 2, 1997. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 5, effective February 15, 1997, is hereby established.

Previously there were only 20 subheadings available for designating upland cotton special import quotas in subchapter III of chapter 99 of the HTS. Therefore, at most, only 20 such quotas could be in effect at one time and any additional quota which had been triggered could not become effective until the earliest of the 20 quotas ended. However, Presidential Proclamation 6948 dated October 29, 1996, added six new HTS subheadings for quotas—21 through 26. A maximum of 26 quotas may now be in effect at one time.

To be effective as soon as possible, Quota 5 is established as of February 15, 1997, and applies to upland cotton purchased not later than May 15, 1997, and entered into the United States not later than August 13, 1997. The quota amount, 44,900,528 kilograms (98,988,801 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—September 1996 through November 1996. The special import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

**Authority:** Sec. 136, P.L. 104–127 and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, DC, on March 18, 1997.

**Dan Glickman,**

*Secretary.*

[FR Doc. 97–7407 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–05–P

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## Secretary of Agriculture's Special Cotton Import Quota Announcement Number 6

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 44,900,528 kilograms (98,988,801 pounds) is established in accordance with section 136(b) of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) under Presidential Proclamation 6301 of June 7, 1991, and Presidential Proclamation 6948 of October 29, 1996. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 6, effective February 22, 1997, and is set forth in subheading 9903.52.06, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota is effective as of February 22, 1997, and applies to upland cotton purchased not later than May 22, 1997 (90 days from the date the quota is established), and entered into the United States not later than August 20, 1997 (180 days from the date the quota is established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, Stop 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1996 Act requires that a special import quota for upland cotton be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1–3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents

per pound. This condition was met during the consecutive 10-week period that ended January 9, 1997. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 6, effective February 22, 1997, is hereby established.

Previously there were only 20 subheadings available for designating upland cotton special import quotas in subchapter III of chapter 99 of the HTS. Therefore, at most, only 20 such quotas could be in effect at one time and any additional quota which had been triggered could not become effective until the earliest of the 20 quotas ended. However, Presidential Proclamation 6948 dated October 29, 1996, added six new HTS subheadings for quotas—21 through 26. A maximum of 26 quotas may now be in effect at one time.

To be effective as soon as possible, Quota 6 is established as of February 22, 1997, and applies to upland cotton purchased not later than May 22, 1997, and entered into the United States not later than August 20, 1997. The quota amount, 44,900,528 kilograms (98,988,801 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—September 1996 through November 1996. The special import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

**Authority:** Sec. 136, P.L. 104–127 and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on March 18, 1997.

**Dan Glickman,**

*Secretary.*

[FR Doc. 97–7408 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–05–P

## Secretary of Agriculture's Special Cotton Import Quota Announcement Number 7

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 44,900,528 kilograms (98,988,801 pounds) is established in accordance with section 136(b) of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) under Presidential Proclamation 6301 of June 7, 1991, and Presidential Proclamation 6948 of October 29, 1996. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 7, effective March 1, 1997, and is set forth in subheading 9903.52.07, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota is effective as of March 1, 1997, and applies to upland cotton purchased not later than May 29, 1997 (90 days from the date the quota is established), and entered into the United States not later than August 27, 1997 (180 days from the date the quota is established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, Stop 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1996 Act requires that a special import quota for upland cotton be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended January 16, 1997. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 7, effective March 1, 1997, is hereby established.

Previously there were only 20 subheadings available for designating upland cotton special import quotas in subchapter III of chapter 99 of the HTS. Therefore, at most, only 20 such quotas could be in effect at one time and any additional quota which had been triggered could not become effective until the earliest of the 20 quotas ended. However, Presidential Proclamation 6948 dated October 29, 1996, added six new HTS subheadings for quotas—21 through 26. A maximum of 26 quotas may now be in effect at one time.

To be effective as soon as possible, Quota 7 is established as of March 1, 1997, and applies to upland cotton purchased not later than May 29, 1997, and entered into the United States not later than August 27, 1997. The quota amount, 44,900,528 kilograms (98,988,801 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—September 1996 through November 1996. The special import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

**Authority:** Sec. 136, P.L. 104–127 and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on March 18, 1997.

**Dan Glickman,**

*Secretary.*

[FR Doc. 97–7409 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–05–P

## Secretary of Agriculture's Special Cotton Import Quota Announcement Number 8

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 44,900,528 kilograms (98,988,801 pounds) is established in accordance with section 136(b) of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) under Presidential Proclamation 6301 of June 7, 1991, and Presidential Proclamation 6948 of October 29, 1996. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 8, effective March 8, 1997, and is set forth in subheading 9903.52.08, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota is effective as of March 8, 1997, and applies to upland cotton purchased not later than June 5, 1997 (90 days from the date the quota is established), and entered into the United States not later than September 3, 1997 (180 days from the date the quota is established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, Stop 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1996 Act requires that a special import quota for upland cotton be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price

quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended January 23, 1997. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 8, effective March 8, 1997, is hereby established.

Previously there were only 20 subheadings available for designating upland cotton special import quotas in subchapter III of chapter 99 of the HTS. Therefore, at most, only 20 such quotas could be in effect at one time and any additional quota which had been triggered could not become effective until the earliest of the 20 quotas ended. However, Presidential Proclamation 6948 dated October 29, 1996, added six new HTS subheadings for quotas—21 through 26. A maximum of 26 quotas may now be in effect at one time.

To be effective as soon as possible, Quota 8 is established as of March 8, 1997, and applies to upland cotton purchased not later than June 5, 1997, and entered into the United States not later than September 3, 1997. The quota amount, 44,900,528 kilograms (98,988,801 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—September 1996 through November 1996. The special import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

**Authority:** Sec. 136, P.L. 104–127 and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on March 18, 1997.

**Dan Glickman,**

*Secretary.*

[FR Doc. 97–7410 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–05–P

## Office of the Secretary

### Secretary of Agriculture's Special Cotton Import Quota Announcement Number 9

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 45,099,152 kilograms (99,426,691 pounds) is established in accordance with section 136(b) of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) under Presidential Proclamation 6301 of June 7, 1991, and Presidential Proclamation 6948 of October 29, 1996. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 9, effective April 24, 1997, and is set forth in subheading 9903.52.09, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota is effective as of April 24, 1997, and applies to upland cotton purchased not later than July 22, 1997 (90 days from the date the quota is established), and entered into the United States not later than October 20, 1997 (180 days from the date the quota is established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, Stop 0515, P.O. Box 2415, Washington, DC 20013–2415, or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1996 Act requires that a special import quota for upland cotton be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended January 30, 1997. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 9, effective April 24, 1997, is hereby established.

Previously there were only 20 subheadings available for designating upland cotton special import quotas in subchapter III of chapter 99 of the HTS. Therefore, at most, only 20 such quotas could be in effect at one time and any additional quota which had been triggered could not become effective until the earliest of the 20 quotas ended. However, Presidential Proclamation 6948 dated October 29, 1996, added six new HTS subheadings for quotas—21 through 26. A maximum of 26 quotas may now be in effect at one time.

To be effective as soon as possible, Quota 9 is established as of April 24, 1997, and applies to upland cotton purchased not later than July 22, 1997, and entered into the United States not later than October 20, 1997. The quota amount, 45,099,152 kilograms (99,426,691 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—October 1996 through December 1996. The special import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

**Authority:** Sec. 136, Pub L. 104–127 and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, DC, on March 18, 1997.

**Dan Glickman,**

*Secretary.*

[FR Doc. 97–7411 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–05–P

### Secretary of Agriculture's Special Cotton Import Quota Announcement Number 10

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 45,099,152 kilograms (99,426,691 pounds) is established in accordance with section 136(b) of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) under Presidential Proclamation 6301 of June 7, 1991, and Presidential Proclamation 6948 of October 29, 1996. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 10, effective May 1, 1997, and is set forth in subheading 9903.52.10, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota is effective as of May 1, 1997, and applies to upland cotton purchased not later than July 29, 1997 (90 days from the date the quota is established), and entered into the United States not later than October 27, 1997 (180 days from the date the quota is established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of

Agriculture, Stop 0515, P.O. Box 2415, Washington, DC 20013–2415, or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1996 Act requires that a special import quota for upland cotton be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended February 6, 1997. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 10, effective May 1, 1997, is hereby established.

Previously there were only 20 subheadings available for designating upland cotton special import quotas in subchapter III of chapter 99 of the HTS. Therefore, at most, only 20 such quotas could be in effect at one time and any additional quota which had been triggered could not become effective until the earliest of the 20 quotas ended. However, Presidential Proclamation 6948 dated October 29, 1996, added six new HTS subheadings for quotas—21 through 26. A maximum of 26 quotas may now be in effect at one time.

To be effective as soon as possible, Quota 10 is established as of May 1, 1997, and applies to upland cotton purchased not later than July 29, 1997, and entered into the United States not later than October 27, 1997. The quota amount, 45,099,152 kilograms (99,426,691 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—October 1996 through December 1996. The special import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

**Authority:** Sec. 136, Pub. L. 104–127 and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on March 18, 1997.

**Dan Glickman,**

*Secretary.*

[FR Doc. 97–7412 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–05–P

## Animal and Plant Health Inspection Service

**[Docket No. 97–026–1]**

## Availability of an Environmental Assessment and Finding of No Significant Impact

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the review of an application for a permit to allow the release into the environment of a nonindigenous biological control agent. The environmental assessment provides a basis for our conclusion that the release into the environment of the biological control agent will not present a risk of introducing plant pests into the United States or disseminating plant pests within the United States and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

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

**FOR FURTHER INFORMATION CONTACT:** Dr. Ronald D. Hennessey, Entomologist, Biological Assessment and Taxonomic Support, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, (301) 734–7839; or E-mail: rhenness@aphis.usda.gov. For copies of the environmental assessment and finding of no significant impact, write to Ms. Deborah Knott at the same address. Please refer to the title of the environmental assessment when ordering copies.

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

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

In accordance with applicable regulations, APHIS has received an application for a permit for the release into the environment of a nonindigenous biological control agent. In the course of reviewing the permit application, APHIS assessed the plant pest risk posed by the organism and the impact on the environment of releasing the organism under the conditions described in the permit application. To provide the public with documentation of APHIS' review and analysis of the environmental impact and plant pest risk associated with releasing the biological control agent into the environment, we have prepared an environmental assessment and finding of no significant impact relative to the issuance of a permit for the release into the environment of the following biological control agent:

| Organism | Title of environmental assessment | Date of finding of no significant impact |
|---|---|---|
| *Psylliodes chalcomera* (Illiger) ..... | ''Field Release of *Psylliodes chalcomera* (Coleoptera: Chrysomelidae), a Nonindigenous Leaf Beetle for Biological Control of Musk Thistle, *Carduus nutans* (Asteraceae)'' (March 1997). | 3/7/97 |

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

Done in Washington, DC, this 18th day of March 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97–7382 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–34–P

## Food and Consumer Service

### Agency Information Collection Activities: Proposed Collection; Comment Request—Study of the Implementation of the School Meals Initiative for Healthy Children

**AGENCY:** Food and Consumer Service, USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Consumer Service's intention to request Office of Management and Budget approval of the Study of the Implementation of the School Meals Initiative for Healthy Children.

**DATES:** Written comments on this notice must be received by May 27, 1997.

**ADDRESSES:** Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michael E. Fishman, Acting Director, Office of Analysis and Evaluation, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

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

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information collection forms should be directed to Michael E. Fishman, (703) 305–2117.

**SUPPLEMENTARY INFORMATION:**

*Title:* The Study of the Implementation of the School Meals Initiative for Healthy Children.

*OMB Number:* Not yet assigned.

*Expiration Date:* N/A.

*Type of Request:* New collection of information.

*Abstract:* The Study of the Implementation of the School Meals Initiative (SMI) for Healthy Children is a three-year study designed to collect information needed to address current policy issues including those associated with the School Meals Initiative for Healthy Children and Team Nutrition. A major part of this study is intended to provide the Food and Consumer Service (FCS) with descriptive data on the status of School Food Authorities'' (SFAs) implementation of the School Meals Initiative for Healthy Children and the changes that have occurred in the food service operations as a result of implementing this new regulation. FCS will examine trends in SMI implementation and characteristics of SFAs implementing certain elements of SMI and Team Nutrition.

A nationally representative sample of approximately 1,750 public school districts will be selected to participate in a three-year longitudinal survey beginning in School Year 1997–98. Data will be collected from the SFA directors using a mixed mode approach of mail/telephone surveys. The study combines elements of longitudinal research and cross-sectional surveys. A brief telephone survey of all State Child Nutrition Directors will be included each year. On-site data collection activities to supplement the primary data collection efforts have been included as contract options in the second and third years should an issue need to be examined that requires direct observation or in-depth interviewing at the SFA or school level. However, this request for OMB approval is for the first year data collection instrumentation only. Separate OMB packages will be submitted for data collection instruments in the second and third years.

*Estimate of Burden:* Public reporting burden is estimated to range between 45 and 60 minutes for School Food Service Authority directors; and range between 20 and 30 minutes for State Child Nutrition directors;

*Respondents:* State Child Nutrition directors will be asked to confirm contact names, addresses and telephone numbers of selected SFAs and respond to a brief telephone survey. SFA directors will be asked to respond to a self-administered mail survey with telephone follow-up.

*Estimated Number of Respondents:* 50 State Child Nutrition directors, 1,750 SFA directors.

*Estimated Number of Responses per Respondent:* One.

*Estimated Total Annual Burden on Respondents:* 1,775 hours.

Dated: March 19, 1997.

**William E. Ludwig,**

*Administrator, Food and Consumer Service.*

[FR Doc. 97–7516 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–30–P

### Food Stamp Program, Regulatory Review: Food Stamp Electronic Benefit Transfer (EBT) Systems—Interoperability

**AGENCY:** Food and Consumer Service, USDA.

**ACTION:** Notice: Request for Information.

**SUMMARY:** The Department is reviewing policy and seeking information related to interoperable food stamp EBT systems. In particular, the Department is asking for information on the costs and transaction fees that are now or may in the future be associated with food stamp EBT interoperability, as well as any

additional information that should be considered within the scope of this review.

**DATES:** Comments must be received on or before May 27, 1997 to be assured of consideration.

**ADDRESSES:** Comments should be submitted to Jeffrey N. Cohen, Chief, Electronic Benefit Transfer Branch, Benefit Redemption Division, Food and Consumer Service, USDA, Room 718, 3101 Park Center Drive, Alexandria, Virginia 22302. Comments may also be datafaxed to the attention of Mr. Cohen at (703) 605–0232. All written comments will be open for public inspection at the office of the Food and Consumer Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at the above indicated address.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding this solicitation for comments should be addressed to Mr. Cohen at the above address or by telephone at (703) 305–2517.

**SUPPLEMENTARY INFORMATION:**

## Executive Order 12866

This Notice has been reviewed under Executive Order 12866 and has been classified not major. This Notice will not have an annual effect of $100 million or more, nor will it cause a major increase in costs or prices for consumer, individual industries, Federal, State or local government agencies, or geographic regions. This notice will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprise to compete with foreign-based enterprises in domestic or export markets.

## Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule in 7 CFR 3015, Subpart V and related Notice (48 FR 29115), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

## Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612) and thus is exempt from the provisions of the Act.

## Paperwork Reduction Act

This Notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

## Executive Order 12988

This Notice has been reviewed under Executive Order 12988, Civil Justice Reform and found to be exempt from its provisions.

## Background

The Food and Consumer Service has actively supported the implementation of Electronic Benefit Transfer (EBT) systems by State agencies to issue and redeem food stamp benefits. To date, 18 State agencies operate food stamp EBT systems (along with other cash programs), eight of which are statewide operations. During the next two years, it is estimated that more than half the States will be operating food stamp EBT systems. Recently passed legislation mandates implementation of EBT systems for the Food Stamp Program by the year 2002.

As defined in the Food Stamp EBT regulations at 7 CFR 274.12, State agencies are required to provide the necessary point-of-sale (POS) equipment, telecommunications and other support to each authorized food stamp retailer at no cost. This State-provided POS equipment may be used solely for the Food Stamp Program and other welfare programs. When a retailer chooses to use its own commercial POS equipment, the State agency (or their EBT contractor) must be prepared to interface with that store's equipment. Any costs associated with the interface may be negotiated between the State and the retailers.

The Food Stamp EBT regulations also require State agencies to assess food stamp household access needs and equip those food retailers across project borders that are necessary for household access to their food stamp benefits. The State agencies have the flexibility to determine the access criteria. For other non-State retailers who desire access, the State agencies are encouraged to negotiate with these retailers to allow them to participate in their system. The specific terms for participation have differed across States and may involve leasing any necessary POS equipment, equipment purchases, and/or payment of transaction fees. All terms are negotiated with each retailer. These current retailer interoperability policies are designed to strike a balance between ensuring adequate retailer and recipient access, on one hand, and maximizing state flexibility and minimizing EBT costs on the other.

Extending access beyond the immediate borders of the States where current systems operate is only beginning to be addressed by States. The States of Texas and New Mexico, for example, have developed the capability to exchange transactions with one another. As more State agencies implement EBT systems, access to benefits beyond the immediate borders of a State is becoming an important issue. Food retailers that operate stores in several States have expressed a desire to have interoperability much like the coupon system. They argue that such interoperability would provide greater access to their goods.

In part to facilitate interoperability and address retailer concerns regarding standardization of EBT systems, EBT Operating Rules have been developed by State agencies, food retailers, financial institutions, networks and others under the auspices of the National Automated Clearing House Association (NACHA). NACHA established an EBT Council to complete these national Operating Rules and have adopted them under the QUEST service mark. The QUEST Operating Rules define the responsibilities of retailers, financial institutions, networks and commercial third party providers in an interoperable EBT environment. By definition, these rules require retailers participating in the QUEST system to provide access to *all* QUEST cards and require States to arrange for their cards to be accessible at any POS or ATM terminal that displays the QUEST service mark. Several State agencies have elected to require use of the QUEST Operating Rules by their EBT contractor.

Recent proposals by EBT contractors have offered to meet the State agencies' requirements for QUEST interoperability through an EBT gateway or switch. The gateway would have the capability of switching a food stamp purchase or credit transaction to the correct EBT processor for authorization. Third party processors servicing food retailers for commercial debit or credit could connect to this single point, the gateway, and thus provide interoperability to their retailer customers for any food stamp card presented at the checkout lane. Any store, regardless of its location or the State card being presented, would thereby be able to accept any QUEST transaction. However, the providers of this service argue that this capability comes at a cost and have proposed to charge a gateway fee to retailers or their service providers for this switching service. The precise fee amount or who will pay this fee is still being discussed by the affected parties. The appropriateness of these fees is still being questioned as well. The

Department has been requested by both State agencies and retailers to establish policy in this area.

**Requested Information**

In light of the discussions that continue to take place, the Department is interested in obtaining information. Interoperability is recognized as being good for recipients and good for retailers, but it would appear to raise costs. We want to learn more about these costs: the nature of these costs and to what degree they will appear. Towards that end, the Department wishes to obtain input regarding the anticipated frequency of interoperable food stamp transactions, the relative costs to provide interoperability, and who might best bear the costs. More formally stated:

(1) How many interstate transactions are expected to occur and how often will they occur?

(2) Should interoperability between State EBT systems be required?

(3) What are the interstate costs and the factors that make up those costs?

Comments are encouraged on these specific issues proposed for consideration as well as any additional issues that should be considered within the scope of this review. Comments will assist the Department in determining whether policy changes are appropriate.

Dated: March 11, 1997.

**William E. Ludwig,**

*Administrator, Food and Consumer Service.*

[FR Doc. 97–7453 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–30–U

## Foreign Agricultural Service

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

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Department's intention to request an extension for, and amendment to, a currently approved information collection in support of the Dairy Tariff-Rate Import Quota Licensing program.

**DATES:** Comments on this notice must be received on or before April 21, 1997 to be assured of consideration.

**ADDITIONAL INFORMATION OR COMMENTS:** Contact Richard P. Warsack, Dairy Import Quota Manager, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, D.C. 20250–1021, or telephone (202) 720–2916. All comments received will be available for public inspection in room 5541–S at the above address.

**SUPPLEMENTARY INFORMATION:**

*Title*: Dairy Import Tariff-Rate Quota Import Licensing Program.

*OMB Number:* 0551–0001.

*Expiration Date of Approval:* June 30, 1997.

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

*Abstract:* The currently approved information collection supports Import Regulation 1, Revision 8 (Revision 8) (7 CFR 6.20–6.36) which was published in the **Federal Register** on October 9, 1996 (61 FR 53002), and governs the administration of the import licensing system for certain dairy products subject to tariff-rate quotas (TRQs). The TRQs were established in the Harmonized Tariff Schedule of the United States (HTS) as a result of entry into force of certain provisions in the Uruguay Round Agreement. Imports of nearly all cheese made from cow's milk (except soft-ripened cheeses such as Brie) and certain noncheese dairy products are subject to TRQs and the licensing provisions of Revision 8. Import licenses are issued each quota year to eligible licensees and are valid for 12 months (January 1 through December 31). Holders of such licenses may enter dairy articles at the lower in-quota tariff rates. Importers who do not hold licenses may enter dairy articles at the higher over-quota tariff rates. Under Revision 8, there are three types of licenses: (1) historical licenses (listed in Appendix 1); (2) nonhistorical licenses (listed in Appendix 2); and (3) designated licenses under which U.S. importers are designated by the government of a foreign country to import certain cheese articles from that country (listed in Appendix 3).

For each quota year, all applicants must submit form FAS 923 (Rev. 7–96). This form requests applicants to: (1) identify whether they are applying for a license as an importer, designated importer, manufacturer, or exporter of certain dairy products; and (2) certify they meet the eligibility requirements of § 6.23 of the Import Regulation (7 CFR 6.23). Importers or exporters must attach documentation required by § 6.23 and § 6.24 as proof of eligibility for import licenses. Applicants for nonhistorical licenses for cheese and/or noncheese dairy products must also submit form FAS–923A and/or FAS–923B (Rev. 7–96). This form requires applicants identify requests for licenses listed on the form in descending rank-order.

After licenses are issued, § 6.26 requires licensees to surrender by October 1 any license amount that a licensee does not intend to enter that year. To the extent practicable, the Licensing Authority reallocates these amounts to existing licensees for the remainder of that year. The information collection is being amended to include: (1) form FAS–924A, License Surrender Form, and (2) form FAS–924B, Application for Additional License Amounts. Form FAS–924A will require licensees to complete a table listing the license number and surrender amount for each license being surrendered. Form FAS–924B will accompany a Notice to Importers which identifies license amounts available for reallocation. Form FAS–924B will require licensees to complete a table listing (1) the additional amounts being requested for specific dairy articles and the supplying country, and (2) the existing license to which the additional amount should be added, if applicable. The Department is currently developing an automated scanning system to expedite the surrender and reallocation process which will require uniform submission of such information.

The estimated total annual burden in the OMB inventory for the currently approved information collection is 375 hours. The estimated burden will be reduced by 105 hours to 270 hours. The estimated reduction is based on a reduction in the number of respondents which has mainly resulted from the strengthened eligibility requirements and increased disciplines of Revision 8, and recent widespread consolidation of firms among licensees. The estimated public reporting burden for the 1997 quota year and each quota year thereafter is set forth in the table below.

| Estimates | FAS–923, 923A, 923B (Rev. 7–96) (one form) | FAS–924A, 924B (one form) |
|---|---|---|
| Est. number of respondents ... | 340.00 | 100.00 |
| Est. responses per respondent ..... | 1.00 | 1.00 |
| Est. hours per response ..... | 0.75 | 0.15 |
| Est. total annual burden in hours ..... | 255.00 | 15.00 |
| Aggregate total .. | 270.00 estimated annual burden in hours | |

Copies of this information collection can be obtain from Valerie Countiss, the Agency Information Collection Coordinator, at (202) 720–6713.

The Department requests comments regarding the accuracy of the burden

estimate, ways to minimize the burden, including the use of automated collection techniques or other forms of information technology, or any other aspect of the collection of information.

Comments should be submitted in accordance with the Dates and Additional Information or Comments sections above. All comments will be summarized and included in the request for OMB approval, and will also become a matter of public record.

Signed at Washington, D.C., March 14, 1997.

**August Schumacher, Jr.,**

*Administrator, Foreign Agricultural Service.*

[FR Doc. 97–7388 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–10–M

## FY 1997 Emerging Markets Program and Solicitation of Proposals

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice of FY 1997 Emerging Markets Program and solicitation of proposals.

**SUMMARY:** The Foreign Agricultural Service (FAS) invites proposals to promote the export of, and improve the market access for, U.S. agricultural products to emerging markets in fiscal year (FY) 1997 under the Emerging Markets Program (the Program). The Program is authorized by the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (the Act). Proposals will be considered from any agricultural or agribusiness organization, with certain restrictions as indicated below. Program funds available for FY 1997 under this notice are approximately $4 million. All agricultural products are eligible for consideration.

**FOR FURTHER INFORMATION CONTACT:** Additional information, including Program guidelines, may be obtained from and applications submitted to: Emerging Markets Office, Foreign Agricultural Service, Room 6506 South Building, U.S. Department of Agriculture, Washington, D.C. 20250–1032, Fax: (202) 690–4369.

**INTENT OF THE PROGRAM:** The premise of the Program is that emerging markets can benefit from U.S. governmental assistance as the private sector moves to develop these markets through normal corporate or trade promotional activities.

The Act defines an emerging market as any country that the Secretary of Agriculture determines:

(1) Is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(2) Has the potential to provide a significant market for United States agricultural commodities or products of Untied States agricultural commodities.

There is no set list of emerging market countries; however, the following administrative criteria will be used to determine whether a particular country will be considered an emerging market:

(1) Per capita income less than $8355;

(2) Population is greater than 1 million; and

(3) Positive economic growth factors.

The Program provides technical assistance and is not intended for projects targeted at end-user consumers. Ineligible activities include in-store promotions, restaurant promotions, advertising, and branded promotions. Funding is on a project-by-project basis. The Program complements the efforts of other FAS marketing programs. The emphasis is on market access opportunities. Once a market access issue has been addressed by this Program, further market development activities may be considered under other programs such as GSM–102 or GSM–103 credit programs, the Market Access Program (MAP), or the Foreign Market Development Program (FMD).

Preference will be given to proposals based upon (1) clear demonstration of the degree to which the private agribusiness is willing to commit its own funds to seek export business in an emerging market (leveraged funds), and (2) the immediacy and volume of U.S. agricultural exports which will result from the completion of the proposal.

Additional criteria considered in approving proposal are outlined in the ''Applications'' section below.

**ACTIVITIES:** The Program includes but is not limited to the following types of activities: (1) Projects that facilitate the collection and use of market information that benefit both U.S. exporters and the recipient country; (2) Projects to develop free trade policies that benefit both U.S. exporters and the recipient country; (3) Short-term training in agriculture and agribusiness that will benefit U.S. exporters; (4) Projects that specifically address various constraints to U.S. food, fish, and forestry product exports, including sanitary and phytosanitary issues and other non-tariff barriers, such as infrastructure-related issues; (5) Projects that directly assist U.S. exporters through the funding of feasibility studies, markets research, orientation visits, specialized training, business workshops, and other forms of technical assistance; and (6) Projects and assessments to improve overseas country-wide food and business systems, to reduce trade barriers, to increase prospects for U.S. trade and investment in emerging markets, and to determine the potential for export credit guarantees for commodities, facilities and services. In making proposals, applicants may want to address market access opportunities such as inadequate distribution, infrastructure (including government infrastructure) impediments, insufficient information, sanitary and phytosantiary concerns, quality issues, lack of financing options or resources, need for establishing trade contacts, or lace of familiarity with U.S. products.

**ELIGIBLE ORGANIZATIONS:** Any U.S. agricultural or agribusiness organization may apply to the Program. U.S. participants in the FMD and MAP programs, however, are eligible only for specific types of activities such as quick response marketing initiatives, food safety and regulation issues, and sectorial assessments for trade and investment, not funded under FMD and MAP. They may, however, participate in export-oriented projects with another agricultural organization which has primary responsibility for the project(s).

**DATES:** Proposals for FY 1997 funding must be received not later than April 30, 1997. Funding decisions are anticipated, but cannot be guaranteed, within 45 days of this deadline.

**APPLICATIONS:** To assist FAS in making determinations under the Program, FAS recommends that all applications contain complete information about the proposed project and the applicant(s) and be not longer than ten (10) pages in length. This information may include: name of the person/organization submitting proposal; date of proposal; company/organization affiliation and address (as applicable); telephone and fax numbers; full title of proposal; precis of the proposal, including objectives, proposed activities, benefits to U.S. agricultural exports, target country/countries for proposed activities, projected starting date for project, and funding amount requested; summary and detailed description of proposed project; specific trade constraint addressed; benefits to U.S. agricultural exports; agricultural trade data for target country/countries, including U.S. market share; time line(s); detailed project budget, including other sources of funding for the project and contributions from participating organizations; whether similar activities are or have previously been funded in target country/countries (i.e., under MAP and/or FMD programs);

why participating organization(s) are unlikely to carry out activities without Federal financial assistance; and qualifications of applicant(s) (as attachment).

Signed at Washington, DC on March 17, 1997.

**August Schumacher, Jr.,**

*Administrator, Foreign Agricultural Service.*

[FR Doc. 97–7404 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–10–M

## Forest Service

### Eastern Washington Cascades Province Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Eastern Washington Cascades Province Advisory Committee will meet on April 10, 1997, in the Wenatchee National Forest Supervisor's office large conference room, 215 Melody Land, Wenatchee, Washington. The meeting will begin at 9:00 a.m. and continue until 3:00 p.m. Agenda items to be covered will include agency updates and developing advice on riparian zone management and grazing management under the Northwest Forest Plan. All Eastern Washington Cascades Province Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

**FOR FURTHER INFORMATION CONTACT:** Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington, 98801, 509–662–4335.

Dated: March 6, 1997.

**Paul Hart,**

*Acting Forest Supervisor, Wenatchee National Forest.*

[FR Doc. 97–7399 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–11–M

## Natural Resources Conservation Service

### Dunloup Creek Watershed, West Virginia

**AGENCY:** Natural Resources Conservation Service, USDA.

**ACTION:** Notice of intent to reauthorize federal funding.

**SUMMARY:** Pursuant to Watershed protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Guidelines (7 CFR part 622); U.S. Department of Agriculture gives notice of intent to reauthorize Federal funding for the Dunloup Creek Watershed Project, Fayette and Raleigh Counties, West Virginia. Upon reauthorization, NRCS will initiate planning assistance under the small watershed program. A period of 60 days from the publication date of this notice in the **Federal Register** is provided for those who wish to comment on this action.

**FOR COMMENTS OR FURTHER INFORMATION CONTACT:** Roger Lee Bensey, State Conservationist, Natural Resources Conservation Service 75 High Street, Room 301, Morgantown, West Virginia, 26505, telephone: 304 291–4153; Fax: 304 291–5628.

Dated: March 17, 1997.

**Roger L. Bensey,**

*State Conservationist.*

(This activity is listed in the Catalog of Federal Domestic Assistance under NO. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

[FR Doc. 97–7381 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–16–M

## Rural Housing Service

### Notice of Recipients of Fiscal Year 1996 Section 515 Loan Funds

**AGENCY:** Rural Housing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Rural Housing Service (RHS) has compiled a list of all recipients of fiscal year (FY) 1996 loan funds under Section 515 of the Housing Act of 1949 (Section 515). The intended effect of this action is to inform the public of recipients of FY 1996 Section 515 funds.

**FOR FURTHER INFORMATION CONTACT:** Cynthia L. Reese-Foxworth, Senior Loan Specialist, Rural Rental Housing Branch, Multi-Family Housing Processing Division, Rural Housing Service, USDA, Stop 0781, Washington, D.C., 20250, telephone (202) 720–1604 (this is not a toll free number).

**SUPPLEMENTARY INFORMATION:**

#### Programs Affected

This program is listed in the Catalog of Federal Domestic Assistance under Number 10.415, Rural Rental Housing Loans.

#### Discussion of Notice

The information available is a 53-page compilation of borrower names, names of the general partners, project name and location, number of units developed, and RHS loan amount. This information is available to all interested parties and can be obtained by writing RHS at the following address: USDA, RHS, Multi-Family Housing Processing Division, Stop 0781, Washington, D.C., 20250. The request must be accompanied by a self-addressed, self-stamped envelope. Envelopes must be a minimum of 11″×9″ in size, and bear first class postage of $1.25. Requests without the required return envelope and postage will not be acknowledged or responded to.

Dated: March 11, 1997.

**Jan E. Shadburn,**

*Acting Administrator, Rural Housing Service.*

[FR Doc. 97–7403 Filed 3–24–97; 8:45 am]

BILLING CODE 3410–XV–U

## DEPARTMENT OF COMMERCE

## Bureau of Export Administration

### Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Information Systems Technical Advisory Committee will be held April 15 & 16, Room 1617M–2, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, N.W., Washington, D.C. This Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to information systems equipment and technology.

#### April 15

*Closed Session* 9:00 a.m.–5:00 p.m.

1. Discussion of matters properly classified under Executive Order 12958, dealing with U.S. export control programs and strategic criteria related thereto.

#### April 16

*General Session* 9:00 a.m.–12:00p.m.

2. Opening remarks by the Chairman.
3. Update on implementation of the Wassenaar Arrangement.
4. Presentation on Hewlett-Packard Company key-recovery products for the International Cryptographic Framework.
5. Comments or presentations by the public.

*Closed Session* 1:00 p.m.–4:00 p.m.

6. Discussion of matters properly classified under Executive Order 12958, dealing with U.S. export control programs and strategic criteria related thereto.

The General Session of the meeting is open to the public and a limited number

of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that public presentation materials or comments be forwarded at least one week before the meeting to the address listed below: Ms. Lee Ann Carpenter, OAS/EA MS: 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 10, 1995, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of portions of meetings of these Committees and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of these Committees is available of public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, D.C. For further information or copies of the minutes call Lee Ann Carpenter, 202–482–2583.

Dated: March 19, 1997.

**Lee Ann Carpenter,**

*Director, Technical Advisory Committee Unit.*

[FR Doc. 97–7369 Filed 3–24–97; 8:45 am]

BILLING CODE 3510–DT–M

## National Oceanic and Atmospheric Administration

**[I.D. 031897C]**

## Endangered Species; Permits

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

**ACTION:** Receipt of three applications for scientific research permits (P628, P630, P636).

**SUMMARY:** Notice is hereby given that Trihey and Associates in Concord, CA, the Natural Resources Management Corporation (NRMC) in Eureka, CA, and Stephen Cannata in Arcata, CA, have applied in due form for permits authorizing takes of a threatened species for scientific research purposes.

**DATES:** Written comments or requests for a public hearing on any of these applications must be received on or before April 24, 1997.

**ADDRESSES:** The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404–6528 (707–575–6066).

Written comments or requests for a public hearing should be submitted to the Protected Species Division in Santa Rosa, CA.

**SUPPLEMENTARY INFORMATION:** Trihey and Associates, NRMC, and Stephen Cannata request permits under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227).

Trihey and Associates (P628) requests a five-year permit for takes of adult and juvenile, threatened, central California coast coho salmon (*Oncorhynchus kisutch*) associated with fish population and habitat studies throughout the Evolutionarily Significant Unit (ESU). The studies consist of five assessment tasks for which ESA-listed fish are proposed to be taken: (1) Presence/absence, (2) population estimates, (3) redd counts, (4) genetic sampling, and (5) habitat quality evaluation. ESA-listed fish are proposed to be observed or captured, anesthetized, handled, allowed to recover from the anesthetic, and released. Indirect mortalities associated with research activities are also requested.

NRMC (P630) requests a five-year permit for takes of adult and juvenile, threatened, central California coast coho salmon (*Oncorhynchus kisutch*) associated with fish population and habitat studies throughout the ESU. The studies consist of four assessment tasks for which ESA-listed fish are proposed to be taken: (1) Presence/absence, (2) population estimates, (3) redd counts, and (4) habitat quality evaluation. ESA-listed fish are proposed to be observed or captured, anesthetized, handled, allowed to recover from the anesthetic, and released. Indirect mortalities associated with research activities are also requested.

Stephen Cannata (P636) requests a five-year permit for takes of juvenile, threatened, central California coast coho salmon (*Oncorhynchus kisutch*) associated with fish population and habitat studies in the Albion and Navarro Rivers within the ESU. The studies consist of four assessment tasks for which ESA-listed fish are proposed to be taken: (1) Presence/absence, (2) population estimates, (3) life history patterns, and (4) habitat quality evaluation. ESA-listed fish are proposed to be observed or captured, anesthetized, handled, allowed to recover from the anesthetic, and released. The applicant also proposes to obtain scale samples from a portion of the ESA-listed juveniles to be captured. Indirect mortalities associated with research activities are also requested.

Those individuals requesting a hearing on any of the requests for a permit should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the above application summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: March 19, 1997

**Joseph R. Blum,**

*Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 97–7529 Filed 3–24–97; 8:45 am]

BILLING CODE 3510–22–F

**[I.D. 031797C]**

## Marine Mammals; Scientific Research Permit (PHF# 782–1349)

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

**ACTION:** Receipt of application.

**SUMMARY:** Notice is hereby given that Dr. Howard W. Braham, Director, National Marine Mammal Laboratory, Alaska Fisheries Science Center, NMFS, NOAA, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115, has applied in due form for a permit to take Dall's porpoise (*Phocoenoides dalli*) for purposes of scientific research.

**DATES:** Written comments must be received on or before April 24, 1997.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, NE BIN C15700, Bldg. 1, Seattle, WA 98115–0070 (206–526–6150).

Written data or views, or requests for a public hearing on this request, should be submitted to the Director, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this application would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The application requests authorization to capture, restrain, tag, and release up to 125 Dall's porpoise (*Phocoenoides dalli*) and to unintentionally harass up to 300 Dall's porpoise during capture operations, in Washington and Oregon waters, over a five-year period. The purpose of the research is deploy, monitor, and evaluate improved tag designs in order to obtain movement and dive behavior information on Dall's porpoise.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: March 18, 1997

**Art Jeffers,**

*Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 97–7530 Filed 3–24–97; 8:45 am]

BILLING CODE 3510–22–F

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal No. 97–08]**

### 36(b) Notification

**AGENCY:** Department of Defense, Defense Security Assistance Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104–164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. J. Hurd, DSAA/COMPT/FPD, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 97–08, with attached transmittal and policy justification pages.

Dated: March 19, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

BILLING CODE 5000–04–M

DEFENSE SECURITY ASSISTANCE AGENCY

WASHINGTON, DC 20301-2800

10 MAR 1997

In reply refer to:
I-04135/97

Honorable Newt Gingrich
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 97-08 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Italy for defense articles and services estimated to cost $116 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

Thomas G. Rhame
Lieutenant General, USA
Director

Attachments

Separate Cover:
Classified Annex

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 97-08

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Italy

(ii) Total Estimated Value:

| | |
|---|---|
| Major Defense Equipment* | $ 98 million |
| Other | $ 18 million |
| TOTAL | $116 million |

(iii) Description of Articles or Services Offered:
Two hundred thirty-three AIM-120B Advanced Medium Range Air-to-Air Missiles (AMRAAM), missile containers, spare and repair parts, support and test equipment, software support, publications and technical documentation, U.S. Government and contractor technical assistance and other related elements of logistics and program support.

(iv) Military Department: Air Force (YAC)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:
See Annex under separate cover.

(vii) Date Report Delivered to Congress: 10 MAR 1997

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Italy - AIM-120 Advanced Medium-Range Air-to-Air Missiles

The Government of Italy has requested the purchase of 233 AIM-120B Advanced Medium Range Air-to-Air Missiles (AMRAAM), missile containers, spare and repair parts, support and test equipment, software support, publications and technical documentation, U.S. Government and contractor technical assistance and other related elements of logistics and program support. The estimated cost is $116 million.

This sale will contribute to the achievement of the foreign policy and national security objectives of the United States by improving the military capabilities of Italy and enhancing weapon system standardization and interoperability with the NATO coalition.

Italy will use these missiles to upgrade the air-to-air capabilities of its AV-8B aircraft. Italy will have no difficulty absorbing these missiles into its armed forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be the Hughes Missile Systems Company, Tucson, Arizona, and the Raytheon Company, Bedford, Massachusetts. One or more proposed offset agreements may be related to this proposed sale.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Italy.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

[FR Doc. 97–7378 Filed 3–24–97; 8:45 am]
BILLING CODE 5000–04–C

## Department of the Army

### Armed Forces Institute of Pathology Scientific Advisory Board; Meeting

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of open meeting.

**SUMMARY:** In accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463) announcement is made of the following open meeting:

*Name of Committee:* Scientific Advisory Board (SAB).

*Dates of Meeting:* 8–9 May 1997.

*Place:* Armed Forces Institute of Pathology, Building 54, 14th St. & Alaska Ave, NW, Washington, DC 20306–6000.

*Time:* 8 a.m.–4:30 p.m. (May 8, 1997), 8 a.m.–12 p.m. (May 9, 1997).

**FOR FURTHER INFORMATION CONTACT:** Mr. Ridgely Rabold, Center for Advanced Pathology (CAP), AFIP, Building 54, Washington, DC 20306–6000, phone (202) 782–2553.

**SUPPLEMENTARY INFORMATION:**

*General function of the Board:* The Scientific Advisory Board provides scientific and professional advice and guidance on programs, policies, and procedures of the AFIP.

*Agenda:* The Board will hear status reports from the AFIP Deputy Directors, Center for Advanced Pathology Director, the National Museum of Health and Medicine, and each of the pathology departments. Board members will visit several of the pathology departments.

*Open Board discussions.* Reports will be given on all visited departments. The reports will consist of findings, recommended areas of further research, and suggested solutions. New trends and/or technologies will be discussed and goals established.

The meeting is open to the public.

**Paul E. Bluteau,**

*Col, MS, USA, Executive Officer.*

[FR Doc. 97–7432 Filed 3–24–97; 8:45 am]

BILLING CODE 3710–08–M

### Intent To Grant an Exclusive or Partially Exclusive License to Allen Telecom Group, Inc., Decibel Products Division

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of intent.

**SUMMARY:** In compliance with 37 CFR part 404 et seq., the Department of the Army hereby gives notice of its intent to grant to ALLEN TELECOM GROUP, INC., DECIBEL PRODUCTS DIVISION, a corporation having its principle place of business at 8635 Stemmons Freeway, Dallas, Texas 75247–3701, an exclusive or partially exclusive licenses under U.S. Patents 5,486,491, issued 23 Jan 1996, entitled ''Ceramic Ferroelectric Composite Material—BSTO–$ZRO_2$; 5,312,790, issued 17 May 1994, entitled ''Ceramic Ferroelectric Material''; and 5,427,988, issued 27 June 1995, entitled ''Ceramic Ferroelectric Composite Material—BSTO–MGO''. Anyone wishing to object to the granting of these licenses has 60 days from the date of this notice to file written objections along with supporting evidence, if any.

**FOR FURTHER INFORMATION CONTACT:** Michael D. Rausa, U.S. Army Research Laboratory, Office of Research and Technology Applications, ATTN: AMSRL–CS–TT/Bldg. 459, Aberdeen Proving Ground, Maryland 21005–5425, Telephone (410) 278–5028.

**SUPPLEMENTARY INFORMATION:** None.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 97–7431 Filed 3–24–97; 8:45 am]

BILLING CODE 3710–08–M

## Corps of Engineers

### Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Upper North Branch Potomac River Environmental Restoration Feasibility Study, Maryland and West Virginia

**AGENCY:** Army Corps of Engineers, DoD.

**ACTION:** Correction.

**SUMMARY:** In the previous **Federal Register** notice (Vol. 62, No. 26, pages 5803–5804) Friday, February 7, 1997, make the following corrections:

On page 5803, column two, tenth line of the Summary paragraph, the words ''Natural Resources'' pertaining to the Maryland Department, are changed to read ''the Environment.'' The site was erroneously listed as ''Natural Resources.''

On page 5803, column 3, paragraph 6, second and third line, the words ''Natural Resources'' pertaining to the Maryland Department, are changed to read ''the Environment.'' The site was erroneously listed as ''Natural Resources.''

**FOR FURTHER INFORMATION CONTACT:** For further information, please refer to the previous point of contact official in the original notice.

**SUPPLEMENTARY INFORMATION:** None.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 97–7430 Filed 3–24–97; 8:45 am]

BILLING CODE 3710–41–M

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Director, Information Resources Management Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before May 27, 1997. An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by April 30, 1997. A regular clearance process is also beginning.

**ADDRESSES:** Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer: Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651. Written comments regarding the regular clearance and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or should be faxed to 202–708–9346.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3506 (c)(2)(A) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information

collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Group, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 19, 1997.

**Gloria Parker,**

*Director, Information Resources Management Group.*

### Office of Postsecondary Education

*Type of Review:* Extension.

*Title:* National Student Loan Data System (NSLDS).

*Abstract:* The Department of Education will collect data from postsecondary schools and guaranty agencies about Federal Perkins Loans, Federal Family Education Loans and William D. Ford Direct Student Loans to be used to determine eligibility for student assistance and for research.

*Additional Information:* The emergency action is needed to assure continuity in reporting. There have been no substantive changes in the reporting requirements.

*Frequency:* Monthly.

*Affected Public:* Businesses or other for-profit; Not-for-profit institutions; Federal Government; State, local or Tribal Gov't, SEAs or LEAs.

*Annual Reporting and Recordkeeping Hour Burden:*

Responses: 3,046.

Burden Hours: 292,416.

[FR Doc. 97–7429 Filed 3–24–97; 8:45 am]

BILLING CODE 4000–01–P

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**[CFDA No.: 84.033]**

## Office of Postsecondary Education, Federal Work-Study Programs

**AGENCY:** Department of Education.

**ACTION:** Notice of closing date for filing the ''Institutional Application and Agreement for Participation in the Work-Colleges Program''

**SUMMARY:** The Secretary gives notice to institutions of higher education of the deadline for an eligible institution to apply for participation in the Work-Colleges Program and to apply for funding under that program for the 1997–98 award year (July 1, 1997 through June 30, 1998) by submitting to the Secretary an ''Institutional Application and Agreement for Participation in the Work-Colleges Program.''

The Work-Colleges Program, along with the Federal Work-Study Program and the Job Location and Development Program, are known collectively as the Federal Work-Study programs. The Work-Colleges Program is authorized by part C of title IV of the Higher Education Act of 1965, as amended (HEA).

**CLOSING DATE:** To participate in the Work-Colleges Program and to apply for funds for that program for the 1997–98 award year, an eligible institution must mail or hand-deliver its ''Institutional Application and Agreement for Participation in the Work-Colleges Program'' on or before April 25, 1997. The Department will not accept the form by facsimile transmission. The form must be submitted to the Institutional Financial Management Division at one of the addresses indicated below.

**ADDRESSES:** *Applications and Agreements Delivered by Mail.* An institutional application and agreement delivered by mail must be addressed to Ms. Thomasine Riley, Work-Colleges Program, Institutional Financial Management Division, U.S. Department of Education, P.O. Box 23781, Washington, D.C. 20026–0781. An applicant must show proof of mailing consisting of one of the following: (1) A legibly dated U.S. Postal Service postmark; (2) a legible mail receipt with the date of mailing stamped by the U.S. Postal Service; (3) a dated shipping label, invoice, or receipt from a commercial carrier; or (4) any other proof of mailing acceptable to the Secretary of Education.

If an institutional application and agreement is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An institution should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with its local post office.

An institution is encouraged to use certified or at least first class mail. Institutions that submit an institutional application and agreement after the closing date of April 25, 1997 will not be considered for participation or funding under the Work-Colleges Program for award year 1997–98.

*Applications and Agreements Delivered by Hand.* An institutional application and agreement delivered by hand must be taken to Ms. Thomasine Riley, Work-Colleges Program, Campus-Based Financial Operations Branch, Institutional Financial Management Division, Accounting and Financial Management Service, Student Financial Assistance Programs, U.S. Department of Education, Room 4714, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. Hand-delivered institutional applications and agreements will be accepted between 8:00 a.m. and 4:30 p.m. (Eastern time) daily, except Saturdays, Sundays, and Federal holidays. An institutional application and agreement for the 1997–98 award year that is delivered by hand will not be accepted after 4:30 p.m. on April 25, 1997.

**SUPPLEMENTARY INFORMATION:** Under the Work-Colleges Program, the Secretary allocates funds when available for that program to eligible institutions. The Secretary will not allocate funds under the Work-Colleges Program for award year 1997–1998 to any eligible institution unless the institution files its ''Institutional Application and Agreement for Participation in the Work-Colleges Program'' by the closing date.

To apply for participation and funding under the Work-Colleges Program, an institution must satisfy the definition of ''work-college'' in section 448(e) of the HEA. The term ''work college'' under the HEA means an eligible institution that (1) is a public or

private nonprofit institution with a commitment to community service; (2) has operated a comprehensive work-learning program for at least two years; (3) requires all resident students who reside on campus to participate in a comprehensive work-learning program and the provision of services as an integral part of the institution's educational program and as part of the institution's educational philosophy; and (4) provides students participating in the comprehensive work-learning program with the opportunity to contribute to their education and to the welfare of the community as a whole.

*Applicable Regulations*

The following regulations apply to the Work-Colleges Program:

(1) Student Assistance General Provisions, 34 CFR Part 668.

(2) Federal Work-Study Programs, 34 CFR Part 675.

(3) Institutional Eligibility under the Higher Education Act of 1965, as amended, 34 CFR Part 600.

(4) New Restrictions on Lobbying, 34 CFR Part 82.

(5) Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), 34 CFR Part 85.

(6) Drug-Free Schools and Campuses, 34 CFR Part 86.

**FOR FURTHER INFORMATION CONTACT:** Ms. Thomasine Riley, Work-Colleges Program, Institutional Financial Management Division, U.S. Department of Education, P.O. Box 23781, Washington, D.C. 20026–0781. Telephone (202) 708–9750. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**Authority:** 42 U.S.C. 2756b.

Dated: March 19, 1997.

**David A. Longanecker,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 97–7500 Filed 3–24–97; 8:45 am]

BILLING CODE 4000–01–P

## Notice of Closed Teleconference

**AGENCY:** National Assessment Governing Board, Education.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming closed teleconference of the Nominations Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this teleconference is required under Section 10(a)(2) of the Federal Advisory Committee Act.

**DATES:** March 28, 1997.

**TIME:** 1:00–3:00 p.m. (ET)

**LOCATION:** National Assessment Governing Board Staff Office, 800 North Capitol Street, NW, Suite #825, Washington, D.C.

**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.

The Nominations Committee of the National Assessment Governing Board will meet in closed teleconference on March 28, 1997, from 1:00 until 3:00 p.m., to review the resumes of nominees to fill upcoming Board membership vacancies in the following categories: State board of education; business or industry; general public; local board of education; testing and measurement experts; State legislators, republican; non public school administrator or policy maker.

The review and subsequent discussion of this information will touch upon matters that relate solely to the internal rules and practices of an agency and would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of Section 552b of of Title 5 U.S.C.

A summary of the activities of the meeting and related matters, which are informative to the public, consistent with policy of 5 U.S.C. 552b, will be available to the public within fourteen days after the meeting.

The public is being given less than fifteen days notice of this meeting to ensure a quorum of the members to accomplish the work necessary for reporting the outcome of this responsibility of the Committee.

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. until 5:00 p.m.

**Roy Truby,**

*Executive Director, National Assessment Governing Board.*

[FR Doc. 97–7397 Filed 3–24–97; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Office of Environment, Safety and Health

### Notice of Availability of Funds and Request for Applications To Support Medical Surveillance for Former Department of Energy Workers

**AGENCY:** Office of Environment, Safety and Health, DOE.

**ACTION:** Notice of availability of funds and request for applications.

**SUMMARY:** The Department of Energy (DOE) Office of Environment, Safety and Health (EH) announces the availability of additional funds to evaluate former workers whose employment at departmental facilities may have placed their long-term health at significant risk. This Notice of Availability of Funds and Request for Applications to Support Medical Surveillance for Former DOE Workers does not affect cooperative agreements awarded pursuant to a similar **Federal Register** announcement published on March 1, 1996. This new Notice is issued subsequent to the more general Continuation of Solicitation for Epidemiology and Other Health Studies Financial Assistance Program published in the **Federal Register** (61 FR 53903) on October 16, 1996.

**DATES:** Applications submitted in response to this announcement must be received by June 3, 1997.

**ADDRESSES:** U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874–1290.

**FOR FURTHER INFORMATION CONTACT:** Requests for further information and application forms may be directed to Dr. John Peeters, Office of Occupational Medicine and Medical Surveillance (EH–61), Telephone: (301) 903–5902; facsimile: (301) 903–5072. Applications may be submitted to Dr. Peeters at the address listed above.

**SUPPLEMENTARY INFORMATION:**

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I. Purpose
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## I. Purpose

Section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484) directs the Secretary of Energy, in consultation with the Secretary of Health and Human Services, to develop a program of medical evaluation for current and former DOE workers at significant risk for health problems due to exposures to hazardous or radioactive substances during employment.

On March 1, 1996, the first ''Notice of Availability of Funds and Request for Applications to Support Medical Surveillance for Former DOE Workers'' was published in the **Federal Register** (61 FR 8047). In September 1996, six cooperative agreements were awarded to begin phase I projects at the following DOE sites: Hanford Site, Nevada Test Site, Rocky Flats Environmental Technology Site, Portsmouth Gaseous Diffusion Plant, Paducah Gaseous Diffusion Plant, and the Oak Ridge Reservation. At five of the sites, the project teams are focusing on a selected group or groups of former workers (e.g., production workers or construction workers). At the Rocky Flats Site, the project team is initially assessing all former workers.

This second Notice announces the availability of funds for up to three new projects to be funded through cooperative agreements. In particular, DOE is interested in applications that will help determine the potential need for medical surveillance for former workers at major DOE sites not included in the six phase I projects listed above. The new projects will identify, and, where appropriate, notify and medically screen groups of former workers who are potentially at significant risk for health problems due to work-related exposures.

Experience with all of these projects will help DOE to evaluate options for a possibly more comprehensive medical surveillance program for former workers and to determine how such a program may be integrated effectively with other ongoing site activities.

## II. Project Description

DOE intends to award up to three cooperative agreements with specific goals identical to the goals of the six ongoing projects. The goals of the projects are to:

- Identify groups of workers at significant risk for occupational diseases.
- Notify members of these risk groups.
- Offer these workers medical screening that can lead to medical interventions.

Each cooperative agreement will begin with an award for the first year for a phase I needs assessment. Under the same cooperative agreement, the project potentially could continue into phase II medical screening, if determined by DOE to be warranted.

Pursuant to this Notice, there will be up to three cooperative agreements awarded, totalling about $1.5 million. The initial funding for each new cooperative agreement will be for a phase I needs assessment only. Phase I is expected to take approximately 12 months. Phase II, if warranted, will be funded through continuation awards under the same cooperative agreement. Phase II could continue up to 4 years, renewable annually. The award continuation for phase II, if made, will be based on the results from phase I, the availability of funds, and negotiation of the costs for phase II. Only those who participate in phase I will be eligible to participate in phase II.

*Phase I*

During phase I, the awardees will conduct a comprehensive needs assessment. The needs assessment will include a review of existing site-specific information and other means to initially identify the most significant radiation and nonradiation exposures. During phase I, investigators will conduct the following tasks:

1. Identify existing information relevant to exposure and health outcomes among former workers;
2. Utilize this information to identify or develop viable methods for contacting these former workers;
3. Provide an initial determination of the most significant worker hazards, problems and concerns for each site;
4. Identify approaches for conducting the project in partnership with unions, site management, operating contractors, community representatives, and State and local health officials; and
5. Attend semiannual DOE-coordinated meetings of investigators to share information on ongoing needs assessments.

During phase I, investigators will develop a detailed plan and proposed budget for phase II focusing on the groups of workers determined to be at significant risk for adverse health effects during the needs assessment. The plan for phase II, and a draft of the needs assessment, is expected at least 60 days prior to the conclusion of phase I. Phase I will conclude with delivery of the final needs assessment to DOE.

*Phase II*

DOE will determine the need for phase II activities based upon the phase I results and, if appropriate, will support these efforts through continuation awards. Where phase II plans are approved by DOE, the investigators will conduct the following tasks:

1. Identify and locate those former workers who based on the results of the phase I needs assessment are at significant risk of adverse health effects;
2. Ascertain the health concerns of former workers identified in task 1 related to their past DOE employment;
3. Communicate risk information to former workers regarding the nature of their health risk and discuss the actions that could be taken;
4. Provide medical screening to targeted former worker populations based on exposure history and the availability of acceptable screening tests;
5. Assist in the coordination of referrals, diagnostic workup, and followup treatment, including the coordination with workman's compensation and other existing insurance and benefits programs;
6. Ensure dialogue with local parties concerned with the project;
7. Evaluate former workers satisfaction with the project; and
8. Attend semiannual DOE-coordinated meetings of investigators to share information on ongoing screening programs.

*Potential Sites*

A program policy factor for DOE is the determination of potential needs for medical surveillance for former workers at major DOE sites not included in the cooperative agreements awarded in September 1996.

Applicants for the cooperative agreements will propose individual (or alternative groups of) DOE sites for study and justify the technical factors used in site(s) selection. Such technical factors should include:

1. Presence of existing worker and community health programs;
2. Availability of information on former workers and their exposures;

3. Levels and types of exposures;
4. Number of former workers and access to them;
5. Concerns of workers about specific past exposures;
6. Concerns of DOE site managers and operating contractors about specific past exposures; and
7. Concerns of both national and local unions about past exposures.

## III. DOE's Policy on Protection of Human Subjects Reviews

DOE has codified the Federal Policy for the Protection of Human Subjects in 10 CFR part 745. As defined in this regulation, human subjects research may include a broad range of studies. DOE has determined that both phase I and phase II of the former worker medical surveillance program fall under the broad definition of human subjects research, and, accordingly, each phase requires Institutional Review Board (IRB) review and approval. Phase I activities will involve the review and possible collection of identifiable private information, either through records review or personal interviews. Therefore, IRB reviews are necessary to ensure adequate protection of privacy. Phase II, involving medical surveillance of former workers, including the handling of personal medical records, requires IRB review to ensure that all necessary protections are implemented.

It is the DOE's policy that each study involving DOE workers must be reviewed by the ''local'' DOE site institutional review board. ''Local'' IRB reviews will take place following award of the new cooperative agreements, and annually thereafter. Applicants also may have to comply with their own institution's requirements regarding review of human subjects research. Documentation of all reviews must be submitted to DOE prior to implementation of each phase.

## IV. Applications

This Notice of Availability is issued pursuant to DOE regulations contained in 10 CFR part 602: ''Epidemiology and Other Health Studies Financial Assistance Program'', as published in the **Federal Register** on January 31, 1995 (60 FR 5841). The Catalog of Federal Domestic Assistance number for 10 CFR part 602 is 81.108, and its solicitation control number is EOHSFAP 10 CFR part 602. 10 CFR part 602 contains the specific requirements for applications, evaluation, and selection criteria. Only those applications following these specific criteria and forms will be considered. Application forms may be obtained at the address cited above.

## V. Proposal Format

The proposal shall contain two sections, technical and cost. Technical proposals shall be no more than fifty (50) pages in length; resumes of proposed key personnel should be submitted as an appendix to the technical proposal and will not be counted against the page limit. Cost proposals shall have no page limit. Because each project will be conducted in two phases, and the scope of phase II is dependent on the results of phase I, the technical description for phase II may be less specific than that for phase I, but must clearly demonstrate a capability to conduct phase II. It is left to the proposer to determine how best to structure the proposal. However, the following information shall be included:

a. Proposals shall include a detailed project description that discusses the specific tasks to be performed under the proposed project. At a minimum, the tasks listed under section II above (Project Description) must be described (in detail for phase I tasks and more generally for phase II tasks). The project description must include clear statements of what is not known and what is uncertain, as well as statements of what is known. The project description must describe how independent, external peer review of the results of the project will be conducted. The project description must demonstrate that the offeror has the ability to integrate its work with the activities of other organizations conducting medical surveillance activities.

b. Proposals must demonstrate the competency of research personnel and the adequacy of resources. Proposals must demonstrate that the offeror is perceived as neutral and credible, and is capable of conducting scientifically valid and responsible medical surveillance projects.

Proposals must demonstrate that the offeror has the experience and capability to plan, organize, manage, and facilitate worker and union participation in planning and execution. Proposals must also demonstrate that the offeror has the experience and ability to effectively communicate complicated scientific information on potential risks and uncertainties to workers, local and national stakeholders, concerned citizens, and decision makers at all levels. Proposals must demonstrate that the offeror presently has or is capable of obtaining staff with the training, expertise, and experience needed to conduct scientifically complex needs assessments and medical surveillance programs. Proposals must identify the technical and scientific staff that will actually conduct the studies and detail their professional experience, as well as their level of program involvement. Proposals must demonstrate that the offeror has capability, for both financial and scientific management, and a demonstrated skill in planning and scheduling projects of comparable magnitude to those proposed under this Notice.

c. The cost proposal for phase I must include a summary breakdown of all costs, and provide a detailed breakdown of costs on a task-by-task basis for each task contained in the project description. Costs for phase II tasks may be more general estimates since the initial award will be for phase I only. Any expectation concerning cost sharing must be clearly stated. Cost sharing is encouraged, but it will not be considered in the selection process.

d. The cost proposal for phase I shall include an estimate of the costs of copying, filming, scanning, or abstracting data needed for the project, charges associated with site computer programming, and any additional support not routinely provided by DOE (see Section VII, DOE's Role). This amount should be included in the proposed budget for phase I.

## VI. Application Evaluation and Selection

Applications will be subjected to formal merit review (peer review) and will be evaluated against the following criteria listed in descending order of importance and codified at 10 CFR 602.9(d):

1. Scientific and technical merit of the proposed research;
2. Appropriateness of the proposed method or approach;
3. Competency of research personnel and adequacy of proposed resources; and
4. Reasonableness and appropriateness of the proposed budget.

Applications will be peer reviewed by evaluators apart from DOE employees and contractors as described in the Office of Environment, Safety and Health's Merit Review System (57 FR 55524, November 25, 1992) and at 10 CFR 602.9(c). Submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

In accordance with 10 CFR 602.9(e), DOE shall also consider, as part of its evaluation, program policy factors such as an appropriate balance among sites for efforts to target former workers potentially in need of medical surveillance. As noted above in section

II (Project Description, Potential Sites), a program policy factor for DOE is the determination of potential needs for medical surveillance for former workers at major DOE sites not included in the cooperative agreements awarded in September 1996.

## VII. DOE's Role

In order for DOE to utilize cooperative agreements for these medical surveillance projects, there must be substantial involvement between DOE and any awardee(s). DOE established the core tasks for these projects and prepared this **Federal Register** Notice of Availability. DOE will conduct the selection and award process, which will include evaluations by persons outside the Federal government. DOE will evaluate the results of phase I and, where warranted, authorize and fund phase II. DOE will facilitate awardee access to the target sites and help familiarize investigators with the facility and historical operations. DOE will facilitate access to exposure records, including the identification and retrieval of records relating to DOE activities, and declassification of records, as needed. DOE will establish requirements for data collection and handling. DOE will consult with project investigators and coordinate semiannual meetings. DOE will interact with an independent advisory group that will provide advice to DOE and to project investigators. Finally, DOE will monitor and evaluate the results of the projects, including the participant's level of satisfaction, to determine how these projects could be expanded to other groups of former workers both at the project sites and at other DOE sites. In addition to helping former workers, information gained from these projects will contribute to DOE's ongoing efforts to improve health and safety programs for current workers.

## VIII. Applicants

Applicants for the cooperative agreements could include domestic nonprofit and for profit organizations, universities, medical centers, research institutions, other public and private organizations, including State and local governments, labor unions and other employee representative groups, and small, minority and/or women-owned businesses. Consortiums of interested organizations are encouraged to apply. Awardees for each project will work cooperatively with former workers, DOE site officials, DOE operating contractors, labor organizations, health officials, and designated community representatives.

Issued in Washington, D.C., on March 14, 1997.

**Paul J. Seligman,**

*Deputy Assistant Secretary for Health Studies.*

[FR Doc. 97–7470 Filed 3–24–97; 8:45 am]

BILLING CODE 6450–01–P

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## Mobile Systems Certification Program

**AGENCY:** Department of Energy (DOE), Albuquerque Operations Office (AL).

**ACTION:** Notice of intent to issue competitive solicitation.

**SUMMARY:** The Department of Energy, Albuquerque Operations Office, announces its intent to issue a competitive Federal Financial Assistance (FFA) Solicitation Number 97AL77459 under DOE Financial Assistance Rules, 10 CFR 600.8, for Mobile Systems Certification Program participation. This solicitation is to assist in the certification of Recipients to perform Contact-Handled (CH) Transuranic (TRU) Waste Management Activities at DOE's Waste Generator/Storage Sites and Small Quantity Sites located throughout the United States, through the use of the Recipient's Mobile Systems.

**DATES AND ADDRESSES:** DOE plans to issue FFA Solicitation Number 97AL77459 on or about April 15, 1997. A copy of the solicitation can be obtained after April 15, 1997, by contacting Mr. Lowther at the address, telephone, fax number, or E–Mail address below. Companies who have previously received a copy of or responded to DOE AL Draft Request For Proposal No. DE–RP04–97AL77459 entitled ''Mobile CH TRU Waste Management Services'' are currently on the mailing list and will be furnished a copy of this FFA Solicitation No. 97AL77459. *Applications will be due June 12,1997.*

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Energy, Albuquerque Operations Office, PO. Box 5400, Albuquerque, NM 87185–5400, Attn: Mr. Robert D. Lowther, Contracts and Procurement Division, Telephone Number: (505) 845–6839, Fax Number: (505) 845–4004, E–Mail Address: rlowther@doeal.gov.

**SUPPLEMENTARY INFORMATION:** The DOE plans to issue a Federal Assistance Solicitation for Cooperative Agreement Proposals (FASCAP) on or about April 15, 1997. The objective of this solicitation is to (1) stimulate the market place by having Recipients, who possess or can develop Mobile Systems (equipment which can be attached to trailers and transported to sites around the country) technology and capability, apply for federal financial assistance to seek DOE's review and certification of the Recipient's procedures, policies, and processes, and, (2) to evaluate the Recipients' capabilities and equipment through participation in DOE performance demonstration programs and certification audits.

A maximum of three applicants will be awarded a cooperative agreement. The estimated DOE funding for this Mobile Systems Certification Program is $900,000, to be shared equally among the selected applicants. The DOE funding is restricted to developing procedures and its associated quality assurance plans, and for participating in performance demonstration programs and audits. The DOE funding cannot be used to purchase or develop Mobile Systems equipment. Recipient cost sharing (non-federal) is highly encouraged. The DOE Carlsbad Area Office (CAO) will administer the cooperative agreements, which will have a project period of approximately six months with an August 1997 planned award date.

### Background

Approximately 102,000 cubic meters (contained in various size drums or boxes) of retrievably stored, CH TRU waste and mixed TRU waste, is in inventory at numerous sites around the country. In addition, an estimated 38,000 cubic meters of TRU waste will be generated in the course of continuing DOE operations. All stored and to-be-generated defense TRU waste is destined for permanent disposal in the DOE Waste Isolation Pilot Plant (WIPP) located near Carlsbad, New Mexico. WIPP is scheduled to open in November 1997, pending receipt of regulatory approvals from the U. S. Environmental Protection Agency and the State of New Mexico.

In order to ship TRU waste to WIPP, sites must certify that the waste meets WIPP Waste Acceptance Criteria (WAC). Waste certification involves the physical characterization combined with the appropriate quality assurance documentation (records, audits, etc.) to demonstrate that the waste complies with the standards for disposal at WIPP. The waste must go though physical characterization performed in accordance with the Transuranic Waste Characterization Quality Assurance Program Plan (QAPP) on a waste stream basis and per container basis to determine the chemical, radiological, and physical attributes of the waste. Waste containers that do not meet the acceptance criteria outlined in WIPP WAC will need further processing, including repackaging for shipment in

the TRUPACT–II shipping containers, before disposal at WIPP.

Most sites with significant quantities of TRU waste plan to use existing fixed facilities or open new facilities in the future to perform these functions; however, such facilities may not be fully operational and thus not be capable of meeting DOE's current disposal schedule. Furthermore, small quantity sites lack the capability to characterize, treat, package, and load TRU waste.

An alternative to using fixed facilities is the use of mobile systems mounted on one or more trailers or portable systems which can be transported to a site(s). These mobile systems must be capable of characterizing, processing, repackaging, and loading TRU waste into TRUPACT–II shipping containers. In addition to the physical characterization and processing to be provided by these mobile systems, the sites have a need for waste management services necessary to certify waste to WIPP WAC requirements prior to transportation and disposal at WIPP.

The CAO is pursuing this strategy of using mobile systems services to offer the DOE complex substantial advantages such as:

- More rapid deployment than the construction of fixed facilities;
- Greater flexibility in managing and configuring waste preparation; and
- Greater efficiencies and cost-effectiveness in waste preparation.

The majority of drums destined for WIPP are planned for transportation through the year 2006, with additional drum quantities to be identified, characterized, certified, and transported through the year 2033. However, the TRU-Waste inventory processing allocations may be subject to change, thus enhancing the potential for additional mobile systems processing.

Under this Mobile Systems Certification Program, a Recipient(s) must develop procedures and plans that demonstrate its proposed ''characterization/certification process'' meets the Quality Assurance Standards set forth by the CAO. These standards (available from CAO) are identified in CAO's Transuranic Waste Characterization Quality Assurance Program Plan, CAO–94–1010, and Quality Assurance Program Document, CAO–94–1012. Additional information is available in the National Transuranic Waste Management Plan, DOE/NTP–96–1204, and Mobile Systems Capability Plan, DOE/NTP–96–1202.

The solicitation to be issued will include a guide for submission of applications as well as identify the evaluation criteria, and program policy factors. If you are interested in receiving the FASCAP, contact Robert Lowther at the above address or telephone/fax number. All responsible sources may submit an application, which will be considered. The solicitation is subject to the limitations on financial aid participation imposed by Section 2306 of the Energy Policy Act of 1992 (42 U.S.C. 13525).

## Purpose

This notice is issued to announce the Mobile Systems Certification Program solicitation.

Issued in Albuquerque, New Mexico on March 18, 1997.

**James G. Hoyal, Jr.,**

*Deputy Assistant Manager for Management and Administration.*

[FR Doc. 97–7469 Filed 3–24–97; 8:45 am]

BILLING CODE 6450–01–P

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## Environmental Management Site-Specific Advisory Board, Nevada Test Site

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site.

**DATES:** Wednesday, April 2, 1997: 5:30 p.m.–9 p.m.

**ADDRESSES:** Community College of Southern Nevada (Cheyenne Avenue Campus), High Desert Conference and Training Center, Room 1422, 3200 East Cheyenne Avenue, North Las Vegas, Nevada 89030–4296, 702–651–4294.

**FOR FURTHER INFORMATION CONTACT:** Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, PO Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197.

**SUPPLEMENTARY INFORMATION:** Purpose of the Board: The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

### April Agenda

5:30 p.m.—Call to Order
5:40 p.m.—Presentations
7:00 p.m.—Public Comment/Questions
7:30 p.m.—Break
7:45 p.m.—Review Action Items
8:00 p.m.—Approve Meeting Minutes
8:10 p.m.—Committee Reports
8:45 p.m.—Public Comment
9:00 p.m.—Adjourn

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

*Minutes:* The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC on March 19, 1997.

**Rachel M. Samuel,**

*Acting Deputy Advisory Committee Management Officer.*

[FR Doc. 97–7474 Filed 3–24–97; 8:45 am]

BILLING CODE 6450–01–P

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## Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation.

**DATES:** Wednesday, April 2, 1997; 6 p.m.–9:30 p.m.

**ADDRESSES:** Information Resource Center, 105 Broadway, Oak Ridge, Tennessee.

**FOR FURTHER INFORMATION CONTACT:** Sandy Perkins, Site-Specific Advisory Board Coordinator, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, (423) 576–1590.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations

to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda:* The meeting will focus on conducting business topics for the Board. No technical presentations will be provided.

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Sandy Perkins at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

*Minutes:* The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 8:30 am and 5:00 pm on Monday, Wednesday, and Friday; 8:30 am and 7 pm on Tuesday and Thursday; and 9:00 am and 1:00 pm on Saturday, or by writing to Sandy Perkins, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, or by calling her at (423) 576–1590.

Issued at Washington, DC on March 20, 1997.

**Rachel M. Samuel,**

*Acting Deputy Advisory Committee Management Officer.*

[FR Doc. 97–7475 Filed 3–24–97; 8:45 am]

BILLING CODE 6450–01–P

## Office of Fossil Energy

**[FE Docket Nos. 96–89–NG; 97–01–NG, 96–97–NG, 96–96–NG, 96–98–NG, 97–06– NG, 97–09–NG, 97–08–NG, 97–07–NG, 97–02–NG, 97–05–NG, and 95–03–NG]**

## Orders Granting Authorization To Import and/or Export Natural Gas

Indeck Oswego Limited Partnership and Indeck Yerkes Limited Partnership, Ocean State Power II, KN Marketing, L.P., Atlas Gas Marketing, Inc., Renaissance Energy (U.S.) Inc., Canadianoxy Marketing (U.S.A.) Inc., Usgen Fuel Services, Inc., Selkirk Cogen Partners, L.P., Eri Services, Inc., Portland General Electric Company, Transco Energy Marketing Company, Koch Energy Trading, Inc.

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of orders.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued Orders authorizing various imports and/or exports of natural gas. These Orders are summarized in the attached appendix.

These Orders are available for inspection and copying in the Office of Natural Gas & Petroleum Import and Export Activities, Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on March , 1997.

**Wayne E. Peters,**

*Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import and Export Activities, Office of Fossil Energy.*

APPENDIX—BLANKET IMPORT/EXPORT AUTHORIZATIONS GRANTED

[DOE/FE Authority]

| Order No. | Date issued | Importer/exporter FE docket No. | Two-year maximum | | Comments |
|---|---|---|---|---|---|
| | | | Import volume | Export volume | |
| 1235 ..... | 01/17/97 | Indeck Oswego Limited Partnership and Indeck Yerkes Limited Partnership (96–89–NG). | 9 Bcf | ..... | Import from Canada. |
| 1236 ..... | 01/17/97 | Ocean State Power II (97–01–NG) ..... | 36.5 Bcf | | Import/Export up to a combined total from and to Canada. |
| 1237 ..... | 01/17/97 | K N Marketing, L.P. (96–97–NG) ..... | | 65.7 Bcf ... | Export to Mexico. |
| 1238 ..... | 01/17/97 | Atlas Gas Marketing, Inc. (96–96–NG) ..... | 73 Bcf | ..... | Import from Canada. |
| 1239 ..... | 01/28/97 | Renaissance Energy (U.S.) Inc. (96–98–NG). | 250 Bcf | | Import/Export up to a combined total from and to Canada. |
| 1240 ..... | 01/28/97 | Canadianoxy Marketing (U.S.A.) Inc. (97–06–NG). | 100 Bcf | ..... | Import from Canada. |
| 1241 ..... | 01/28/97 | USGen Fuel Services, Inc. (97–09–NG) .... | 62 Bcf | | Import/Export up to a combined total from and to Canada. |
| 1242 ..... | 01/28/97 | Selkirk Cogen Partners, L.P. (97–08–NG .. | 57 Bcf | | Import/Export up to a combined total from and to Canada. |
| 1244 ..... | 01/31/97 | ERI Services, Inc. (97–07–NG) ..... | 100 Bcf | 100 Bcf | Import combined total from Canada and Mexico. Export combined total to Canada and Mexico. |
| 1245 ..... | 01/31/97 | Portland General Electric Company (97–02–NG). | 90 Bcf | ..... | Import from Canada. |
| 1246 ..... | 01/31/97 | Transco Energy Marketing Company (97–05–NG). | 730 Bcf | ..... | Import from Canada. |
| 1019–A ... | 01/31/97 | Koch Energy Trading, Inc. (Formerly Koch Gas Services Company) (95–03–NG). | ..... | ..... | Name Change. |

[FR Doc. 97–7471 Filed 3–24– 97; 8:45 am]

BILLING CODE 6450–01–P

**[FE Docket Nos. 96–84–NG, 96–87–NG, 96–88–NG, 96–92–NG, 96–81–NG, 96–90–NG, 96–93–NG, 96–94–NG, 96–95–NG, and 96–91–NG]**

## Orders Granting Authorization To Import and/or Export Natural Gas

North American Resources Company, Westcoast Gas Services Inc., Westcoast Gas Services (America) Inc., Wascana Energy Marketing (U.S.) Inc., Tristar Gas Marketing Company, Newco US, L.P., Louis Dreyfus Energy Canada LTD., Duke/Louis Dreyfus L.L.C., Louis Dreyfus Energy Corp., Union Pacific Fuels, Inc.

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of orders.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued Orders authorizing various imports and/or exports of natural gas. These Orders are summarized in the attached appendix.

These Orders are available for inspection and copying in the Office of Natural Gas & Petroleum Import and Export Activities, Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 11, 1997.

**Wayne E. Peters,**

*Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import and Export Activities, Office of Fossil Energy.*

APPENDIX—BLANKET IMPORT/EXPORT AUTHORIZATIONS GRANTED

[DOE/FE Authority]

| Order No. | Date issued | Importer/exporter FE docket No. | Two-year maximum | | Comments |
|---|---|---|---|---|---|
| | | | Import volume | Export volume | |
| 1225 ..... | 12/10/96 | North American Resources Company (96–84–NG). | ..... | 73 Bcf ..... | Exports combined total to Canada and Mexico. |
| 1226 ..... | 12/11/96 | Westcoast Gas Services Inc. (96–87–NG) | 1,000 Bcf | 1,000 Bcf | Imports including LNG from Canada. Exports to Canada. |
| 1227 ..... | 12/11/96 | Westcoast Gas Services (America) Inc. (96–88–NG). | 1,000 Bcf | 1,000 Bcf | Imports including LNG from Canada. Exports to Canada. |
| 1228 ..... | 12/23/97 | Wescana Energy Marketing (U.S.) Inc. (96–92–NG). | 200 Bcf | | Imports/Exports combined total to and from Canada and Mexico. |
| 1229 ..... | 12/23/96 | Tristar Gas Marketing Company (96–81–NG). | (1)10 Bcf | ..... | Imports from Canada. |
| | | | 10 Bcf | | Imports/Exports combined total to and from Mexico. |
| 1230 ..... | 12/23/96 | Newco US, L.P. (96–90–NG) ..... | 1,000 Bcf | 1,000 Bcf | Imports combined total from Canada and Mexico. Exports combined total to Canada and Mexico. |
| 1231 ..... | 12/23/96 | Louis Dreyfus Energy Canada Ltd. (96–93–NG). | 200 Bcf | | Import/Export including LNG combined total from and to Canada and Mexico. |
| 1232 ..... | 12/23/96 | Duke-Louis Dreyfus L.L.C. (96–94–NG) .... | 200 Bcf | | Imports/Exports including LNG combined total from and to Canada and Mexico. |
| 1233 ..... | 12/23/96 | Louis Dreyfus Energy Corporation (96–95–NG). | 200 Bcf | | Imports/Exports including LNG combined total from and to Canada and Mexico. |
| 1234 ..... | 12/24/96 | Union Pacific Fuels, Inc. (96–91–NG) ..... | 200 Bcf | | Imports/Exports combined total from and to Canada and Mexico. |

[FR Doc. 97–7472 Filed 3–24– 97; 8:45 am]

BILLING CODE 6450–01–p

## Energy Information Administration

## Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Energy Information Administration, DOE

**ACTION:** Agency information collection activities: Proposed collection; comment request.

**SUMMARY:** The Energy Information Administration (EIA) is soliciting comments concerning the proposed extension of form EIA–767, ''Steam-Electric Plant Operation and Design Report.''

**DATES:** Written comments must be submitted within 60 days of the publication of this notice. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the DOE contact listed below of your intention to do so as soon as possible.

**ADDRESSES:** Send comments to John G. Colligan, Energy Information Administration, Coal and Electric Data and Renewables Division, EI–524, U.S. Department of Energy, Washington, DC 20585–0650; telephone (202) 426–1174; e-mail jcolliga@EIA.DOE.GOV; and FAX (202) 426–1308).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to John Colligan at the address listed above.

**SUPPLEMENTARY INFORMATION:**

I. Background
II. Current Actions
III. Request for Comments

### I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. No. 93–275) and the Department of Energy Organization Act (Pub. L. No. 95–91), the Energy Information Administration is obliged to carry out a central, comprehensive, and unified energy data and information program. As part of this program, EIA collects, evaluates, assembles, analyzes, and disseminates data and information related to energy

resource reserves, production, demand, and technology, and related economic and statistical information relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

The Energy Information Administration, as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13)), conducts a presurvey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Also, EIA will later seek approval by the Office of Management and Budget (OMB) for the collections under Section 3507(h) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, Title 44, U.S.C. Chapter 35).

The Form EIA–767, ''Steam-Electric Plant Operation and Design Report,'' remains an annual form that collects data on the operation and design of steam-electric plants. The form collects data required by the following sponsors: the DOE Office of Fossil Energy (FE), and the U.S. Environmental Protection Agency (EPA). The data collected on the Form EIA–767 are used to:

- Develop, assess, reform, and enforce the regulations required by the Clean Air Act, the Federal Water Pollution Control Act, and the Resource Conservation and Recovery Act
- Appraise the environmental impacts of electric energy plans and projections and the impact of environmental regulations on the generation of electric power
- Determine emission trends and appraisals
- Evaluate the inventory of pollution control technology and generation technologies
- Determine the expenditures of pollution abatement and control expenditures on operating costs and revenue.

EIA is responsible for collecting and processing the data. Within EIA, the data are used to develop a comprehensive electric power data base that supports EIA models and publications. Other data users include Congress, Federal, and State agencies.

## II. Current Actions

The Energy Information Administration requests a 3-year extension with no change to the existing collection of the Form EIA–767, ''Steam-Electric Plant Operation and Design Report.''

## III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of responses.

*General Issues*

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency? Does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can EIA make to the quality, utility, and clarity of the information to be collected?

*As a Potential Respondent*

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can data be submitted by the due date?

C. Public reporting burden for this collection is estimated to average 84 hours per response. Burden includes the total time, effort, or financial resources expended to generate, maintain, retain, or disclose or provide the information.

Please comment on (1) the accuracy of our estimate and (2) how the agency could minimize the burden of the collection of information, including the use of automated collection techniques or other forms of information technology.

D. EIA estimates that respondents will incur no additional costs for reporting other than the hours required to complete the collection. What is the estimated: (1) total dollar amount annualized for capital and start-up costs, and (2) recurring annual costs of operation and maintenance, and purchase of services associated with this data collection?

E. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the methods of collection.

*As a Potential User*

A. Can you use data at the levels of detail indicated on the form?

B. For what purpose would you use the data? Be specific.

C. Are there alternate sources of data and do you use them? If so, what are their deficiencies and/or strengths?

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

**Statutory Authority:** Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C. March 19, 1997.

**Jay H. Casselberry,**

*Agency Clearance Officer, Office of Statistical Standards, Energy Information Administration.*

[FR Doc. 97–7473 Filed 3–24–97; 8:45 am]

BILLING CODE 6450–01–P

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## Office of Energy Research

## Fusion Energy Sciences Advisory Committee

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is given of a meeting of the Fusion Energy Sciences Advisory Committee (FESAC).

**DATES:** Thursday, April 17, 1997, 9 a.m. to 6 p.m., and Friday, April 18, 1997, 9 a.m. to 4 p.m.

**ADDRESS:** U.S. Department of Energy, Auditorium, 19901 Germantown Road, Germantown, Maryland 20874.

**FOR FURTHER INFORMATION CONTACT:** Albert L. Opdenaker, III, Executive Assistant, Office of Fusion Energy Sciences, U.S. Department of Energy, Germantown, MD 20874, Telephone: 301–903–4941.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Meeting:* The Fusion Energy Sciences Advisory Committee has been charged to review the International Thermonuclear Experimenetal Reactor (ITER) Detailed Design Report which includes cost and schedule estimates, in order to provide its view of the adequacy of the design to meet ITER's technical objectives. This information will be used as part of the basis for a United States Government decision on whether or not to enter negotiations on the terms and conditions for an agreement for the construction, operation, exploitation, and decommissioning of ITER. The Committee has been asked to provide its view to the Department of Energy by May 1, 1997.

**Tentative Agenda:**

*Thursday, April 17, 1997*

9:00 a.m.—Review of Subpanel Reports
5:00 p.m.—Public Comments
6:00 p.m.—Adjourn

*Friday, April 18, 1997*

9:00 a.m.—Executive Summary
11:00 a.m.—Preparation of FESAC Report
1:00 p.m.—Presentation of Results to Dr. Martha Krebs
4:00 p.m.—Adjourn

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Albert L. Opdenaker at 301–903–8584 (fax) or albert.opdenaker@mailgw.er.doe.gov (e-mail). Requests to make oral statements must be received 5 days prior to the meeting; reasonable provision will be made to include the statement in the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

*Minutes:* The minutes of this meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on March 20, 1997

**Rachel M. Samuel,**

*Acting Deputy Advisory Committee Management Officer*

[FR Doc. 97–7476 Filed 3–24–97; 8:45 am]

BILLING CODE 6450–01–P

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## Federal Energy Regulatory Commission

**[Docket No. RP97–290–000]**

## Colorado Interstate Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 19, 1997.

Take notice that on March 14, 1997, Colorado Interstate Gas Company (CIG), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be effective April 14, 1997.

CIG states on November 1, 1996 it filed in Docket No. RP97–63–000 pro forma tariff sheets to comply with Order No. 587. As part of CIG's filing it proposed a new Headstation Pooling Rate Schedule (HPS–1). CIG further states in the Commission's order on CIG's compliance filing issued January 16, 1997, the Commission stated that the GISB standards ''intended the pipeline to implement a new pooling service but in order to implement a new service the pipeline must make a section 4 filing'' (that is a filing pursuant to Section 4 of the Natural Gas Act). CIG states this is the purpose of this filing.

CIG states that copies of this filing have been served on CIG's jurisdictional customers and public bodies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.214 and Section 385.211 of the Commission's Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be consider by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Linwood A. Watson, Jr.**

*Acting Secretary.*

[FR Doc. 97–7425 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP97–284–000]**

## Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

March 19, 1997.

Take notice that on March 11, 1997, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP97–284–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate additional points of delivery for firm transportation service to existing customers, under Columbia's blanket certificate issued in Docket No. CP83–76–000 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.

Columbia proposes to construct and operate the facilities needed to establish thirteen additional delivery points. The customers and counties involved are: Columbia Gas of Kentucky, Inc. (CKY) (Martin and Clark Counties, Kentucky); Columbia Gas of Ohio, Inc. (COH) (Ottawa, Medina and Carroll Counties, Ohio); Mountaineer Gas Company (MGC) (Boone, Marshall, Barbour, Gilmer, Wayne, Wyoming and Tucker Counties, West Virginia), and The Waterville Gas Company (WGC) (Wood County, Ohio).

Each new delivery point's interconnecting facility will vary according to area conditions; but, in most cases, the following will be installed: a 4-inch by 1-inch tap saddle (depending on pipeline size), a 1-inch valve, nipple, and less than 20 feet of pipe on Columbia's existing right-of-way. CKY, COH, MGC and WGC will set the meter and regulator for each location. The estimated natural gas quantities are: 10,851 Dth/day and 4,398,250 Dth/annual for CKY; 4.5 Dth/day and 450 Dth/annual for COH; 13.5 Dth/day and 1,650 Dth/annual for MGC, and 1.8 Dth/day and 200 Dth/annual for WGC.

Columbia states that the new delivery points are not prohibited by its existing tariff and that it has sufficient capacity to accomplish deliveries without detriment or disadvantage to other customers. The proposed delivery points will not have an effect on Columbia's peak day and annual deliveries and the total volumes delivered will not exceed total volumes authorized prior to this request.

Columbia estimates the new tap installation costs to be approximately $150 each and will be treated as an O&M expense, except for the Martin County, Kentucky project which is an existing tap and will require no additional cost.

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.

**Linwood A. Watson, Jr.**

*Acting Secretary.*

[FR Doc. 97–7418 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket Nos. CP96–655–001, CP96–656–001, and CP96–657–001]**

## Destin Pipeline Company, L.L.C.; Notice of Amendment

March 19, 1997.

Take notice that on March 14, 1997, Destin Pipeline Company, L.L.C. (Destin) successor in interest to Destin Pipeline Company Inc. (DPC), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP96–655–001, *et al.*, an amendment to the pending application for a certificate of public convenience and necessity filed on July 24, 1996, in Docket No. CP96–655–000, *et al.*, pursuant to Section 7(c) of the Natural Gas Act and Parts 284 and 157 of the Commission's Regulations, to modify proposed facilities to include executed Precedent Agreements providing market support for the Destin Pipeline, to revise Destin's proposed FERC Gas Tariff and initial rates to provide a new flexible firm transportation service to meet the needs of deepwater producers and to renew requests for blanket certificates of construction and transportation, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Destin states that in its initial filing, as supplemented, DPC requested authorization to construct, install and operate a new large diameter interstate pipeline (Destin Pipeline) to transport gas from the Gulf of Mexico to interconnections with five interstate pipelines in the State of Mississippi, Destin states that due to favorable reaction from the shipper community, on December 21, 1996, Amoco Pipeline Company (Amoco Pipeline), Shell Gas Pipeline Company (Shell Pipeline), Amoco Production Company (Amoco), Shell Deepwater Development Inc. (SDDI) and shell Deepwater Production Inc. (SDPI) agreed with DPC to have affiliates of Amoco Pipeline and Shell Pipeline become equity owners in the Destin Pipeline project. Additionally, Destin states that Amoco, SDDI and SDPI have executed Precedent Agreements dated as of February 28, 1997, for the proposed flexible firm transportation service on Destine Pipeline with average Transportation Demand (TD) levels over the first five years at 562 MMcf per day and peak TDs of 844 MMcf per day.

Destin states that its initial filing requested authorization to construct, install, and operate one gathering platform in Main Pass Block 260, Gulf of Mexico; one offshore junction platform in Viosca Knoll Block 119, Gulf of Mexico; 76 miles of 36-inch offshore pipeline facilities; 134 miles of 36-inch and 30-inch onshore pipeline facilities; two miles of 16-inch pipeline facilities; one 14,100 horsepower compressor station in Jackson County, Mississippi; one 11,600 horsepower compressor station in Greene county, Mississippi; and related pipeline interconnection, measurement and appurtenant facilities to accommodate the transportation of 1 Bcf of gas per day for delivery to downstream interconnections in southern and central Mississippi. Destin states that the pipeline route was to extend in a northerly direction from Main Pass Block 260, Gulf of Mexico, to an onshore terminus at its interconnection with Southern Natural Gas Company (Southern) near Enterprise, Mississippi. Destin further states that the original filing contemplated interconnections with four other pipelines, as well as Southern; Florida Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Tennessee Gas Pipeline Company and Texas Eastern Transmission Corporation.

Destin states that, specifically, the amended filing seeks the following modifications to the original proposal: (a) Several modifications to the jurisdictional facilities, (b) an interconnection with an additional interstate pipeline, (c) the deletion of the levelized rates for the FT–1 firm transportation service, (d) the addition of a flexible firm transportation service similar to that approved in *Shell Gas Pipeline Company*, 76 FERC ¶ 61,126 (1996), (e) a decrease in the proposed initial rates, (f) inclusion of capacity lease payments to Southern in Destin's proposed cost of service in accordance to the pending joint application of Southern and Destin filed on March 14, 1997, in Docket No. CP97–291–000, (g) revisions to Destin's proposed FERC Gas Tariff, primarily attributable to the addition of the flexible firm transportation service and the incorporation of the Gas Industry Standards Board standards.

It is stated that the modifications to the facilities originally proposed are as follows: (a) The deletion of the junction platform in Viosca Knoll Block 119, Gulf of Mexico, (b) an interconnection with Koch Gateway Pipeline Company in Jackson County, Mississippi, (c) the deletion of the onshore receipt point, (d) increase compression capabilities at the Pascagoula compression site from 14,100 horsepower to 17,040 horsepower, (e) decrease compression at the Sand Hill compression site from 11,600 horsepower to 9,400 horsepower, and (f) in addition to the measurement facilities to connect to the inlet and outlet of a non-jurisdictional processing plant to be operated by Amoco in Pascagoula, Mississippi, Destin proposed to add as an auxiliary facility a liquids slug catcher facility in Jackson County, Mississippi, which will be located upstream of the site of the non-jurisdictional processing plant. Destin estimates the revised cost of the proposed facilities to be $308.1 million.

In regard to its transportation services, Destin states that it is deleting the 10-year levelized firm transportation services and adding a flexible firm transportation service. Interruptible transportation service under Rate Schedule IT will be applicable to any shipper that contracts for interruptible transportation on Destin Pipeline. In its amended proposal, Destin proposes to offer two firm transportation services: (1) A traditional firm transportation service (Rate Schedule FT–1) and (2) a flexible firm transportation service (Rate Schedule FT–2). Destin states that Rate Schedule FT–1 is a traditional firm transportation service with a fixed TD and a reservation charge to be billed regardless of throughput levels. The maximum initial monthly reservation rate to be charged for service under Rate Schedule FT–1 is $7.35 per Dth, a decrease of 58 cents per Dth per month from the comparable rate proposed for the traditional firm rate schedule in the initial filing. Destin states that Rate Schedule FT–2 is a flexible firm transportation service which will provide for variable levels of TD and volumetric rate treatment depending on throughput levels relative to TD. Destin states that to be eligible for service under Rate Schedule FT–2, a shipper must execute a Reserve Commitment Agreement wherein the shipper identifies OCS lease(s) with estimated proven recoverable reserves of 100 Bcf or more attributable to the shipper's interests and its affiliates or aggregated with other shipper(s) committed interest(s) in such leases (Committed Leases) and make a life of reserves commitment of its share of production therefrom. In addition, Destin states that each shipper will be required to submit documentation and technical data to support its reserve commitment when placing a request for transportation service under Rate Schedule FT–2. It is

stated that shippers under Rate Schedule FT–2 may request separate levels of TD (5,000 Mcf/d minimum) for specified delivery periods of not less than three consecutive months to correspond with the anticipated production profile of the Committed Leases. It is further stated that the maximum monthly reservation rate for transportation service under Rate Schedule FT–2 is $7.35 per Dth and the maximum daily reservation rate for such service is 24.5 cents per Dth, inclusive of the transportation charge. To receive volumetric rate treatment, the shipper's throughput quantities (based on a rolling three-month average calculated with a one-month lag) must equal or exceed 70 percent of the shipper's average TD for the same three-month period. If a shipper's throughput does not reach the 70 percent threshold, the shipper is charged a reservation charge based on a total TD.

Destin states that it is encouraging maximum utilization of capacity by establishing discounted Rate Schedule FT–2 rates for a period through December 31, 2019, for FT–2 shippers with firm transportation service pursuant to Precedent Agreements executed in February 1997 or pursuant to commitments in Destin's Open Season to be held from March 17, 1997 to April 30, 1997. Destin states that at this juncture, Destin is not requesting authority herein to negotiate terms and conditions. Service terms and conditions under Rate Schedule FT–2 will be available to all shippers on the same generally applicable terms and conditions.

Destin states that for all rate schedules, Destin has eliminated the offshore/onshore rate design and provided for a single rate independent of receipt point or delivery point location. Destin states that it believes that a postage stamp rate is appropriate for this project because most of the gas supply is expected to be received at Main Pass Block 260 and all of the delivery points are located within a 115-mile segment. In addition, Destin states that it has eliminated the Negotiated Rate Provision in Section 25 of the proposed tariff. Destin further states that the addition of a flexible firm rate schedule has eliminated the need for the Banking Provision in Section 26 of the proposed tariff. Destin states that the Banking Provision was designed to provide scheduling flexibility to meet the needs of shippers coordinating development and production of deepwater prospects. Destin believes that the proposed flexible firm Rate Schedule FT–2 provides even greater flexibility and eliminates any need for a banking mechanism.

Destin requests a Preliminary Determination on non-environmental issues by June 1, 1997, with a final approval on all issues by the end of November 1997, so that the proposed facilities can be placed in service by July 1, 1998.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 9, 1997, 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. All persons who have heretofore filed need not file again.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7414 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP97–283–000]**

## Eastern Shore Natural Gas Company; Notice of Application

March 19, 1997.

Take notice that on March 11, 1997, Eastern Shore Natural Gas Company (Eastern Shore), Box 615, Dover, Delaware 19903–0615, filed an application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity authorizing Eastern Shore to (1) construct and operate 0.4 miles of 16-inch diameter pipeline; and (2) abandon in place 0.4 miles of existing 10-inch diameter pipeline, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Eastern Shore says that the proposed pipeline segment, to be located in New Castle County, Delaware, would replace existing pipeline that must be relocated due to Delaware State Department of Transportation (DelDOT) highway construction. Construction of the proposed facilities is planned to be undertaken between Fall 1997 and Spring 1998.

Eastern Shore estimates that the incremental additional cost of upsizing the pipeline segment proposed in its application will be $53,620 and estimates the total project cost to be $329,856. Eastern Shore states that it will finance the cost of the project initially from internally generated funds and short term notes and that permanent financing will be arranged after construction has been completed. Eastern Shore requests that the total cost of these facilities be rolled-in to its total system costs for rate purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.100). 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 Section 7 and Section 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee of 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 to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Eastern Shore to appear or be represented at the hearing.

**Linwood A. Watson, Jr.**

*Acting Secretary.*

[FR Doc. 97–7417 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC97–21–000]

## Entergy Gulf States, Inc.; Notice of Filing

March 19, 1997.

Take notice that Entergy Gulf States, Inc., on March 18, 1997, filed an application under Section 203 of the Federal Power Act and Part 33 of the Commission's Regulations regarding the acquisition of two high-voltage transmission lines from the bankruptcy estate of Cajun Electric Power Cooperative, Inc.

Entergy Gulf States requests that the Commission approve the acquisition within 45 days.

Copies of the application were served upon each of the state commissions that regulates the Entergy operating companies and each party to the Cajun bankruptcy proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before April 17, 1997. 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 petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7445 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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[Docket No. OR96–1–000, et al.]

## Exxon Pipeline Company, Mobile Alaska Pipeline Company, Phillips Alaska Pipeline Corporation, and Unocal Pipeline Company; Notice of Proposed Settlement Agreement

March 19, 1997.

Take notice that on February 11, 1997, the owners of the Trans Alaska Pipeline System (TAPS Carriers) filed with the Commission, pursuant to Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR Section 385.602 a settlement agreement in the above-referenced proceedings. The settlement agreement was originally docketed as OR97–1–000.

TAPS Carriers state that copies of the settlement were served upon all parties of record in Docket No. OR96–1–000.

Initial comments on the settlement are due not later than April 7, 1997, and reply comments not later than April 17, 1997.

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., in accordance with Section 385.214 and Section 385.211 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7421 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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[Docket No. RP96–348–003]

## Panhandle Eastern Pipe Line Company; Notice of Compliance Filing

March 19, 1997.

Take notice that on March 14, 1997, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, proposed to be effective October 1, 1996 and March 1, 1997, as defined therein. Panhandle assets that the purpose of this filing is to comply with the Commission's order issued February 28, 1997 in Docket No. RP96–348–000, 78 FERC ¶ 61,202 (1977).

Panhandle states that copies of this filing are being served on all affected customers, applicable state regulatory agencies and all parties to this proceeding.

All person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with 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.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7422 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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[Docket No. RP97–4–001]

## Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

March 19, 1997.

Take notice that on March 14, 1997, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, proposed to be effective April 1, 1997.

Panhandle states that the purpose of this filing, which is made in accordance with the provisions of Section 154.204 of the Commission's Regulations, is to repaginate and replace certain tariff sheets filed on January 30, 1997, in Docket No. RP97–4–003. Panhandle states that the enclosed sheets have been revised to include tariff language which was suspended at the time of the January 30, 1997 filing but now has been approved, with modifications, to be effective March 1, 1997, in Docket No. RP96–348–000. 78 FERC ¶ 61,202 (1997).

Panhandle states that copies of this filing are being served on all affected customers, applicable state regulatory agencies and all parties to this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with 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.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7423 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. RP97–291–000]**

## Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

March 19, 1997.

Take notice that on March 14, 1997, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, proposed to be effective April 13, 1997.

Fourth Revised Sheet No. 242
Fourth Revised Sheet No. 243
Fourth Revised Sheet No. 244

Panhandle states that the revised tariff sheets modify Section 8.9 of the General Terms and Conditions to provide for scheduling of firm secondary points of receipt and delivery based upon the highest percentage of the maximum rate.

Panhandle states that copies of this filing are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Linwood A. Watson, Jr.**

*Acting Secretary.*

[FR Doc. 97–7426 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP97–290–000]**

## Sabine Pipe Line Company; Notice of Request Under Blanket Authorization

March 19, 1997.

Take notice that on March 14, 1997, Sabine Pipe Line Company (Sabine), P.O. Box 4781, Houston, Texas 77210–4781 filed in Docket No. CP97–290–000 a request pursuant to Sections 157.205, and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for approval and permission to use an existing receipt tap to deliver natural gas to Tejas Gas Pipeline Company (Tejas) located in Jefferson County, Texas, under the blanket certificate issued in Docket No. CP83–199–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in request which is on file with the Commission and open to public inspection.

Sabine states that it proposes to operate the interconnection as both a receipt tap to receive natural gas supplies for Sabine's shippers and as a sales tap to deliver natural gas to Tejas or its shippers. Sabine asserts that the maximum quantity of natural gas that will be delivered through the interconnection is 100,000 MMcf per day, subject to prevailing operating conditions. Sabine also asserts that the delivery point will be available to all existing and potential shippers receiving service under Sabine's FT–1 and IT–1 Rate Schedule Schedules set forth in Sabine's FERC Gas Tariff.

Any person or the Commission's Staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and procedure (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 activities shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and notwithdrawn 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.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7420 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP97–287–000]**

## Tennessee Gas Pipeline Company; Notice of Request Under Blanket Authorization

March 19, 1997.

Take notice that on March 13, 1997, Tennessee Gas Pipeline Company (Tennessee), Post Office Box 2511, Houston, Texas 77252, filed a request with the Commission in Docket No. CP97–287–000, pursuant to Sections 257.205, and 157.212 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to modify an existing receipt point to include delivery capabilities for CXY Energy, Inc. (CXY) authorized in blanket certificate issued in Docket No. CP82–413–000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee proposes to reconfigure existing Receipt Meter No. 1–1069–1, to add delivery capabilities of up to 1,000 Dekatherms per day of natural gas for CXY's gas lift operations. Tennessee would continue to own, operate and maintain the meter and would install own, and operate the tie-in piping needed to create a piping manifold. CXY would own all downstream piping and control the shut-down valve downstream of the meter. CXY would reimburse Tennessee the cost to modify this receipt point which is estimated to be $28,300.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, 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 NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, 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 NGA.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7419 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. RP97–240–001]**

## Texas Gas Transmission Corporation; Notice of Filing

March 19, 1997.

Take notice that on March 14, 1997 Texas Gas Transmission Corporation (Texas Gas) tendered for filing additional information and supplemental schedules supporting Texas Gas's Annual Cash-out Report filed on January 29, 1997. Texas Gas states that the instant filing is being made to comply with the Commission's Letter Order in Docket No. RP97–240–000 issued on February 27, 1997.

Texas Gas states that copies of the additional information and supplemental schedules are being mailed to all parties appearing on the

Commission's official service list in Docket No. RP97–240–000.

As stated in the February 27, 1997 Letter Order, ''Parties in this proceeding may file comments on the data within 10 days after the date Texas Gas files the supplemental information in compliance with the order.'' Therefore, comments should be filed on or before March 24, 1997. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7424 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP97–193–000]**

## Transcontinental Gas Pipe Line Corporation; Notice of Site Visit

March 19, 1997.

On April 2–3, 1997, beginning at 12:00 p.m., the Office of Pipeline Regulation (OPR) staff will conduct a site visit with Transcontinental Gas Pipe Line Corporation of the proposed Maiden Lateral Looping Project in Lincoln and Catawba Counties, North Carolina.

All parties may attend. Those planning to attend must provide their own transportation.

For further information, please contact Paul McKee at (202) 208–1088.

**Robert J. Cupina,**

*Deputy Director, Office of Pipeline Regulation.*

[FR Doc. 97–7416 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. EG97–42–000, et al.]**

## Cataula Generating Company, L.P. et al. Electric Rate and Corporate Regulation Filings

March 19, 1997

Take notice that the following filings have been made with the Commission:

### 1. Cataula Generating Company, L.P.

[Docket No. EG97–42–000]

On March 11, 1997, Cataula Generating Company, L.P.(Applicant), a limited partnership duly established under the laws of Delaware, with its principal place of business at 7500Old Georgetown Road, Bethesda, Maryland 20814–6161, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant toPart 365 of the Commission's Regulations.

In its application, Applicant states that it intends to engage directly, or indirectly through one or more affiliates, in the business of owning or operating, or both owning and operating, an eligible facility as defined under Section 32(a)(2) of the Public Utility Holding Company Act of 1935 (PUHCA), as amended. The eligible facility will consist of a natural gas-fired electric generating facility to be constructed in HarrisCounty, Georgia to effect a sale of electric energy at wholesale.

*Comment date:* April 9, 1997, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration to those that concern the adequacy or accuracy of the application.

### 2. EPEM Marketing Company, IEP Power Marketing, LLC, Jpower, Inc., Nordic Electric, L.L.C., Power Fuels, Inc. Energy2, Inc.

[Docket Nos. ER95–428–008, ER95–802–007, ER95–1421–007, ER96–127–003, ER96–1930–002 and ER96–3086–001 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On January 30, 1997, EPEM Marketing Company filed certain information as required by the Commission's March 30, 1995, order in Docket No. ER95–428–000.

On March 10, 1997, IEP Power Marketing, LLC filed certain information as required by the Commission's May 11, 1995, order in Docket No. ER95–802–000.

On January 23, 1997, Jpower Inc. filed certain information as required by the Commission's August 25, 1995, order in Docket No. ER95–1421–000.

On January 22, 1997, Nordic Electric, L.L.C. filed certain information as required by the Commission's December 1, 1995, order in Docket No. ER96–121–000.

On January 27, 1997, Power Fuels, Inc. filed certain information as required by the Commission's July 5, 1996, order in Docket No. ER96–1930–000.

On January 31, 1997, Energy2, Inc. filed certain information as required by the Commission's October 22, 1996, order in Docket No. ER96–3086–000.

### 3. Oklahoma Gas and Electric Company

[Docket No. ER96–3133–000]

Take notice that on February 28, 1997, Oklahoma Gas and Electric Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

### 4. South Carolina Electric & Company

[Docket No. ER97–140–000]

Take notice that on January 24, 1997, South Carolina Electric & Company tendered for filing a Notice of Withdrawal in the above-referenced docket.

*Comment date:* March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

### 5. Toledo Edison Company

[Docket No. ER97–650–000]

Take notice that on February 26, 1997, Toledo Edison Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* March 31, 1997, in accordance with Standard Paragraph E at the end of this notice.

### 6. Southwestern Public Service Company

[Docket No. ER97–1061–000]

Take notice that on February 28, 1997, Southwestern Public Service Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

### 7. Southwestern Public Service Company

[Docket No. ER97–1287–000]

Take notice that on February 26, 1997, Southwestern Public Service Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* March 31, 1997, in accordance with Standard Paragraph E at the end of this notice.

### 8. Southwestern Public Service Company

[Docket No. ER97–1288–000]

Take notice that on February 26, 1997, Southwestern Public Service Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* March 31, 1997, in accordance with Standard Paragraph E at the end of this notice.

### 9. Toledo Edison Company

[Docket No. ER97–1517–000]

Take notice that on March 3, 1997, Toledo Edison Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**10. Brennan Power, Inc.**

[Docket No. ER97–1630–000]

Take notice that on March 11, 1997, Brennan Power, Inc. tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

**11. Cinergy Services, Inc.**

[Docket No. ER97–1675–000]

Take notice that on February 28, 1997, Cinergy Services, Inc. tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**12. New York State Electric & Gas Corporation**

[Docket No. ER97–1976–000]

Take notice that on March 6, 1997, New York State Electric & Gas Corporation (NYSEG), tendered for filing a supplement to its Agreement with the Municipal Board of the Village of Bath (the Village), designated Rate Schedule FERC No. 72. The proposed amendment would decrease revenues by $177.66 based on the twelve month period ending December 31, 1997.

This rate filing is made pursuant to Section 2(a) through 2(c) of Article IV of the December 1, 1977, Facilities Agreement Rate Schedule FERC No. 72. The annual charges for routine operation and maintenance and general expenses, as well as revenue and property taxes are revised based on date taken from NYSEG's Annual Report to the Federal Energy Regulatory Commission (FERC Form 1) for the twelve months ended December 31, 1995. The revised facilities charge is levied on the cost of the tap facility constructed and owned by NYSEG to connect its 34.5 Kv electric transmission line located in the Village of Bath to the Village's Fairview Drive Substation.

NYSEG requests an effective date of January 1, 1997, and therefore, requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Municipal Board of the Village of Bath and on the Public Service Commission of the State of New York.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**13. New York State Electric & Gas Corporation**

[Docket No. ER97–1977–000]

Take notice that on March 6, 1997, New York State Electric & Gas Corporation (NYSEG), filed a Service Agreement between NYSEG and Citizens Lehman Power Sales, (Customer). This Service Agreement specifies that the customer has agreed to the rates, terms and conditions of the NYSEG open access transmission tariff filed and effective on January 29, 1997 with revised sheets effective on February 7, 1997, in Docket No. OA96–195–000 and ER96–2438–000.

NYSEG requests waiver of the Commission's sixty-day notice requirements and an effective date of February 16, 1997, for the Citizens Lehman Power Sales Service Agreement. NYSEG has served copies of the filing on The New York State Public Service Commission and on the Customer.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**14. New York State Electric & Gas Corporation**

[Docket No. ER97–1978–000]

Take notice that on March 6, 1997, New York State Electric & Gas Corporation (NYSEG), tendered for filing an amendment to the Rate Schedule No. 117 filed with FERC corresponding to an Agreement with the Delaware County Electric Cooperative, Inc. (the Cooperative). The proposed amendment would increase revenues by $361.58 based on the twelve month period ending December 31, 1997.

This rate filing is made pursuant to Section 1(c) and Section 3(a) through 3(c) of Article IV of the June 1, 1977, Facilities Agreement between NYSEG and the Cooperative, filed with FERC. The annual charges for routine operation and maintenance and general expenses, as well as revenue and property taxes are revised based on data taken from NYSEG's Annual Report to the Federal Energy Regulatory Commission (FERC Form 1) for the twelve months ended December 31, 1995. The revised facilities charge is levied on the cost of the 34.5 Kv tie line from Taylor Road to the Jefferson Substation, constructed by NYSEG for the sole use of the Cooperative.

NYSEG requests an effective date of January 1, 1997, and therefore, requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Delaware County Electric Cooperative, Inc. and on the Public Service Commission of the State of New York.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**15. Wisconsin Electric Power Company**

[Docket No. ER97–1979–000]

Take notice that on March 6, 1997, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a Non-Firm Transmission Service Agreement between itself and Minnesota Power & Light Company. The Transmission Service Agreement allows Minnesota Power & Light Company 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 Minnesota Power & Light Company, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**16. Montaup Electric Company**

[Docket No. ER97–1980–000]

Take notice that on March 7, 1997, Montaup Electric Company (Montaup), filed a revision of its March 6, 1997, filing of a credit under its Purchased Capacity Adjustment Clause (PCAC). The total of $7,221,349 shown on the second page of the transmittal letter was corrected to $11,221,349.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**17. Consolidated Edison Company of New York, Inc.**

[Docket No. ER97–1981–000]

Take Notice that on March 6, 1997, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide non-firm transmission service pursuant to its Open Access Transmission Tariff to Orange & Rockland Utilities, Inc. (O&R).

Con Edison states that a copy of this filing has been served by mail upon O&R.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**18. Consolidated Edison Company of New York, Inc.**

[Docket No. ER97–1982–000]

Take notice that on March 6, 1997, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide non-firm transmission service pursuant to its Open Access Transmission Tariff to Sonat Power Marketing, L.P. (Sonat).

Con Edison states that a copy of this filing has been served by mail upon Sonat.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**19. Maine Public Service Company**

[Docket No. ER97–1983–000]

Take notice that on March 6, 1997, Maine Public Service Company (Maine Public), filed an executed Service Agreement with Cinergy Services, Inc.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**20. Maine Public Service Company**

[Docket No. ER97–1984–000]

Take notice that on March 6, 1997, Maine Public Service Company (Maine Public), filed an executed Service Agreement with The Power Company of America, L.P.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**21. Consolidated Edison Company of New York, Inc.**

[Docket No. ER97–1985–000]

Take notice that on March 6, 1997, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide non-firm transmission service pursuant to its Open Access Transmission Tariff to Central Maine Power Co. (Central Maine).

Con Edison states that a copy of this filing has been served by mail upon Central Maine.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**22. Virginia Electric and Power Company**

[Docket No. ER97–1986–000]

Take notice that on March 7, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between Virginia Electric and Power Company and Western Power Services, Inc. under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994, as revised on December 31, 1996. Under the tendered Service Agreement Virginia Power agrees to provide services to Western Power Services, Inc. under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**23. Northeast Utilities Service Company**

[Docket No. ER97–1987–000]

Take notice that on March 7, 1997, Northeast Utilities Service Company (NUSCO) on behalf of The Connecticut Light and Power Company (CL&P), Western Massachusetts Electric Company (WMECO), Holyoke Water Power Company (HWP), and Holyoke Power and Electric Company (HP&E) (each a subsidiary of Northeast Utilities and hereafter called the NU System Companies), tendered for filing a Fourth Amendment to Transmission Service Agreement between the NU System Companies and the Connecticut Municipal Electric Energy Cooperative (CMEEC). The Fourth Amendment amends the rate-related provisions of the comprehensive transmission service agreement (CTSA) between NU System Companies and CMEEC. The CTSA is designated CL&P FERC Rate Schedule No. 492, WMECO FERC Rate Schedule No. 381, HWP FERC Rate Schedule No. 47, and HP&E FERC Rate Schedule No. 24.

NUSCO states that a copy of this filing has been mailed to CMEEC.

NUSCO requests that the Fourth Amendment become effective on March 1, 1997, in order to coincide with the effective date of service under the New England Power Pool Open Access Transmission Tariff, filed on December 31, 1996, FERC Docket Nos. OA97–237–000, ER97–1079–000.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**24. Idaho Power Company**

[Docket No. ER97–1988–000]

Take notice that on March 7, 1997, Idaho Power Company (IPC), tendered for filing with the Federal Energy Regulatory Commission a Service Agreement under Idaho Power Company FERC Electric Tariff, Second Revised, Volume No. 1 between MP Energy, Inc. and Idaho Power Company, and Howard Energy Co., Inc., and Idaho Power Company.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**25. Idaho Power Company**

[Docket No. ER97–1989–000]

Take notice that on March 7, 1997, Idaho Power Company (IPC), tendered for filing with the Federal Energy Regulatory Commission Service Agreements under Idaho Power Company FERC Electric Tariff No. 5, Open Access Transmission Tariff, between PacifiCorp and Idaho Power Company.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**26. MidAmerican Energy Company**

[Docket No. ER97–1990–000]

Take notice that on March 7, 1997, MidAmerican Energy Company (MidAmerican), 106 East Second Street, Davenport, Iowa 52801, filed with the Commission a Non-Firm Transmission Service Agreement with Southern Energy Trading and Marketing, Inc. (Southern Energy) dated February 20, 1997, entered into pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of February 20, 1997, for the Agreement with Southern Energy, and accordingly seeks a waiver of the Commission's notice requirement. MidAmerican has served a copy of the filing on Southern Energy, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**27. MidAmerican Energy Company**

[Docket No. ER97–1991–000]

Take notice that on March 7, 1997, MidAmerican Energy Company (MidAmerican), 106 East Second Street, Davenport, Iowa 52801 filed with the Commission a Service Agreement with Wisconsin Electric Power Company (Wisconsin Electric) dated February 17, 1997, entered into pursuant to MidAmerican's Rate Schedule for Power Sales, FERC Electric Tariff, Original Volume No. 5.

MidAmerican requests an effective date of February 17, 1997, for the Agreement with Wisconsin Electric, and accordingly seeks a waiver of the Commission's notice requirement. MidAmerican has served a copy of the filing on Wisconsin Electric, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**28. South Carolina Electric & Gas Company**

[Docket No. ER97–1992–000]

Take notice that on March 7, 1997, South Carolina Electric & Gas Company

(SCE&G), submitted service agreements establishing Jacksonville Electric Authority (JEA) as a customer under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreement. Accordingly, SCE&G requests waiver of the Commission's notice requirements. Copies of this filing were served upon JEA and the South Carolina Public Service Commission.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**29. Niagara Mohawk Power Corporation**

[Docket No. ER97–1993–000]

Take notice that on March 7, 1997, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and American Energy Solutions, Inc. This Transmission Service Agreement specifies that American Energy Solutions, Inc. 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 9, 1996, will allow NMPC and American Energy Solutions, Inc. to enter into separately scheduled transactions under which NMPC will provide transmission service for American Energy Solutions, Inc. as the parties may mutually agree.

NMPC requests an effective date of February 27, 1997. 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 American Energy Solutions, Inc..

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**30. Niagara Mohawk Power Corporation**

[Docket No. ER97–1994–000]

Take notice that on March 7, 1997, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and The Power Company of America, L.P. This Transmission Service Agreement specifies that The Power Company of America, L.P. 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 9, 1996, will allow NMPC and The Power Company of America, L.P. to enter into separately scheduled transactions under which NMPC will provide transmission service for The Power Company of America, L.P. as the parties may mutually agree.

NMPC requests an effective date of February 27, 1997. 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 The Power Company of America, L.P.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**31. Ohio Edison Company, Pennsylvania Power Company**

[Docket No. ER97–1995–000]

Take notice that on March 7, 1997, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, Service Agreements with Rainbow Energy Marketing Corporation and The Power Company of America under Ohio Edison's Power Sales Tariff. This filing is made pursuant to Section 205 of the Federal Power Act.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**32. Wisconsin Electric Power Company**

[Docket No. ER97–1996–000]

Take notice that on March 7, 1997, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a Transmission Service Agreement between itself and Dayton Power and Light Company (DP&L). The Transmission Service Agreement allows DP&L to receive transmission service under Wisconsin Electric's FERC Electric Tariff, Original Volume No. 7, accepted for filing in Docket No. OA96–196–000.

Wisconsin Electric requests an effective date coincident with filing and waiver of the Commission's notice requirements to allow for economic transactions. Copies of the filing have been served on DP&L, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**33. PECO Energy Company**

[Docket No. ER97–1997–000]

Take notice that on March 7, 1997, PECO Energy Company (PECO), filed a Service Agreement dated February 27, 1997 with ConAgra Energy Services, Inc. (CES) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds CES as a customer under the Tariff.

PECO requests an effective date of February 27, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to CES and to the Pennsylvania Public Utility Commission.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**34. Louisville Gas and Electric Co.**

[Docket No. ER97–1998–000]

Take notice that on March 7, 1997, Louisville Gas and Electric Company, tendered for filing copies of a service agreement between Louisville Gas and Electric Company and PanEnergy Power Services under Rate GSS.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**35. New York State Electric & Gas Corporation**

[Docket No. ER97–1999–000]

Take notice that on March 7, 1997, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.12, as an initial rate schedule, an agreement with New England Power Company (NEEP). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to NEEP and NEEP will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on March 8, 1997, so that the parties may, if mutually agreeable, enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and NEEP.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**36. New England Power Company**

[Docket No. ER97–2000–000]

Take notice that on March 7, 1997, New England Power Company, submitted for filing a revised Service

Agreement under its FERC Electric Tariff, Original Volume No. 9, for network service to Norwood (Mass.) Municipal Light Department. The revision corrected an error in the termination date on Exhibit I to the Service Agreement.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**37. Northwestern Public Service Company**

[Docket No. ES97–25–000]

Take notice that on March 6, 1997, Northwestern Public Service Company filed an application, under § 204 of the Federal Power Act, seeking authorization to issue additional shares of Common Stock in connection with a proposed two-for-one split of the Company's Common Stock. The number of shares to be issued will equal the number of shares of Common Stock outstanding on the record date for the two-for-one split.

*Comment date:* April 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

**38. Cinergy Services, Inc.**

[Docket No. OA97–152–000]

Take notice that on March 14, 1997, Cinergy Services, Inc. (Cinergy) tendered for filing revised Service Schedules to the Interchange Agreement between The Cincinnati Gas & Electric Company and American Municipal Power-Ohio, Inc. filed on December 19, 1996 in Docket No. OA97–152–000.

*Comment date:* April 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

**39. Carolina Power & Light Company**

[Docket No. OA97–315–000]

Take notice that on March 14, 1997, Carolina Power & Light Company supplemented the original filing made in this docket.

Copies of the filing were served upon the North Carolina Utilities Commission, the South Carolina Public Service Commission and American Electric Power Company.

*Comment date:* April 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraph**

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7446 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–P

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**[Docket No. CP96–671–000, et al.]**

## National Fuel Gas Supply Corporation; Notice of Prefiling Meeting

March 19, 1997.

Take notice that a meeting has been scheduled in the above-captioned proceeding for March 24, 1997 at 1:00 p.m., in Room No. 72–76 of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. The purpose of the meeting is to discuss National Fuel Gas Supply Corporation's (National Fuel) proposed amendment to its pending 1997 Niagara Expansion Project. Among the topics National Fuel proposes to discuss are the proposed phasing of the project design, its impact on the environmental review process, and proposed rates. For additional information, interested parties may call Michael J. McGehee at (202) 208–2257.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97–7415 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP96–153–000]**

## Southern Natural Gas Company; Notice of Public Meetings and Environmental Field Inspection for the Proposed North Alabama Pipeline Project

March 19, 1997.

On April 2 and 3, 1997, the staff of the Office of Pipeline Regulation will conduct public meetings to receive comments on the North Alabama Pipeline Project Draft Environmental Impact Statement (DEIS) for natural gas facilities proposed by Southern Natural Gas Company in the above-referenced docket.

The public meetings will be held from 7:00 p.m. to 11:00 p.m. at the following locations:

| Date | Location |
|---|---|
| April 2, 1997 | Cordova High School, 1 Blue Devil Way, Cordova, AL 35550. |
| April 3, 1997 | Hartselle Civic Center, 406 Nanceford Road, Hartselle, AL 35640. |

My staff will also be conducting limited site visits of areas along the proposed pipelines and alternative routes on April 2, 3, and 4, 1997. Anyone interested in participating in the site visits may contact Mr. Paul McKee in the Commission's Office of External Affairs at (202) 208–1088 for more details and must provide their own transportation.

**Robert J. Cupina,**

*Deputy Director, Office of Pipeline Regulation.*

[FR Doc. 97–7413 Filed 3–24–97; 8:45 am]

BILLING CODE 6717–01–M

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# ENVIRONMENTAL PROTECTION AGENCY

**[FRL–5801–6]**

## Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act as amended (''Act''), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree in the following case: *Sierra Club, National Wildlife Federation, Chesapeake Bay Foundation, Inc.* v. *Carol M. Browner, Administrator, United States Environmental Protection Agency*, No. 96–1680 (D.C. Cir.). This action was filed under section 304(a)(2) of the Act, 42 U.S.C. 7604(a)(2), contesting EPA's alleged failure to meet mandatory deadlines under sections 112(m)(5) and (m)(6) of the Act, 42 U.S.C. 7412(m)(5) and (m)(6), which concern the atmospheric deposition of hazardous air pollutants to the Great Lakes, the Chesapeake Bay, Lake Champlain and the coastal waters of the United States. The proposed consent decree provides that EPA shall take certain actions under those provisions in accordance with specified schedules.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties to the litigation in question. EPA or the Department of

Justice (''DOJ'') may withhold or withdraw consent to the proposed consent decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or DOJ determines, following the comment period, that consent is inappropriate, the final consent decree will establish deadlines for specific actions under sections 112 (m)(5) and (m)(6) of the Act.

A copy of the proposed consent decree was lodged with the Clerk of the United States District Court for the District of Columbia on March 14, 1997. A copy of the proposed consent decree is also available from Phyllis J. Cochran, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–7606. Written comments should be sent to Michael W. Thrift at the above address and must be submitted on or before April 24, 1997.

Dated: March 18, 1997.

**Scott C. Fulton,**

*Acting General Counsel.*

[FR Doc. 97–7372 Filed 3–24–97; 8:45 am]

BILLING CODE 6560–50–M

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**[FRL–5801–7]**

## Middlefield-Ellis-Whisman (''MEW'') Superfund Site Proposed Notice Of Administrative Settlement

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

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), 42 U.S.C. 9600 *et seq.*, notice is hereby given that a proposed Prospective Purchaser Agreement associated with the Middlefield-Ellis-Whisman (''MEW'') Superfund Site was executed by the United States Environmental Protection Agency (''EPA'') on February 20, 1997. The proposed Prospective Purchaser Agreement would resolve certain potential claims of the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and section 7003 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6973, against 464 Ellis Street Associates, L.P. (the ''Purchaser''). The Purchaser plans to acquire approximately 80 acres located within the MEW Superfund Site in Mountain View, California for the purpose of developing an office building which will house high technology and other businesses. The proposed settlement would require the Purchaser to pay EPA a one-time payment of $200,000.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement. If requested prior to the expiration of this public comment period, EPA will provide an opportunity for a public meeting in the affected area. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

**DATES:** Comments must be submitted on or before April 24, 1997.

**AVAILABILITY:** The proposed Prospective Purchaser Agreement and additional background documentation relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement may also be obtained from Danita Yocom, Assistant Regional Counsel (RC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Comments should reference ''464 Ellis Street Associates, L.P.—Middlefield-Ellis-Whisman (''MEW'') Superfund Site'' and ''Docket No. 97–04'' and should be addressed to Danita Yocom at the above address.

**FOR FURTHER INFORMATION CONTACT:** Danita Yocom, Assistant Regional Counsel (RC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; E-mail: yocom.danita@epamail.epa.gov; Telephone (415) 744–1347.

Dated: March 5, 1997.

**Keith Takata,**

*Director, Superfund Division, U.S. EPA, Region IX.*

[FR Doc. 97–7493 Filed 3–24–97; 8:45 am]

BILLING CODE 6560–50–P

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# FEDERAL EMERGENCY MANAGEMENT AGENCY

## Agency Information Collection Activities: Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the marketing of flood insurance. The federal government will be a guarantor of flood insurance coverage for WYO company policies issued under the WYO arrangement. To insure that any policy holder money is accounted for and appropriately expended, the Federal Insurance Administration (FIA) and WYO companies will implement a Financial Control Plan. This plan requires that each WYO company submit financial data on a monthly basis.

**SUPPLEMENTARY INFORMATION:** FEMA regulation 44 CFR Part 62, Appendix B explains the operational and financial control procedures governing the issuance of flood insurance coverage under the National Flood Insurance Program (NFIP) by private sector property insurance companies under the WYO programs. The WYO companies are required to submit financial data on a monthly basis. The NFIP examines the data to insure that the policy holder funds are accounted for and appropriately expended. Monthly financial statements are prepared by the NFIP for the WYO program based on the data submitted by the WYO companies.

*Collection of Information*

*Title:* Write-Your-Own (WYO) Program.

*Type of Information Collection:* Extension.

*OMB Number:* 3067–0169.

*Form Number:* None.

*Abstract:* Under the Write-Your-Own program, private sector insurance companies may offer flood insurance to eligible property owners. The federal government is a guarantor of flood insurance coverage for WYO companies, issued under the WYO arrangement. In order to maintain adequate financial control over federal funds, the NFIP requires each WYO company to submit a monthly financial report.

*Affected Public:* Businesses or other for-profit.

*Estimated Total Annual Burden Hours:* The area currently 120 WYO companies reporting monthly to NFIP. This number will remain stable with minimal increases or decreases throughout year 2000. Is is estimated that a total of 33 minutes is required per

WYO company per monthly report, to satisfy all requirements in the Financial Control Plan and WYO Accounting Procedures Manual. The 33-minute burden estimate is based on manual posting of company data onto these reports. Total annual burden for this request is 792 hours.

*Frequency of Reporting:* Monthly.

*Estimated Cost:* Actual ''cost'' of the WYO program to the government is difficult to assess because, were it not for the WYO companies, the government would incur operating expenses, agent's commission expenses and loss adjustment expense in connection with the policies issued by the WYO company. The annualized cost of the report in question to the Federal government and to the respondents is negligible.

**COMMENTS:** Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses. Comments should be received within 60 days from the date of this notice.

**ADDRESSES:** Interested persons should submit written comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW., Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

**FOR FURTHER INFORMATION CONTACT:** Contact Kevin F. Montgomery, Financial Management Specialist, Federal Insurance Administration, (202) 646–2944 for additional information. Contact Ms. Anderson at (202) 646–2625 for copies of the proposed collection of information.

Dated: March 17, 1997.

**Reginald Trujillo,**

*Director, Program Services Division, Operations Support Directorate.*

[FR Doc. 97–7490 Filed 3–24–97; 8:45 am]

**BILLING CODE 6718–01–P**

## Agency Information Collection Activities: Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning FEMA's request for personal financial data from its individual debtors.

**SUPPLEMENTARY INFORMATION:** Under FEMA's debt collection regulations, 44 CFR § 11.36(b), FEMA Debt Collection Officers (DCO's) are required to maintain current credit data on FEMA's debtors including, but not limited to, the individual debtor's own financial statement, executed under penalty for false claim, concerning his/her assets and liabilities and his/her income and expenses. FEMA Form 22–13, Debt Collection Financial Statement, collects such data directly from the individual debtor. FEMA DCO's use these data for collecting debts due the United States and arising from operations of FEMA programs. DCO's also use these data to determine debtor's ability to pay debts due FEMA, to locate debtor's assets, and for skip-tracing purposes.

*Collection of Information*

*Title:* Debt Collection Financial Statement.

*Type of Information Collection:* Extension.

*OMB Number:* 3067–0122.

*Form Number.* FEMA Form 22–13, Debt Collection Financial Statement.

*Abstract:* FEMA may request of individuals who are debtors to provide personal financial information on FEMA Form 22–13 concerning their current financial position. This information includes debtors' home and employment addresses, names of spouse (if any), any children, their ages, amounts and sources of the debtors' and spouses' (if any) salaries, stocks, bonds and other securities, real and personal property owned and bank accounts and names of creditors and amounts owed to these creditors.

With this information, FEMA DCO's can evaluate whether to allow debtors to pay the FEMA debts under installment repayment agreements and, if so, under what terms and amounts. FEMA DCO's also use these data to determine whether FEMA should suspend or terminate collection efforts or compromise the respondent's debts. These data also are used for skip-tracing missing debtors and for location of debtors' assets if the debts are to be judicially enforced.

Providing information on FEMA Form 22–13 is voluntary on the part of the debtor. However, if the debtor does not provide the information requested by FEMA, the FEMA DCO may use more severe collection methods.

*Affected Public:* Persons who owe debts to the United States under programs administered by FEMA and who wish to either (1) enter into installment repayment agreements with FEMA, or (2) have their FEMA debts compromised, suspended or terminated under the provisions of 44 CFR §§ 11.50 and 11.51.

*Estimated Total Annual Burden Hours:* 3,000.

*Estimated Cost:* None to the debtor since he/she is retrieving information from memory or from the debtor's own, readily available, personal records.

**COMMENTS:** Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses. Comments should be received by [insert 60 days from the date of publication of this notice].

**ADDRESSES:** Interested persons should submit written comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

**FOR FURTHER INFORMATION CONTACT:** Contact Richard S. Buck, IV, Financial Management Specialist, Financial Policy Division, Office of Financial Management, Federal Emergency Management Agency (FM-FP-PS), 500 C Street, SW, Washington, DC 20742. Telephone number (202) 646–4091.

FAX number (202) 646–4268. Contact Ms Anderson at (202) 646–2625 for copies of the proposed information collection.

Dated: March 17, 1997.

**Reginald Trujillo,**

*Director,*

*Program Services Division, Operations Support Directorate.*

[FR Doc. 97–7491 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–01–P

## Agency Information Collection Activities: Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments on the Progress Report which is used to monitor and report project performance, highlighting any problems and unforeseen circumstances.

**SUPPLEMENTARY INFORMATION:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended, authorizes the President to provide assistance to individuals and to State and local governments to help them to respond to and recover from a disaster. In order to receive Federal assistance ( i.e., Federal grants) State and local officials and officials of eligible private nonprofit organizations who have a responsibility for response to a major disaster and for the restoration of facilities in the aftermath of such events must provide information to FEMA. The information is required in accordance with FEMA regulation 44 CFR Part 206.204(f) and guidance published in FEMA 286, Public Assistance Guide.

*Collection of Information*

*Title:* Progress Report.

*Type of Information Collection:* Reinstatement, without change, of a previously approved collection for which OMB approval has expired.

*OMB Number:* 3067–0151.

*Form Numbers:* None.

*Abstract:* Public Assistance grants are awarded to States eligible for Federal disaster assistance. FEMA regulation 44 CFR Part 13, Uniform Requirements for Grant and Cooperative Agreements to State and Local Governments, places certain requirements on the State in its role as grantee for the Public Assistance Program, which includes monitoring and reporting program/project performance. States are required to submit progress reports on a quarterly basis which describe the status of those projects and any problems or circumstances expected to result in noncompliance with the approved grant conditions.

*Affected Public:* Not for profit institutions; State, Local, or Tribal Governments.

*Estimated Total Annual Burden Hours:* 125.

*Number of Respondents:* 25.

*Estimated Average Burden Time per Response:* 1 hour.

*Frequency of Response:* Quarterly.

*Estimated Cost:* $50,000.00.

**COMMENTS:** Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received by May 27, 1997.

**ADDRESSES:** Interested persons should submit written comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

**FOR FURTHER INFORMATION CONTACT:** Contact Sherry Savoy at (202) 646–2667 for additional information. Contact Ms. Anderson at (202) 646–2625 for copies of the proposed collection of information.

Dated: March 17, 1997.

**Reginald Trujillo,**

*Director, Program Services Division,Operations Support Directorate.*

[FR Doc. 97–7492 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–01–P

**[FEMA–1164–DR]**

## Ohio; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Ohio (FEMA–1164–DR), dated March 4, 1997, and related determinations.

**EFFECTIVE DATE:** March 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this disaster is closed effective March 17, 1997.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 97–7485 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–02–P

**[FEMA–1167–DR]**

## Tennessee; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Tennessee, (FEMA–1167–DR), dated March 7, 1997, and related determinations.

**EFFECTIVE DATE:** March 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Tennessee, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 7, 1997:

The counties of Chester, Davidson, Stewart, and Sumner for Individual Assistance, Hazard Mitigation, and Categories A and B under the Public Assistance program.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 97–7482 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–02–P

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**[FEMA–1167–DR]**

## Tennessee; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Tennessee, (FEMA–1167–DR), dated March 7, 1997, and related determinations.

**EFFECTIVE DATE:** March 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Tennessee, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 7, 1997:

Shelby County for Individual Assistance, Hazard Mitigation, and Categories A and B under the Public Assistance Program.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 97–7483 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–02–P

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**[FEMA–1167–DR]**

## Tennessee; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1167–DR), dated March 7, 1997, and related determinations.

**EFFECTIVE DATE:** March 7, 1997.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated March 7, 1997, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Tennessee resulting from heavy rain, tornadoes, flooding, hail, and high winds beginning on February 28, 1997, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance and Hazard Mitigation may be added at a later date, if requested and warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Edward Thomas of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

The counties of Dyer, Obion, McNairy, Madison, Carroll, Cheatham and Montgomery for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**James L. Witt,**

*Director.*

[FR Doc. 97–7484 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–02–P

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**[FEMA–1167–DR]**

## Tennessee; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Tennessee, (FEMA–1167–DR), dated March 7, 1997, and related determinations.

**EFFECTIVE DATE:** March 14, 1997.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Tennessee, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 7, 1997:

The counties of Dickson, Gibson, Houston, Lauderdale, and Weakley for Individual Assistance, Hazard Mitigation, and Categories A and B under the Public Assistance program.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 97–7489 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–02–P

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**[FEMA–1168–DR]**

## West Virginia; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of West Virginia, (FEMA–1168–DR), dated March 7, 1997, and related determinations.

**EFFECTIVE DATE:** March 14, 1997.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of West Virginia, is hereby amended to include Public Assistance and Hazard Mitigation in those areas determined to

have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 7, 1997:

The counties of Braxton, Cabell, Calhoun, Clay, Gilmer, Jackson, Kanawha, Lincoln, Mason, Putnam, Roane, Tyler, Wayne, Wetzel, Wirt, and Wood for Public Assistance and Hazard Mitigation (already designated for Individual Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 97–7486 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–02–P

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**[FEMA–1168–DR]**

## West Virginia; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of West Virginia (FEMA–1168–DR), dated March 7, 1997, and related determinations.

**EFFECTIVE DATE:** March 15, 1997

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this disaster is closed effective March 15, 1997.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 97–7487 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–02–P

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**[FEMA–1168–DR]**

## West Virginia; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–1168-DR), dated March 7, 1997, and related determinations.

**EFFECTIVE DATE:** March 7, 1997.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated March 7, 1997, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of West Virginia, resulting from heavy rains, wind driven rain, high winds, flooding, and slides on February 28, 1997, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance and Hazard Mitigation may be added at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert Gunter of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of West Virginia to have been affected adversely by this declared major disaster:

The counties of Braxton, Cabell, Calhoun, Clay, Gilmer, Jackson, Kanawha, Lincoln, Mason, Putnam, Roane, Tyler, Wayne, Wetzel, Wirt, and Wood for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**James L. Witt,**

*Director.*

[FR Doc. 97–7488 Filed 3–24–97; 8:45 am]

BILLING CODE 6718–02–P

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# FEDERAL HOUSING FINANCE BOARD

## Sunshine Act Meeting; Announcing an Open Meeting of the Board

**TIME AND DATE:** 3:30 p.m. Tuesday, April 1, 1997.

**PLACE:** Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

**STATUS:** The entire meeting will be open to the public.

**MATTER TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:**

- Mission Regulation—Advance Notice of Proposed Rulemaking.

**CONTACT PERSON FOR MORE INFORMATION:** Elaine L. Baker, Secretary to the Board, (202) 408–2837.

**Rita I. Fair,**

*Managing Director.*

[FR Doc. 97–7728 Filed 3–21–97; 3:19 pm]

BILLING CODE 6725–01–P

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# FEDERAL MARITIME COMMISSION

## Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 232–011247–004.

*Title:* Safbank/Lykes Reciprocal Space Charter and Coordinated Sailing Agreement.

*Parties:* Safbank Line Limited Lykes Bros. Steamship Co., Inc.

*Synopsis:* The proposed agreement revises Articles 3 and 14 of the Agreement by deleting Lykes Bros. Steamship Co., Inc., as a party to the Agreement and replacing it with Lykes Lines Limited and correcting the address of Safbank. It also revises Article 6 by providing that counsel for the parties are authorized to file amendments to the Agreement.

*Agreement No.:* 232–011491–002.

*Title:* Lykes/Evergreen Reciprocal Space Charter, Sailing, and Cooperative Working Agreement.

*Parties:* Lykes Bros. Steamship Co., Inc. Evergreen Marine Corp. (Taiwan) Ltd.

*Synopsis:* The proposed modification reduces the amount of notice required

for resignation from the Agreement from six months to 90 days. It also deletes Lykes Bros. Steamship Co., Inc. as a party and replaces it with Lykes Lines Limited. The parties have requested a shortened review period.

*Agreement No.:* 203–011542–001.

*Title:* African Northbound Space Charter and Sailing Agreement.

*Parties:* Wilhelmsen Lines A/S Safbank Line Limited Lykes Bros. Steamship Co., Inc.

*Synopsis:* The proposed modification deletes Lykes Bros. Steamship Co., Inc. as a party and replaces it with Lykes Lines Limited. It also corrects the addresses of Wilhelmsen Lines A/S and Safbank Line Limited. The parties have requested a shortened review period.

*Agreement No.:* 232–011544–001.

*Title:* The Lykes/APL Space Charter Agreement.

*Parties:* Lykes Bros. Steamship Co., Inc. (''Lykes'') American President Lines. Ltd.

*Synopsis:* The proposed amendment deletes Lykes as a party to the Agreement and adds Lykes Lines Limited as a member. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: March 19, 1997.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 97–7387 Filed 3–24–97; 8:45 am]

BILLING CODE 6730–01–M

## Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

The Kearney Companies, Inc., 3939 N. Causeway Blvd., Suite 400, Metairie, LA 70002; Officers: Michael W. Kearney, President, Jeanne' Shows-Andre', Vice President

MH Shipping Inc., 3624 Marietta Drive, Chalmette, LA 70043; Officers: Mike Hardee, President, Betty Hardee, Secretary

Trans Atlantic Co., 1 Catenacci Way, Boston, MA 02130; Ali Karabashi, Sole Proprietor

CNS Express Co., 2415 S. Sequoia Drive, Room B, Compton, CA 90220; Nancy Lee, Sole Proprietor

Dated: March 19, 1997.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 97–7386 Filed 3–24–97; 8:45 am]

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 April 8, 1997.

**A. Federal Reserve Bank of Atlanta** (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

*1. Liberty Bank Employee Stock Ownership Plan*, New Orleans, Louisiana; to acquire an additional 1.99 percent, for a total of 14.53 percent, of the voting shares of Liberty Financial Services, Inc., New Orleans, Louisiana, and thereby indirectly acquire Liberty Bank and Trust Company, New Orleans, Louisiana.

**B. Federal Reserve Bank of Dallas** (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

*1. Barney Lee Popnoe*, Coleman, Texas; to acquire an additional .05 percent, for a total of 7.60 percent, and Jane Doris Popnoe Trust, also of Coleman, Texas, to retain 2.44 percent, of the voting shares of Coleman Bankshares, Inc., Coleman, Texas, and thereby indirectly acquire Coleman County State Bank, Coleman, Texas.

Board of Governors of the Federal Reserve System, March 19, 1997.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 97–7436 Filed 3-24-97; 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. 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 April 18, 1997.

**A. Federal Reserve Bank of Chicago** (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

*1. National Canton Bancshares, Inc.*, Canton, Illinois; to acquire 100 percent of the voting shares of Sturm Investment, Inc., Denver, Colorado, and thereby indirectly acquire The Union National Bank of Macomb, Macomb, Illinois.

**B. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

*1. West Point Bancorp, Inc.*, West Point, Nebraska; to merge with Dakota Bancshares, Inc., West Point, Nebraska, and thereby indirectly acquire Dakota

County State Bank, West Point, Nebraska.

**C. Federal Reserve Bank of San Francisco** (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105-1579:

*1. Eggemeyer Advisory Corp., San Diego, California; Castle Creek Capital, L.L.C., San Diego, California; Castle Creek Capital Partners Fund - I, L.P., San Diego, California; and Monarch Bancorp, Laguna Niguel, California*; to merge with California Commercial Bankshares, Newport Beach, California, and thereby indirectly acquire National Bank of Southern California, Newport Beach, California. In connection with this application, Applicant also has applied to acquire Venture Partners, Inc., Newport Beach, California, and thereby engage in custodial activities, pursuant to § 225.25(b)(3)(ii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 19, 1997.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 97–7438 Filed 3-24-97; 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. 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 April 21, 1997.

**A. Federal Reserve Bank of New York** (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

*1. BanPonce Corporation, and Poplar International Bank, Inc.*, both of Hato Rey, Puerto Rico; to acquire 100 percent of the voting shares of National Bancorp, Inc., Streamwood, Illinois, and thereby indirectly acquire AmericanMidwest Bank and Trust, Melrose Park, Illinois.

**B. Federal Reserve Bank of Atlanta** (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

*1. PN Holdings, Inc.*, Ann Arbor, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Pelican National Bank, Naples, Florida (in organization).

In connection with this application, Applicant also has applied to acquire Washtenaw Mortgage Company, Ann Arbor, Michigan, and thereby engage in making, acquiring, or servicing loans, or other extensions of credit, pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y.

**C. Federal Reserve Bank of Chicago** (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

*1. Parkway Bancorp, Inc.*, Harwood Heights, Illinois, and Parkway Acquisition Corporation, Harwood Heights, Illinois; to acquire 100 percent of the voting shares of Jefferson Holding Corp., Chicago, Illinois, and thereby indirectly acquire Jefferson State Bank, Chicago, Illinois.

**D. Federal Reserve Bank of Dallas** (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

*1. Concordia Capital Corporation*, Vidalia, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Concordia Bank & Trust Company, Vidalia, Louisiana.

Board of Governors of the Federal Reserve System, March 20, 1997.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 97–7526 Filed 3-24-97; 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.

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 April 18, 1997.

**A. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

*1. Lindoe, Inc.*, Ordway, Colorado; to acquire Delta Federal Savings, F.S.B., Delta, Colorado, and thereby engage in operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 19, 1997.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 97–7437 Filed 3-24-97; 8:45 am]

BILLING CODE 6210-01-F

**[Docket No. R–0967]**

## Federal Reserve Bank Service Pricing

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Notice.

**SUMMARY:** The Board has adopted guidelines for the Reserve Banks' use of volume-based fee structures for their electronic payment services and products. The Board has also approved the continuation of volume-based fees

for certain electronic check products, pending completion of an analysis showing that those fees meet the guidelines. Finally, the Board has approved specific volume-based fees for the origination of automated clearing house (ACH) transactions and a reduction in the fee for the receipt of transactions.

**DATES:** The volume-based pricing guidelines for electronic payment services and products became effective March 24, 1997. The ACH volume-based fees become effective May 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Florence M. Young, Assistant Director (202/452–3955), Jack K. Walton II, Manager, Check Payments (202/452–2660), or Wesley M. Horn, Manager, ACH Payments (202/452–2756), Division of Reserve Bank Operations and Payment Systems; for the hearing impaired *only*: Telecommunications Device for the Deaf, Dorothea Thompson (202/452–3544).

**SUPPLEMENTARY INFORMATION:**

## I. Background

In 1993, the Board approved volume-based fees for the Reserve Banks' noncash collection service and several check products. Under certain conditions, volume-based fee structures promote the efficient use of payment services by allowing Reserve Banks to set variable fees closer to the incremental costs of providing the services. One of the objectives of adopting volume-based fees was to encourage more efficient use of payment services by permitting the Reserve Banks to address the differences in demand for the services by high-volume and low-volume customers through the fees charged for those services.

Reserve Banks serve customers that vary in size and that have very different business needs. For the most part, the Reserve Banks have tried to meet those differing needs by designing specialized products. In some cases, however, it is difficult to meet the needs of both high-volume and low-volume customers solely through specialized product offerings. This situation occurs most frequently in the Reserve Banks' electronic payments services and products because they tend to be homogeneous. Thus, it is very difficult to develop specialized products to meet the needs of both high-volume and low-volume customers.

Currently, volume-based fees are in effect for several electronic check products. The Federal Reserve Bank of Minneapolis uses volume-based fees for its check truncation product. In this case, truncation customers may select from two sets of fees—a per-item fee of $0.015 with an $11.00 daily minimum or a per-item fee of $0.007 with a $25.00 daily minimum.[1] The Federal Reserve Bank of Richmond uses volume-based fees for its account total and account total plus products.[2] Account total customers may select from two sets of fees—a per-account fee of $0.25 with a $45.00 daily minimum or a per-account fee of $2.00 with a $15.00 daily minimum. Account total plus customers may also select from two sets of fees—a per-account fee of $0.25 with a $50.00 daily minimum or a per-account fee of $2.00 with a $20.00 daily minimum.

In approving these fees, the Board requested its staff to recommend principles or guidelines that would be used in the future to determine when and how volume-based pricing might be used in setting fees for Federal Reserve priced services (58 FR 60649, November 17, 1993).

The following discussion presents the Board's analysis of the issues raised by the use of volume-based fees for electronic payment services and products, presents specific guidelines for the use of such fees, assesses the existing volume-based fees for electronic products, and analyzes the use of specific volume-based fees for the ACH service.

## II. Reserve Banks' Current Fee Structures

The Monetary Control Act requires the Federal Reserve to set fees that, over the long run, recover all direct and indirect costs incurred in providing priced services to depository institutions plus imputed costs that would be incurred by a private-sector service provider, such as interest on debt, taxes, and return on capital. These imputed costs are called the private sector adjustment factor (PSAF).

In establishing fee structures to recover the total costs of each payment service, in most cases, the Reserve Banks have implemented a combination of fixed and variable fees. For example, the fee structure for the ACH service includes a monthly account servicing fee, a file fee, and per-item fees. The account servicing fee is intended to recover from all ACH customers a portion of the high fixed costs incurred in providing the ACH service; the file fee is intended to recover costs, such as processing overhead and accounting costs, that do not vary with the number of transactions contained in files transmitted to the Federal Reserve; and the per-item fee is set to recover all remaining costs.[3]

The types of fee structures that have been implemented by the Reserve Banks are similar to the fee structures used by other payment service providers, which also use multi-part fee structures.[4] Private-sector ACH and funds transfer service providers charge monthly access fees, participation or membership fees, and per-item fees, which, in some cases, include discounts for high-volume customers.

The use of multi-part fee structures result in differential costs for users of payment services. For example, the current ACH fee structure includes a monthly account servicing fee of $25.00, a file fee of $1.75, and a per-item fee for unsorted transactions of $0.01. For a customer that transmits one file containing 1,000 transactions each day of a typical month, the average cost per transaction would be $0.013. For a customer that transmits one file containing 5,000 transactions each day of a typical month, the average cost per transaction would be $0.011. Thus, multi-part fee structures result in low-volume customers incurring higher average costs than high-volume customers because the fixed fees are spread over fewer transactions.

The use of multi-part fee structures have also contributed to the Reserve Banks' ability to recover the costs of priced services because, in some cases, the fixed fees reflect the fixed costs associated with a product. Nevertheless, the current fee structures for electronic payment services and products have not permitted the Reserve Banks to set transaction fees close to marginal or incremental costs because the fixed

[1] In 1993, the Board also approved the use of volume-based fees for the Minneapolis office's weekday other Fed, weekend other Fed, and city fine sort deposit products. In November 1994, the staff recommended that the Minneapolis office's volume-based fees for paper check products be eliminated. Results of econometric studies of the check service's cost structure indicate that the use of volume-based fees is not appropriate for paper-based check products. The Minneapolis office subsequently discontinued the use of volume-based fees for these products.

[2] The account total products provide information on the number and the dollar value of checks drawn on the accounts of individual customers of a depository institution and are typically used to support the institution's cash management services. The account total plus product provides additional information on each check drawn on those accounts.

[3] The Federal Reserve also charges electronic connection fees to depository institutions that establish an electronic connection with the Federal Reserve to send and receive electronic payment transactions and information about those transactions. The electronic products available include ACH, Fedwire funds transfer, electronic check presentment, accounting information, and so forth.

[4] The Reserve Banks only charge a per-item fee for their Fedwire funds transfer service, although depository institutions that use the service also incur electronic connection fees.

costs incurred in providing these services are very high and setting a non-differential fixed fee to recover fixed costs fully would likely cause low-volume customers to discontinue using the services or products. As a result, transaction fees for electronic payment services are set well above marginal costs and do not reflect the real resource costs of providing additional levels of the services.[5]

## III. Guidelines for Use of Volume-Based Fees for Electronic Payment Services and Products

Volume-based fee structures are an extension of multi-part fee structures. Rather than creating implicit volume discounts for high-volume customers, the volume discounts are more explicit. Volume-based fee structures would allow Reserve Banks to set per-item fees for high-volume users closer to marginal costs under certain prevailing market conditions. Thus, the use of volume-based fee structures for the Reserve Banks' electronic payment services and products potentially may provide an opportunity to improve payment system efficiency.

Economic theory supports the use of volume-based fees when certain conditions are met. First, economic theory suggests that volume-based fees require the existence of economies of scale over wide volume ranges.[6] In multi-product industries, volume-based fees also may be justified for products that exhibit economies of scope with a product that exhibits economies of scale over wide volume ranges. The Board's pricing principles, however, require the Reserve Banks to set fees so that the total costs for each major service category are recovered. Thus, the potential existence of economies of scope among payment services offered by the Reserve Banks is not considered, at this time, a sufficient guideline for using volume-based fees.

The Board has determined that Reserve Banks must demonstrate that a payment service or product exhibits economies of scale over current industry processing levels. It is anticipated that volume-based fees would be retained until there is evidence that increasing returns to scale have been exhausted. The Reserve Banks may demonstrate that this guideline is met either by using the results of an econometric study or, if such a study has not been conducted, by presenting evidence that the service or product exhibits technical characteristics similar to those exhibited by a service or product for which increasing returns to scale have been demonstrated.

Second, volume-based fees should promote the efficient use of resources in providing payment services. The Board has determined that the efficient use of resources can be demonstrated in one of two ways: (1) There are incremental cost differences in serving high-volume and low-volume customers or (2) there are differences in demand for the service or product among its end users. To the extent that volume-based pricing permits fees to reflect more accurately the costs of providing a service or product to high-volume and low-volume customers, those customers should make decisions that would lead to a more efficient use of economic resources. Alternatively, the use of volume-based fees may increase end users' demand by offering lower fees to customers with high demand elasticities. To the extent that differences in demand elasticities exist, the use of volume-based fees would improve the scale of the Reserve Banks' processing operations and result in a reduction in the average cost of serving all customers. The Board has determined that Reserve Banks should provide evidence that there are cost differences between serving high-volume and low-volume customers that support the price differential being proposed or that demand characteristics differ across end users.

Third, economic theory indicates that societal welfare can potentially be increased only so long as a firm using differential fees does not engage in predatory behavior. A number of pricing constraints have been proposed in antitrust law that are intended to prevent predation. One of the best known, the Areeda-Turner rule, specifies that the incumbent's price must be no lower than its reasonably anticipated short-run marginal cost.[7] To the extent that econometric studies have been conducted, their findings could be used to satisfy this guideline. It is unlikely, however, that there will be econometric estimates of the marginal costs for all products. Thus, estimates of marginal costs for some products may have to be based on available cost accounting data. The Board has determined that no fee should be set below marginal cost or a reasonable approximation of marginal cost. Moreover, the Board believes that this guideline along with its current requirement that each major service recover its total costs, including the PSAF, over the long run, would ensure that proposed prices are not predatory, but competitive, in nature.

In determining when the Reserve Banks should be permitted to implement volume-based fees, the Board has determined that thresholds should be set to ensure that the Federal Reserve's dual objectives of promoting efficiency and a competitive environment for payment services are met. To the extent that markets are contestable, economic theory suggests that established firms cannot set prices that yield profits greater than profits that are commensurate with the risk of producing the service.[8] Because the markets for electronic payment services and products are typically contestable, Reserve Banks would not be able to adopt fee schedules that would lead to unusually high profits. Based on the preceding analysis, the Board has determined that the following guidelines will be used in determining when volume-based fees may be appropriate for a Federal Reserve priced electronic payment service or product:

1. The payment service or product must demonstrate economies of scale over the current industry processing levels for a particular service or product, based on either the results of an econometric study or, if such a study has not been conducted, evidence that the service or product exhibits technical characteristics similar to those exhibited by a service or product for which increasing returns to scale have been demonstrated. Volume-based fees may be retained until there is evidence that increasing returns to scale have been exhausted;

[5] For example, the combined per-item fees that are currently charged to originators and receivers for the ACH service are $0.020 per item for unsorted files. These per-item fees are greater than estimates of the marginal costs of processing an ACH transaction. Based on econometric studies for the period 1989 to 1994, the marginal cost of an ACH transaction is estimated to be between $0.006 to $0.008 per item. See ''Scale Economies and Technological Change in Federal Reserve ACH Payment Processing,'' Paul W. Bauer and Diana Hancock, *Economic Review*, Federal Reserve Bank of Cleveland, vol. 31 (Quarter 3, 1995), p. 14–29.

[6] Volume-based fees may also be justified by the existence of network externalities. Network externalities arise when a good becomes more valuable to a user when other users also choose to consume that good. For example, telephone service becomes more valuable to a user as the number of other users who are connected to the telecommunications network increases. At present, we do not have strong intuitive evidence nor do we have well-developed methods to establish the importance of network externalities for use in establishing pricing policies.

[7] See ''Predatory Pricing and Related Practices Under Section 2 of the Sherman Act,'' P. Areeda and D. F. Turner, *Harvard Law Review*, 1975, p. 637–733.

[8] In a contestable market, potential competitors may freely enter the market and serve the same customers with the same production technology as the incumbent firm(s). Thus, in contestable markets where incumbent firms are earning profits that are greater than the risk they are taking, competitors may enter the market, earn normal profits, and make the incumbents' fee structure unsustainable.

2. Reserve Banks should provide evidence that there are cost differences between serving high-volume and low-volume customers that support the proposed price differential or that demand characteristics differ across end users;

3. No fee should be set below marginal cost or a reasonable approximation of marginal cost; and

4. Consistent with the Board's pricing principles, the fees established for the service should be expected to recover total costs.

## IV. Evaluation of Current Volume-Based Fees for Electronic Payment Products

In assessing the use of volume-based fees for the Minneapolis Reserve Bank's check truncation product, it appears that three of the four guidelines are met. The Federal Reserve has not performed an econometric study of the cost structure of the Reserve Banks' electronic check products nor have the Reserve Banks provided evidence that the cost structure for these products exhibits characteristics similar to those of a product with demonstrated increasing returns to scale. The Minneapolis Bank, however, has achieved significant unit cost reductions in providing its electronic check products, which include the truncation product. From January 1994 to November 1996, the volume of electronic check products processed by the Bank increased 161 percent and its unit cost for the products declined about 42 percent.

There do appear to be differences in the demand characteristics of customers. Following the introduction of volume-based fees, larger community banks and third-party service providers began using the Minneapolis Bank's truncation product. Previously, only small banks and credit unions used the product. From January 1994 to November 1996, the number of checks truncated by the Minneapolis Bank increased 253 percent. While this increase is only slightly greater than the increase in the System's overall truncation volume, the Minneapolis Bank's check truncation volume is the highest in the Federal Reserve System.

The marginal cost of electronic check products has not been estimated. Cost data provided by the Minneapolis Bank's staff indicate, however, that the fees charged to high-volume customers recover the average variable cost for the products, which would likely be greater than the marginal cost. In addition, the Bank recovered the total costs of its commercial check service over the three years it has offered this product.

The Richmond Reserve Bank adopted volume-based fees for its *account total* and *account total plus products*, which were intended to meet the needs of low-volume customers that offer cash management services. Since offering volume-based fees for these products in 1994, low-volume customers have shown limited interest in the products and only three are using them currently. As noted above, studies of the cost structure of electronic check products have not been completed and the marginal costs have not been estimated.

The Board has determined that, as a condition of retaining their volume-based fees, the Reserve Banks should demonstrate that economies of scale exist for electronic check products or provide evidence that the products exhibit characteristics similar to those exhibited by products with increasing returns to scale. The Federal Reserve Banks of Minneapolis and Richmond should also demonstrate that their fees cover the marginal costs of the products they are offering. In addition, the Federal Reserve Bank of Richmond should analyze the costs of providing its account total products to high-volume and low-volume customers to determine whether there are cost differences in serving various size classes of customers or should analyze the demand for the products to determine whether their are differences in demand elasticities.

## V. ACH Volume-Based Fees

The Board has approved the volume-based fees depicted in Table 1 for the ACH service, effective May 1, 1997. Customers that deposit files of less than 2,500 items will be assessed a file fee of $1.75 and a per-item fee of $0.009. Customers that deposit files of more than 2,500 items will be assessed a file fee of $6.75 and a per-item fee of $0.007. The fee for the receipt of ACH transactions will be reduced to $0.009 for all customers. Because current presort customers will need to make software changes to take advantage of volume-based fees, through August 31, 1997, they will be charged the high-volume origination per-item fee and one file fee ($6.75) when they transmit presorted files to the Federal Reserve. Beginning September 1, all depositors will be assessed fees based on the number of items in each file.

Fees for the ACH service have been reduced twice in the last six months, reflecting the efficiencies that are being realized as a result of the centralization of ACH processing using the new Fed ACH application software. In October 1996, the interregional per-item fee was eliminated and all items in mixed files were assessed the local per-item fee. At the same time, the presort per-item fee was reduced from $0.010 to $0.009. In January 1997, there were additional price reductions. Specifically, the premium cycle surcharge and addenda fee were reduced and the discrete file fee was eliminated. At the time the 1997 fees were approved, the Board indicated that further fee reductions would be sought during the first quarter of 1997 (61 FR 64087, December 3, 1996).

TABLE 1.—ACH FEE COMPARISON

| | Current fees | New fees |
|---|---|---|
| Origination Fees: | | |
| Per-Item (Mixed) | $0.010 | $0.009 (up to 2500).<br>$0.007 (more than 2500). |
| Per-Item (Presort) | 0.009 | 0.007 through August 31, 1997. Discontinued as of September 1, 1997. |
| File Fees | 1.75 | 1.75 (up to 2500).<br>6.75 (more than 2500). |
| Receiver Fees: Per-Item | 0.010 | 0.009. |

On average, the new fees reduce the cost of originating ACH transactions by 17 percent and of receiving transactions by 10 percent.[9] The reduction in

[9] There may be a small number of third-party sending points whose fees would increase as a result of this proposal because sending points are assessed the file fees while the originating depository institution is assessed the per-item fees. The Reserve Banks believe that the number of organizations affected would be small. Further, those organizations may be able to use the lower per-item fees as an incentive to attract more customers.

transaction fees for various Federal Reserve customers is shown in Table 2.

TABLE 2.—REPRESENTATIVE COST SAVINGS

| Selected customers [1] | Percentage decrease [2] |
|---|---|
| Small | 4.9 |
| Medium | 10.0 |
| Large: | |
| Does not presort | 29.1 |
| Presorts | 24.3 |

[1] The small customer originated approximately 100 items in one file and received approximately 70 items. The medium customer originated approximately 4,000 items in two files and received approximately 17,000 items. The large customer that does not presort originated approximately 200,000 items in four files and received approximately 39,000 items. The large customer that presorts originated approximately 190,000 items in 108 presorted files and received approximately 44,000 items.

[2] Includes originated and received per-item fees and originated file fees.

The Federal Reserve believes that the volume-based fees may stimulate increased use of the ACH service because the fees for high-volume originators are set close to the marginal cost of processing ACH transactions. To the extent that this expectation is correct, the use of volume-based fees for the ACH service should further the Federal Reserve's goal of moving to a predominately electronic payments system.

Retaining high-volume originators would enable the Federal Reserve to continue to spread fixed costs over larger volumes and to serve low-volume customers cost effectively. In addition, because the new ACH fees reduce the cost of the ACH service for low-volume originators and all receivers, they do not price small customers out of the market and, therefore, preserve the benefits of a large network.

The Board has determined that volume-based fees for the ACH service satisfy all of the guidelines for their use. First, the ACH cost function exhibits economies of scale over more than 150 percent of the current industry's volume level, as shown in Bauer and Hancock's econometric study.[10] While the study was conducted when the Federal Reserve processed ACH transactions at twelve sites, the use of a centralized application has not created any material changes in the characteristics of the service. ACH processing continues to use large amounts of computer resources with relatively few labor resources.

Second, the Reserve Banks analyzed Fed ACH processing costs and found that the average per-item cost to process larger files was about $0.002 less than the per-item cost for smaller files. The analysis focused on the data processing costs to edit and sort transactions contained in incoming ACH files, which comprise approximately 19 percent of total ACH processing costs. Because there are other fixed costs associated with processing ACH files, it is likely that cost differences for processing high-volume and low-volume files of ACH transactions are greater than the difference that was demonstrated.

There also appear to be differences among end users'' demands for ACH services. For example, individuals may be willing to pay slightly higher fees for increased convenience, as in the case of electronic bill-payment services. Corporations may choose a payment method based on its cost-effectiveness and certainty of settlement. In addition, according to the 1994–1995 Phoenix-Hecht *Blue Book of Bank Prices*, banks frequently grant discounts to some corporate customers for ACH processing services. It is reasonable to assume that the discounts are granted, at least in part, due to differences in demand among end users and/or due to differences in the cost of serving end users.

Third, the results of the Bauer-Hancock econometric study confirm that the fees are above the estimated marginal cost, that is, the combined origination and receipt fees of $0.016 or $0.018 are well above the estimated marginal cost of $0.006 to $0.008.

Finally, the Board anticipates that the ACH service will be able to recover its costs over the long term. In addition, the Board expects full cost recovery for 1997 (see Table 3). The current 1997 cost and revenue estimates for the ACH service reflect some slight refinements, compared with earlier budget estimates. Revenue in the revised estimate is below the final 1997 budget figure because the $0.002 per-item fee differential is greater than the price reductions assumed when the Reserve Banks prepared their budgets. In addition, the estimated volume growth rate for commercial ACH transactions has been reduced slightly, from 18.5 percent to 16.0 percent, to reflect more accurately expectations based on actual 1996 performance. Operating costs and imputed expenses are below the 1997 budget estimates, reflecting lower data processing costs due to enhancing the performance of the Fed ACH software. Based on these refinements, the Board now expects that the ACH service's net income will be slightly higher than the original budget estimate.

TABLE 3.—ACH PRO FORMA COST AND REVENUE PERFORMANCE

[$ millions]

| Year | Revenue | Operating costs and imputed expenses | Special project costs recovered | Total Expense [2+3] | Net income (ROE) [1–4] | Target ROE | Recovery rate after target ROE (percent) [1/(4+6)] | Special project costs deferred and financed |
|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1996 (Act) | 79.8 | 63.5 | 9.2 | 72.7 | 7.1 | 3.6 | 104.6 | 16.7 |
| 1997 (Bud) | 75.4 | 59.9 | 11.1 | 71.0 | 4.3 | 4.0 | 100.5 | 10.8 |
| 1997 (Est) | 73.5 | 57.7 | 11.1 | 68.8 | 4.7 | 4.0 | 101.0 | 10.8 |

## VI. Competitive Impact Analysis

In assessing the competitive impact of a proposed, substantial change to a Federal Reserve priced service, the Board must consider whether there would be a direct and material adverse effect on the ability of other service providers to compete with the Federal Reserve due to differing legal powers or due to the Federal Reserve's dominant market position deriving from such legal differences. If the Board determines that

[10] Bauer and Hancock, *Economic Review*, p. 14–29.

legal differences or a dominant market position deriving from such legal differences exist, then the Board must further evaluate the proposal to assess its benefits—such as its contributions to payment system efficiency, payment system integrity, or other Board objectives—and to determine whether the proposal's objectives could be achieved with a lesser or no adverse impact.

The Board has determined that volume-based fees are not a significant departure from the multi-part fee structures currently used by the Reserve Banks. Nevertheless, it is important to assess their use in the context of the service for which the fee structure is being proposed.

The Board has determined that adoption of a volume-based fee structure for electronic services would not have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing electronic check products and ACH services.

In the check service, the Reserve Bank's dominant market position is likely due, in part, to legal advantages, such as the ability to present checks later in the day and the ability to control the timing and manner of settlement. The use of volume-based fees for Reserve Bank electronic check products, however, should not significantly change the Reserve Banks' competitive position relative to private-sector service providers. Volume-based fees are used by a number of private-sector service providers and would not represent a significant departure from the multi-part fees that are currently assessed by the Reserve Banks.

In the case of the ACH service, the Federal Reserve's dominant market position does not derive from legal differences. The Federal Reserve generally abides by the rules of the National Automated Clearing House Association (NACHA), which also govern the processing of ACH payments by private-sector operators.

By order of the Board of Governors of the Federal Reserve System, March 19, 1997.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 97–7396 Filed 3–24–97; 8:45 am]

BILLING CODE 6210–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[INFO–97–07]**

### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Wilma Johnson, CDC Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

**Proposed Projects**

1. Sun Protection for Children—New—Skin cancer is of increasing public health concern because of its increasing incidence. Ultraviolet radiation is the primary risk factor for skin cancers, and the risk of skin cancer appears to be increased with early life exposures to ultraviolet radiation. However, little information is available on sun protection for children. Therefore, the Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Control, Division of Cancer Prevention and Control, intends to conduct a survey on sun protection for children to monitor sun protection behaviors, develop health messages, and target populations for health education as part of the National Skin Cancer Prevention Education Program.

A representative sample of parents of children aged 6 months to 10 years, selected by random digit dialing, will be interviewed over the telephone. The information collected will include demographic information, parental knowledge and attitudes about skin cancer and sun protection, and sun protection for their children. There is no cost to respondents.

| Respondents | Number of respondents | Number of responses/respondent | Avg. burden/response (in hrs.) | Total burden (in hrs.) |
|---|---|---|---|---|
| Parents | 900 | 1 | 0.5 | 450 |

2. Evaluation of the Skills-Building Workshop and Peer Outreach Components of the CDC's Prevention Marketing Initiative Local Demonstration Site Project—New—The Centers for Disease Control and Prevention, National Center for HIV, STD, and TB Prevention, Division of HIV/AIDS Prevention, Behavioral Intervention Research Branch is planning to conduct a series of studies as part of the evaluation of a five-city HIV prevention demonstration program. The program involves the integration of social marketing strategies and community participation in an effort to develop and implement HIV prevention activities. Charged with developing programs for those 25 years of age and younger, community groups in the local demonstration sites chose to segment the target audience even further, and to mount a variety of types of interventions. Decisions about segmentation and the nature of local interventions were based on formative research conducted in each community. It is hoped that this demonstration project will result in reductions in HIV risk behavior among members of the target audiences, as well as in enhanced collaboration among individuals and organizations in the participating communities.

To evaluate the effectiveness of two components of the intervention, questionnaire data will be collected from people under 25 years old and from some parents in the demonstration communities. These data will be collected immediately before and after the Skills-Building Workshops, one

month later, and six months later. In addition, questionnaire data will be collected once from individuals contacted through Outreach programs. The cost to respondents is estimated at $32,300.00. These data will supplement a survey (announced in the **Federal Register** on 8/27/96) designed to assess the full program's coverage of the target population.

| Respondents | Number of respondents | Number of responses/respondents | Avg. burden/response (in hrs.) | Total burden (in hrs.) |
|---|---|---|---|---|
| Young people under 25 years of age in targeted prevention program communities: | | | | |
| Skills-Building Workshops | 3,000 | 1 | 2 | 6,000 |
| Peer Outreach | 1,000 | 1 | 0.5 | 500 |
| Parents: | | | | |
| Consent | 3,000 | 1 | 0.05 | 150 |
| Parent-Outreach | 250 | 1 | 0.50 | 125 |
| Organization Outreach | 50 | 1 | 0.5 | 25 |
| Total | | | | 6,800 |

Dated: March 19, 1997.

**Wilma G. Johnson,**

*Acting Associate Director for Policy Planning And Evaluation, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 97–7465 Filed 3–24–97; 8:45 am]

BILLING CODE 4163–18–P

**[30DAY–2–97]**

## Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Office on (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

**Proposed Project**

1. National Nosocomial Infections Surveillance (NNIS) System—(0920–0012)—Reinstatement—The National Nosocomial Infections Surveillance (NNIS) system is currently the only source for national data on nosocomial (hospital-associated) infections in the United States. It first began collecting data in 1970. It is a collaborative project between the Hospital Infections Program of the Centers for Disease Control and Prevention (CDC) and voluntarily participating hospitals in the United States. The goals of the system are to: (1) Develop comparative nosocomial infection rates that can be used by hospitals to assess quality of care, (2) describe the scope and magnitude, including trends, of the nosocomial infection problem in the U.S., (3) identify risk factors associated with these infections, (4) assist hospitals in the effective use of surveillance data to improve the quality of patient care, and (5) conduct collaborative research studies. Data are collected using protocols developed by CDC that define the specific populations of patients at risk, risk factors, and outcomes. The decision about which component(s) to use is made by each hospital depending on its own needs for surveillance data. The data are collected by trained surveillance personnel, assisted by hospital personnel, and are entered into IDEAS, a surveillance software which makes the data available for analysis at the hospital's convenience. The data are currently transmitted to CDC by floppy disk, then aggregated into a national database. During 1996, it will become possible for some hospitals to transmit the data to CDC through the NNIS telecommunications system. This system is expected to be used by all participating hospitals by 1997, resulting in reduced response time. NNIS methodology, which has been published, is the standard nosocomial infection surveillance methodology and is used at least in part by most U.S. hospitals. The total annual burden hours are 338.

| Respondents | Number of respondents | Number of responses/respondent | Avg. burden/response (in hours) |
|---|---|---|---|
| Hospitals | 319 | 14 | 0.0756 |

Dated: March 19, 1997.

**Wilma G. Johnson,**

*Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 97–7464 Filed 3–24–97; 8:45 am]

BILLING CODE 4163–18–P

## Administration For Children and Families

### Office of Child Support Enforcement Statement of Organization, Functions, and Delegations of Authority

This Notice amends Part K, Chapter K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KF, The Office of Child Support Enforcement (OCSE) (61 FR 32443) as last amended, June 24, 1996. This Notice reflects the Office of Child Support Enforcement's realignment of functions and the incorporation of new functional responsibilities due to new legislation.

*Amend Chapter KF as follows:*

1. KF.00 Mission. Delete in its entirety and replace with the following:

KF.00 Mission. The Office of Child Support Enforcement (OCSE) advises the Secretary, through the Assistant

Secretary for Children and Families, on matters relating to child support enforcement. The Office, in conjunction with Regional Offices, provides direction, guidance and oversight to state Child Support Enforcement (CSE) program offices and for activities authorized and directed by title IV-D of the Social Security Act and other pertinent legislation. The general purpose of the CSE legislation is to permit states to develop programs for establishing and enforcing support obligations by locating absent parents, establishing paternity when necessary, obtaining child support orders, and enforcing those orders. The specific responsibilities of this Office are to: develop, recommend and issue policies, procedures and interpretations for state programs for locating absent parents, establishing paternity, and obtaining child support; develop procedures for review and approval or disapproval of state plan material; conduct audits of state programs at least once every three years to assure their conformity with appropriate requirements and to determine whether the actual operation of such programs conforms to federal requirements, and conduct other such audits as may be necessary; assist states in establishing adequate reporting procedures and maintaining records for the operation of the CSE programs and of amounts collected and disbursed under the CSE program and the costs incurred in collecting such amounts; provide technical assistance and training to the states to help them develop effective systems for establishing paternity and collecting child support; certify applications from states for permission to utilize the courts of the United States to enforce court orders for support against absent parents; operate the Federal Parent Locator Service; certify to the Secretary of the Treasury amounts of child support obligations that require collection in appropriate instances; submit an annual report to Congress on all activities undertaken relative to the CSE program; approve advanced data processing planning documents; and review, assess and inspect planning, design and operation of state management information systems.

2. Delete KF.10 Organization in its entirety and replace with the following:

KF.10 Organization. The Office of Child Support Enforcement is headed by a Director and consists of:

Office of the Director (KFA)
Division of Audit (KFB)
Division of Program Operations (KFC)
Division of Policy and Planning (KFD)
Division of Consumer Services (KFE)
Division of State and Local Assistance (KFF)

3. Delete KF.20 Functions in its entirety and replace with the following:

KF.20 Functions. A. Office of the Director. The Director is also the Assistant Secretary for Children and Families and is directly responsible to the Secretary for carrying out OCSE's mission. The Deputy Director has day-to-day operational responsibility for Child Support Enforcement programs. The Associate Deputy Director for Information Systems, who is also the Director of the ACF Office of Program Support, has responsibility for day-to-day management of child support information systems. The Deputy Director assists the Director in carrying out responsibilities of the Office and oversees day-to-day operation of OCSE's Audit, Program Operations, Policy and Planning, Consumer Services and State and Local Assistance Divisions. In addition, the Deputy Director has responsibility for implementation of the International Child Support Program, the Native American child support program and other special projects as may be developed from time to time. The Associate Deputy Director assists the Deputy Director in carrying out the responsibilities of the Office.

The Office is responsible for developing regulations, guidance and standards for states to observe in locating absent parents; establishing paternity and support obligations and enforcing support obligations; maintaining relationships with Department officials, other federal departments, state and local officials, and private organizations and individuals interested in the CSE program; coordinating and planning child support enforcement activities to maximize program effectiveness; and approving all instructions, policies and publications issued by OCSE staff.

Within the Office of the Director, an administrative staff assists the Director, Deputy Director and Associate Deputy Director in managing the formulation and execution of program and salaries and expense budgets; and in providing administrative, personnel and data processing support services.

B. Division of Audit, as required by section 452(a)(4) of the Social Security Act (the Act), develops, plans, schedules and conducts periodic audits of state CSE programs in accordance with audit standards promulgated by the Comptroller General of the United States.

The Division will audit, at least once every three years (or more frequently in the case of a State which fails to meet the performance standards and the tests of the reliability of program data), the reliability of the State's financial and statistical data reporting systems used in calculating the paternity establishment percentage and the performance indicators used as the basis for the payments of performance based financial incentives to the states. These audits will examine the computer systems general and application controls and include in depth testing of the data produced by the system to ensure that it is valid, complete and reliable. The Division will also conduct financial audits to determine whether federal and other funds made available to carry out the state programs are being appropriately expended, and properly and fully accounted for. These audits will also examine collections and disbursements of support payments for proper processing and accounting treatment. In addition, the Division will also conduct other audits and examinations of program operations as may be necessary or requested by program officials for the purpose of improving the efficiency, effectiveness and economy of state and local child support activities; develops consolidated reports for the Director and Deputy Director, OCSE based on findings; provides specifications for the development of audit regulations and requirements for audits of state CSE programs; and coordinates and maintains effective liaison with the HHS Inspector General's Office and with the General Accounting Office.

C. Division of Program Operations is responsible for the day-to-day operation of the Federal Parent Locator Service (FPLS), the Federal Debt Collection Act including the Federal Tax Refund Offset Program and Project 1099, the IRS Full Collection Project, and the SSN Enumeration Verification System. The Division is also responsible for the design, development, implementation and operation of the Federal Case Registry and the National Directory of New Hires within the expanded FPLS. It monitors contracts with vendors who provide automated systems support and quality assurance to these programs. The Division, in consultation with the Division of State and Local Assistance, also provides technical assistance to State and local child support enforcement agencies and other State agencies involved in these program areas. The Division provides guidance and expertise to States concerning other State, interstate and national locate networks and sources. In addition, the Division coordinates with other Federal

agencies to monitor the implementation of Presidential Executive Orders.

D. Division of Policy and Planning proposes and implements national policy on the CSE program and provides policy guidance and interpretations to states in developing and operating their programs according to federal law. It develops legislative proposals and regulations to implement new legislation, court decisions or directives from higher authority. The Division develops procedures for review and approval of state plans by the OCSE regional offices. It develops and monitors research, interstate, and other demonstration and evaluation studies and publishes program statistics. The Division is also responsible for strategic planning and performance measurements and standards development. It prepares legislative cost estimates and is responsible for national child support budget formulation.

E. Division of Consumer Services provides direction and leadership for a variety of consumer affairs activities in support of the nationwide child support enforcement program. Provides advice on strategies and approaches to be used to improve public understanding of and access to OCSE programs and policies. Develops and publishes informational materials. Promotes ''best'' child support practices to the public through monthly publication of the *Child Support Report.* Advises the Director and Deputy Director, OCSE of the impact of child support enforcement policy and program upon consumers and provides a focal point for intergovernmental and consumer relations and consultation. The Division is also responsible for operation of the OCSE Homepage on the internet and insuring that the information is placed thereon in a timely manner.

F. Division of State and Local Assistance, in concert with regional offices, provides information and assistance on Child Support Enforcement state operations. It provides national direction and leadership for training and technical assistance activities to increase Child Support Enforcement (CSE) program effectiveness both at Federal and State levels; develops guides and resource materials and serves as a clearinghouse for specialized program techniques for use by ACF regional offices and States; and ensures transfer of best practices among State and local CSE enforcement agencies. The Division, in consultation with the Division of Consumer Services, develops informational materials and operates a national CSE training center; provides logistical support for both training events and meetings; and monitors contracts with organizations affiliated with child support enforcement programs in the areas of training and technical assistance. The Division provides outreach and liaison services to a variety of special interest populations concerning establishment of paternity and collection of child support.

Dated: March 18, 1997.

**Olivia A. Golden,**

*Principal Deputy Assistant Secretary for Children and Families.*

[FR Doc. 97–7521 Filed 3–24–97; 8:45 am]

BILLING CODE 4184–01–P

## Food and Drug Administration

**[Docket No. 91G–0495]**

## Cerestar USA, Inc., and Roquette America, Inc.; Withdrawal of GRAS Affirmation Petition

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a petition (GRASP 1G0376) proposing that β-cyclodextrin be affirmed as generally recognized as safe (GRAS) for use as a formulation aid in the production of dry flavoring mixes for preparation of cocktail-type alcoholic beverages.

**FOR FURTHER INFORMATION CONTACT:** Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3071.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of February 3, 1992 (57 FR 4043), FDA announced that a petition (GRASP 1G0376) had been filed by the law offices of Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001, on behalf of Cerestar USA, Inc. (formerly, American Maize-Products Co.), 1100 Indianapolis Blvd., Hammond, IN 46320–1094, and Roquette America, Inc. (formerly, Roquette Corp.), 1550 Northwestern Ave., Gurnee, IL 60031–2392. The petition proposed that β-cyclodextrin be affirmed as GRAS for use as a formulation aid in the production of dry flavoring mixes for the preparation of cocktail-type alcoholic beverages.

Recently, the petitioners submitted another petition (GRASP 6G0421) that requests GRAS affirmation of β-cyclodextrin for use as a flavor protectant in human food. The filing of this petition was announced in a notice that published in the **Federal Register** of September 20, 1996 (61 FR 49472). The general use in food that is proposed in petition GRASP 6G0421 encompasses the limited use presently proposed in GRASP 1G0376. Accordingly, the petitioners have requested the withdrawal of GRASP 1G0376. Cerestar USA, Inc., and Roquette America, Inc., have now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 27, 1997.

**Alan M. Rulis,**

*Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.*

[FR Doc. 97–7479 Filed 3–24–97; 8:45 am]

BILLING CODE 4160–01–F

**[Docket No. 97M–0084]**

## VISX, Inc.; Premarket Approval of VISX Excimer Laser System (Models B and C) for Photorefractive Keratectomy (PRK)

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing its approval of the application by VISX, Inc., Santa Clara, CA, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the VISX Excimer Laser System (Models B and C) for PRK. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of March 27, 1996, of the approval of the application.

**DATES:** Petitions for administrative review by April 24, 1997.

**ADDRESSES:** Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Jan C. Callaway, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2018.

**SUPPLEMENTARY INFORMATION:** On June 15, 1996, VISX, Inc., Santa Clara, CA 95051, submitted to CDRH an application for premarket approval of the VISX Excimer Laser System (Models B and C). The device is an argon

fluoride excimer laser and is indicated for PRK treatments: (1) For the reduction or elimination of mild to moderate myopia (nearsightedness) of between -1.0 to -6.0 diopters spherical equivalent at the corneal plane, in patients with less than or equal to 1.0 diopters of astigmatism; (2) in patients with documented evidence of a change in manifest refraction of less than or equal to 0.50 diopters (in both cylinder and sphere components) per year for at least 1 year prior to the date of preoperative examination; and (3) in patients who are 18 years of age or older.

On October 20, 1995, the Ophthalmic Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended conditional approval of the application. On March 27, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

## Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 24, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: February 20, 1997.

**Joseph A. Levitt,**

*Deputy Director for Regulations Policy, Center for Devices and Radiological Health.*

[FR Doc. 97–7478 Filed 3–24–97; 8:45 am]

BILLING CODE 4160–01–F

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## Health Care Financing Administration

**[Document Identifier: HCFA–R–183]**

## Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of currently approved collection; *Title of Information Collection:* Voluntary Customer Surveys to Implement Executive Order 12862 within HCFA; *Form No.:* HCFA–R–183; *Use:* These voluntary customer surveys will be used to implement E.O. 12862 to ascertain customer satisfaction with HCFA programs in terms of service quality. Surveys will involve individuals that are in direct or indirect beneficiaries of HCFA service and/or assistance, not partners. *Frequency:* Annually; *Affected Public:* Individuals or households; *Number of Respondents:* 1; *Total Annual Responses:* 1; *Total Annual Hours:* 1.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at http://www.hcfa.gov/regs/prdact95.htm, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Analysis and Planning Staff, Attention: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: March 18, 1997.

**Edwin J. Glatzel,**

*Director, Management Analysis and Planning Staff, Office of Financial and Human Resources.*

[FR Doc. 97–7402 Filed 3–24–97; 8:45 am]

BILLING CODE 4120–03–P

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## Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Request:* Revision of a currently approved collection; *Title of Information Collection:* Drug Utilization Review (DUR) (Medicaid); *Form No.:* HCFA–R–153 and HCFA–R–153a; *Use:* This is a revision of a currently approved collection of the OMB approved requirements on DUR programs that will expire on 9/30/97. The program and requirements are the same, but HCFA intends to add survey/instructions for the annual report. This framework in form HCFA–R153a would allow for reports to be more easily prepared by the states while also enhancing the usefulness of these reports for analysis and comparison by HCFA. Submission of reports has been required by Section 1927(g) of the Social Security Act; *Frequency:* Annually; *Affected Public:* State, local, or tribal government; Business or other for profit; and Not-for-profit institutions; *Number of Respondents:* 50; *Total Annual Responses:* 50; *Total Annual Hours:* 608,400.

2. *Type of Request:* Extension of a currently approved collection; *Title of Information Collection:* Systems Performance Review (SPR); *Form No.:* HCFA–R–86; *Use:* The System Performance Review (SPR) is a vehicle used to evaluate State Medicaid Management Information Systems (MMIS) to determine whether or not a State system satisfies the functional requirements and statistical levels of output relating to accuracy and timeliness. This review necessitates the documentation or maintenance of specific records; *Frequency:* Annually; *Affected Public:* State, local, or tribal government; Business or other for profit; and Federal Government; *Number of Respondents:* 17; *Total Annual Responses:* 17; *Total Annual Hours:* 22,100.

3. *Type of Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicaid Posteligibility Preprint; *Form No.:* HCFA–SP0001; *Use:* To standardize the display of information on the posteligibility process in the State's Medicaid plan. The State plan is issued as a basis for Federal financial participation in the State program; *Frequency:* Annually; *Affected Public:* State, local, or tribal government; and Federal Government; *Number of Respondents:* 56; *Total Annual Responses:* 896; *Total Annual Hours:* 529.

To request copies of the proposed paperwork collection referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Analysis and Planning Staff, Attention: Linda Mansfield, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: March 17, 1997

**Edwin J. Glatzel**

*Director, Management Analysis and Planning Staff, Office of Financial and Human Resources, Health Care Financing Administration.*

[FR Doc. 97–7466 Filed 3–24–97; 8:45 am]

BILLING CODE 4120–03–P

## Submitted for Collection of Public Comment: Submission for OMB Review

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Request:* Revision of a currently approved collection; *Title of Information Collection:* Statistical Report on Medical Care: Eligibles, Recipients, Payments and Services; *Form No.:* HCFA–2082; *Use:* The data reported in the HCFA–2082 are the basis of actuarial forecasts for Medicaid service utilization and costs; of analysis and cost savings estimates required for legislative initiatives relating to Medicaid and for responding to requests for information from HCFA components, the Department, Congress and other customers; *Frequency:* Annually; *Affected Public:* State, local, or tribal government; *Number of Respondents:* 54; *Total Annual Responses:* 54; *Total Annual Hours:* 17,214.

To request copies of the proposed paperwork collection referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 17, 1997.

**Edwin J. Glatzel,**

*Director, Management Analysis and Planning Staff, Office of Financial and Human Resources, Health Care Financing Administration.*

[FR Doc. 97–7467 Filed 3–24–97; 8:45 am]

BILLING CODE 4120–03–P

**[HCFA–1957]**

## Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* SSO Report of State Buy In Problems, 42 CFR 407.40; *Form No.:* HCFA–1957; *Use:* The HCFA–1957 is issued to assist with communications between the Social Security District Offices, Medicaid State Agencies and HCFA Central Offices in the resolution of beneficiary complaints, regarding entitlement under state buy-ins. It is used when a problem arises which cannot be resolved thru normal

data exchange. *Frequency:* On occasion; *Affected Public:* Individuals or Households, and State, Local or Tribal Government; *Number of Respondents:* 22,000; *Total Annual Hours:* 6,417.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at http://www.hcfa.gov/regs/prdact95.htm, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 17, 1997.

**Edwin J. Glatzel,**

*Director, Management Analysis and Planning Staff, Office of Financial and Human Resources, Health Care Financing Administration.*

[FR Doc. 97–7468 Filed 3–24–97; 8:45 am]

BILLING CODE 4120–03–P

## National Institutes of Health

## National Heart, Lung, and Blood Institute; Submission for OMB Review; Comment Request; The Framingham Study

**SUMMARY:** Under the provisions of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 23, 1996, page 43557 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

**PROPOSED COLLECTION:** *Title:* The Framingham Study. *Type of Information Collection Request:* Extension of a currently approved collection (OMB No. 0925–0216). *Need and Use of Information Collection:* This project involves physical examination and testing of the surviving members of the original Framingham Study cohort and the surviving members of the offspring cohort. Investigators will contact doctors, hospitals, and nursing homes to ascertain participants' cardiovascular events occurring outside the study clinic. Information gathered will be used to further describe the risk factors, occurrence rates, and consequences of cardiovascular disease in middle aged and older men and women. *Frequency of Response:* The cohort participants respond every two years; the offspring participants respond every four years. *Affected Public:* Individuals or households; Businesses or other for profit; Small businesses or organizations. *Type of Respondents:* Middle aged and elderly adults; doctors and staff of hospitals and nursing homes. The annual reporting burden is as follows:

| Type of respondents | Estimated number of respondents | Estimated number of responses per respondent | Average burden hours per response | Estimated total annual burden hours requested |
|---|---|---|---|---|
| Original cohort | 490 | 1.0 | 1.54 | 641 |
| Offspring cohort | 1,400 | 1.0 | 4.0 | 5,600 |
| Event information [1] | 1,258 | 1.0 | 0.38 | 472 |
| Total | | | | 6,713 |

[1] Annual burden is placed on doctors, hospitals, nursing homes, and respondent relatives/informants through requests for information which will help in the compilation of the number and nature of new fatal and nonfatal events occurring outside the Framingham examining clinic.

The cost to the respondents consists of their time and travel; time is estimated using a rate of $10.00 per hour and travel is estimated using a cost of $0.35 per mile. The annualized cost to original and offspring cohort respondents is estimated at: $56,640. The annualized cost for event information is $23,173. The Capital Costs are $229,000. The Operating and Maintenance Costs are $2,692,000.

**REQUEST FOR COMMENTS:** Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) 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; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways 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.

**DIRECT COMMENTS TO OMB:** Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Ms. Suzanne Anthony, Project Clearance Liaison, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A–10, MSC 2490, 31 Center Dr., Bethesda, MD 20892–2490 or call non-toll free number (301) 496–9737, or E-mail your request, including your address, to: AnthonyS@nih.gov.

**COMMENTS DUE DATE:** Comments regarding this information collect are best assured of having their full effect if received by April 24, 1997.

Dated: March 18, 1997.

**Sheila E. Merritt,**

*Executive Officer, National Heart, Lung, and Blood Institute.*

[FR Doc. 97–7376 Filed 3–24–97; 8:45 am]

BILLING CODE 4140–01–M

## Submission for OMB Review; Comment Request NIH Intramural Research Training Award, Program Application

**SUMMARY:** Under the provisions of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Director, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 10, 1997, pages 1463–1464 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

**PROPOSED COLLECTION:** *Title:* NIH Intramural Research Training Award, Program Application. *Type of Information Collection Request:* Revision of OMB No. 0925–0299; 4/30/97. *Need and Use of Information Collection:* The proposed information collection activity is for the purpose of collecting date related to the availability of training fellowships under the NIH Intramural Research Training Award Program. This information must be submitted in order to receive due consideration for an award and will be used to determine the eligibility and quality of potential awardees.

*Frequency of Response:* On occasion. *Affected Public:* Individuals or households. *Type of Respondents:* Postdoctoral, Predoctoral, Supplemental, Technical, Summer, and Student Support IRTA applicants. *Estimated Number of Respondents:* 12,110. *Estimated Number of Responses Per Respondent:* 1. *Average Burden Hours Per Response:* .54. *Estimated Total Annual Burden Hours Requested:* 6,542. There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

| Type of respondents | Estimated number of respondents | Estimate number of responses per respondent | Average burden hours per response | Estimated total annual burden hours requested |
|---|---|---|---|---|
| Postdoctoral IRTA | 600 | 1 | 1 | 600 |
| Predoctoral IRTA | 100 | 1 | 1 | 100 |
| Supplemental IRTA | 10 | 1 | 1 | 10 |
| Technical IRTA | 60 | 1 | 1 | 60 |
| Summer IRTA | 3000 | 1 | 1 | 3000 |
| Student Support IRTA | 30 | 1 | 1 | 30 |
| References | 8310 | ..... | .33 | 2742 |
| Total | 12110 | 1 | .54 | 6542 |

**REQUEST FOR COMMENTS:** Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and the clarity of information to be collected; and (4) Ways 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.

**DIRECT COMMENTS TO:** Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Ms. Yetta L. Patterson, Personnel Management Specialist, Office of Human Resource Management, OD, NIH, Building 31, Room 1C39, 31 Center Drive MSC 2272, Bethesda, MD 20892–2272.

**COMMENTS DUE DATE:** Comments regarding this information collection are best assured of having their full effect if received by April 24, 1997.

Dated: March 18, 1997.

**Stephen C. Benowitz,**

*Director, Office of Human Resource Management.*

[FR Doc. 97–7377 Filed 3–24–97; 8:45 am]

BILLING CODE 4140–01–M

## National Institute of Child Health and Human Development; Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting:

*Name of SEP:* Use of Genetically Modified Skin to Treat Disease.

*Date:* April 9–10, 1997.

*Time:* April 9—7 p.m.—9 p.m.; April 10—8:30 a.m.—adjournment.

*Place:* Quality Inn Hotel, 154 West 600 Street, Salt Lake City, Utah 84132.

*Contact Person:* Gopal Bhatnagar, Ph.D., Scientific Review Administrator, NICHD, 6100 Executive Boulevard, 6100 Building, Room 5E01, Rockville, Maryland 20852, Telephone: 301–496–1485.

*Purpose/Agenda:* To evaluate and review grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The discussions of this application could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. [93.864, Population Research and No. 93.865, Research for Mothers and Children, National Institutes of Health)

Dated: March 19, 1997.

**LaVerne Y. Stringfield,**

*Committee Management Officer, National Institutes of Health.*

[FR Doc. 97–7374 Filed 3–24–97; 8:45 am]

BILLING CODE 4140–01–M

## National Institute of Allergy and Infectious Diseases; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Allergy and Infectious Diseases Special Emphasis Panel (SEP) meetings.

*Name of SEP:* Mechanisms of AIDS Pathogenesis and Novel HIV Vaccine Design (Telephone Conference Call).
*Date:* April 2, 1997.
*Time:* 12 p.m.
*Place:* Teleconference, 6003 Executive Boulevard, Solar Bldg., Room 1A4, Bethesda, MD 20892, (301) 496–2550.
*Contact Person:* Dr. Paula Strickland, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., 1A4, Bethesda, MD 20892, (301) 496–2550.
*Purpose/Agenda:* To evaluate contract proposals.

*Name of SEP:* Cost Effectiveness of Preventing HIV Complications (Telephone Conference Call).
*DATE:* April 3, 1997.
*TIME:* 2 p.m.
*Place:* Teleconference, 6003 Executive Boulevard, Solar Bldg., Room 4C01, Bethesda, MD 20892, (301) 496–2550.
*Contact Person:* Dr. Dianne E. Tingley, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., Room 4C07, Bethesda, MD 20892, (301) 496–2550.
*Purpose/Agenda:* To evaluate grant application.

*Name of SEP:* Innovative Drug Discovery Research in AIDS Opportunistic Infections (Telephone Conference Call).
*Date:* April 10, 1997.
*Time:* 12 p.m.
*Place:* Teleconference, 6003 Executive Boulevard, Solar Bldg., Room 1A4, Bethesda, MD 20892, (301) 496–2550.
*Contact Person:* Dr. Paula Strickland, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., Room 4C02, Bethesda, MD 20892, (301) 402–0643
*Purpose/Agenda:* To evaluate grant applications.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Programs Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infections Diseases Research, National Institutes of Health)

Dated: March 19, 1997.

**LaVerne Y. Stringfield,**

*Committee Management Officer, National Institutes of Health.*

[FR Doc. 97–7375 Filed 3–24–97; 8:45 am]

BILLING CODE 4140–01–M

## Division of Research Grants; Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

*Purpose/Agenda:* To review individual grant applications.
*Name of SEP:* Microbiological and Immunological Sciences.
*Date:* April 2, 1997.
*Time:* 1 p.m.
*Place:* NIH, Rockledge 2, Room 4178, Telephone Conference.
*Contact Person:* Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

*Name of SEP:* Microbiological and Immunological Sciences.
*Date:* April 7, 1997.
*Time:* 1 p.m.
*Place:* NIH, Rockledge 2, Room 4178, Telephone Conference.
*Contact Person:* Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

*Name of SEP:* Behavioral and Neurosciences.
*Date:* April 7, 1997.
*Time:* 2 p.m.
*Place:* NIH, Rockledge 2, Room 5172, Telephone Conference.
*Contact Person:* Dr. Leonard Jakubczak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5172, Bethesda, Maryland 20892, (301) 435–1247.

*Name of SEP:* Biological and Physiological Sciences.
*Date:* April 14, 1997.
*Time:* 1:30 p.m.
*Place:* NIH, Rockledge 2, Room 5202, Telephone Conference.
*Contact Person:* Dr. Anita Sostek, Scientific Review Administrator, 6701 Rockledge Drive, Room 5202, Bethesda, Maryland 20892, (301) 435–1260.

*Name of SEP:* Microbiological and Immunological Sciences.
*Date:* April 16, 1997.
*Time:* 1 p.m.
*Place:* NIH, Rockledge 2, Room 4178, Telephone Conference.
*Contact Person:* Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

*Name of SEP:* Microbiological and Immunological Sciences.
*Date:* April 17, 1997.
*Time:* 1 p.m.
*Place:* NIH, Rockledge 2, Room 4178, Telephone Conference.
*Contact Person:* Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

*Name of SEP:* Biological and Physiological Sciences.
*Date:* April 21, 1997.
*Time:* 10 a.m.
*Place:* NIH, Rockledge 2, Room 4208, Telephone Conferences.
*Contact Person:* Dr. Anita Weinblatt, Scientific Review Administrator, 6701 Rockledge Drive, Room 4208, Bethesda, Maryland 20892, (301) 435–1224.

*Name of SEP:* Biological and Physiological Sciences.
*Date:* April 25, 1997.
*Time:* 10 a.m.
*Place:* NIH, Rockledge 2, Room 5196, Telephone Conference.
*Contact Person:* Ms. Carol Campbell, Scientific Review Administrator, 6701 Rockledge Drive, Room 5196, Bethesda, Maryland 20892, (301) 435–1257.

*Name of SEP:* Biological and Physiological Sciences.
*Date:* April 25, 1997.
*Time:* 3:30 p.m.
*Place:* NIH, Rockledge 2, Room 4208, Telephone Conference.
*Contact Person:* Dr. Anita Weinblatt, Scientific Review Administrator, 6701 Rockledge Drive, Room 4208, Bethesda, Maryland 20892, (301) 435–1224.

*Name of SEP:* Clinical Sciences.
*Date:* April 30, 1997.
*Time:* 9 a.m.
*Place:* NIH, Rockledge, Room 4106, Telephone Conference.
*Contact Person:* Ms. Josephine Pelham, Scientific Review Administrator, 6701 Rockledge Drive, Room 4106, Bethesda, Maryland 20892, (301) 435–1786.

*Purpose/Agenda:* To review Small Business Innovation Research.
*Name of SEP:* Chemistry and Related Sciences.
*Date:* March 27, 1997.
*Time:* 3 p.m.
*Place:* NIH, Rockledge 2, Room 5218, Telephone Conference.
*Contact Person:* Dr. Marjam Behar, Scientific Review Administrator, 6701 Rockledge Drive, Room 5218, Bethesda, Maryland 20892, (301) 435–1180.

*Name of SEP:* Chemistry and Related Sciences.
*Date:* April 2, 1997.
*Time:* 1 p.m.
*Place:* NIH, Rockledge 2, Room 5156, Telephone Conference.
*Contact Person: Dr. Chhandra Ganguly, Scientific Review Administrator, 6701 Rockledge Drive, Room 5156, Bethesda, Maryland 20892, (301) 435–1739.*

*Name of SEP:* Clinical Sciences.
*Date:* April 11, 1997.
*Time:* 8:30 a.m.
*Place:* Bethesda Hyatt, Bethesda, Maryland.
*Contact Person:* Dr. Nancy Shinowara, Scientific Review Administrator, 6701 Rockledge Drive, Room 5216, Bethesda, Maryland 20892, (301) 435–1173.

This notice is being published less than 25 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892 93,893, National Institutes of Health, HHS)

Dated: March 19, 1997.

**LaVerne Y. Stringfield,**

*Committee Management Officer, National Institutes of Health.*

[FR Doc. 97–7373 Filed 3–24–97; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–3918–N–10]**

## Privacy Act of 1974; Computer Matching Program

**AGENCY:** Department of Housing and Urban Development (HUD).

**ACTION:** Notice of a computer matching program—HUD and United States Department of Agriculture (USDA).

**SUMMARY:** In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988, as amended, (P.L. 100–503), and the Office of Management and Budget (OMB) Guidelines on the Conduct of Marching Programs (54 FR 25818) (June 19, 1989)), and OMB Bulletins 89–22, ''Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public,'' the Department of Housing and Urban Development (HUD) is issuing a public notice of its intent to conduct a recurring computer matching program with the U.S. Department of Agriculture (USDA) to utilize a computer information system of HUD, the Credit Alert Interactive Voice Response System (CAIVRS), with USDA's debtor files. In addition to HUD data, the CAIVRS data base includes delinquent debt information from the Department of Education, Department of Veteran Affairs, the Small Business Administration and judgment lien data from the Department of Justice. This match will allow prescreening of applicants for loans or loans guaranteed by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or issued by the Federal Government for HUD or USDA direct or guaranteed loans.

Before granting a loan, the lending agency and/or the authorized lending institution will be able to interrogate the CAIVRS debtor file which contains the Social Security Numbers (SSNs) of HUD's delinquent debtors and defaulters and defaulted debtor records of the USDA and verify that the loan applicant is not default or delinquent on direct or guaranteed loans of participating Federal programs of either agency. Authorized users place a telephone call to the system. The system provides a recorded message followed by a series of instructions, one of which is a requirement for the SSN of the loan applicant. The system then reports audibly whether the SSN is related to the delinquent or defaulted Federal obligations for HUD or USDA direct or guaranteed loans. As a result of the information produced by this match, the authorized users may not deny, terminate, or make a final decision on any loan assistance to an applicant or take other adverse action against such applicant, until an officer or employee of such agency has independently verified such information.

In accordance with 5 U.S.C. 552a(o)(2), copies of the matching agreement are being sent by HUD to both houses of Congress. The match is expected to commence not sooner than 40 days after the agreement by the parties is submitted to Congress and not sooner than 30 days from the publication of this notice or 40 days from the date this notice was approved, whichever is later. The match may be extended by the involved Data Integrity Boards for a twelve-month period provided all agencies involved certify to their Data Integrity Boards, with three months of the termination date of the original match, that the matching programs will be conducted without change and have been conducted in compliance with the original matching agreement. The match will not continue past the date the legislative authority to obtain this information expires.

**ADDRESSES:** Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

**FOR PRIVACY ACT INFORMATION AND FURTHER INFORMATION FROM RECIPIENT AGENCY CONTACT:** Jeanette Smith, Departmental Privacy Act Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410, telephone number (202) 708–2374. (This is not a toll-free telephone number).

**FOR FURTHER INFORMATION FROM SOURCE AGENCY CONTACT:** Joyce A Baumgartner, Fiscal Policy Division, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, DC 20250, telephone number (202) 720–4958. (This is not a toll-free number.)

### Reporting of Matching Program

In accordance with Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, as amended, and Office of Management and Budget Bulletin 89–22, ''Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public;'' copies of this Notice and report are being provided to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

### Authority

The matching program may be conducted pursuant to Public Law 100–503, ''The Computer Matching and Privacy Protection Act of 1988,'' as amended, and Office of Management and Budget (OMB) Circular A–129 (Revised January 1993), Policies for Federal Credit Programs and Non-Tax Receivables. One of the purposes of all Executive departments and agencies—including HUD—is to implement efficient management practices for Federal credit programs. OMB Circular A–129 was issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Act of 1950; as amended; the Debt Collection Act of 1982, as amended; and, the Deficit Reduction Act of 1984, as amended.

**Objectives To Be Met by the Matching Program**

The matching program will allow USDA access to a system which permits prescreening of applicants for loans or loans guaranteed by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Government. In addition, HUD will be provided access to USDA debtor data for prescreening purposes.

**Records To Be Matched**

HUD will utilize its system of records entitled HUD/DEPT–2; *Accounting Records.* The debtor files for HUD programs involved are included in this system of records. HUD's debtor files contain information on borrowers and co-borrowers who are currently in default (at least 90 days delinquent on their loans); or who have any outstanding claims paid during the last three years on Title insured or guaranteed home mortgage loans; or individuals who have defaulted on Section 312 rehabilitation loans; or individual who have had a claim paid in the last three years on a Title I loan. For the CAIVRS match, HUD/DEPT–2, System of Records, receives its program inputs from HUD/DEPT–28, property Improvement and Manufactured (Mobile) Home Loans—Default; HUD/DEPT–32, Delinquent/ Default/Assigned Temporary Mortgage Assistance Payments (TMAP) Program; and HUD/CPD–1, Rehabilitation Loans-Delinquent /Default. The USDA will provide HUD with debtor files contained in its system of records entitled, Applicant/Borrower or Grantee File (USDA/FmHA–1). HUD is maintaining USDA's records only as a ministerial action on behalf of USDA, not as part of HUD's HUD/DEPT–2 system of records. USDA's data contain information on individuals who have defaulted on their guaranteed loans. The USDA will retain ownership and responsibility for their system of records that they place with HUD. HUD serves only as a record location and routine use recipient for USDA's data.

**Notice Procedures**

HUD and the USDA will notify individuals at the time of application (ensuring that routine use appears on the application form) for guaranteed or direct loans that their records will be matched to determine whether they are delinquent or in default on a Federal debt. HUD and the USDA will also publish notices concerning routine use disclosures in the **Federal Register** to inform individuals that a computer match may be performed to determine a loan applicant's credit status with the Federal Government.

**Categories of Records/Individuals Involved**

The debtor records include these data elements: SSN, claim number, program code, and indication of indebtedness. Categories of records include: Records of claims and defaults, repayment agreements, credit reports, financial statements, and records of foreclosures.

Categories of individuals include: Former mortgagors and purchasers of HUD-owned properties, manufactured (mobile) home and home improvement loan debtors who are delinquent or in default on their loans, and rehabilitation loan debtors who are delinquent or in default on their loans.

**Period of the Match**

Matching is expected to begin 40 days after the date copies of the signed (by both Data Integrity Boards) computer matching agreement are sent to both Houses of Congress or 30 days from the date this Notice is published in the **Federal Register**, or 40 days from the date this notice is approved, whichever is later, providing no comments are received which would result in a contrary determination.

Issued at Washington, DC, March 13, 1997.

**Steven M. Yohai,**

*Chief Information Officer.*

[FR Doc. 97–7427 Filed 3–24–97; 8:45 am]

BILLING CODE 4210–01–M

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## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## DEPARTMENT OF COMMERCE

## National Marine Fisheries Service

## Extension of Public Comment Period on the Environmental Assessment and Application for a Permit To Allow Incidental Take of Threatened and Endangered Species by Weyerhaeuser Company on Portions of Its Lands in Lane, Linn, Benton, and Douglas Counties, OR

**AGENCY:** Fish and Wildlife Service, National Marine Fisheries Service

**ACTION:** Notice of extension of comment period.

**SUMMARY:** This notice advises the public that the Fish and Wildlife Service is extending the comment period for the Environmental Assessment and the Habitat Conservation Plan for the proposed issuance of an incidental take permit to Weyerhaeuser Corporation for portions of its land in Lane, Benton, Douglas, and Linn Counties, Oregon. This notice is provided pursuant to section 10(c) of the Endangered Species Act and National Environmental Policy Act regulations.

**DATES:** Written comments on the permit application and Environmental Assessment should be received on or before April 4, 1997.

**ADDRESSES:** Comments regarding the application, Environmental Assessment or requests for those documents should be addressed to David J. Hirsh, U.S. Fish and Wildlife Service, Pacific Northwest Habitat Conservation Plan Program, 3773 Martin Way East, Building C—Suite 101, Olympia, Washington 98501; telephone (360) 534–9330. Please refer to permit No. PRT–823550 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** David Hirsh, U.S. Fish and Wildlife Service, or Steve Landino, National Marine Fisheries Service. Both are located at the Pacific Northwest Habitat Conservation Plan Program, 3773 Martin Way East, Building C—Suite 101, Olympia, Washington 98501; telephone (360) 534–9330.

**SUPPLEMENTARY INFORMATION:** On January 23, 1997, the Fish and Wildlife Service and the National Marine Fisheries Service (together the Services) announced the availability of an Environmental Assessment and the receipt of an application for the proposed issuance of a permit to allow incidental take of threatened and endangered species on Weyerhaeuser lands in Linn, Benton, Douglas, and Lane Counties, Oregon (62 FR 3516, 62 FR 3500). Regulations governing permits for threatened and endangered species are in 50 CFR 17.22 and 17.32.

The Services have received requests for extension of the comment period for this proposed action. The Services acknowledge that these documents and the underlying principles are both lengthy and complex and may require additional time to provide meaningful comment. Therefore the Services have extended the comment period until April 4, 1997.

*Author:* David J. Hirsh, Pacific Northwest Habitat Conservation Plan Program.

**Authority:** 16 U.S.C. 1361–1407, 1531–1544, and 4201–4245.

Dated: March 19, 1997.

**Thomas J. Dwyer,**

*Acting Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.*

Dated: March 20, 1997.

**Joseph R. Blum,**

*Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 97–7538 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[NV–930–1430–01; N–61315]**

## Notice of Proposed Withdrawal and Opportunity for Public Meeting; Cancellation of Proposed Withdrawal; Nevada; Correction

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Correction.

**SUMMARY:** This action corrects errors in the acreage and land descriptions published as FR Doc. 96–30580 in the **Federal Register**, 61 FR 63858, December 2, 1996, for a proposed Corps of Engineers withdrawal.

On page 63858, column 3, In the Summary, ''2,369.80 acres'' is hereby corrected to read ''2,372.30 acres''.

On page 63859, column 1, line 9, which reads ''E½SE¼SE¼NW¼, SE¼NW¼SW¼,'' is hereby corrected to read ''E½SE¼SE¼NW¼, SE¼NW¼SE¼,''.

On page 63859, column 1, line 2 from the bottom of the column, which reads ''NW¼SE¼NW¼SE¼.'' is hereby corrected to read ''NW¼SE¼NW¼SE¼, NE¼NE¼SE¼SE¼.''.

On page 63859, column 2, line 8, which reads ''NW¼NW¼SW¼SE¼;'' is hereby corrected to read ''NW¼NW¼SW¼NE¼;''.

On page 63859, column 2, line 5 from the bottom of the column, which reads ''SW¼NE¼NE¼SW¼.'' is hereby corrected to read ''SW¼NE¼NE¼SW¼, NW¼NW¼NE¼SW¼.''

On page 63859, column 3, line 19, which reads ''E½E½SW¼SE¼;'' is hereby corrected to read ''E½E½SE¼SW¼;''.

On page 63859, column 3, line 25, which reads ''The areas described aggregate 2,369.80'' is hereby corrected to read ''The areas described aggregate 2,372.30''.

Dated: March 11, 1997.

**William K. Stowers,**

*Lands Team Lead.*

[FR Doc. 97–7400 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–HC–P

## National Park Service

## 60-Day Notice of Intention To Renew Request for Clearance of Information Collection, Backcountry Use Permit, Opportunity for Public Comment

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3507) and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the National Park Service (NPS) invites public comments on a request for renewal of approval for the information collection requirements associated with permits implementing provisions of agency regulations, pertaining to the use of public lands (OMB Control 11024–0022). Standard Form 10–404, Backcountry Use Permit, is the primary form used to implement a backcountry reservation system and provide access into backcountry zones where limits are imposed in accordance with regulations. Such permitting enhances hazard warnings, search and rescue efforts and resource protection.

**DATES:** Public comments will be accepted until May 27, 1997.

**ADDRESSES:** Send comments to Dennis Burnett, Ranger Activities, National Park Service, P.O. Box 37127, 18th and C Streets, Washington, D.C., 20013–7127. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Dennis Burnett at 202–208–7675

**SUPPLEMENTARY INFORMATION:** The objectives of the backcountry use permit system is to provide campers desiring access to backcountry areas of national parks with continuing opportunities for solitude, while enhancing resource protection and providing a means of disseminating public safety messages regarding backcountry travel. In 1976, the NPS initiated a backcountry registration system in accordance with regulations found at 36 CFR 1.5, 1.6 and 2.10. This system assures campers of finding routes and campsites which are not crowded beyond their capacity. The quality of both the recreational experience and the physical setting thereby remain uncompromised.

NPS backcountry program managers, by designating access routes and overnight camping locations, can redistribute campers in response to user impact, high fire danger, flood or wind hazard, bear activity or other situations that may temporarily close a portion of the backcountry. The NPS may also use the permit system as a means of ensuring that each backcountry user receives up-to-date information on backcountry sanitation procedures, food storage, wildlife activity, trail conditions and weather projections so that concerns for visitor safety are met.

The Backcountry Use Permit is an extension of the NPS statutory responsibilities to protect the park areas it administers and to manage the public use thereof (16 U.S.C. 1 & 3). NPS regulations codified in 36 CFR Parts 1 through 7, 12 and 13, are designed to implement statutory mandates that provide for resource protection and public enjoyment. Several regulations contain information collection requirements previously approved by the OMB (1024–0022).

**Diane M. Cooke,**

*Information Collection Clearance Officer, National Park Service.*

[FR Doc. 97–7459 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–70–P

## 60-Day Notice of Intention To Renew Request for Clearance of Information Collection, Special Use Permit, Opportunity for Public Comment

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3507) and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the National Park Service (NPS) invites public comments on a request for renewal of approval for the information collection requirements associated with permits implementing provisions of agency regulations, pertaining to the use of public lands (OMB Control 11024–0026). Standard Form 10–114, Special Use Permit, is the primary form used to document certain privileges, benefits and other special uses that are allowed various persons, organizations or agencies, but that are not equally available to all members of the general public. This permit is intended to be used in conjunction with the agency guideline pertaining to special park uses (DO–53).

**DATES:** Public comments will be accepted until May 27, 1997.

**ADDRESSES:** Send comments to Dennis Burnett, Ranger Activities, National Park Service, P.O. Box 37127, 18th and C Streets, Washington, D.C., 20013–7127. All responses to this notice will be summarized and included in the

request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Dennis Burnett at 202–208–7675.

**SUPPLEMENTARY INFORMATION:** The objectives of the special use permit system are to assure that, requests for special park uses are evaluated by park managers, in accordance with applicable statutory law and NPS regulations; that a consistent set of standards and permitting criteria are used throughout the agency; and to the extent possible, that a single permitting document be used to grant a variety of privileges and benefits, and to document the many activities covered under this program. Use of a single permit streamlines and reduces the costs of administering the NPS information collection program. Use of the special use permit will also significantly reduce the information collection burden on affected persons through the use of a standardized and timesaving format.

The Special Use Permit is an extension of the NPS statutory responsibilities to protect the park areas it administers and to manage the public use thereof (16 U.S.C. 1 & 3). NPS regulations codified in 36 CFR Parts 1 through 7, 12 and 13, are designed to implement statutory mandates that provide for resource protection and public enjoyment. Several regulations contain information collection requirements previously approved by the OMB (1024–0026) that were designed to evaluate requests for access and/or approval to engage in otherwise restricted or limited activities within park areas.

**Diane M. Cooke,**

*Information Collection Clearance Officer, National Park Service.*

[FR Doc. 97–7461 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–70–P

## Upper Delaware Scenic and Recreational River Citizens Advisory Council

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of meetings.

**SUMMARY:** This notice sets forth the dates of the meetings of the Upper Delaware Citizens Advisory Council for calendar year 1997.

| Dates | Type of meeting | Rain date | Address |
|---|---|---|---|
| April 10, 1997 | Business | None | NPS South District Office, NYS Route 97, Barryville, NY 12719. |
| June 12, 1997 | Business | None | NPS Headquarters, River Road, Beach Lake, Pennsylvania. |
| September 11, 1997 | Business | None | NPS Headquarters, River Road, Beach Lake, Pennsylvania. |
| November 13, 1997 | Business | | Zane Grey House and Museum, Delaware Drive, Lackawaxen, Pennsylvania. |

Press Releases containing specific information regarding the subject of each meeting, as well as special informational programs, will be published in the following area newspapers: The Sullivan County Democrat, The Times Herald Record, The River Reporter, The Tri-state Gazette, The Pike County Dispatch, The Wayne Independent, The Hawley News Eagle, The Weekly Almanac.

Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, WJFF and WVOS.

**FOR FURTHER INFORMATION CONTACT:** Calvin F. Hite, Superintendent; Upper Delaware Scenic and Recreational River, RR2, Box 2428, Beach Lake, PA 18405–9737; 717–729–8251.

**SUPPLEMENTARY INFORMATION:** The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Public Law 95–625, 16 USC § 1724 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation and implementation of the management plan, and on programs which relate to land and water use in the Upper Delaware Region.

All meetings are open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, NY 12764. Minutes of the meeting will be available for inspection four weeks after the meeting, at the permanent headquarters of the Upper Delaware Scenic and Recreational River; River Road, 1–¾ miles north of Narrowsburg, New York; Damascus Township, Pennsylvania.

Dated: January 29, 1997.

**Calvin F. Hite,**

*Superintendent, Upper Delaware Scenic & Recreational River.*

[FR Doc. 97–7460 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–70–P

## National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 15, 1997 Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by April 9, 1997.

**Carol D. Shull,**

*Keeper of the National Register.*

**CALIFORNIA**

**San Mateo County**

National Bank of San Mateo, 164 S. B St., San Mateo, 97000331

**CONNECTICUT**

**Hartford County**

Cedar Hill Cemetery, 453 Fairfield Ave., Hartford, 97000333

**DISTRICT OF COLUMBIA**

**District of Columbia State Equivalent**

L'Enfant Plan of the City of Washington, District of Columbia, Roughly bounded by Florida Ave. from Rock Cr., NW. to 15th St., NE., S to C St., and E to the Anacostia River, Washington, 97000332

**GEORGIA**

**Crisp County**

Gillespie-Selden Historic District, Roughly bounded by Railroad, 10th, and 15th Sts., and 16th Ave., Cordele, 97000336

**Hart County**

Gulley-Gurley Farm, 1389 Lou Gurley Road, Bowersville vicinity, 97000334

**McIntosh County**

Sapelo Island Lighthouse, S end of Sapelo Island, S of University of Georgia Marine Institute, Sapelo Island, 97000335

**LOUISIANA**

**Avoyelles Parish**

Fort No. 2 at Yellow Bayou, LA 1, approximately 1.5 mi. W of Simmesport, Simmesport vicinity, 97000337

**MARYLAND**

**Carroll County**

McKinstry's Mills Historic District, 1494, 1498, and 10904 McKinstry's Mill Rd., 4500 and 4504 Sam's Creek Rd., Union Bridge vicinity, 97000338

**TENNESSEE**

**Shelby County**

Tri State Iron Works, 61 Keel Ave., Memphis, 97000339

[FR Doc. 97–7439 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–70–P

## Proposed Land Exchange and Opportunity for Public Comment, Tucson, Arizona

**SUMMARY:** Pursuant to 16 U.S.C., Subsection 4601–22(b); the Saguaro National Monument Expansion Act of 1991, Public Law No. 102–61, 105 Stat. 303; and the Saguaro National Park Establishment Act of 1994, Public Law No. 103–364, 108 Stat. 3467, the National Park Service, hereinafter called the Service, intends to exchange certain lands and interests in lands with Pima County, Arizona, hereinafter called the County.

Both entities agree to mutually exchange 15.47 acres, owned by the County within the boundaries of Saguaro National Park, for a perpetual right-of-way on 40.08 acres of Federal land on the perimeter of the park. The County parcels are identified as Tracts 02–163, consisting of 10 acres, and 02–110, containing 5.47 acres. Both tracts are located in the SE1/4 of Section 34, Township 13 S., Range 12 E., Gila and Salt River Meridian.

The Service lands are in six linear parcels, described as follows:

| Tract | Acres | Right-of-way location |
|---|---|---|
| 01–165 | 2.25 | Portions of Old Spanish Trail between Escalante Road and Camino Del Desierto. |
| 01–166 | 0.99 | |
| 01–167 | 0.13 | A portion of Old Spanish Trail between Camino Del Desierto and Alvard Road. |
| 02–184 | 15.78 | A portion of Rudasill Road between Van Ark and Sanders Road. |
| 02–185 | 14.61 | A portion of Sandario Road between Sunset Road and Manville Road. A portion of Manville Road between Sandario Road and Sanders Road. |
| 02–186 | 6.32 | A portion of Sandario Road between Lowell Road and Mile High Road and 2640 feet along Mile High Road. |

Acquisition of the County lands inside the park will place valuable cultural and natural resources under Federal protection. The Federal lands on which perpetual rights-of-way will be granted to Pima County are all located on the park boundary and are currently encumbered by dirt roads maintained by the County. Granting the rights-of-way will eliminate the administrative cost and burden of processing authorizations and agreements for continued County maintenance of the roads. It will also allow the County to spend additional funds to improve and better maintain the roads.

Appraisals have been completed and approved on all the tracts involved in the exchange. Both parties have determined that the lands and interests therein to be exchanged are of equal value.

**COMMENTS AND FURTHER INFORMATION:** The comment period on this proposed exchange ends 45 days from the date of this publication. Any comments pertaining to this exchange should be sent to the Superintendent, Saguaro National Park, 3693 S. Old Spanish Trail, Tucson, Arizona 85730–5699. Further information on this exchange can be obtained at the same address.

Dated: March 3, 1997.

**John E. Cook,**

*Director, Intermountain Field Area, National Park Service.*

[FR Doc. 97–7462 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–70–P

## INTERNATIONAL TRADE COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** April 1, 1997 at 10:00 a.m.

**PLACE:** Room 101, 500 E Street S.W., Washington, DC 20436.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–745 (Final) (Steel Concrete Reinforcing Bars from Turkey)—briefing and vote.
5. Inv. No. 731–TA–744 (Final) (Certain Brake Drums and Rotors from China)—briefing and vote.
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: March 20, 1997.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 97–7654 Filed 3–21–97; 2:23 pm]

BILLING CODE 7020–02–P

## DEPARTMENT OF LABOR

### Office of the Secretary

### Bureau of International Labor Affairs; Public Hearings on International Child Labor

This document is a notice of public hearings to be held by the Department of Labor for the purpose of gathering information regarding the use of abusive or exploitative child labor in the production of goods imported into the United States. The hearing will be held on April 18, 1997, at the Department of Labor, room N–3437, beginning at 9:00 a.m. The hearing will be open to the public. The Department of Labor is now accepting requests from all interested parties to provide oral or written testimony at the hearing. Each presentation will be limited to ten minutes. The Department is not able to provide financial assistance to those wishing to travel to attend the hearing. Those unable to attend the hearing are invited to submit written testimony. Parties interested in testifying at the

international child labor hearing should call Thelma Hackley (202) 219–7613 ext. 106 to be put on the roster.

The Department of Labor is currently undertaking a fourth Congressionally-mandated review of international child labor practices (pursuant to the Department of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1997, P.L. 104–208). Information provided at the hearing will be considered by the Department of Labor in preparing its report to Congress. Testimony should be confined to the topic of the study. Specifically, the International Child Labor Office of the Bureau of International Labor Affairs is seeking written and oral testimony on the topics noted below:

1. Efforts initiated in the private sector, including efforts by importers, manufacturers, retailers, as well as non-governmental organizations, to eliminate exploitative child labor in the following industries: hand-knotted carpets, soccer balls, tea, and leather footwear. The International Child Labor Office is particularly interested in efforts, such as labels or codes of conduct, designed to inform customers that no child labor is used in the production of these products, and the operation, costs, and effectiveness of such programs.

2. Factual information regarding the use of child labor in the production of hand-knotted carpets, soccer balls, tea, and leather footwear in countries that may export such items to the United States.

3. Other information concerning programs designed to inform the public that no child labor was used to produce a consumer product. These efforts may be either non-industry specific or in industries other than hand-knotted carpets, soccer balls, tea, and leather footwear.

**DATES:** The hearing is scheduled for Friday, April 18, 1997. The deadline for being placed on the roster for oral testimony is 5:00 p.m. on Friday, April 11, 1997. Presenters will be required to submit five (5) written copies of their oral testimony to the International Child Labor Office by 5:00 p.m., Wednesday, April 16, 1997. The record will be kept open for additional written testimony until 5:00 p.m., Monday, April 28, 1997.

**ADDRESSES:** The hearing will be held at the Department of Labor, Room N–3437, 200 Constitution Avenue, NW., Washington, DC. Written testimony should be addressed to the International Child Labor Office, Bureau of International Labor Affairs, Room S–5303, U.S. Department of Labor, Washington, DC 20210, fax: (202) 219–4923.

**FOR FURTHER INFORMATION CONTACT:** Thelma Hackley, International Child Labor Office, Bureau of International Labor Affairs, Room S–5303, U.S. Department of Labor, Washington, D.C. 20210, telephone: (20) 219–7613 ext. 106; fax (202) 219–5071. Persons with disabilities who need special accommodations should contact Thelma Hackley by Monday, April 14, 1997.

All written or oral comments submitted pursuant to the public hearing will be made part of the record of review referred to above and will be available for public inspection.

Signed at Washington, DC, this 19th day of March, 1997.

**Andrew J. Samet,**

*Acting Deputy Under Secretary.*

[FR Doc. 97–7525 Filed 3–24–97; 8:45 am]

BILLING CODE 4510–28–M

## NUCLEAR REGULATORY COMMISSION

### Documents Containing Reporting or Recordkeeping Requirements: Notice of Pending Submittal to the Office of Management and Budget (OMB) for Review

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collection under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Policy Statement on Cooperation with States at Commercial Nuclear Power Plants and Other Production or Utilization Facilities.

2. *Current OMB approval number:* 3150–0163.

3. *How often the collection is required:* On occasion—when a State wishes to observe NRC inspections or perform inspections for NRC.

4. *Who is required or asked to report:* Those States interested in observing or performing inspections.

5. *The number of annual respondents:* Maximum of 50, although not all States have participated in the program.

6. *The number of hours needed annually to complete the requirement or request:* An average estimate of 10 hours per State or 500 hours if all States participated in the program.

7. *Abstract:* States wishing to enter into an agreement with NRC to observe or participate in NRC inspections at nuclear power facilities are requested to provide certain information to the NRC to ensure close cooperation and consistency with the NRC inspection program as specified by the Commission's Policy of Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities.

Submit, by May 27, 1997 comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC. Members of the public who are in the Washington, DC area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem at FedWorld, (703) 321–3339. Members of the public who are located outside of the Washington, DC area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at (703) 487–4608. 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 may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6–F33, Washington, DC 20555–0001, or by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 19 day of March, 1997.

For the Nuclear Regulatory Commission.

**Arnold E. Levin,**

*Acting Designated Senior Official for Information Resources Management.*

[FR Doc. 97–7502 Filed 3–24–97; 8:45 am]

BILLING CODE 7590–01–P

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**[Docket No. 50–334]**

## Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–66, issued to Duquesne Light Company, et al. (the licensee), for operation of the Beaver Valley Power Station, Unit No. 1, located in Shippingport, Pennsylvania.

The proposed amendment would modify Technical Specification (TS) 5.3.1.2.a to increase the maximum allowable $U^{235}$ enrichment of new fuel assemblies in the new fuel storage racks to 5 weight percent with a tolerance of +0.05 weight percent. The proposed amendment would also modify TS 5.3.1.2.c to increase the maximum allowable $K_{eff}$ to less than or equal to 0.98 for moderation by aqueous foam.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 24, 1997, 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

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 John F. Stolz, Director, Project Directorate I–2: 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 Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, 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 amendment dated February 27, 1997, 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Dated at Rockville, Maryland, this 19th day of March 1997.

For the Nuclear Regulatory Commission.

**John F. Stolz,**

*Director, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 97–7501 Filed 3–24–97; 8:45 am]

BILLING CODE 7590–01–P

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**[Docket No. 50–388]**

## Pennsylvania Power & Light Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–22, issued to Pennsylvania Power & Light Company (PP&L), (the licensee), for operation of the Susquehanna Steam Electric Station (SSES), Unit 2, located in Luzerne County, PA.

The proposed amendment would modify the Design Features Section 5.3.1 of the Technical Specifications to reflect the Atrium-10 design and would include a Siemens Power Corporation (SPC) topical report reference in Section 6.9.3.2 to reflect mechanical design criteria for this fuel. This change would allow this fuel to be loaded and maintained in the core only under Condition 5, (refueling).

PP&L has indicated that exigent circumstances exist which are a result of the following. PP&L submitted its proposal for amendment for the staff to approve the use of SPC Atrium-10 fuel in SSES, Unit 2 on December 18, 1996 and as supplemented on March 12, 1997. The staff approval has been predicated on the completion of an audit at SPC. Issues raised during the SPC audit have caused an unanticipated delay in completing the staff's review. In its letter, the licensee stated that this delay causes a threat to PP&L's ability to complete the Unit 2 8th refueling and inspection outage as planned and the return to Unit 2 operation. This outage has already begun. During the original Unit 2 outage scoping process PP&L stated that it did not anticipate the need for a specific NRC inspection of SPC to support the NRC review and approval of the December 18, 1996 amendment. Further, PP&L reasonably expected that all audit results would be satisfactory and would not impact the current Unit 2 outage schedule. The resultant consequences required the supplemental submittal on March 12, 1997, and requires additional unavoidable NRC staff review which is ongoing. The March 17, 1997 application is only to approve those changes that are applicable to allow fuel to be loaded and maintained in the reactor core only during Operational Condition 5 on an interim basis during the outage and prior to the NRC's approval of the December 18, 1996 and March 12, 1997, requested TS changes, to minimize the delay in startup based on the NRC review of the two submittals discussed above. The staff agrees that exigent conditions exist that were not anticipated by the licensee.

This notice is related to the amendment requested by the December 18, 1996 and March 12, 1997 submittals by Pennsylvania Power and Light Company, but does not affect the previous notice dated March 12, 1997, which was published in the **Federal Register** on March 18, 1997 (62 FR 12859).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The description of a fuel assembly (Section 5.3.1) is revised to reflect the fact that ATRIUM™–10 contains a central water channel. Since the active fuel length of ATRIUM™–10 is different from that of 9×9–2, reference to an active fuel length of 150 inches is no longer appropriate and was deleted. There is no safety significance to these changes.

Due to the limitation of this proposed change to Operational Condition 5, only a subset of the accident events analyzed in the FSAR [Final Safety Analysis Report] needed to be addressed. All other events were considered and the addition of ATRIUM™–10 fuel to the reactor core in Operational Condition 5 did not increase the probability or consequences of an accident previously evaluated. The events considered are described below.

The maximum allowed enrichment (Section 5.3.1) is increased from 4.0 to 4.5 weight percent $U_{235}$. Criticality calculations were performed with a KENO Monte Carlo code to ensure that ATRIUM™–10 fuel with a lattice average enrichment of 4.5 weight percent U235 can be safely stored in both the new fuel vault and the spent fuel storage pool at Susquehanna. These calculations demonstrated, consistent with current Technical Specifications, that the maximum k-effective of both the new fuel vault and spent fuel storage pool will not exceed 0.95 under the worst credible storage array or accident conditions.

The ATRIUM™–10 fuel assembly is unirradiated and its weight is nearly identical to the current SPC 9×9–2 fuel assembly weight as well as being less than the fuel assembly weight used in the 9×9–2 analyses (680 lbs.). The dose consequences of the current 9×9–2 licensing analyses of the Fuel and Equipment Handling Accidents bound the dose consequences of a Fuel Handling Accident involving ATRIUM™–10 fuel.

The grappling of the ATRIUM™–10 fuel is similar to the 9×9–2, due to the similar bail handle dimensions and assembly weights. Therefore, ATRIUM™–10 fuel is completely compatible with the refueling platform main grapple. Because the assembly weights of the ATRIUM™–10 fuel and the 9×9–2 fuel are essentially the same, the capacity of the refueling platform main hoist will be sufficient to handle the ATRIUM™–10 fuel. Also, the ATRIUM™–10 fuel uses the identical fuel channel design as the 9×9–2 fuel and the lower tie plate has very similar outside dimensions. Therefore, the ATRIUM™–10 fuel is compatible with, and can be safely inserted/placed into the reactor core.

Storage of channelled ATRIUM™–10 fuel in the Reactor Core was evaluated. Core shutdown margin calculations were performed using NRC approved methodology for the beginning of cycle core configuration. Validation of the shutdown margin methodology as it applies to ATRIUM™–10 was done through comparisons to Siemens' Power Corporation analyses and higher-order Monte Carlo calculations. Calculated core shutdown margin for the beginning of cycle core loading is greater than 1.00%[delta]k/k which far exceeds the Technical Specification value of 0.38%[delta]k/k. Therefore, ATRIUM™–10 fuel can be placed into the U2C9 final core configuration with assurance that the core will remain subcritical with the strongest worth rod withdrawn. A positive core shutdown margin assures protection against the control rod removal error during refueling (FSAR Section 15.4.1.1) because subcriticality is maintained.

In addition, the ATRIUM™–10 fuel assembly dimensions critical to interface with the Spent Fuel Storage Pool and Reactor Vessel are essentially the same as the 9×9–2 design. Therefore, the ATRIUM™–10 can be properly stored.

Included in the revised Technical Specifications via reference (Section 6.9.3.2) is one NRC approved topical report containing the criteria for the design of Siemens Power Corporation fuel. SPC analyses have demonstrated that ATRIUM™–10 fuel complies with the NRC approved criteria thus assuring the structural integrity of the fuel. Compliance with the criteria applicable to Operational Condition 5 assures that ATRIUM™–10 fuel can be safely stored in the spent fuel pool and loaded in the Unit 2 reactor core during Operational Condition 5.

Based on the foregoing, the proposed action 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 changes to the Unit 2 Technical Specifications (Design Features and inclusion of the methodology reference) to allow Operational Condition 5 loading of ATRIUM–10 fuel do not require any physical plant modifications (other than loading of the ATRIUM™–10 assemblies), physically affect any plant components, or entail changes in plant operation. ATRIUM™–10 fuel assemblies have approximately the same weight, outer dimensions, and the same basic bail handle design as 9×9–2 fuel assemblies and are handled in the same manner as 9×9–2 fuel assemblies. Thus, the proposed change does not create the possibility of a previously unevaluated operator error.

The topical report reference added to Section 6.9.3.2 contains NRC approved acceptance criteria. SPC analyses have been performed according to their Quality Assurance Program which demonstrate compliance with these NRC approved fuel design criteria. Thus, the ATRIUM™–10 fuel will maintain its structural integrity during core loading.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The changes to the Unit 2 Technical Specifications discussed in Item 1 above (Design Features and inclusion of the mechanical design methodology reference) will allow loading of ATRIUM–10 fuel in Operational Condition 5. The proposed change does not require any physical plant modifications (other than the loading of the ATRIUM™–10 fuel), physically affect any plant components, or entail changes in plant operation. Therefore, the proposed change will not jeopardize or degrade the function or operation of any plant system or component governed by Technical Specifications. The analyses performed provide assurance that the ATRIUM™–10 fuel will remain subcritical during storage and core loading and meets the requirements of Technical Specification 5.6 and, thus, an equivalent margin of safety is maintained.

ATRIUM™–10 fuel assemblies have approximately the same weight, outer dimensions, and the same basic bail handle design as 9×9–2 fuel assemblies and are handled in the same manner as 9×9–2 fuel assemblies. The dose consequences of the Fuel and Equipment Handling Accidents are not increased and, thus, an equivalent margin of safety is maintained.

Therefore, the 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.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 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 14-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 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the 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 hearing and petitions for leave to intervene is discussed below.

By April 24, 1997, 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 Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in—proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, 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 John F. Stolz, Director, Project Directorate I–2: 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 Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 17, 1997, 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 Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701.

Dated at Rockville, Maryland, this 19th day of March 1997.

For the Nuclear Regulatory Commission.

**Chester Poslusny,**

*Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 97–7507 Filed 3–24–97; 8:45 am]

BILLING CODE 7590–01–P

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**[Docket No. 50–482]**

## Wolf Creek Nuclear Operating Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Wolf Creek Nuclear Operating Corporation (the licensee) to withdraw its December 3, 1996, application for proposed amendment to Facility Operating License No. NPF–42 for the Wolf Creek Generating Station, located in Coffey County Kansas.

The proposed amendment would have changed the Action Statement associated with Item 7.b, RWST Level—Low-Low Coincident with Safety Injection, Table 3.3–3, Engineered Safety Features Actuation System Instrumentation, from Action 16 to Action 28.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on January 2, 1997 (62 FR 133). However, by letter dated February 28, 1997, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated December 3, 1996, and the licensee's letter dated February 28, 1997, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C., and the local public documents rooms located at Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland this 17th day of March 1997.

For the Nuclear Regulatory Commission.

**James C. Stone,**

*Senior Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 97–7504 Filed 3–24–97; 8:45 am]

BILLING CODE 7590–01–P

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**[Docket Nos. STN 50–528, STN 50–529, and STN 50–530]**

## Arizona Public Service Company; Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3 Environmental Assessment and Finding of No Significant Impact

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–41, NPF–51, and NPF–74, issued to Arizona Public Service Company (the licensee), for operation of the Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3, located in Maricopa County, Arizona.

## Environmental Assessment

*Identification of the Proposed Action*

The proposed action would modify the licenses for Palo Verde Nuclear Generating Station (PVNGS), Unit Nos. 1, 2, and 3, to authorize revision of the Updated Final Safety Analysis Report (UFSAR) to reflect a revised electrical grid stability analysis. The revised analysis addresses a previously unanalyzed condition of loss of two offsite transmission lines. This condition results from the construction by the Salt River Project of a new high voltage transmission line over two of five existing transmission lines serving PVNGS.

The proposed action is in accordance with the licensee's application dated December 27, 1996.

*The Need for the Proposed Action*

The proposed action would permit the licensee to revise the UFSAR to incorporate the previously unanalyzed simultaneous loss of two transmission lines, making this condition part of the licensing basis for the facility.

*Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that there is no significant environmental consideration involved with the proposed action. Incorporation of the event involving the simultaneous loss of two of five offsite power sources does not affect the existing design or operation of the plants, does not involve any modifications to the plants or any increase in the licensed power for the plants, does not affect plant effluents, and does not create any new or unreviewed environmental impacts that were not considered in the Final Environmental Statement (FES).

The revised analysis for loss of offsite transmission lines demonstrates that the loss would not result in a loss of offsite power (LOOP) event to the site. The remaining electrical power supply lines will continue to supply power to all three units following the grid disturbance resulting from the postulated simultaneous loss of two power supply lines. Thus the loss of these two lines will not affect the plants' operation. The revised analysis does not, therefore, increase the environmental impacts of postulated accidents discussed in Section 5.9.2 of the FES, and is of no measurable environmental impact.

*Alternatives to the Proposed Action*

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

*Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the ''Final Environmental Statement Related to the Operation of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3,'' dated February 1982.

*Agencies and Persons Consulted*

In accordance with its stated policy, on March 17, 1997, the staff consulted with the Arizona State official, Mr. William Wright of the Arizona Radiation Regulatory Agency, regarding the environmental impact of the proposed action. The State official had no comments.

## Finding of – No Significant Impact

Based on the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated December 27, 1996, which is available for public inspection at the Commission's Public Document Room, which is located at The Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document room located at the Phoenix Public Library, 1221, N. Central Avenue, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 20th day of March 1997.

For the Nuclear Regulatory Commission.

**James W. Clifford,**

*Senior Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 97–7505 Filed 3–24– 97; 8:45 am]

BILLING CODE 7590–01–P

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## Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes on April 10–11, 1997. Topics will include discussions of: the Commission's Staff Requirements Memorandum entitled ''Materials/Medical Oversight (DSI 7)''; NRC's Medical Policy Statement of 1979; criteria and racking of medical procedures by risk; regulatory use of industry standards; misadministrations; the advisory committee process; and status reports on proposed rulemaking and guidance documents. In addition, on April 11, 1997, the members of the Committee will prepare for a May 15, 1997, meeting with the Commissioners. The Commission briefing will be Noticed separately.

**LOCATION:** The meeting will take place at the U.S. Nuclear Regulatory Commission, Two White Flint North, 11545 Rockville Pike, Room T2B3, Rockville, MD 20852–2738. All sessions of the meeting will be open to the public.

**DATES:** The meeting will begin at 8:30 a.m., on April 10, 1997, and 8:00 a.m. on April 11, 1997.

**ADDRESSES:** U.S. Nuclear Regulatory Commission, Two White Flint North, 11545 Rockville Pike, Room T2B3, Rockville, MD 20852–2738.

**FOR FURTHER INFORMATION, CONTACT:** William B. McCarthy, Ph.D., U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, MS T8F5, Washington, DC 20555, Telephone (301) 415–7900.

## Conduct of the Meeting

Judith Ann Stitt, M.D., will chair the meeting. Dr. Stitt will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit a reproducible copy to William B. McCarthy (address listed previously), by April 4, 1997. Statements must pertain to the topics on the agenda for the meeting.

2. At the meeting, questions from members of the public will be permitted at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection, and copying, for a fee, at the NRC Public Document Room, 2120 L Street, N.W., Lower Level, Washington, DC 20555, telephone (202) 634–3273, on or about April 18, 1997. Minutes of the meeting will be available on or about May 23, 1997.

4. Seating for the public will be on a first-come, first-served basis.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations,* Part 7.

Dated: March 19, 1997.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 97–7506 Filed 3–24–97; 8:45 am]

BILLING CODE 7590–01–P

## Nuclear Safety Research Review Committee Meeting of the Severe Accident Analyses Subcommittee and the Materials and Engineering Subcommittee

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

The NSRRC Accident Analyses Subcommittee and the Materials and Engineering Subcommittee will hold meetings on April 2, 1997. Both of these meetings will take place in room T–10A1, Two White Flint North (TWFN) Building, 11545 Rockville Pike, Rockville, MD and will be open to public attendance.

*The Materials and Engineering Subcommittee* will meet from 9:00 a.m. to 12 noon and will review the ECCS Blockage Strainer Issue and the progress and details of the Equipment Qualification of Electric Cables Program.

*The Accident Analyses Subcommittee* will meet from 1:00 p.m. to 4:00 p.m. to (1) discuss the ACRS's subcommittee meeting on thermal hydraulic scaling and review its subcommittee report; (2) discuss coordination with the ACRS; and (3) discuss other open issues.

The Subcommittees will report to the full Committee on the facts and analyses discussed at the meeting.

Oral statements may be presented by members of the public with the concurrence of the presiding Subcommittee Chairman; written statements will be accepted and made available to the Subcommittee. Questions may be asked only by members of the Committee and the staff. Persons desiring to make oral statements should notify the Nuclear Regulatory Commission staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portions of the meetings, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting.

Further information regarding topics to be discussed, the scheduling of sessions, whether the meetings have been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a telephone call to Dr. Jose Luis M. Cortez (telephone 301/415–6596) between 9:00 a.m. and 5:00 p.m. (EST). Persons planning to attend these meetings are encouraged to contact the above named individual one or two business days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 18, 1997.

**Jose Luis M. Cortez,**

*Senior Research Program Coordinator,Office of Nuclear Regulatory Research.*

[FR Doc. 97–7503 Filed 3–24–97; 8:45 am]

BILLING CODE 7590–01–P

## Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Nuclear Regulator Commission.

**DATES:** Weeks of March 24, 31, April 7, and 14, 1997.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

### Week of March 24

*Tuesday, March 25*

10:00 a.m.
Briefing on High-Burnup Fuel Issues (Public Meeting)
(Contact: Ralph O. Meyer, 301–415–6789)

11:30 a.m.
Affirmation Session (Public Meeting) (if needed)

### Week of March 31—Tentative

*Monday, March 31*

10:00 a.m.
Briefing by the Executive Branch (Closed—Ex. 1)

11:30 a.m.
Affirmation Session (Public Meeting) (if needed)

2:00 p.m.
Classified Security Briefing (Closed—Ex. 1)

2:30 p.m.
Meeting with DOE on External Regulation of DOE Facilities (Public Meeting)

### Week of April 7—Tentative

*Wednesday, April 9*

11:30 a.m.
Affirmation Session (Public Meeting) (if needed)

### Week of April 14—Tentative

There are no meetings scheduled for the Week of April 14.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415–1292.

**CONTACT PERSON FOR MORE INFORMATION:** Bill Hill, (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at:

http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribes; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555, (301–415–1661).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov.

* * * * *

Dated: March 21, 1997.

**William M. Hill, Jr.,**

*SECY Tracking Officer, Office of the Secretary.*

[FR Doc. 97–7702 Filed 3–21–97; 2:39 pm]

BILLING CODE 7590–01–M

# OFFICE OF PERSONNEL MANAGEMENT

## Submission for OMB Review; Comment Request For Review of a Revised Information Collection: Forms RI 20–7 and RI 30–3

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management has submitted to the Office of Management and Budget a request for clearance of a revised information collection. RI 20–7, Representative Payee Application, is used by CSRS and FERS to collect information from persons applying to be fiduciaries for annuitants or survivor annuitants who appear to be incapable of handling their own funds or for minor children. RI 30–3, Information Necessary for a Competency Determination, collects medical

information regarding the annuitant's competency for OPM's use in evaluating the annuitant's condition.

Approximately 12,480 RI 20–7 forms will be completed annually. Each form requires approximately 30 minutes to complete. The annual burden is 6,240 hours. Approximately 250 RI 30–3 forms will be completed annually. Each form requires approximately 1 hour to complete. The total annual burden is 6,490 hours.

For copies of this proposal, contact Jim Farron on (202) 418–3208, or E-mail to jmfarron@mail.opm.gov.

**DATES:** Comments on this proposal should be received within 30 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to—

Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415, and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management & Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503.

**FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT:** Mary Beth Smith-Toomey, Management Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

**James B. King,**

*Director.*

[FR Doc. 97–7498 Filed 3–24–97; 8:45 am]

BILLING CODE 6325–01–M

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–38414; File No. SR–CBOE–97–01]**

## Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change and Amendment No. 1 to the Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Listing Criteria for Other Securities

March 18, 1997.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''), and Rule 19b–4 thereunder,[2] notice is hereby given that on January 21, 1997, the Chicago Board Options Exchange, Incorporated (''CBOE'' 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 CBOE. On March 14, 1997, the CBOE submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change, as amended.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend its Rule 31.5.F to conform the Exchange's listing criteria for ''Other Securities'' to those of other exchanges. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

### II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, 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 if received on the proposed rule change. The text of these statements may be examined at the places specified in Item III 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 the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to amend Exchange Rule 31.5.F which sets forth the listing criteria for ''Other Securities.'' Securities that might be listed by the Exchange under this category are securities that do not fit within the traditional definitions of equity or debt securities or that do not otherwise qualify for listing under Exchange Rule 31.5. These ''Other Securities'' may have certain characteristics of any of these other types of securities.

CBOE believes Rule 31.5 is more restrictive than comparable rules of the New York Stock Exchange (''NYSE'') and the American Stock Exchange (''Amex''). Rule 31.5.F specifies minimum issuer qualifications with respect to assets and stockholders' equity, the minimum public distribution, the minimum aggregate market value and other criteria to assist the Exchange in considering the suitability of these securities for listing on the Exchange. To make its rule consistent with rules of the other exchanges, the Exchange is proposing to eliminate current provisions that prohibit the listing of (1) any cash settled product that is settled in any currency other than U.S. dollars, or (2) any product that has a mandatory redemption price of less than three dollars. Additionally, the Exchange proposes to delete the provision requiring 100 public holders if the security is traded in thousand dollar denominations.

2. Statutory Basis

The proposed rule change is designed to enable the CBOE to compete effectively for listings in these types of securities. As such, the proposed rule change is consistent with Section 6(b)[4] of the Act, in general, and furthers the objectives of Section 6(b)(5)[5] in particular in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

CBOE does not believe that the proposed rule change will impose any burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received with respect to the proposed rule change.

### III. 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 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

[1] 15 U.S.C. § 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange clarified that Rule 31.5.F currently requires a minimum of 100 public holders if the security that is the subject of the listing is traded in thousand dollar denominations. The CBOE's original filing had misstated the current provision as requiring a minimum of 400 public holders if the security is traded in thousand dollar denominations. *See* Letter from Timothy Thompson, Senior Attorney, CBOE, to Debbie Flynn, Division of Market Regulation, Commission, dated March 14, 1997 (''Amendment No. 1'').

[4] 15 U.S.C. § 78f(b).

[5] 15 U.S.C. § 78f(b)(5).

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR–CBOE–97–01 and should be submitted by April 15, 1997.

## IV. Commission's Findings and Order Granting Approval of Proposed Rule Change

The Commission has reviewed carefully the CBOE's proposed rule change and proposed Amendment No. 1 and believes, for the reasons set forth below, this proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission believes the proposal is consistent with Section 6(b)(5) [6] of the Act which requires national securities exchanges to have rules designed to remove impediments to and perfect the mechanism of a free and open market and in general, to protect investors and the public interest.

The Commission notes that the CBOE proposal conforms the CBOE's listing standards for ''Other Securities'' to those of other exchanges.[7] As such, the Commission believes the proposal should allow the Exchange to compete more effectively with other exchanges for the listing of these types of securities. The Commission notes that although it is reasonable for the Exchange to delete from CBOE's rules certain mandatory listing standards for ''Other Securities,'' [8] proposals that deviate from these standards might raise novel or significant regulatory issues that would require a proposed rule change to list the product.[9] Further, in approving the elimination of the 100 holder requirement where the security is traded in thousand dollar denominations, the Commission notes that the rule will still require that the security have a minimum market value at issuance of $4 million. This should help to ensure that issuances in $1,000 denominations are large enough to support a liquid market.

The Commission finds good cause for approving the foregoing rule change proposal and proposed Amendment No. 1 on an accelerated basis prior to the thirtieth day after the date of publication thereof in the **Federal Register.** As discussed above, the proposal received no comments.[10] Based on the above, the Commission finds that consistent with Sections 6(b)(5) [11] and 19(b)(2) [12] of the Act, good cause exists to accelerate approval of the proposal, as amended.

It is therefore ordered, pursuant to section 19(b)(2) [13] of the Act, that the proposed rule change (SR–CBOE–97–01), including Amendment No. 1, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to the delegated authority.[14]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 97–7395 Filed 3–24–97; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. § 78f(b)(5).

[7] *See, e.g.,* Section 107A of the Amex Company Guide; Section 703.19 of the NYSE Listed Company Manual.

[8] The affected provisions currently prevent the listing of (1) any cash settled product settled in any currency other than U.S. dollars or (2) any product that has a mandatory redemption price of less than three dollars. In addition, CBOE proposes to eliminate the provision requiring a minimum of 100 public holders if the security is traded in thousand dollar denominations.

[9] See e.g., Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990) (order approving File No. SR–Amex–89–29). For example, a stock index-linked note that was payable in foreign currency would raise important regulatory issues among which might include the need to address appropriate product term and risk disclosure, customer suitability, and settlement procedures. Accordingly, the Commission expects the CBOE to consult with it on the need to file a Section 19(b) rule change to list a product with such terms under the Rule 31.5 listing standards.

[10] *See* Securities Exchange Act Release No. 37472 (July 23, 1996), 61 FR 40058 (July 31, 1996) (approving File No. SR–Phlx–96–28); Securities Exchange Act Release No. 37165 (May 3, 1996), 61 FR 21215 (May 9, 1996) (approving File No. SR–Amex–96–15).

[11] 15 U.S.C. § 78f(b)(5).

[12] 15 U.S.C. § 78s(b)(2).

[13] 15 U.S.C. § 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

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**[Release No. 34–38413; File No. SR–CSE–97–05]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Cincinnati Stock Exchange, Inc. Relating to Regulatory Data Submissions

March 18, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on March 6, 1997, as amended on March 14, 1997,[3] The Cincinnati Stock Exchange, Incorporated (''CSE'' or ''Exchange'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CSE. The Commission is publishing this notice to solicit comments on the proposed rule change form interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE hereby proposes to amend Rule 4.2 to add Interpretation .02 to clarify CSE members' obligation to provide regulatory information routinely to the Exchange. The text of the proposed rule change is available at the office of the Secretary, CSE 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 CSE 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 CSE 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 the Statutory Basis for, the Proposed Rule Change*

(1) Purpose

In December, 1995, in an attempt to improve the quality and quantity of available regulatory data, the Exchange requested that members submit certain regulatory data to CSE on a daily basis. Members were informed of this requirement by Regulatory Circular #95–04, dated December 22, 1995. As part of its ongoing attempt to enhance its examination and surveillance programs, the Exchange now proposes to codify this data submission requirement by adding Interpretation .02 to Rule 4.2, Furnishing of Records.

[1] 15 U.S.C. § 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On March 14, 1997, the CSE filed Amendment No. 1 to its proposal with the Commission. The amendment redesignates the proposal as a ''noncontroversial'' rule filing under Rule 19b–4(e)(6) under the Act rather than a filing under Rule 19b–4(e). See Letter from Adam Gurwitz, Vice President Legal and Secretary, CSE, to Elaine Darroch, Attorney-Adviser, Division of Market Regulation, dated March 14, 1997.

Pursuant to Regulatory Circular #95–04, members are currently required to submit certain data pertaining to agency orders and proprietary trades. The Exchange recognizes, however, that the types of data it requires will likely change as CSE's regulatory program evolves. The proposed rule change will therefore impose a general regulatory data submission requirement that will refer members to the current Regulatory Circular delineating order, market, and transaction submission requirements. In this way, the Exchange will retain the flexibility necessary for effective regulatory surveillance and enforcement efforts.

(2) Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [4] in general and furthers the objectives of Section 6(b)(5) [5] in particular in that it is designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The CSE does not believe that the proposed rule change will impose any inappropriate burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; (3) was provided to the Commission for its review at least five days prior to the filing date; [6] and (4) does not become operative for 30 days from March 14, 1997,[7] the rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [8] and Rule 19b–4(e)(6) [9] thereunder. In particular, the Commission believes the proposal qualifies as a ''noncontroversial filing'' in that the proposed standards do not significantly affect the protection of investors or the public interest and do not impose any significant burden on competition. At any time within 60 days of the filing of the proposed rule change,[10] the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposed of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CSE. All submissions should refer to File No. SR–CSE–97–05 and should be submitted by April 15, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[11]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 97–7392 Filed 3–24–97; 8:45 am]

**BILLING CODE 8010–01–M**

[4] 15 U.S.C. § 78f(b).

[5] 15 U.S.C. § 78f(b)(5).

[6] The Commission waived the five-day prefiling requirement, because the Commission had the opportunity to review the proposal when it was filed as SR–CSE–97–04, pursuant to Section 19(b)(2) of the Act. The previous proposal was withdrawn on March 6, 1997 and refiled pursuant to Section 19(b)(3)(A) of the Act.

[7] Although the proposal was originally filed with the Commission on March 6, 1997, the Commission notes that any substantive amendment to a proposed rule change filed under Rule 19b–4(e)(6) causes the 30-day delayed implementation period to be restarted from the date of the filing of the amendment. *See* Securities Exchange Act Release No. 35123 (Dec. 20, 1994), 59 FR 66692 (Dec. 28, 1994).

[8] 15 U.S.C. § 78s(b)(3).

[9] 17 CFR 240.19b–4(e)(6).

[10] The 60 day abrogation period commences from March 14, 1997, the date of the submission of the substantive amendment.

[11] 17 CFR 200.30–3(a)(12).

**[Release No. 34–38411; File No. SR–NYSE–97–01]**

## Self-Regulatory Organization; Notice of Filing of Proposed Rule Change by New York Stock Exchange, Inc. Relating to Amendments to Rule 431 (''Margin Requirements'')

March 17, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 9, 1997 the New York Stock Exchange, Inc. (''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 parties.

## I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange has filed amendments to Rule 431 (''Margin Requirements''). The change consists of amendments regarding permitted market maker and specialist offset positions being eliminated from Regulation T of the Federal Reserve Board (''FRB'') and to acknowledge specific provisions of Rule 15c3–1 of the Securities Exchange Act of 1934 (''the Net Capital Rule''). The proposed rule change also incorporates in Rule 431 cash account transactions permitted by the FRB and SEC, as well as incorporating several definitions. Proposed new language is italicized; proposed deletions are in brackets.

Proposed Amendment of Rule 431

Margin Requirements

Rule 431. (a) through (f)(2)(I) unchanged.

(J) *Registered specialists, market makers or traders.*—Notwithstanding the other provisions of this sub-section (f)(2), a member organization may clear and carry the listed option transactions of one or more registered specialists, registered market makers or registered traders in options (which registered traders are deemed specialists for all purposes under the Securities Exchange Act of 1934 pursuant to the rules of a national exchange) (*hereinafter referred to as ''specialist(s)''*, upon a ''*Good Faith*'' margin basis satisfactory to the concerned parties, provided [that all real and potential risks in accounts carried under such arrangements are at all times adequately covered by the margin maintained in the account or in the absence thereof, by the carrying

member organization's excess Net Capital under Rule 325.] *the ''Good Faith'' margin requirement is not less than the Net Capital haircut deduction of the member organization carrying the transaction pursuant to Rule 325. In lieu of collecting the ''Good Faith'' margin requirement, a carrying member organization may elect to deduct in computing its Net Capital the amount of any deficiency between the equity maintained in the account and the ''Good Faith'' margin required.*

*For purposes of this paragraph (f)(2)(J), a permitted offset position means, in the case of an option in which a specialist makes a market, a position in the underlying asset or other related assets, and in the case of other securities in which a specialist makes a market, a position in options overlying the securities in which a specialist makes a market. Accordingly, a specialist in options may establish, on a share-for-share basis, a long or short position in the securities underlying the options in which the specialist makes a market, and a specialist in securities other than options may purchase or write options overlying the securities in which the specialist makes a market, if the account holds the following permitted offset positions:*

*(i) A short option position which is ''in or at the money'' and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security which is ''in the money'';*

*(ii) A long option position which is ''in or at the money'' and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security which is ''in the money'';*

*(iii) A short option position against which an exercise notice was tendered;*

*(iv) A long option position which was exercised;*

*(v) A net long position in a security (other than an option) in which a specialist makes a market;*

*(vi) A net short position in a security (other than an option) in which the specialist makes a market; or*

*(vii) A specified portfolio type as referred to in SEC Rule 15c3–1—Appendix A.*

*For purposes of this paragraph (f)(2)(J), the term ''in or at the money'' means the current market price of the underlying security is not more than two standard exercise intervals below (with respect to a call option) or above (with respect to a put option) the exercise price of the option; the term ''in the money'' means the current market price of the underlying asset or index is not below (with respect to a call option) or above (with respect to a put option) the exercise price of the option; and, the term ''overlying option'' means a put option purchased or a call option written against a long position in an underlying asset; or a call option purchased or a put option written against a short position in an underlying asset.*

Securities, including options, in such accounts shall be valued conservatively in the light of current market prices and the amount which might be realized upon liquidation. Substantial additional margin must be required or excess Net Capital maintained in all cases where the securities carried: (i) are subject to unusually rapid or violent changes in value including volatility in the expiration months of options, (ii) do not have an active market, or (iii) in one or more or all accounts, including proprietary accounts combined, are such that they cannot be liquidated promptly or represent undue concentration of risk in view of the carrying organization's Net Capital and its overall exposure to material loss.

(K) unchanged.

*(L) Exclusive designation.—A customer may designate at the time an option order is entered which security position held in the account is to serve in lieu of the required margin, if such service is offered by the member organization; or the customer may have a standing agreement with the member organization as to the method to be used for determining on any given day which security position will be used in lieu of the margin to support an option transaction. Any security held in the account which serves in lieu of the required margin for a short put or short call shall be unavailable to support any other option transaction in the account.*

*(M) Cash account transactions.—A member organization may make option transactions in a customer's cash account, providing:*

*(i) The transaction is permissible under Section 220.8 of Regulation T of the Board of Governors of the Federal Reserve System; or*

*(ii) The transaction is a debit put spread in listed broad-based index options with European-style exercise comprised of a long put(s) coupled with a short put(s) overlying the same broad-based index with an equivalent underlying aggregate index value and the short put(s) and long put(s) expire simultaneously, and the strike price of the long put(s) exceed the strike price of the short put(s).*

## 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 Exchange 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

Regulation T of the FRB currently prescribes option margin requirements. In April 1996, the FRB amended Regulation T to effectively delegate margin requirements for options transactions for both customers and market makers/specialists, shifting responsibility for establishing margin requirements for such transactions to the self-regulatory organizations. This amendment to Regulation T will become effective June 1, 1997.

Accordingly, the proposed amendments incorporate the current FRB requirements into Exchange Rule 431 so that they may remain in effect after June 1, 1997. The proposed amendments also incorporate certain treatments of positions recognized under the Net Capital Rule.

Specifically, the proposed amendments to Rule 431 adopt provisions regarding permitted market maker and specialist offset positions from Regulation T and the Net Capital Rule. These offset positions would be subject to the same ''good faith'' margin treatment as currently accorded under Regulation T and would require the clearing/carrying firm to comply with the applicable haircut requirements of the Net Capital Rule for any cash margin deficiency (e.g., the difference between the margin required under Rule 431 and the amount received from the specialist/market maker). The proposal also incorporates the current Regulation T definitions of the terms ''in or at the money,'' ''in the money'' and ''overlying options.'' The parameters for permitted offsets within the ''in or at the money'' definition have been expanded from one to two ''standard exercise intervals.''

Section (f)(2)(J) of the rule has been revised in order to clarify the existing

definition of ''good faith'' margin requirements.

A new provision has been added (Section (f)(2)(L)) to incorporate the provisions currently contained in Regulation T regarding ''exclusive designation'' that allow a customer to designate which security position in an account is to be utilized to cover the required margin at the time an option order is entered; provided the member organization offers such a service.

Further, Section (f)(2)(M) has been added to incorporate those cash account transactions currently permitted under Regulation T and the debit put spread currently allowed pursuant to the Commission's no-action letter on ''theoretical pricing.''[1]

(2) Statutory Basis

The proposed rule change is consistent with the requirements of Section (6)(b)(5) of the Securities Exchange Act of 1934 (the ''Act'') which provides that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public. The proposed rule change is also consistent with the rules and regulations of the Board of Governors of the Federal Reserve System for the purpose of preventing the excessive use of credit for the purchase or carrying of securities, pursuant to Section 7(a) of the Act.

*(B) Self-Regulatory Organization's Statement of Burden on Competition*

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such 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 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 submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the File No. SR–NYSE–97–01 and should be submitted by April 15, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 97–7393 Filed 3–24–97; 8:45 am]

BILLING CODE 8010–01–M

[1] Letter dated March 15, 1994 from Brandon Becker, Director, Division of Market Regulation addressed to Ms. Mary L. Bender (CBOE) and Mr. Timothy Hinkas (OCC).

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**[Release No. 34–38416; File No. SR–PHLX–97–10]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to a Clarification of the Exemptions From the Exchange Examination Fee

March 18, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 28, 1997, 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 PHLX. 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 PHLX, pursuant to Rule 19b–4 of the Act, proposes to amend one of the exemptions to its existing examination fee in order to clarify to which firms the fee is applicable. The text of the amendment to the fee schedule language is as follows (new text is italicized):

* * * * *

Examination Fee—$1,000 monthly

This fee is applicable to member/participant organizations for which the PHLX is the DEA. The following organizations are exempt: (1) inactive organizations; (2) organizations operating from the PHLX trading floor *which have demonstrated that at least 25% of their income as reflected on the most recently submitted FOCUS Report was derived from floor activities;* (3) organizations for any month where they incur transaction or clearing fees charged directly by the Exchange or by its registered clearing subsidiary, provided that the fees exceed the examination fee for that month; and (4) organizations affiliated with an organization exempt from this fee due to the second or third category. Affiliation includes an organization that is a wholly owned subsidiary of, or controlled by or under common control with, an ''exempt'' member or participant organization. An inactive organization is one which has no securities transaction revenue, as determined by semi-annual FOCUS reports, as long as the organization continues to have no such revenue each month.

**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 PHLX 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 PHLX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The purpose of the proposed rule change is to amend the second exemption to the Exchange's $1,000 per month examination fee.[3] This fee was initially adopted to recoup the costs of examining firms, for which the Exchange is the Designated Examining Authority (''DEA''), which contribute little if any revenue to the Exchange to offset the expense of conducting such examinations.[4] Because this fee was intended to pertain to a specific group of members and participants, a number of exemptions were carved out for firms which do generate enough revenue to the Exchange to offset examining costs or which are inactive. One of the exemptions, organizations operating from the PHLX trading floor, has proved to be too vague. The Exchange has found that a number of member or participant organizations which operate primarily or exclusively from off the floor, have entered into arrangements whereby they argue that they meet this exemption.[5] Specifically, a floorbroker or Registered Options Trader from another firm which does conduct business on the floor becomes dually affiliated with the off-floor member or participant organization and may or may not ever do any business for that firm on the floor. These firms have argued that this dual affiliation would qualify them as an organization operating from the PHLX trading floor since they now have an affiliated person on the trading floor. Under this arrangement, these off-floor firms may still not generate revenue to offset the costs of examining them. The Exchange believes, however, that the description of the fee's exemption for firms operating from the trading floor may have been unintentionally vague enough to permit this interpretation and thus determined to add an objective measurement.

Under this new test, any organization which can demonstrate that it has derived at least 25% of its revenues in a calendar quarter from floor trading activity, will be deemed to have covered the cost of examining the firm and will then be exempt from the $1,000 per month fee.

The proposed rule change is consistent with Section 6 of the Act in general, and in particular, with Section 6(b)(4), in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities in that it clarifies which firms are deemed to have paid their share of the cost of an examination by setting an objective income test.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective on February 28, 1997, pursuant to Section 19(b)(3)(A) of the Act[6] and subparagraph (e)(2) of Rule 19b–4 thereunder,[7] because it establishes or changes a due, fee, or other charge. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office at the PHLX. All submissions should refer to File No. SR–PHLX–97–10 and should be submitted by April 15, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 97–7391 Filed 3–24–97; 8:45 am]

BILLING CODE 8010–01–M

[3] *See* Securities Exchange Act Release No. 35091 (Dec. 12, 1994), 59 FR 65558 (Dec. 20, 1994).

[4] In the filing submitted by the Exchange to adopt this fee, the Exchange noted that many of these firms are located in other geographic regions, thus requiring increased staff time and travel expenses to conduct examinations. It was further noted, that many of these firms trade products not available on the PHLX, thus requiring additional time and money to train and prepare the examiners who conduct the exams. Securities Exchange Act Release No. 35091 (Dec. 12, 1994), 59 FR 65558 (Dec. 20, 1994).

[5] Currently 13 firms are subject to the examination fee out of approximately 140 firms for which the Exchange is the DEA. Seven of the 13 firms made colorable arguments that they were not subject to the examination fee under the previous interpretation and the Exchange took note of their argument. Therefore, during the time prior to filing this proposed rule change, those firms were not charged the examination fee. Accordingly, this is a new fee to that class of firms that are now subject to the fee by reason of the 25% revenue test. Letter from Michele R. Weisbaum, Vice President and General Counsel, PHLX to Karl Varner, Office of Market Supervision, Division of Market Regulation, SEC, dated March 13, 1997; Letter from Michele R. Weisbaum, Vice President and General Counsel, PHLX to Karl Varner, Office of Market Supervision, Division of Market Regulation, SEC, dated March 17, 1997.

[6] 15 U.S.C. § 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(e).

[8] 17 CFR 200.30–3(a)(12).

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**[Release No. 34–38415; File No. SR–Phlx–97–05]**

## Self-Regulatory Organizations; Order Approving a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1 Thereto by the Philadelphia Stock Exchange, Inc. Relating to Reducing the Value of the Super Cap Index

March 18, 1997.

On January 9, 1997, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to reduce the value of its Super Cap Index (''Index'') option (''HFX'') to one-half its present value by doubling the divisor used in calculating the Index. The Index is comprised of the top five options-eligible common stocks of U.S. companies traded on the New York Stock Exchange (''NYSE''), as measured by capitalization. The other contract

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

specifications for the HFX will remain unchanged.

Notice of the proposal was published for comment and appeared in the **Federal Register** on February 12, 1997.[3] No comment letters were received on the proposal. On March 18, 1997, the Phlx filed Amendment No. 1 to the proposed rule change.[4] This order approves the Phlx's proposal, as amended.

## I. Description of the Proposal

The Exchange began trading the HFX in November, 1995.[5] The Index was created with a value of 350 on its base date of May 31, 1995 which rose to 540 on January 29, 1997. Thus, the value of the Index has increased 54% since inception.[6] Consequently, the premium for HFX options also has risen. In May, 1996, the Exchange filed a proposed rule change to reduce the value of the Index to one-third of its then present value; although this proposal was approved by the Commission, operational limitations prevented its implementation.[7] Thus, the Index has never been split.

As a result, the Exchange proposes to conduct a ''two-for-one split'' of the Index, such that the value would be reduced to one-half of its present value. In order to account for the split, the number of HFX contracts will be doubled, such that for each HFX contract currently held, the holder would receive two contracts at the reduced value, with a strike price one-half of the original strike price. For instance, the holder of a HFX 540 call will receive two HFX 270 calls. The position and exercise limits applicable to the HFX will remain at 5,500 contracts,[8] and the trading symbol will remain HFX.

In conjunction with the split, the Exchange will list strike prices surrounding the new, lower index value, pursuant to Phlx Rule 1101A.[9] The Exchange will announce the effective date of the split by way of an Exchange memorandum to the membership, which will include notice of the strike price changes.[10]

The Phlx states that the purpose of the proposal is to attract additional liquidity to the product in those series that public customers are most interested in trading. For example, a near-term, at-the-money call option series currently trades at approximately $2,125 per contract.[11] The Exchange believes that certain investors and traders currently may be impeded from trading at such levels. With the Index split, that same option series (once adjusted), with all else remaining equal, could trade at approximately $1,062 per contract. The Phlx believes that a reduced premium value should encourage additional investor interest.

In support of its proposal, the Exchange notes that Super Cap Index options provide an important opportunity for investors to hedge and speculate upon the market risk associated with the underlying stocks. By reducing the value of the Index, the Phlx believes such investors will be able to utilize this trading vehicle, while extending a smaller outlay of capital. The Exchange believes that this, in turn, should attract additional investors and create a more active and liquid trading environment.

## II. Discussion

The Commission finds that proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5) of the Act.[12] Specifically, the Commission believes that reducing the value of the Index will serve to promote the public interest and help remove impediments to a free and open securities market, by providing a broader range of investors with a means of hedging exposure to market risk associated with securities representing the most highly capitalized companies traded on the NYSE. Further, the Commission notes that reducing the value of HFX options should help attract additional investors, thus creating a more active and liquid trading market. The Commission notes that the Phlx will be providing market participants with adequate prior notice of the Index level change in order to avoid investor confusion.[13]

The Commission believes that doubling the Index's divisor will not have an adverse market impact or make trading in HFX options susceptible to manipulation. After the split, the Index will continue to be comprised of the same stocks with the same weightings, will be calculated in the same manner (except for the change in divisor) and will have the same position and exercise limits. Finally, the Phlx's surveillance procedures also will remain the same.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. Amendment No. 1 provides that the position and exercise limits for HFX options will remain at 5,500 contracts, as opposed to being doubled as originally proposed, upon the effective date of the two-for-on split of the Index. The Phlx states that because the Super Cap Index currently maintains low open interest in the non-expiring series, none of which involves customer accounts, the Phlx does not believe a doubling of the position and exercise limits is warranted. The Commission finds that Amendment No. 1 strengthens the proposal by maintaining position and exercise limits at their current levels, which should continue to reduce the likelihood of manipulation. Moreover, the Commission notes that all of the market participants holding existing positions in HFX options will continue to hold positions well within the 5,500 contract limit once the Index is split and their positions are doubled. Accordingly, there is no market need to double position limits, as Phlx originally proposed, to provide investors a period of time in which to reduce their double

[3] *See* Securities Exchange Act Release No. 38247 (February 5, 1997), 62 FR 6596 (February 12, 1997).

[4] In Amendment No. 1, the Exchange provides that the position and exercise limits for HFX options will remain at 5,500 contracts, as opposed to being doubled as originally proposed, upon the effective date of the two-for-one split of the Index. The Phlx states that because the Super Cap Index currently maintains low open interest in the non-expiring series, non of which involves customer accounts, the Phlx does not believe a doubling of the position and exercise limits is warranted. *See* letter from Theresa McCloskey, Vice President, Regulatory Services, Phlx, to Sharon Lawson, Senior Special Counsel, Office of Market Supervision (''OMS''), Division of Market Regulation (''Divsion''), Commission, dated March 17, 1997 (''Amendment No. 1'').

[5] *See* Securities Exchange Act Release No. 36369 (October 13, 1995), 60 FR 54272 (October 20, 1995).

[6] *See* letter from Theresa A. McCloskey, Vice President, Regulatory Services, Phlx, to James T. McHale, Attorney, OMS, Division, Commission, dated January 31, 1997 (''Phlx letter'').

[7] *See* Securities Exchange Act Release No. 37536 (August 7, 1996) (SR-Phlx-96–17). The Options Clearing Corporation was not able to accept certain strike prices resulting from a three-for-one split, because dividing certain strike prices by three resulted in a strike price with too many decimal places. This operational limitation does not arise in a two-for-one split.

[8] *See* Amendment No. 1, *Supra* note 4.

[9] Specifically, because the Index value would be less than 500, the applicable strike price interval would be $5 in the near term months (the first four consecutive months series) and $25 in the far term. *See* Rule 1101A(a).

[10] *See* note 13, *infra*.

[11] With the Index at 540, a February 540 call on January 29, 1997 was priced at approximately 21¼, multiplied by 100=$2,125. *See* Phlx letter, *supra* note 6.

[12] 15 U.S.C. 78f(b)(5).

[13] The Phlx will be issuing a circular to its membership, within one week of the effective date of the change, which will advise members of the reduction in value of the HFX and specific strike prices for the adjusted HFX options. Telephone Conversation between Edith Hallahan, Special Counsel, Regulatory Services, Phlx, and James T. McHale, Attorney, OMS, Division, Commission, on March 17, 1997.

positions to the lower limit levels. The Commission also notes that no comments were received on the original Phlx proposal, which was subject to the full 21-day comment period. Therefore, the Commission believes that it is consistent with Section 6(b)(5) of the Act to approve Amendment No. 1 to the proposed rule change on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–97–05 and should be submitted by April 15, 1997.

For the foregoing reasons, the Commission finds that the Phlx's proposal, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the amended proposed rule change (SR–Phlx–97–05) is approved.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.[15]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 97–7394 Filed 3–24–97; 8:45 am]

BILLING CODE 8010–01–M

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

## SMALL BUSINESS ADMINISTRATION

### State of Arkansas; Declaration of Disaster #2932; Amendment #1

In accordance with notices from the Federal Emergency Management Agency, dated March 11 and March 13, 1997, the above-numbered Declaration is hereby amended to include the Counties of Conway, Craighead, Independence, Jefferson, Lawrence, Pope, and Woodruff in the State of Arkansas as a disaster area due to damages caused by severe storms and tornadoes beginning on March 1 and continuing through March 4, 1997.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Cleveland, Izard, Johnson, Lincoln, Logan, Monroe, Newton, Searcy, Sharp, Stone, Van Buren, and Yell in Arkansas may be filed until the specified date at the previously designated location. Any counties contiguous to the above-named counties and not listed herein have been previously declared.

All other information remains the same, i.e., the termination date for filing applications for physical damage is May 1, 1997, and for loans for economic injury the deadline is December 2, 1997.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 17, 1997.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 97–7511 Filed 3–24–97; 8:45 am]

BILLING CODE 8025–01–P

### Commonwealth of Kentucky; Declaration of Disaster #2933; Amendment #1

In accordance with a notice from the Federal Emergency Management Agency, dated March 12, 1997, the above-numbered Declaration is hereby amended to include the Counties of Anderson, Butler, Crittenden, Fayette, Floyd, Jessamine, Larue, Lawrence, Livingston, Mercer, McCracken, Montgomery, Morgan, Pike, Robertson, Rowan, Union, Webster, and Woodford in the Commonwealth of Kentucky a disaster area due to damages caused by severe storms, tornadoes, and flooding beginning on March 1, 1997 and continuing.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Ballard, Carlisle, Edmonson, Garrard, Graves, Green, Johnson, Logan, Knott, Letcher, Madison, Magoffin, Marshall, Martin, Taylor, and Warren in the Commonwealth of Kentucky; Hardin, Massac, Pope, and Pulaski in the State of Illinois; Buchanon, Dickenson, and Wise in the Commonwealth of Virginia; and McDowell in the State of West Virginia. Any counties contiguous to the above-named primary counties and not listed herein have been covered under a separate declaration for the same occurrence.

The numbers assigned to this disaster for economic injury are 943900 for Illinois; 944000 for Virginia; and 944100 for West Virginia.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 17, 1997.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 97–7512 Filed 3–24–97; 8:45 am]

BILLING CODE 8025–01–P

### Federated States of Micronesia; Declaration of Disaster #2939

The Island of Yap in the Federated States of Micronesia constitutes a disaster area as a result of damages caused by Typhoon Fern which occurred beginning December 24 and continuing through December 27, 1996. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on May 19, 1997 and for economic injury until the close of business on December 19, 1997 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, 1825 Bell Street, Suite 208, Sacramento, CA 95825.

The interest rates are:

| | Percent |
|---|---|
| For Physical Damage: | |
| Homeowners With Credit Available Elsewhere | 8.000 |
| Homeowners Without Credit Available Elsewhere | 4.000 |
| Businesses With Credit Available Elsewhere | 8.000 |
| Businesses and Non-Profit Organizations Without Credit Available Elsewhere | 4.000 |
| Others (Including Non-Profit Organizations) With Credit Available Elsewhere | 7.250 |
| For Economic Injury: | |
| Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere | 4.000 |

The number assigned to this disaster for physical damage is 293906 and for economic injury the number is 944200.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: March 19, 1997.

**Aida Alvarez,**

*Administrator.*

[FR Doc. 97–7513 Filed 3–24–97; 8:45 am]

BILLING CODE 8025–01–P

## State of Minnesota; Declaration of Economic Injury Disaster #9389; Amendment #1

The above-numbered Declaration, approved on March 4, 1997, is hereby amended to include the Counties of Becker, Beltrami, Clearwater, Otter Tail, and Pennington and the contiguous Counties of Cass, Clay, Hubbard, Itasca, Koochiching, Lake of The Woods, Mahnomen, Marshall, Norman, Polk, Red Lake, Roseau, Todd, Wadena, and Wilkin in the State of Minnesota as economic injury disaster loan areas as a result of prolonged snow and blizzard conditions during the period beginning November 1996 and continuing through January 1997. All other contiguous counties not listed herein have already been covered.

All other information remains the same, i.e., the termination date for filing applications for economic injury assistance is December 4, 1997.

(Catalog of Federal Domestic Assistance Program No. 59002.)

Dated: March 19, 1997.

**Aida Alvarez,**

*Administrator.*

[FR Doc. 97–7514 Filed 3–24–97; 8:45 am]

BILLING CODE 8025–01–P

## State of Ohio; Declaration of Disaster #2934; Amendment #1

In accordance with a notice from the Federal Emergency Management Agency, dated March 12, 1997, the above-numbered Declaration is hereby amended to include Highland County, Ohio as a disaster area due to damages caused by severe storms and flooding beginning on February 28, 1997 and continuing.

Any counties contiguous to the above-named county and not listed herein have been previously declared.

All other information remains the same, i.e., the termination date for filing applications for physical damage is May 3, 1997, and for loans for economic injury the deadline is December 4, 1997.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 17, 1997.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 97–7509 Filed 3–24–97; 8:45 am]

BILLING CODE 8025–01–P

## State of Ohio; Declaration of Disaster #2934; Amendment #2

In accordance with a notice from the Federal Emergency Management Agency, dated March 17, 1997, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as beginning on February 28, 1997 and continuing through March 17, 1997.

All other information remains the same, i.e., the termination date for filing applications for physical damage is May 3, 1997, and for loans for economic injury the deadline is December 4, 1997.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 18, 1997.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 97–7515 Filed 3–24–97; 8:45 am]

BILLING CODE 8025–01–P

## Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the District of Colorado, dated September 18, 1996, the United States Small Business Administration hereby revokes the license of Colorado Invesco, Inc., a Colorado corporation, to function as a small business investment company under the Small Business Investment Company License No. 08/08–5058 issued to Colorado Invesco, Inc. on June 18, 1984 and said license is hereby declared null and void as of December 3, 1996.

United States Small Business Administration.

Dated: December 3, 1996.

**Don A. Christensen,**

*Associate Administrator for Investment.*

[FR Doc. 97–7510 Filed 3–24–97; 8:45 am]

BILLING CODE 8025–01–P

# DEPARTMENT OF STATE

**[Public Notice 2520]**

## Advisory Committee on International Economic Policy; Notice of Partially Closed Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet 9:00 am—12:30 pm on Wednesday, April 16, 1997, in Room 1107, U.S. Department of State, 2201 C Street, NW, Washington, DC 20520. The meeting will be hosted by Committee Chairman Mike Gadbaw and by Assistant Secretary of State for Economic and Business Affairs, Alan P. Larson.

The ACIEP will first meet in open session. The open session will be devoted to organizational matters, recent developments in the Multilateral Agreement on Investment, implications of the European privacy directive, and planning for the Belo Horizonte meeting on western hemisphere trade. Members of the public may attend the open session beginning at nine o'clock as seating capacity allows.

As access to the Department of State is controlled, persons wishing to attend the meeting should notify the ACIEP Executive Secretary by Monday, April 11, 1997. Each person must provide his or her name, company or organization affiliation, date of birth, and social security number to the ACIEP Secretariat at 202–647–7727 or fax 202–647–5713 (Attn: Ann Alexandrowicz). A list will be made up for Diplomatic Security and the Reception Desk at the ''C'' Street diplomatic entrance where Department personnel will direct them to Room 1107.

Following the open portion of the meeting, the closed briefings that the Department of State will arrange for ACIEP members will involve discussions of classified information, pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. 552b(c)(1), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(9)(B).

For further information, contact Ann Alexandrowicz, ACIEP Secretariat, U.S. Department of State, Bureau or Economic and Business Affairs, Room 6828, Main State, Washington, DC 20520. She may be reached at telephone number (202) 647–7727 or fax number (202) 647–5713.

Dated: March 6, 1997.

**Alan B. Larson,**

*Assistant Secretary for Economic and Business Affairs.*

[FR Doc. 97–7398 Filed 3–24–97; 8:45 am]

BILLING CODE 4710–07–M

**[Delegation of Authority No. 220]**

## Delegation of Authority to the Legal Adviser

By virtue of the authority vested in the Secretary of State by section 1 of the Department of State Basic Authorities Act (22 U.S.C. 2651a), I hereby delegate to the Legal Adviser the function vested in the Secretary of State by 18 U.S.C. 1119 to consult with the Attorney General to make certain determinations in connection with institution of a prosecution in the United States of a United States national accused of killing or attempting to kill United States national in a foreign country. Notwithstanding this delegation of authority, the Secretary of State or the Deputy Secretary of State may at any time exercise any authority conferred upon the Secretary by 18 U.S.C. 1119.

References to 18 U.S.C. § 1119 shall be deemed to be in that section as it may be amended from time to time.

This Delegation of Authority shall be effective upon date of signature.

Dated: March 7, 1997.

**Madeleine K. Albright,**

*Secretary of State.*

[FR Doc. 97–7401 Filed 3–24–97; 8:45 am]

BILLING CODE 4710–10–M

# DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

**[Order 97–3–25; Dockets OST–96–1676]**

## Application of U.S. Caljet Airlines, Inc. d/b/a Caljet Airlines for New Certificate Authority

**AGENCY:** Department of Transportation.

**ACTION:** Notice of order to show cause.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order (1) finding U.S. Caljet Airlines, Inc. d/b/a Caljet Airlines fit, willing, and able, and (2) awarding it a certificate of public convenience and necessity to engage in interstate scheduled air transportation of persons, property, and mail.

**DATES:** Persons wishing to file objections should do so no later than April 8, 1997.

**ADDRESSES:** Objections and answers to objections should be filed in Dockets OST–96-1868 and addressed to the Department of Transportation Dockets (SVC–120.30, Room PL–401), U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590 and should be served upon the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Kathy Lusby Cooperstein, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 366–2337.

Dated: March 18, 1997.

**Charles A. Hunnicut,**

*Assistant Secretary for International and Aviation Affairs.*

[FR Doc. 97–7384 Filed 3–24–97; 8:45 am]

BILLING CODE 4910–62–P

## Coast Guard

**[CGD 97–019]**

## National Offshore Safety Advisory Committee (NOSAC)

**AGENCY:** Coast Guard, DOT.

**ACTION:** Request for applications.

**SUMMARY:** The Coast Guard is seeking applications for appointment to membership on NOSAC.

**DATES:** Completed applications and supporting documentation should be submitted to the U.S. Coast Guard before November 30, 1997.

**ADDRESSES:** Persons interested in applying for membership on NOSAC may obtain an application form by writing to Commandant (G–MSO–2), U.S. Coast Guard, Room 1210, 2100 Second Street SW., Washington, DC 20593–0001; or by calling the points of contact listed in the following paragraph.

**FOR FURTHER INFORMATION CONTACT:** Captain Robert L. Skewes, Executive Director, or James M. Magill, Assistant to the Executive Director, NOSAC, at (202) 267–1181, or by fax at (202) 267–4570.

**SUPPLEMENTARY INFORMATION:** NOSAC provides advice and makes recommendations to the Assistant Commandant for Marine Safety and Environmental Protection, on safety and rulemaking matters relating to the offshore mineral and energy industries. NOSAC consists of 14 regular members who have particular expertise, knowledge, and experience regarding the transportation and other technology, equipment, and techniques that are used, or are being developed for use, in the exploration or recovery of offshore mineral resources. The advice and recommendations of NOSAC also assist the U.S. Coast Guard in formulating U.S. positions at meetings of the International Maritime Organization.

NOSAC meets at least once a year at Coast Guard Headquarters in Washington, DC. Special meetings may also be called. Subcommittee meetings are held as required to consider specific problems.

Applications will be considered for five positions that expire or become vacant in January 1998. To be eligible, applicants should have experience in offshore drilling, offshore supply vessel services including geophysical services, safety and training relating to offshore activities, offshore production, and national environmental interests. Each member serves a term of 3 years. A limited portion of the membership may serve consecutive terms. Members of NOSAC serve at their own expense, and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

In support of the U.S. Department of Transportation's policy on ethnic and gender diversity, the Coast Guard is especially seeking applications from qualified women and minority group members.

Dated: March 17, 1997.

**Joseph J. Angelo,**

*Director of Standards, Marine and Safety and Environmental Protection.*

[FR Doc. 97–7435 Filed 3–24–97; 8:45 am]

BILLING CODE 4910–14–M

## Federal Aviation Administration

## Notice of Intent To Rule on Application (97–10–C–00–CHO) To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at the Charlottesville-Albermarle Airport, Charlottesville, Virginia

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

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposed to rule and invites public comment on the application to impose and use the revenue from a PFC at Charlottesville-Albermarle Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before April 24, 1997.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. Terry Page, Acting Manager, Washington Airports District Office, 101 West Broad Street, Suite 300, Falls Church, Virginia 22046.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bryan O. Elliott, Airport Manager of the Charlottesville-Albermarle Airport at the following address: Charlottesville-Albermarle Airport, 201 Bowen Loop, Charlottesville, Virginia 22901.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Charlottesville-Albermarle Airport Authority under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Terry Page, Acting Manager, Washington Airports District Office, 101 West Broad Street, Suite 300, Falls Church, Virginia, 22046 (Tel. (703) 285–2570). The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Charlottesville-Albermarle Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 17, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Charlottesville-Albermarie Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 17, 1997.

The following is a brief overview of the application.

*Level of the proposed PFC:* $3.00.

*Proposed charge effective date:* August 1, 2004.

*Proposed charge expiration date:* January 1, 2007.

*Total estimated PFC revenue:* $1,041,500.

*Brief description of proposed projects:*

—Construct DeIcing Ramp
—Expand Air Carrier Terminal Access Road & Non Revenue Producing Parking Area
—Reconstruct General Aviation Ramp
—Reconstruct Taxiway A (Use Only)

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs:* Air Taxi/Commercial Operator Filing FAA form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York, 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Charlottesville-Albermarle Airport Authority.

Issued in Jamaica, New York on March 18, 1997.

**Robert B. Mendez,**

*Manager, Airports Division, Eastern Region.*

[FR Doc. 97–7458 Filed 3–24–97; 8:45 am]

**BILLING CODE 4910–10–M**

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## Notice of Intent To Rule on Application (97–01–C–00–UCA) To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Oneida County Airport, Utica, NY

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

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Oneida County Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before April 24, 1997.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. Philip Brito, Manager, New York Airports District Office, 600 Old County Road, Suite 446, Garden City, New York.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Gary F. Swierczek, Commissioner of Aviation, for the County Oneida at the following address: Oneida County Department of Aviation, Oneida County Airport, 5900 Airport Road, Suite 207, Oriskany, New York 13424.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Oneida County Department of Aviation under § 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip Brito, Manager, New York Airports District Office, 600 Old County Road, Suite 446, Garden City, New York 11530 (Telephone 516–227–3800). The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Oneida County Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 19, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Oneida County Department of Aviation was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 19, 1997.

The following is a brief overview of the application.

*Application number:* 97–01–C–00–UCA.

*Level of the proposed PFC:* $3.00.

*Proposed charge effective date:* August 1, 1997.

*Proposed charge expiration date:* February 1, 2011.

*Total estimated PFC revenue:* $1,298,631.

*Brief description of proposed projects:*

—Passenger Facility Charge Application
—Terminal Building Improvements

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs:* Air Taxi/Commercial Operators filing FAA Form 180–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York, 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Oneida County Department of Aviation.

Issued in Jamaica, New York, on March 18, 1997.

**Robert B. Mendez,**

*Manager, Airports Division, Eastern Region.*

[FR Doc. 97–7457 Filed 3–24–97; 8:45 am]

**BILLING CODE 4910–13–M**

## Maritime Administration

**[Docket S–943 Sub. 1]**

## Lykes Bros. Steamship Co., Inc.; Notice of Additional Application for Written Permission Pursuant to Section 805(a) of the Merchant Marine Act, 1936, as Amended

Lykes Bros. Steamship Co., Inc. (Lykes), by letter of March 20, 1997, requests additional written permission to its March 14, 1997, request published on March 19, 1997 (62 F.R. 13209–11), pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended (Act), and Lykes' Operating-Differential Subsidy Agreement (ODSA), Contract MA/MSB–451 to become affiliated after the confirmation of its Chapter 11 plan of reorganization (Reorganization Plan), when it will emerge from Chapter 11 as a reorganized entity (Reorganized Lykes), with GATX Third Aircraft. Lykes' operating-differential subsidy (ODS) is effective through December 31, 1997, for seven vessels. The additional information involves GATX Third Aircraft which is owned by GATX Capital, which is owned by GATX Financial Services, which in turn is owned by GATX Corporation, which owns but leases out and does not operate the following vessels in the domestic trade:

DAVID NORTON
G. STINSON
WOLVERINE
ITBU PRESQUE ISLE

The above four vessels are self-unloading bulk vessels engaged in trade on the Great Lakes.

TANK BARGE TEXAS
TANK BARGE PENNSYLVANIA

These barges are operated in the coastwise trade and carry petroleum products.

68 Double Skin Tank Barges

These barges carry petroleum products and chemicals on U.S. rivers and inland waterways and occasionally operate in the U.S. coastwise trades.

The ''affiliation'' giving rise to this request for permission will be created as part of a restructuring under the supervision of the United States Bankruptcy Court. Lykes believes that the operational facts of this situation should be distinguished from the more common section 805(a) situation in which an ODS contractor wishes to directly or indirectly establish a domestic service. While GATX Third Aircraft owns the vessels involved, they are all leased and operated by others. Lykes states that neither GATX Third Aircraft nor any of its parent companies have any affiliation whatever with the ODS contractor, and the circumstances giving rise to the need for section 805(a) permission will have absolutely no impact on the way in which that domestic service is provided.

Lykes indicates that Lykes and GATX Third Aircraft and the latter's parent companies currently have no operational relationship whatsoever. According to Lykes, that situation will continue after approval of the Reorganization Plan and acquisition of ownership of Lykes. Reorganized Lykes will continue as the ODS contractor, and GATX Third Aircraft will not be involved in any way in Reorganized Lykes' operations. Reorganized Lykes and GATX Third Aircraft will have separate management, separate books, and separate operational staff, and will provide geographically separate services. The only relationship between the companies will be that they will have a common ultimate parent. In the case of Reorganized Lykes, that ultimate parent (GATX Corporation) is three companies ''up stream'' in the corporate ownership hierarchy. According to Lykes, no subsidy paid to Reorganized Lykes will be diverted directly or indirectly to GATX Third Aircraft, nothing in GATX Third Aircraft's finances or operations will change as a result of the reorganization, and there will be no impact on any competitor.

For the foregoing reasons, and in light of the degree of separation between Reorganized Lykes and GATX Third Aircraft and the short remaining term of Lykes' ODS contract, Lykes requests that the Secretary issue written permission pursuant to section 805(a) for Reorganized Lykes to become affiliated with GATX Third Aircraft. Because this permission is an integral part of the Reorganization Plan under consideration by the Bankruptcy Court, Lykes respectfully requests that its application be given the most expeditious possible consideration and that written permission be granted as soon as possible.

The application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm or corporation having any interest (within the meaning of section 805(a)) in Lykes' request and desiring to submit comments concerning the request must by 5:00 PM on March 28, 1997, file written comments in triplicate with the Secretary, Maritime Administration, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petition for leave to intervene is received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such actions as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 20.805 (Operating-Differential Subsidy))

By Order of the Maritime Administrator.

Dated: March 21, 1997.

**Joel C. Richard,**

*Secretary.*

[FR Doc. 97–7658 Filed 3–24–97; 8:45 am]

BILLING CODE 9410–81–P

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## National Highway Traffic Safety Administration

**[Docket 74–40; Notice 11]**

## Insurance Cost Information Regulation; Correction

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of text and data for 1997 Insurance Cost Information Booklet; correction.

**SUMMARY:** The Docket No. 74–40; Notice 9, as it appeared in the **Federal Register** on March 7, 1997, on page 10607, is incorrect. It should appear as Docket 74–40; Notice 10.

**Authority:** 49 U.S.C. 32302; delegation of authority at 49 CFR 1.50(f).

Issued: March 19, 1997.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 97–7383 Filed 3–24–97; 8:45 am]

BILLING CODE 4910–59–M

## Surface Transportation Board

**[STB Finance Docket No. 33359]**

### Wisconsin Central Ltd.—Trackage Rights Exemption—Tomahawk Railway, Limited Partnership

Tomahawk Railway, Limited Partnership (TRL) has agreed to grant Wisconsin Central Ltd. (WCL) non-exclusive overhead trackage rights [1] over a 0.40-mile portion of TRL's line of railroad between WCL milepost 133.09 and WCL milepost 133.49 in Tomahawk, WI. The proposed trackage rights will connect with an existing WCL rail line at milepost 133.09 and, at milepost 133.49, with a TRL rail line which WCL seeks to acquire.[2] The proposed trackage rights will allow WCL to continue to operate over that portion of TRL's line not being acquired by WCL and, will provide an overhead route between WCL's line to Ashland, WI, and the remainder of WCL's system.

The transaction is scheduled to be consummated on approval and consummation of the transaction in STB Finance Docket No. 33358, but in any event no sooner than March 12, 1997, the effective date of this exemption.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33359, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, Room 713, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas J. Litwiler, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601.

Decided: March 19, 1997.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97–7524 Filed 3–24–97; 8:45 am]

BILLING CODE 4915–00–P

[1] The proposed trackage rights will be a substitute for the existing trackage rights over TRL's rail line which were acquired by WCL's predecessor, Soo Line Railroad Company (Soo), in 1986 and assigned to WCL in 1987. *See Soo Line Railroad Company—Trackage Rights—Marinette, Tomahawk and Western Railroad Company,* Finance Docket No. 30839 (ICC served June 26, 1986); *Wisconsin Central Ltd.—Exemption Acquisition and Operation—Certain Lines of Soo Line Railroad Company,* Finance Docket No. 31102 (ICC served July 28, 1988) Appendix B, Part 2.

[2] WCL concurrently filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10902, to permit WCL to acquire from TRL 4.93 miles of rail line between milepost 133.49 at Tomahawk and milepost 138.42 at Bradley, WI (the Bradley Line). The petition has been docketed as *Wisconsin Central Ltd.—Acquisition Exemption—Tomahawk Railway, Limited Partnership,* STB Finance Docket No. 33358. Together with a short segment of trackage between WCL milepost 133.49 and WCL milepost 133.09 in Tomahawk (the Tomahawk Segment), which TRL will continue to own, the Bradley Line will provide a connection between an east-west WCL line at Bradley previously owned by Soo and a north-south WCL line terminating at Tomahawk previously owned by the Chicago, Milwaukee, St. Paul & Pacific Railroad Company.

## UNITED STATES INFORMATION AGENCY

### Culturally Significant Objects Imported for Exhibition; Determinations

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 F.R. 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 F.R. 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, ''Objects of Desire: The Modern Still Life'' (See list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at The Museum of Modern Art from on or about May 21, 1997, through August 26, 1997, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

Dated: March 19, 1997.

**Les Jin,**

*General Counsel.*

[FR Doc. 97–7451 Filed 3–24–97; 8:45 am]

BILLING CODE 8230–01–M

### Culturally Significant Objects Imported for Exhibition; Determinations

This is an amendment to Notice Regarding Culturally Significant Objects Imported for Exhibition in the exhibit ''Sepphoris in Galilee: Crosscurrents of Culture''. This is to amend Federal Register Doc. 96–28328, 61 FR 56742 (November 4, 1996) by adding the following language after the words ''on or about July 6, 1997,'' to read:

''and at the University of Michigan Museum of Art in Ann Arbor, Michigan from on or about September 7, 1997 to on or about December 14, 1997 and at the Michael C. Carlos Museum at Emory University in Atlanta, Georgia from on or about January 24, 1998, to on or about April 12, 1998,''.

Dated: March 19, 1997.

**R. Wallace Stuart,**

*Acting General Counsel.*

[FR Doc. 97–7452 Filed 3–24–97; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Ms. Carol Epstein, Assistant General Counsel, at 202/619–6981, and the address is Room 700, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547–0001.

federal register

Tuesday
March 25, 1997

## Part II

# Department of Education

**Jacob K. Javits Fellowship Program; New Awards for FY 1997 Applications Invitation; Notice**

## DEPARTMENT OF EDUCATION

**[CFDA No. 84.170]**

### Jacob K. Javits Fellowship Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1997

*Purpose of Program:* To award fellowships to eligible students of superior ability, selected on the basis of demonstrated achievement and exceptional promise to undertake graduate study leading to a doctoral degree or the Masters of Fine Arts (MFA) at accredited institutions of higher education in selected fields of the arts, humanities, or social sciences.

*Eligible Applicants:* Eligibility is limited to students who at the time of application have no more than 30 semester hours or 45 quarter hours or equivalent of graduate credit applicable to the eligible field of study. Eligibility for fellowships to pursue a doctoral degree or the MFA that will not lead to an academic career is limited to U.S. citizens, permanent residents of the U.S., certain other eligible non-citizens. Eligibility for fellowships to pursue a doctoral or MFA degree that will lead to an academic career is limited to U.S. citizens.

*Deadline for Transmittal of Applications:* May 19, 1997.

*Applications Available:* April 3, 1997.

*Estimated Available Funds:* $2,200,000.

*Estimated Range of Awards:* The Secretary has determined that the fellowship stipend for academic year 1997–1998 is $14,400, which is equal to the level of support that the National Science Foundation is providing for its graduate fellowships, or the fellow's financial need, as determined by Part F of Title IV of the Higher Education Act, whichever is less. The institutional payment for academic year 1997–1998 will be $10,051.

*Estimated Average Size of the Awards:* $24,000.

*Estimated Number of Awards:* 90 individual fellowships.

*Supplementary Information:* Sixty percent of new awards will be available for fellowships to eligible applicants who have earned no credit hours applicable to a graduate degree. The remaining forty percent of new awards will be available for fellowships to all otherwise eligible applicants. In each of these two categories, sixty percent of these new fellowships will be awarded to applicants in the humanities, twenty percent to applicants in the social sciences, and twenty percent in the arts.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 48 months.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75 (except as provided in 34 CFR 650.3(b)), 77, 82, 85 and 86; and (b) The regulations for this program in 34 CFR Part 650.

*For Applications or Information Contact:* Uri Z. Monson, Jacob K. Javits Fellowship Program, U.S. Department of Education, 600 Independence Avenue, SW, Portals Building, Suite 600, Washington, DC 20024–5329. Telephone: (202) 260–3574. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; on the Internet Gopher Server (at gopher://gcs.ed.gov); or on the World Wide Web (at http://gcs.ed.gov). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

**Program Authority:** 20 U.S.C. 1134, 1134h-k-1.

Dated: March 18, 1997.

**David A. Longanecker,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 97–7499 Filed 3–24–97; 8:45 am]

BILLING CODE 4000–01–P

federal register

Tuesday
March 25, 1997

# Part III

# Office of Personnel Management

**5 CFR Part 591**

**Cost-of-Living Allowances (Nonforeign Areas); Interim Rule**

**Report on 1996 Surveys Used to Determine Cost-of-Living Allowances in Nonforeign Areas; Notice**

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 591

**RIN 3206–AH07**

### Cost-of-Living Allowances (Nonforeign Areas)

**AGENCY:** Office of Personnel Management.

**ACTION:** Interim rule.

**SUMMARY:** The Office of Personnel Management (OPM) is publishing interim regulations that will increase cost-of-living allowance (COLA) rates paid to General Schedule, U.S. Postal Service, and certain other Federal employees in Kauai County, Hawaii, and the U.S. Virgin Islands. These increases result from cost-of-living surveys conducted in Hawaii, Alaska, Puerto Rico, the U.S. Virgin Islands, and Guam and the Commonwealth of the Northern Mariana Islands by Runzheimer International under contract with OPM. The full results of the cost-of-living surveys are contained in the survey report, which appears after this interim rule in today's **Federal Register.** Because it has taken longer than expected to complete these surveys and calculate the living-cost indexes, OPM is issuing this interim rule, which is effective immediately, to implement the COLA rate increases. In the future, as in the past, OPM plans to announce COLA rate adjustments in a proposed rule for public notice and comment.

**DATES:** *Effective date:* March 25, 1997. *Implementation date:* The rate increases authorized by these regulations are to be applied as of the first day of the first pay period beginning on or after March 25, 1997. *Comment date:* Comments must be received on or before June 23, 1997.

**ADDRESSES:** Send or deliver comments to Donald J.Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415, or FAX comments to (202) 606-4264, or email comments over the Internet to cola@opm.gov.

**FOR FURTHER INFORMATION CONTACT:** Donald L. Paquin, (202) 606-2838.

**SUPPLEMENTARY INFORMATION:** Under section 5941 of title 5, United States Code, certain Federal employees in nonforeign areas outside the 48 contiguous States are eligible for cost-of-living allowances (COLA's) when local living costs are substantially higher than those in Washington, DC. Nonforeign area COLA's are currently paid in the following locations: Alaska, Hawaii, Puerto Rico, Guam and the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

OPM contracted with Runzheimer International to conduct living-cost surveys in all of the nonforeign allowance areas. During February 1996, Runzheimer surveyed Alaska, Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. Runzheimer also surveyed the Washington, DC, area, which is the base or reference area for living-cost comparisons. OPM is publishing a separate **Federal Register** notice immediately following this rulemaking that provides the complete ''Report On 1996 Surveys Used to Determine Cost-of-Living Allowances in Nonforeign Areas.'' This report explains the methodology, procedures, and results of the 1996 living-cost surveys.

The increases in COLA rates are summarized in the following table:

INCREASES IN COLA RATES

| Allowance area/category | Current rate | New rate |
|---|---|---|
| County of Kauai, Hawaii | | |
| All employees | 20.0 | 22.5 |
| U.S. Virgin Islands | | |
| All employees | 17.5 | 20.0 |

OPM is adjusting only those rates that have increased. Rates that would have otherwise decreased will remain unchanged, as required by a provision in the Treasury, Postal Service, and General Government Appropriations Act, 1992 (Pub. L. 102-141), as amended.

*Application of 5 U.S.C. 553*

Pursuant to paragraphs (b)(3)(B) and (d)(3) of 553 of title 5 of the United States Code, OPM finds that good cause exists to waive the publication of proposed rulemaking and the 30- day deferment of effective date. Because it has taken longer than expected to complete these surveys and calculate the living-cost indexes, OPM believes it is in the public interest to implement the COLA rate increases immediately. In the future, as in the past, OPM plans to announce COLA rate adjustments in a proposed rule for notice and comment.

*Implementation of rate changes*

For administrative purposes, the rate increases authorized by these regulations will be applied as of the first day of the first pay period beginning on or after [Insert date of publication in the **Federal Register**.]

**Regulatory Flexibility Act**

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will affect only Federal agencies and employees.

**List of Subjects in 5 CFR Part 591**

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

**James B. King,**

*Director.*

Accordingly, OPM is amending 5 CFR part 591 as follows:

## PART 591--ALLOWANCES AND DIFFERENTIALS

### Subpart B--Cost-of-Living Allowance and Post Differential--Nonforeign Areas

1. The authority citation for subpart B of part 591 continues to read as follows:

**Authority:** 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943-1948 Comp., p. 792; E.O. 12510, 3 CFR, 1985 Comp., p. 338.

2. Appendix A of subpart B is revised to read as follows:

### Appendix A of Subpart B—Places and Rates at Which Allowances Shall Be Paid

This appendix lists the places where a cost-of-living allowance has been approved and shows the allowance rate to be paid to employees along with any special eligibility requirements for the allowance payment. The allowance percentage rate shown is paid as a percentage of an employee's rate of basic pay.

| Geographic coverage/ allowance category | Authorized allowance rate (percent) |
|---|---|
| State of Alaska | |
| City of Anchorage and 80-kilometer (50-mile) radius by road: | |
| All Employees | 25.0 |
| City of Fairbanks and 80-kilometer (50-mile) radius by road: | |
| All Employees | 25.0 |
| City of Juneau and 80-kilometer (50-mile) radius by road: | |
| All Employees | 25.0 |
| Rest of the State: | |
| All Employees | 25.0 |
| State of Hawaii | |
| City and County of Honolulu: | |
| All Employees | 22.5 |
| County of Hawaii: | |
| All Employees | 15.0 |
| County of Kauai: | |
| All Employees | 22.5 |

| Geographic coverage/ allowance category | Authorized allowance rate (percent) |
|---|---|
| County of Maui and County of Kalawao: | |
| All Employees | 22.5 |
| Territory of Guam and Commonwealth of the Northern Mariana Islands | |
| All Locations: | |
| Local Retail | 22.5 |
| Commissary/Exchange | 20.0 |
| Commonwealth of Puerto Rico | |
| All Employees | 10.0 |
| U.S. Virgin Islands | |
| All Employees | 20.0 |

*Definitions of Allowance Categories*

The following are definitions of the allowance categories used in the tables in this appendix.

*All Employees:* This category covers all Federal employees eligible for an allowance under 5 U.S.C. 5941.

*Local Retail:* This category covers all Federal employees eligible for an allowance who do not have unlimited access to commissary and exchange facilities by virtue of their Federal civilian employment.

*Commissary/Exchange:* This category covers all Federal employees eligible for an allowance who have unlimited access to commissary and exchange facilities by virtue of their Federal civilian employment.

**NOTE:** Eligibility for access to military commissary and exchange facilities is determined by the appropriate military department. If an employee is furnished with these privileges for reasons associated with his or her Federal civilian employment, he or she will receive an identification card that authorizes access to such facilities. Possession of such an identification card is sufficient evidence that the employee uses the facilities.

[FR Doc. 97–7380 Filed 3–24–97; 8:45 am]

BILLING CODE 6325–01–F

## OFFICE OF PERSONNEL MANAGEMENT

### Report on 1996 Surveys Used to Determine Cost-of-Living Allowances in Nonforeign Areas

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the ''Report on 1996 Surveys Used to Determine Cost-of-Living Allowances in Nonforeign Areas.'' The surveys were conducted by Runzheimer International under contract with the Office of Personnel Management (OPM). The analyses and report were prepared by OPM. The results of the surveys are used to determine cost-of-living allowances (COLA's) paid to General Schedule, U.S. Postal Service, and certain other Federal employees in Alaska, Hawaii, Guam and the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. This report provides the basis for the increases in certain COLA rates being published by OPM in the interim rulemaking immediately preceding this notice.

**DATES:** Comments must be received on or before June 23, 1997.

**ADDRESSES:** Send or deliver comments to Donald J.Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415, or FAX to (202) 606-4264, or email comments over the Internet to cola@opm.gov.

**FOR FURTHER INFORMATION CONTACT:** Donald L. Paquin, (202) 606-2838.

**SUPPLEMENTARY INFORMATION:** Sections 591.205(d) and 591.206(c) of title 5, Code of Federal Regulations, require that nonforeign area cost-of-living allowance (COLA) survey summaries and calculations be published in the **Federal Register** . Accordingly, the Office of Personnel Management (OPM) is publishing the complete ''Report On 1996 Surveys Used to Determine Cost-of-Living Allowances in Nonforeign Areas'' with this notice. The surveys were conducted by Runzheimer International under Government contract OPM-95-97012. OPM performed the analyses of survey data and prepared this report, which explains in detail the methodologies, calculations, and findings of the 1996 COLA surveys.

### Survey Results

OPM computed index values of relative living costs in the allowance areas using an index scale where the living costs in the Washington, DC, area equal 100. (See the Executive Summary of the report.) The results of the surveys show that the COLA rate for Kauai, HI, should be increased from its current level of 20.0 percent to 22.5 percent and that the COLA rate for the U.S. Virgin Islands should be increased from 17.5 percent to 20.0 percent. The survey results also show that the COLA rates for three areas are currently at the appropriate levels, and that the COLA rates in seven areas are above levels warranted by the living-cost indexes. However, the Treasury, Postal Service, and General Government Appropriations Act, 1992 (Pub. L. 102-141), as amended, prohibits reductions in COLA rates through December 31, 1998. Therefore, OPM is *not* proposing any COLA rate reductions.

### Comments on Prior Surveys

OPM published the report on the Summer 1994 surveys in Hawaii, Guam, Puerto Rico, U.S. Virgin Islands, and the Washington, DC, area in the **Federal Register** (60 FR 61332) on November 29, 1995. OPM published the report on the Winter 1995 surveys in Alaska and the Washington, DC, area in the **Federal Register** (61 FR 4070) on February 2, 1996. OPM received 6 comments on the Summer 1994 surveys and 77 comments on the Winter 1995 surveys.

Most of the commenters believed the surveys did not fully consider the expenses incurred in the allowance areas. Many noted dissimilarities between the allowance areas and the Washington, DC, area that they felt were either not accounted for in the surveys or that affected the accuracy of the results of the surveys. These differences included --

—Goods and services typically found in the Washington, DC, area that are not available in the allowance areas, the cost to obtain these goods and services in the allowance areas (e.g., shipping fees), and the quality of the goods and services that are available;
—Goods and services typically purchased in the allowance areas that are not typically purchased in the Washington, DC, area;
—Variations in spending patterns between the Washington, DC, area and the allowance areas;
—Hardships encountered under adverse climate conditions;
—Climate influences on automobile purchase, maintenance, and insurance;
—The frequency and cost of air travel in the allowance areas and the use of Los Angeles for comparison in the measurement of air fares;
—Transportation alternatives (e.g., bus, train, subway) available in the Washington, DC, area that are not available or are limited in the allowance areas;
—House size, selection, necessary features, purchase price, storage needs, and maintenance as determined by climate and availability;
—The additional need for travel, lodging, and out-of-pocket expenses for quality medical care in the allowance areas;
—Recreational expenses in the allowance areas; and
—Out-of-area colleges and quality of local schools.

OPM has committed itself to two major initiatives that it believes will serve as a forum for examining many of the concerns raised by the commenters and lead to significant improvements in the COLA survey process. These two initiatives are discussed below.

*Safe Harbor Process and Report to Congress*

OPM has entered into a memorandum of understanding with litigants in the cases of *Alaniz* v. *Office of Personnel Management* and *Karamatsu* v. *United States* that commits OPM and the plaintiffs to a ''Safe Harbor'' process for conducting studies relating to the COLA program and the compensation of Federal employees in the allowance areas. The purpose is to resolve issues that have long been contended in the COLA program and to assist OPM as it prepares its report to Congress on the COLA program, which is required by the Treasury, Postal Service, and General Government Appropriations Act, 1992 (Public Law 102-141), as amended. That report is currently due by March 1, 1998. OPM anticipates that the studies will examine many of the issues raised by the comments on the Summer 1994 and Winter 1995 survey reports and will produce a number of valuable recommendations for improving the COLA program.

*COLA Partnership*

OPM has established a pilot project to involve agencies and employee representatives directly in a partnership to help plan and conduct COLA surveys, explore ways to improve the COLA program, and to help everyone, including OPM, better understand issues related to the compensation of Federal employees in the COLA areas. (Final regulations for the pilot project were published on November 21, 1996, at 61 FR 59173.) Under the 2-year pilot project, five partnership committees are being formed--one each in Alaska, Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. Regulations also allow for the formation of subcommittees in

the individual allowance areas. Committee functions are expected to include:

—Advising and assisting OPM in planning living-cost surveys;
—Observing data collection during the surveys;
—Advising and assisting OPM in the review of survey data;
—Advising OPM on the COLA program, including survey methodology and other compensation issues relating to the allowance areas;
—Assisting OPM in the dissemination of information to affected employees about the living-cost surveys and the COLA program.

As with the studies being conducted for OPM's report to Congress, we anticipate that the committees may examine some of the issues raised by the comments on the Summer 1994 and Winter 1995 survey reports and will produce valuable recommendations for improving the COLA program.

**Impact of COLA Changes**

As with previous reports, most of the commenters were Federal employees concerned about the impact of deep reductions in COLA rates. They cited various financial commitments, such as home purchase, that were made assuming COLA rates would be relatively stable. Several commenters thought that significant reductions would have an adverse effect on the local economy of the allowance area and that significant reductions would cause recruitment and retention problems. As noted earlier, Public Law 102-141, as amended, prohibits OPM from reducing COLA rates through December 31, 1998.

**General Comments**

A number of commenters maintained that the salary averages used for the surveys did not consider other sources of income besides General Schedule salaries. They believe this resulted in an artificially low salary average, especially for the Washington, DC, area. OPM uses the General Schedule average salaries because it is the predominant pay system for employees in the allowance areas and in the Washington, DC, area. The COLA is a percentage of Federal pay, not total family income. Therefore, OPM believes the approach used is appropriate. However, the number of income levels used in the COLA model and the dollar amounts assigned to those income levels are subjects that may be researched further.

A few commenters asked whether OPM adjusted the calculations of the percent of General Schedule workforce in each income group in each area to reflect special rates or shift differentials. OPM included special rates because special rates are one type of basic pay, and the COLA is paid as a percentage of basic pay. OPM did not include premium pay, such as shift differentials, because these are not part of basic pay.

Several commenters felt the COLA program should take into consideration the hardships endured in some of the allowance areas. OPM believes the COLA model adequately measures differences in monetary costs due to conditions in the allowance areas, although improvements and refinements in the model may be possible. For example, OPM is researching certain additional items, particularly those that might be purchased more frequently in remote areas. These items include air transportation, out-of-area college and university education, and extraordinary medical expenses. OPM is looking at ways the tangible cost of these items might be included in the COLA model and plans to address this issue in its report to Congress. OPM believes, however, that employees are compensated for nonmonetary factors such as hardship and inconvenience under the post differential program and that such factors should not be covered under the COLA program.

A few commenters objected to the inclusion of sales taxes in the COLA model. The commenters argued that it would also be necessary to compare the level of Government services available in each area. OPM disagrees. The effect on living costs of any differences in the levels of Government services attributable to differences in sales tax revenues is probably not measurable. Sales tax, on the other hand, is a recognizable consumer expense. Therefore, OPM believes it is appropriate to include sales tax in the prices of the items it surveys.

Several commenters felt that some of the field researchers should be Federal employees. They believe non-Federal employees have a desire to cut Federal pay, which they view as a conflict of interest. OPM does not believe there was such a bias, and both OPM and Runzheimer utilized a number of quality assurance procedures, including callbacks and close data review, to assure that the prices collected were accurate. OPM also notes that, under the COLA partnership pilot project, data will be collected by Federal employees from the Washington, DC, area with observers from the COLA areas. Therefore, beginning with the 1997 surveys, non-Federal field researchers will not be involved in the survey process.

Some commenters believe more data should be collected directly from Federal employees. OPM notes that it has collected data directly from Federal employees in the past and may explore this issue with the COLA partnership committees and under the MOU Safe Harbor process. OPM anticipates addressing this as part of its report to Congress.

Several commenters stated that OPM should publish additional survey data (e.g., outlets surveyed, basic price data) in the report. Publishing this volume of information is not practical and would make the report too cumbersome and complex.

A few commenters noted that the date appearing at the top of the **Federal Register** pages containing the Winter report read ''1994'' instead of ''1996.'' This was a printer's error.

Some commenters want OPM to consider higher non-Federal pay when setting COLA rates. The law bases COLA's on living costs, not pay levels. It also specifically bars payment of locality pay in the COLA areas. Therefore, OPM cannot take into consideration higher non-Federal pay in the COLA areas.

Several commenters contend that the COLA calculations should account for locality pay received in the Washington, DC, area. OPM recognizes that General Schedule employees in the Washington, DC, area receive a locality pay adjustment under 5 U.S.C. 5304. Whether this adjustment should be considered in the calculation of COLA's is an issue OPM plans to address in its report to Congress.

Some commenters think Federal employees in the Washington, DC, area are overgraded and that COLA's should be increased to account for this overgrading. Grade levels vary among areas and may be higher on average in the DC area because of the nature of the work typically performed in this area. If it is found that overgrading is a problem in any area, including the DC area, the solution is to properly classify the positions--not to adjust pay or allowances.

Many commenters suggested that OPM use data published by the American Chamber of Commerce Researchers Association (ACCRA). ACCRA does not publish living-cost comparisons for all of the COLA areas, nor does the ACCRA methodology conform with OPM's regulations, which were developed subsequent to the settlement of *Hector Arana, et al.,* v. *United States.* Therefore, OPM does not use ACCRA data.

Several commenters suggested a need to survey more than once a year. As OPM stated in an earlier **Federal Register** notice (60 FR 46749), OPM does not believe there is significant

seasonal variation in *relative* prices for most local consumer items in the allowance areas compared to those in the Washington, DC, area. There is evidence of seasonal variation in some prices, such as hotel and motel lodging, but these are not typical local consumer items. There is also seasonal variation in the prices of other items, such as fresh fruits and vegetables, but that kind of variation is seen in both the allowance areas and in the Washington, DC, area. Therefore, *relative* price differences do not change significantly by season. For this reason and because COLA surveys are costly and can be a public burden, OPM does not believe it is appropriate to conduct COLA surveys more frequently.

Some commenters objected to OPM's practice of making changes in the model based on comments received without an additional comment period to review the changes. They also requested that OPM forgo making changes in the methodology while the joint research effort is under way. During the Safe Harbor process and the COLA partnership pilot project, OPM plans generally to avoid making substantive policy changes in the COLA program and, instead, wait until after OPM has completed its research, received public comment on it, and delivered its report to Congress. This does not mean that OPM will make no changes, and certainly there are administrative changes relating to survey coverage that must be made for each survey. However, the reader will note that OPM has made relatively few changes in this year's surveys compared with the previous surveys.

**Overall Living Cost Model**

A number of commenters stated that Washington, DC, should not be the base area for comparisons of living costs. They believe a less expensive area should be used. OPM is required by law to use the Washington, DC, area as the base for living-cost comparisons.

Some commenters felt that local spending patterns should be used in pricing consumption goods and services. To compare living costs between areas, OPM assigned a common set of weights to each item, category, and component. These weights reflect how consumers spend their money and were used to derive comparative indexes measuring overall living costs. OPM used Bureau of Labor Statistics (BLS) nationwide Consumer Expenditure Survey (CES) data for these weights. As discussed in the report, the COLA model uses an indexing methodology. As the report also notes, it would be preferable to use Washington, DC, consumer expenditure data. Washington, DC, CES data, however, are not available by income level, and OPM regulations require measurement of living costs at multiple income levels. On the other hand, nationwide CES data *are* arrayed by income level. Therefore, OPM used these data in the COLA model. CES data are also available for Honolulu and Anchorage; but as with the Washington, DC, data, the Honolulu and Anchorage data are not available by income level. BLS CES data are not available for any other nonforeign area, and OPM knows of no other source of comprehensive consumer expenditure information by income level suitable for use in the COLA model. Therefore, the use of local weights is not practical.

Commenters also suggested that OPM explore the use of cross-weighted measures, such as Fisher's ideal index. Since cross-weighted indexes use local area weights as well as reference area weights, the use of these approaches would face the same problems as would the use of local weights alone (as is described above). However, the type of measurement used and the source of CES data may also be topics for further research.

**Goods and Services Component**

A number of commenters cited the lack of locally available goods and services, and many commenters said that they had to purchase items by catalog. OPM included catalog prices for selected items in the surveys. Additional costs of shipping and excise taxes were added to the catalog pricing where applicable.

A number of commenters felt that the surveys should recognize that allowance area employees purchase goods and services that are either not needed in the Washington, DC, area or are needed less frequently. Generally, the COLA model compares the cost of an item in an allowance area with the cost for the same item in the DC area. OPM believes this is consistent with the settlement of *Arana,* in which the plaintiffs asked that OPM adopt a methodology that compared specified brands, models, and sizes whenever possible. Nevertheless, the COLA model does reflect some differences between areas. For example, the model assumes that cars in Alaska have certain accessories, such as engine block heaters, that are not common in the DC area. Also, differences in home construction (e.g., triple-pane windows and greater wall insulation common in Alaska) are included in the model to the extent that these differences are reflected in real estate prices. OPM anticipates researching related issues and plans to address them in its report to Congress.

A number of commenters felt that the surveys should recognize that there are a limited number of restaurant choices in the allowance areas as compared with the Washington, DC, area. The surveys measure this indirectly to the extent that restaurant prices reflect competition. The commenters also felt that high quality local restaurants and foods should be surveyed. The comparison of non-chain restaurants is difficult and would seem to be inconsistent with *Arana.*

Some commenters believe more brands and models of items should be surveyed. As described in section 2.4.1 of the report, items to be surveyed are identified according to their importance in terms of consumer expenditures. OPM surveys nearly 200 representative items and believes these adequately reflect typical consumer expenditures.

**Housing Component**

A number of commenters objected to the inclusion of historical housing data in the surveys. The commenters objected to the use of these data because they believe (1) the resulting allowance would compensate employees for historical rather than current living costs, (2) the weights used to combine the data were from a limited demographic profile (i.e., the 1992/93 Federal Employee Housing and Living-Patterns Survey), and (3) much of the historical home price data were from living communities outside the area where COLA recipients reside.

Historical housing data are based on purchase prices and interest rates over a 10-year period. We first used these data in the summer 1994 surveys; however, we had stated our intention to do so in earlier **Federal Register** notices on the COLA program. (See 55 FR 1372 and 57 FR 58559.) The reason OPM uses historical data is that relatively few Federal employees purchase a home in any given year. By using home sale prices and interest rates gathered over a 10-year period, the COLA model better emulates the typical Federal employee's housing expenses than if only the current year's purchase information were used.

OPM believes its use of the results of the 1992/93 Federal Employee Housing and Living Patterns Survey is appropriate. OPM received over 16,000 responses to the employee survey from the allowance areas. Although in a universe survey such as this, there is always the potential for a nonresponse bias, we find the results concerning home tenure to be reasonable when compared with data from other sources

such as Census data and data published by the Chicago Title and Trust Company. Therefore, we believe it is appropriate to use the weights derived from the employee survey to combine housing cost data.

As one commenter noted, some of the historical housing data came from communities that are no longer surveyed. Although we made changes in 1994 in response to employee suggestions and in light of the employee survey results, we believe our earlier community selections were appropriate. For example, we previously included Mililani Town in our Honolulu surveys. Mililani Town was the most frequent place of residence reported in the employee survey. Because of limited survey resources, we dropped Mililani Town (and others) in order to survey communities in and closer to Honolulu, as suggested by comments on the results of the 1993 living-cost surveys. It would be a mistake, however, to say that places such as Mililani Town are not representative of where Federal employees live, and we believe it is reasonable to use historical data from such communities.

Although it might be possible to collect historical data only for those communities now surveyed, we do not believe this is necessary or desirable. Community changes were made in many survey areas, including the Washington, DC, area. Additional historical housing data would have to be collected in each of these areas, and this would be costly and burdensome to the public. Even so, we believe the final living-cost comparisons for the allowance areas would remain essentially unchanged because similar changes in community selection also were made in the Washington, DC, metropolitan area, again using the results of the employee survey.

Some commenters suggested that using the employee survey results to select housing communities violated the agreement in *Arana* because COLA area employees live in undesirable neighborhoods as a result of low COLA rates. Other commenters suggested that housing communities selected in Anchorage were inappropriate because many employees live outside of the survey area. OPM believes it is appropriate to use both the results of the employee survey and a methodology that compares the costs of housing of similar sizes and in similar communities among the various diverse areas covered by the surveys. However, we anticipate that the housing methodology, community selection, and housing characteristics will be subjects of study during the MOU Safe Harbor process and among the issues considered by the COLA Partnership Committees.

Several commenters stated that the housing costs in Anchorage were not accurate and provided other data that showed higher median values. OPM's contractor obtained the prices for houses that met specified profile characteristics (e.g., size) for lower, middle, and upper income levels. These prices were collected from real estate professionals and various listing services. The data provided by the commenters did not sufficiently identify the characteristics of the sold houses for OPM to evaluate effectively these data relative to the data that OPM's contractor reported.

Several commenters said that climate conditions (such as high humidity, high rainfall, sunlight intensity, airborne salt, snow, and cold weather) resulted in more frequent and higher home maintenance costs in the allowance areas than in the Washington, DC, area. OPM has conducted some preliminary studies of these issues, anticipates researching them further, and plans to provide the results in its report to Congress.

Several commenters noted that most Alaskan houses have ''Arctic entrances'' for the removal of coats and boots, and felt that the surveys should take this into consideration. The home purchase price data collected reflect local home sales and include the cost of any special features common to dwellings in each area.

Several commenters noted that military troops are provided a housing allowance and felt that civilian employees should receive the same. The law does not provide a separate housing allowance for civilian Federal employees. However, as described in the report, relative differences in housing costs between the allowance areas and the Washington, DC, area are taken into consideration in determining COLA rates.

A few commenters suggested that long-distance telephone calculations be based on the local time of the call. OPM based this calculation on the time the call was received on the assumption that most long distance callers timed their calls for the convenience of the receiver rather than the caller. Moreover, making the opposite assumption could have resulted in some anomalies. For example, a long distance call placed at 8 p.m. in Honolulu would be received in New York at 1 or 2 a.m.

**Transportation Component**

A number of commenters stated that private transportation costs are greater in the allowance areas because of the high cost of automobiles and increased auto maintenance resulting from poor roads, rough terrain, salt air, and harsh weather. Many also felt that automobile insurance premiums are higher in the allowance areas.

The COLA model takes into consideration automobile purchase price, maintenance, insurance, and depreciation. Purchase costs and insurance are based on price data obtained in each area. Maintenance is also based on local price data, and the model assumes that certain types of maintenance occur more frequently in the allowance areas than in the DC area. For example, the model assumes that tires wear out faster in the allowance areas than in the Washington, DC, area, and that tires have to be purchased more frequently in the allowance areas. The model also includes the severe driving maintenance schedule for the allowance areas and the standard schedule for the Washington, DC, area. Depreciation is based on the difference between the new car value and the value of the car 4 years later, as reflected in popular guides such as the National Automobile Dealers Association Official Used Car Guide and the Kelly Blue Book. The model assumes that used car prices are constant among areas, except in Fairbanks and Nome. Since new car prices are typically higher in the allowance areas, this assumption translates into a typically higher depreciation rate for new cars in the allowance areas relative to the DC area. For Fairbanks and Nome, the model uses 90 percent of the used car value to reflect an even higher depreciation cost related to increased wear in these areas caused by the severe climate.

A number of commenters think that OPM should have used negotiated prices in its survey of new cars. These same commenters also believe used car prices should be included in the surveys. As stated in the report, it is not feasible to collect information on negotiated prices. Negotiated prices are influenced by factors such as negotiating skills, timing, and dealer overstock, and we expect that dealers would be reluctant to disclose what they would accept as the final purchase price for the vehicles surveyed. Likewise, OPM believes it highly unlikely that OPM could price comparable used cars, in terms of make, model and condition, in each of the allowance areas and in the Washington, DC, area. Therefore, as stated in the report, OPM does not survey the price of used cars.

Many commenters felt that pick-up trucks and four-wheel drive vehicles should be priced, especially for the

Alaska surveys. As stated in the report, OPM surveys the cost of owning and operating a four-wheel drive Chevy Blazer, which is a ''utility'' vehicle. OPM believes the vehicles currently surveyed are adequate for measuring price differences for new vehicles.

Several commenters raised issues related to mass transportation systems (e.g., bus, train, subway), which are limited or not available in the allowance areas. As explained in the report, OPM does not survey municipal mass transportation. The cost of bus, train, subway, or taxi service is not part of the surveys because the service available in many allowance areas is not comparable to the service available in the DC area. Instead, OPM compares the cost of round-trip airfares from the allowance areas with the cost of round-trip airfares from the Washington, DC, area to the same destinations.

A number of commenters objected to the selection of Los Angeles as the common destination point for comparing airfares. They stated that the Los Angeles routes are highly competitive, which results in lower fares compared with other destinations, and that Los Angeles is not typical of flight destinations from the allowance areas. For the 1996 surveys, OPM included additional travel destinations. There are now six destinations for which airfares from the allowance areas and the Washington, DC, area are collected: Chicago, Los Angeles, Miami, New York, Seattle, and St. Louis.

Some commenters stated that the model did not measure true air transportation costs. The commenters stated that inter-island travel, travel within Alaska, and travel to the contiguous 48 States requires more frequent use of air transportation. The current model assumes that the typical Federal employee puts 15,000 miles per year on a car, but many Federal employees in the allowance areas may drive less than that, particularly in some of the smaller allowance areas. On the other hand, these employees may fly more frequently. If so, it may be appropriate to make adjustments in the COLA model to reflect these differences. OPM plans to study further the issue of transportation costs by mode of transportation for its report to Congress.

## Miscellaneous Component

A number of commenters felt that the medical expense portion of the Miscellaneous Component fails to reflect the higher out-of-pocket expenses that Federal employees in the allowance areas frequently incur. The commenters cited several possible causes for this, including higher costs not covered by insurance carriers, the absence of health maintenance organizations in several allowance areas, and the need to travel outside the area to obtain some medical services. OPM is researching health cost issues and plans to include the results of its research in its report to Congress.

One commenter stated that employees in the allowance areas have to save at a higher rate to afford the down payment for a house or car or to pay for college/university education. The commenter said that OPM should take this into consideration and use the Goods and Services Component index to adjust the amount of money saved relative to Washington, DC. As noted in the report, savings made for the purpose of future purchases of housing, durable goods, and similar items are accounted for in the category or component weight associated with the item.

The commenter also stated that the COLA model should take into consideration the fact that COLA's do not count towards retirement. The commenter believes Federal employees have to invest at a higher rate in pensions and other savings vehicles to afford to retire in the allowance areas. Under sections 8331(3) and 8401(4) of title 5, United States Code, allowances (including COLA's) are explicitly excluded from basic pay in the computation of Federal annuities under the Civil Service Retirement System and the Federal Employees' Retirement System. OPM believes it would be inappropriate to adjust COLA rates to take into consideration that which the law has specifically excluded. Therefore, OPM does not plan to adopt this recommendation at this time but plans to address it in its report to Congress.

Office of Personnel Management.

**James B. King,**

*Director.*

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## Executive Summary

Cost-of-living allowances (COLA's) are paid to Federal employees in nonforeign areas in consideration of living costs higher than in the Washington, DC, area. OPM conducts living costs surveys in order to set the COLA rates. This report provides the results of the 1996 living-cost surveys and compares living costs in nonforeign COLA areas to those in the Washington, DC, area.

Survey data were collected for the Office of Personnel Management (OPM) by Runzheimer International under contract OPM- 95-97012. Runzheimer is a Wisconsin-based firm specializing in cost-of-living information. The contract required Runzheimer to survey living costs in Alaska, Hawaii, Guam, Puerto Rico, the U.S. Virgin Islands, and the Washington, DC, area. OPM analyzed the survey data and produced this report.

For this study, approximately 2,800 outlets were contacted and more than 20,000 prices collected on about 200 items representing typical consumer purchases. These data were then combined by OPM using consumer expenditure information developed by the Bureau of Labor Statistics. The final result of the study is a series of living-cost indexes, shown in the table below, that compare living costs in the allowance areas to those in the Washington, DC, area. The index for the DC area (not shown) is 100.00 because it is, by definition, the reference area.

TABLE E–1.—FINAL COST COMPARISON INDEXES

| Allowance area | Index |
|---|---|
| Anchorage, Alaska | 104.84 |
| Fairbanks, Alaska | 109.90 |
| Juneau, Alaska | 110.57 |
| The rest of the State of Alaska | 129.24 |
| City and County of Honolulu, Hawaii | 121.95 |
| Hawaii County, Hawaii | 111.89 |
| Kauai County, Hawaii | 121.36 |
| Maui County, Hawaii | 119.53 |
| Guam/CNMI*, Local Retail | 121.88 |
| Guam/CNMI, Commissary/Exchange | 116.06 |
| Puerto Rico | 102.01 |
| U.S. Virgin Islands | 119.25 |

*CNMI=Commonwealth of the Northern Mariana Islands

## 1. Introduction

### *1.1 Report Objectives*

This report provides the results of the February 1996 surveys. A listing of earlier reports that provided the results of previous surveys is shown in Appendix 1. The analyses show the comparative living-cost differences between the Washington, DC, area and the allowance areas listed below. By law, Washington, DC, is the base or ''reference'' area for the nonforeign area cost-of-living allowance (COLA) program.

1. Anchorage, Alaska
2. Fairbanks, Alaska
3. Juneau, Alaska
4. The rest of the State of Alaska
5. City and County of Honolulu, Hawaii
6. Hawaii County, Hawaii
7. Kauai County, Hawaii
8. Maui County, Hawaii
9. Guam and the Commonwealth of the Northern Mariana Islands (CNMI)
10. Puerto Rico
11. U.S. Virgin Islands

### *1.2 Changes in This Year's Survey*

This year OPM contracted with Runzheimer International to collect price data. In previous surveys, most of the analyses of the data were performed by the contractor. This year, OPM performed all analyses. Appendix 6 lists the other major changes made for this survey relative to the previous survey. Among the key changes were the following:

—Airline fares to Chicago, Los Angeles, Miami, New York, and St. Louis were surveyed. Previously, only fares to Los Angeles were surveyed.

—Several new survey items were added, including charge card annual fees, charge card finance charges, funeral services, motor scooters, personal water crafts, and parcel post fees. (Also see appendix 6.)

—The living community of Mayaguez, Puerto Rico, was removed from the survey.

### *1.3 Pricing Period*

The prices were collected in the allowance areas and in the Washington, DC, area in February 1996. As with the previous surveys, the prices of some items--those dependent upon the pricing of other items--were collected slightly later (e.g., in March 1996). In addition, individual item prices not meeting OPM's and Runzheimer's quality control procedures were resurveyed in April and used to verify or replace the original prices.

As done in previous surveys, some catalog sales were included in the survey. Only catalogs that sell merchandise in both the allowance areas and the Washington, DC, area were used. To ensure consistent seasonal catalog pricing, winter catalogs were used for all catalog items surveyed.

## 2. The COLA Model

### *2.1 Measurement of Living-Cost Differences*

The COLA model measures living-cost differences between the allowance areas and the Washington, DC, area by selecting representative items that people purchase in these locations, calculating their respective cost differences, and combining them according to their importance to each other (as measured by relative percentage of expenditures). This involves the following major steps:

Step 1: Identify the segment of the population for which the analysis is targeted (i.e., typical Federal white-collar employees).

Step 2: Estimate how these people spend their money.

Step 3: Select items to represent the types of expenditures people usually make and outlets at which people typically make purchases for each selected item.

Step 4: Conduct pricing surveys of the selected items in each area.

Step 5: Compute price ratios for the surveyed items and aggregate them according to the relative importance of each item.

### *2.2 Step 1: Identifying the Target Population*

The study estimates living-cost differences for typical Federal white-

collar employees who have annual base salaries between approximately $12,000 and $88,000, the range of the General Schedule. Because living costs may vary depending on an employee's income level, living costs are analyzed at three income levels.

2.2.1 Federal Salaries

To determine the appropriate income levels, OPM analyzed the 1995 distribution of salaries for General Schedule employees in all of the allowance areas combined. OPM divided this distribution into three income groups of equal size and identi fied the minimum, maximum, and median salary in each group. The median values were then rounded to the nearest $100 to produce the three representative income levels of $21,600, $32,900, and $50,300. OPM compared living costs at each of these three income levels to produce three sets of estimated expenditures for each allowance area and for the Washington, DC, area. OPM combined these estimated expenditures into a single overall index for each allowance area using the employment weights described below.

2.2.2 Federal Employment Weights

OPM used the minimum and maximum values of each income group and the 1995 distribution of General Schedule employees by salary in each allowance area to derive employment weights. These were combined with similar data from 1993 and 1994 to produce a relatively stable moving average. (OPM introduced moving averages last year to lessen the impact of new data.) From these averages, OPM calculated the percentage of the General Schedule workforce in each income group in each area. These percentages were the weights used to combine estimated expenditures to compute the final index. Appendix 2 shows the General Schedule employment distributions and how the percentage weights were derived. Appendix 23 shows how the weights were used in the final calculations.

*2.3 Step 2: Estimating How People Spend Their Money*

2.3.1 Consumer Expenditure Survey

Expenditure patterns used in the calculations are based on national data from the Consumer Expenditure Survey (CES). OPM obtained from the Bureau of Labor Statistics ''prepublished'' CES results for 1991, 1992, and 1994. The Bureau of Labor Statistics has advised OPM that ''prepublished'' CES data may not be statistically significant. To OPM's knowledge, however, it is the only source of comprehensive consumer expenditure information by income level. Therefore, it is used in the model.

CES data are used in two ways: to identify appropriate items for the survey and to derive item, category, and component weights. The item weights are not income-sensitive. Aggregated CES data are analyzed by income level to derive category and component weights. These weights are income-sensitive. The CES data used in this study are shown in Appendices 3 and 4. As with the Federal employment weights, the 3 years of CES data were combined to produce a relatively stable moving average.

2.3.2 Expenditure Categories and Components

The CES is grouped into small, logical families of items. For example, pre-published data for beef are grouped into four subcategories: ground beef, roast, steak and other. The steak and roast groupings were further separated into smaller clusters of items (e.g., sirloin and round steak, chuck and round roast). OPM separated the CES items into the four main cost components specified in OPM's regulations: Consumption Goods and Services, Transportation, Housing, and Miscellaneous Expenses. To develop weighting patterns for the three income levels, OPM performed linear regression analyses on the CES data shown in Appendix 3.[1] These analyses produced estimated expenditures at the three income levels identified in section 2.2.1 above. OPM converted these expenditures to percentages of total expenditures for the four components to produce the values shown in the table below. These were the weights used to combine the expenditures for each of the components into an overall value for each income level in each allowance area and the Washington, DC, area.

TABLE 2–1.—COMPONENT EXPENSES EXPRESSED AS A PERCENTAGE OF TOTAL EXPENSES

| 1995 income level | 1992 adjusted income level* | Goods and services (percent) | Housing (percent) | Transportation (percent) | Misc. (percent) | Total (percent) |
|---|---|---|---|---|---|---|
| $21,600 | $20,400 | 39.62 | 25.72 | 18.48 | 16.18 | 100.00 |
| 32,900 | 31,100 | 38.97 | 24.46 | 18.22 | 18.35 | 100.00 |
| 50,300 | 47,550 | 38.37 | 23.28 | 17.98 | 20.37 | 100.00 |

*Income levels are adjusted as described in footnote 1.
(Values may not total because of rounding.)

Goods and Services Component items were further separated into ten categories, and linear regression techniques were used to estimate expenditures on these ten categories by income level. The weights for these categories are shown in section 3.1. The same technique was also used to compute category weights for the Transportation and Miscellaneous Components and to produce ratios of renters to homeowners at each income level.

*2.4 Step 3: Selecting Items and Outlets*

2.4.1 Item Selections--The Market Basket

As noted above, CES items were grouped into ''clusters'' of expenses to determine which items to survey. These clusters were chosen so that no market basket item would have an overwhelmingly large or an insignificantly small item weight.

For each of these clusters, a set of items to price was identified. Collectively, these items are called a ''market basket.'' Because it would have been impractical to survey all of the thousands of items consumers might buy, the market basket contains representative items, such as cheddar cheese, that represents itself and the many other related items that

[1]The midpoint of the moving average of CES data was 1992. Therefore, for the purposes of these regressions, OPM adjusted Federal salaries to reflect 1992 pay rates. OPM used the pay increases for 1993 (3.7%), 1994 (0.0%) and 1995 (2.0%), to deflate the 1995 salaries. This produced adjusted Federal salaries of $20,400, $31,100, and $47,550 for use in the regression equations.

consumers purchase (e.g., edam, gouda, jack, swiss, etc). The market basket that OPM and Runzheimer used had approximately 200 items ranging from table salt to new cars to home purchases.

Whenever practical, the item description included the exact brand, model, type, and size, so that exactly the same items could be priced in all areas if possible. For example, a 10.5-ounce can of Campbell's vegetable soup was selected for the survey because it is representative of canned and packaged soups, is a commonly-purchased brand, and is found in all areas. Appendix 5 provides a list of the items surveyed and their descriptions.

Changes in the item list and descriptions are an important aspect of the COLA survey. These changes are necessary to improve the survey and keep the item descriptions current. For this survey, several of the items or descriptions were changed. The major changes and the reasons for each are listed in Appendix 6.

2.4.2 Geographic Coverage and Outlet Selection

Just as it is important to select commonly-purchased items and survey the same items in all areas, it is important to select outlets frequented by consumers and find equivalent outlets in all areas. This involves deciding which geographic areas to survey and which outlets to survey within these geographic areas.

2.4.2.1 Geographic Areas

For some areas, the choice of which area(s) to survey was obvious. In Nome, for example, the whole city is surveyed because Nome is a small city, and Federal employees live throug hout the city. For other areas, specific communities had to be identified. To do this, OPM used the results of the 1992 Federal Employee Housing and Living Patterns Survey. Among other things, that survey obtained information on where Federal employees lived. OPM used this information to select the living communities in which housing costs were priced. Runzheimer then identified outlets within a normal shopping radius of these housing communities. Outlets within a living community or within an adjoining living community were generally considered to be within a normal shopping radius.

2.4.2.2 Similarity of Outlets

Whenever possible, Runzheimer selected popular outlets that were comparable to outlets in other areas. For example, Runzheimer surveyed the price of grocery items at supermarkets in all areas because most people purchase their groceries at such stores and because supermarkets are found in nearly all areas.[2] The selection of comparable outlets is particularly important because comparing the prices of items purchased at dissimilar outlets would be inappropriate (e.g., comparing the price of a box of cereal at a supermarket with one sold at a convenience store).

Although major supermarkets, department stores, and discount stores represented a sizable portion of the survey, outlets were also selected to represent the diversity of consumer shopping options. For example, department stores could have been used for pricing all clothing items surveyed. However, this would not have reflected the range of consumer choices. Therefore, some clothing items were priced in men's and women's clothing stores, other clothing items in department stores, others in shoe stores, and still others in discount stores. For each item, the same type of outlet (e.g., clothing store, discount store, department store) was selected in each area whenever possible.

2.4.2.3 Catalog Pricing

A limited amount of catalog pricing was included in the survey to reflect this common purchasing option. Eleven item prices were surveyed by catalog. Catalog pricing allowed the comparison of comparable items that would have been difficult to price otherwise. All catalog prices included any charges for shipping and handling and all applicable taxes.

*2.5 Step 4: Surveying Prices*

As noted earlier, Runzheimer obtained over 20,000 prices on about 200 items from approximately 2,800 outlets. In each survey area, Runzheimer was required to get at least three price quotes for each item, if practical. There were certain exception items. For example, essentially all of the available home sales and rental data meeting the survey specifications were obtained. For other items, such as utilities and real estate tax rates, only one quote was obtained in each area because these items have uniform rates within an area. Because the Washington, DC, area has six survey communities, Runzheimer was required to get at least 18 price quotes for most items in this area, if practical.

2.5.1 Runzheimer Data Collection

Most of the price data were collected onsite by Runzheimer's Research Associates (RA's). The RA's were independent contractors hired by Runzheimer to visit retail outlets in each area and collect prices. All of these RA's were residents of the area. To avoid any real or perceived conflicts of interest, Runzheimer refrained from hiring research associates who were either employees of the Federal Government or who had immediate family members who were employees of the Federal Government. Runzheimer also collected price data by telephone and through on- line computer services. In addition, Runzheimer performed numerous quality control checks, often verifying survey data through telephone calls and comparing current data-gathering results with those from earlier surveys.

2.5.2 Data Collection Materials

The living-cost surveys conform with the provisions of the Paperwork Reduction Act and are approved by the Office of Management and Budget (OMB). The OMB-approved survey collection materials are found in Appendix 7. All Runzheimer-developed worksheets or other survey materials conformed with those approved by OMB.

2.5.3 Inclusion of Sales and Excise Taxes

For all items subject to sales and/or excise taxes, the appropriate amount of tax was added prior to analysis. Runzheimer gathered applicable information on taxes by contacting appropriate sources of information in the allowance areas and the Washington, DC, area.

2.5.4 Runzheimer's Onsite Visits

Full-time Runzheimer research professionals traveled to each allowance area to supervise data collection activities and perform various quality control checks as necessary. These visits all occurred during the pricing period so that these professionals could answer any of the RA's data collection questions or provide additional training and instruction if necessary.

The researchers visited living communities within the allow ance areas to look at housing and to talk with local real estate professionals. They also visited numerous retail outlets to verify that comparable items were being priced at comparable outlets. In addition, they

[2] In the Washington, DC, area, Runzheimer surveyed groceries at two kinds of supermarkets (i.e., full-service supermarkets and ''warehouse-type'' supermarkets) because both types of supermarkets are common in this area. Runzheimer did not survey ''warehouse-type'' supermarkets in any other area because they are relatively uncommon and probably not well frequented by Federal employees.

obtained general information about the local economy.

2.5.5 Surveying the Washington, DC, Area

As noted earlier, Runzheimer was required to get more price quotes in the DC area than in the allowance areas because of the size and diversity of the DC metropolitan area and because DC is the basis for all comparisons. For the purposes of the COLA surveys, the DC area was divided into six survey areas: two in the District of Columbia, two in Maryland, and two in Virginia. The outlets surveyed were within a normal shopping radius of the housing communities identified in Appendix 9. Survey data from each of the six DC survey areas were combined using equal weights.

*2.6 Step 5: Analyzing Data and Computing Indexes*

2.6.1 Indexes and Weights

2.6.1.1 Indexes

Nonforeign area COLA's are derived from the living-cost indexes. These indexes are mathematical comparisons of living costs in the allowance areas compared with living costs in the Washington, DC, area. An index is a way to state the difference between two prices (or sets of prices). For example, if a can of corn costs $1.00 in the allowance area and 80 cents in the DC area, canned corn is 25 percent more expensive in the allowance area than in DC. That difference can also be stated as a price index of 125.

2.6.1.2 Item Weights

OPM computed indexes for hundreds of items. As briefly described in section 2.3, OPM used weights derived from the CES to combine these indexes. These weights reflected the relative amount consumers normally spend on different items. For example, the price of a can of corn has a lower weight than the price of a pound of apples because, according to the CES, people generally spend less on canned corn than on apples.

The COLA model uses a fixed-weight indexing methodology. The weights used are based on the expenditure patterns of consumers nationwide as reported by the CES. This is the only source of which OPM is aware that provides expenditure information by income level.

2.6.1.3 Category and Component Weights

As described in section 2.3.2, OPM also computed income sensitive category and component weights. This allowed the combination of comparative price data in a manner that reflected the spending patterns of people at each income level. The way data were combined varied among the components.

For the Goods and Services and Miscellaneous Expense compo nents, OPM combined indexes within each category using the CES weights to derive an overall index for the category. The category indexes were then combined into an overall component index using the income-sensitive category weights described above. For the Transportation and Housing Components, OPM used the same approach in combination with a cost-build-up approach. For example, the annual cost of owning and operating an automobile was computed by taking individual prices (e.g., automobile financing, insurance, gas and oil, and maintenance) and computing an overall dollar cost for each area. These costs were compared with those in the DC area to compute the Private Transportation Category index. This index was then combined with the Other Transportation Category index using income sensitive category weights to compute an overall Transportation Component index for each area.

2.6.2 Computing the Overall Index

The item, category, and component indexes were combined using the process prescribed in section 591.205(c) of title 5, Code of Federal Regulations. That is a five-step process that involves converting the indexes to dollar values and weighting these, combining them, and comparing them to compute a final weighted- average index. The process is described below.

First, OPM used the CES data and the income ranges described in section 2.2.1 to determine how much money consumers typically spend on each component at each income level. These amounts appear in the table below and in Appendix 22. They were derived by taking the component weights shown in Table 2-1 times the representative income levels described in section 2.2.1.

TABLE 2–2.—TYPICAL CONSUMER EXPENDITURES BY INCOME LEVEL AND COMPONENT

| Income level | Goods and services | Own/rent | Transpor-tation | Misc. | Total |
|---|---|---|---|---|---|
| Lower | $8,558 | $5,556 | $3,992 | $3,495 | $21,600 |
| Middle | 12,821 | 8,047 | 5,994 | 6,037 | 32,900 |
| Upper | 19,300 | 11,710 | 9,044 | 10,246 | 50,300 |

(Note: Values may not total because of rounding.)

Second, for each allowance area, OPM multiplied the dollar values above by the component indexes for the allowance area. Because the housing component consisted of two indexes (one for owners and another for renters), two sets of total relative costs were produced--one for owners and another for renters.

Third, for each allowance area and income level, OPM combined the total relative costs for owners and renters using as weights the proportion of owners and renters as identified in the CES. (See section 4.2.1.) This produced an overall expenditure dollar amount for each income level in each allowance area.

Fourth, OPM computed a single overall average expenditure for each allowance area by combining the income level expenditures using the allowance area General Schedule employment distribution as weights. This produced a single overall dollar expenditure value for the allowance area. Using the same General Schedule employment weights, OPM also computed a single overall dollar expenditure value for the DC area.

The final step was to divide the overall dollar expenditure for the allowance area by the overall dollar expenditure for the DC area to compute a final index. These indexes are shown in the last section of this report and in Appendix 23.

**3. Consumption Goods and Services**

*3.1 Categories and Category Weights*

Based on the CES data, OPM identified ten categories of expenses within the Goods and Services Component. Using linear regression analyses and the CES data, OPM identified the portion of total Goods and Services expenditures that the typical

consumer spends in each category at various income levels. The categories and the relative expenditures are shown in the table below:

TABLE 3–1.—CATEGORY WEIGHTS EXPRESSED AS A PERCENTAGE OF GOODS AND SERVICES EXPENDITURES BY INCOME LEVEL

| Category | Income levels | | |
|---|---|---|---|
| | Lower | Middle | Upper |
| Food at Home | 27.04 | 24.04 | 21.15 |
| Food Away from Home | 13.60 | 14.16 | 14.71 |
| Tobacco | 3.09 | 2.55 | 2.02 |
| Alcohol | 2.66 | 2.64 | 2.62 |
| Furnishings and Household Operations | 14.98 | 15.99 | 16.97 |
| Clothing | 13.54 | 14.22 | 14.87 |
| Domestic Service | 1.73 | 1.94 | 2.14 |
| Professional Services | 6.95 | 7.01 | 7.07 |
| Personal Care | 3.62 | 3.52 | 3.43 |
| Recreation | 12.80 | 13.93 | 15.02 |
| Totals | 100.00 | 100.00 | 100.00 |

(Note: Values may not total because of rounding.)

*3.2 Goods and Services Survey Results*

Section 2.6 of this report provides a detailed explanation of the economic model used to analyze the price data. As it applies to Goods and Services, the approach involved comparing the average prices of market basket items in each allowance area with those in the Washington, DC, area. The resulting price ratios were aggregated into subcategory and then category indexes using the moving-average expenditure weights derived from the CES data.

Appendix 8 shows for each allowance area ten category indexes, the weights used at each of the three income levels, and the overall Goods and Services Component indexes. The Washington, DC, area is not shown because it is, by definition, the reference area. Therefore, the DC indexes are 100.

3.2.1 Exchange and Commissary Expenditure Research

Executive Order 10000, as amended, requires OPM to adjust COLA rates when employees have special purchasing privileges, such as unlimited access to commissaries and exchanges. In Guam, employees have such access, so OPM directed Runzheimer to price the same marketbasket of Goods and Services items at the commissaries and exchanges in Guam as it used for the local retail pricing. One price quote was obtained for each marketbasket item found in these facilities.

It was not assumed that people with access to military facilities made all purchases in these facilities. Instead, the results of an OPM survey of Federal employees was used to determine the percentage of purchases that families typically make in military facilities versus local outlets. For example, as the following table shows, it is estimated that employees with commissary/exchange access in Guam purchase approximately 70% of their Food at Home items at a commissary and purchase the remaining 30% of such items in local retail outlets.

TABLE 3–2.—PERCENTAGES OF PURCHASES MADE AT THE COMMISSARIES AND EXCHANGES IN GUAM

| Category | Percentage |
|---|---|
| Food at Home | 70.0 |
| Food Away | 0.0 |
| Tobacco | 64.0 |
| Alcohol | 76.0 |
| Furnishings. & Hsld. Op. | 64.5 |
| Clothing | 43.7 |
| Domestic Service | 0.0 |
| Professional Services | 0.0 |
| Personal Care | 49.3 |
| Recreation | 49.7 |

These percentages were used to aggregate the local retail and commissary/exchange prices into one set of appropriate, blended prices, hereinafter referred to as the Commissary/PX prices. The blended prices were compared to the local retail prices in the Washington, DC, area to compute Commissary/PX Goods and Services Category indexes, which were then combined using CES weights to derive an overall Commissary/PX Goods and Services Component index. Just as with the Guam Local Retail Goods and Services Component index, the Guam Commissary/PX Goods and Services Component index was combined with the indexes for the Housing, Transportation and Miscellaneous Expense Components to derive a single, overall Commissary/PX index for the Guam allowance area.

**4. Housing**

*4.1 Component Overview*

The Housing Component consists of the following expenses related to owning or renting a dwelling:

—mortgage or rent payments,

—utilities,

—real estate taxes,

—homeowner's or renter's insurance,

—home maintenance, and

—telephone expenses.

At each of the three income levels, the annual housing costs for homeowners and renters were measured separately. The results were then combined using as weights the percentages of owners and renters reported by the CES.

*4.2 Housing Model*

4.2.1 Expenditure Research

The CES was used to determine the national average ratio of families who own, as opposed to rent, their residences at each income level. Using the tenure data by income range as input into a linear regression analysis, OPM calculated the owner and rent weights shown below and in Appendix 23. OPM excluded data for home owning families without a mortgage because they were not typical of Federal homeowners in the base area or in the allowance areas.

TABLE 4–1.—OWNER/RENTER WEIGHTS

| Category | Income levels | | |
|---|---|---|---|
| | Lower (percent) | Middle (percent) | Upper (percent) |
| Homeowner with mortgage | 37.97 | 47.13 | 61.21 |
| Renter | 62.03 | 52.87 | 38.79 |
| Totals | 100.00 | 100.00 | 100.00 |

The CES data were also used to identify which home- maintenance items to price and to establish the relative importance of those items.

4.2.2 Housing Profiles

To compare housing costs in all locations, six typical housing profiles are used and are assigned to the three income levels, as shown in the table below. For Runzheimer's data collection, OPM required that at least one criterion for the owner profile be the square footage of the home and at least one criterion for the renter profile be the number of bedrooms in the rental unit. Runzheimer collected additional information when available. Unfortunately, the quantity and type of additional data varied markedly from one area to the next and was completely unavailable in some areas. Therefore, OPM could not use the additional data.

TABLE 4–2.—HOUSING PROFILES

| Income level | Renter profile | Owner profile |
|---|---|---|
| Lower | 3 rooms, 1 BR, 1 bath, 600 sq. ft. apartment | 4 rooms, 2 BR, 1 bath, 900 sq. ft. condo or detached house. |
| Middle | 4 rooms, 2 BR, 1 bath, 900 sq. ft. apartment | 5 rooms, 3 BR, 1 bath, 1,300 sq. ft. detached house (rowhouse in NE DC). |
| Upper | 4 rooms, 2 BR, 2 baths, 1,100 sq. ft. townhouse or detached house. | 7 rooms, 3 BR, 2 baths, 1,700 sq. ft. detached house. |

The home sizes stated above are the representative sizes used for certain calculations in the model. They are not, however, the only size surveyed for each profile. For rentals, Runzheimer obtained rental rates on any unit, regardless of its size, that otherwise met the profile characteristics. For home sales, Runzheimer obtained the prices of homes within size range and otherwise meeting the profile specifications. The size ranges are shown below:

TABLE 4–3.—HOME SIZES SURVEYED

| Income level | Range |
|---|---|
| Lower | 600 to 1,200 sq. ft. |
| Middle | 1,000 to 1,600 sq. ft. |
| Upper | 1,400 to 2,300 sq. ft. |

It should be noted that although the size ranges overlap, no home sale observation was used at more than one income level. Application of the other criteria (i.e., number and type of rooms) ensured that each observation was assigned to the appropriate income level even though its size was common to two income levels.

4.2.3 Living Community Selection

As discussed briefly in section 2.4.2.1, OPM identified the living communities to be surveyed based on the results of the 1992 Federal Employee Housing and Living Patterns Survey. The communities surveyed are identified in Appendix 9. As with previous surveys, nine homeowner and nine renter communities were identified for the Washington, DC, area--one for each income level in each of the three areas (DC, Maryland, and Virginia). In the allowance areas, up to three homeowner and three renter communities were identified--one for each income level.

The three-community owner/renter goal was not achievable in many of allowance areas due to the relatively few home sales and rental opportunities in these areas. In such areas, OPM directed Runzheimer to collect prices for the entire survey area or allowance area rather than in specific communities. This was done in Fairbanks, Juneau, Nome, Hilo, Kailua Kona, Kauai, Maui, Guam, St. Croix and St. Thomas. In these areas, all home sales and/or rental rates meeting the housing profile characteristics for the particular income group were included in the analysis.

4.2.4 Housing-Related Expenses

Based on the CES data, housing-related expense items were categorized into one of five groups in the COLA model. These groups were--

—utilities,
—real estate taxes,
—owners/renters insurance,
—maintenance, and
—telephone expenses.

4.2.4.1 Utilities

Electricity, oil, gas, water, and sewer were the utilities used in the model. Most utility companies were able to provide current charges per unit of consumption and average consumption patterns for all households. The companies were not, however, able to provide separate consumption patterns by the size or type of housing.

Because many utility costs vary by size of house, a factor was needed to derive the utility rates at each of the home profiles. The table below shows the standard square foot sizes and utility factors used for each home profile. The factors were calculated by assuming that utility use increases or decreases at half the rate that square footage increases or decreases.

TABLE 4–4.—UTILITY FACTORS

| Income level | Renter profile | | Owner profile | |
|---|---|---|---|---|
| | Sq. ft. | Factor | Sq. ft. | Factor |
| Lower | 600 | .73 | 900 | .85 |
| Middle | 900 | .85 | 1,300 | 1.00 |
| Upper | 1,100 | .92 | 1,700 | 1.15 |

In each area, Runzheimer obtained the price of each of the types of utilities noted above. Runzheimer used average annual consumption per household

information gathered from utility companies serving each area to compute average annual utility costs. The above factors were then used to adjust the total annual utility costs for each of the various housing profiles.

In the DC area, Runzheimer was unable to obtain estimates for electricity usage for houses heated by gas or oil. However, Runzheimer was able to obtain kilowatt usage for all-electric houses. In order to avoid potential double counting of utility costs, OPM used the all-electric data for the DC area. This was not a problem in the warm-area COLA areas where there is little heat expense. It also was not a problem in Alaska where most consumers use gas or oil heat, not electric heat.

4.2.4.2 Real Estate Taxes

For this study, Runzheimer contacted the city assessors in each allowance area and in the Washington, DC, area to obtain real estate tax information on the living communities surveyed. Real estate tax formulas were obtained for all living communities and applied to the home values for each income level.

4.2.4.3 Owners/Renters Insurance

Homeowners' insurance rates were gathered for each of the survey areas for both renter and owner profiles. For renters, the following estimated content values were used: $25,000 at the lower and middle income levels and $30,000 at the upper income level. For homeowners, the cost of insurance was dependent on the median home values calculated as part of this survey. In most areas, it was assumed that the structure was equal to 80 percent of the total home value. In Hawaii, where the land represents a greater proportion of property value, 50 percent was used.

Previous research conducted by Runzheimer International for OPM found that insurance coverage for disasters, such as floods and earthquakes, were not widely purchased in the allowance areas. Therefore, the COLA model does not include these additional riders. (See Report to OPM on Living Costs in Selected NonForeign Areas and in the Washington, DC, Area, June 1992, at 57 FR 58556). Hurricane insurance was priced for all of the allowance areas in Hawaii and in Guam, Puerto Rico, and the U.S. Virgin Islands.

4.2.4.4 Home Maintenance

Estimated home maintenance expense was computed for each of the homeowner profiles. Maintenance costs were not added in the three renter profiles because most, if not all, maintenance expenses are covered by the landlord.

As done in previous surveys, Runzheimer priced both home maintenance services as well as home maintenance commodities using the CES information to identify items to price and the weights associated with these items. The maintenance service items priced were interior painting, plumbing repair, electrical repair, and pest control. In the Nome area, however, pest control was not priced because local sources indicated it is not necessary. The maintenance commodities priced were bathroom caulking, a kitchen faucet set, an electrical outlet, latex interior paint, and a fire extinguisher.

To compute home maintenance cost differences between each allowance area and the Washington, DC, area for the homeowner profiles, an index was computed for each maintenance item by comparing the allowance area price to the DC area price. As with the Goods and Services component items, the CES data were used to weight these maintenance indexes into an overall home maintenance index for each area.

To combine the maintenance indexes with the other homeowner costs, which were expressed in dollar amounts, OPM converted the indexes to dollars by multiplying the index for each area by the average maintenance expense reported in the CES. This cost was assigned to the middle-income homeowner profile. Logically, maintenance costs for larger homes would generally be greater than costs for middle-sized homes, while costs for smaller homes would generally be less. Therefore, the same homeowner multi pliers used in the utilities model for the lower and upper income profiles (.85 and 1.15 respectively) are applied to recognize differences in maintenance costs due to house size at these income levels.

4.2.4.5 Telephone Expenses

Telephone expenses consisted of local service charges, additional charges for local calls (if applicable), and charges for long distance calls. To measure estimated expenses for local service and local calls, Runzheimer surveyed the cost of touch- tone service with unlimited calling in each area.

To estimate long distance charges in all areas, Runzheimer surveyed the cost of three 10-minute direct dial calls per month to large U.S. mainland cities (i.e., Los Angeles, Chicago, and New York City). Runzheimer measured the price of a call placed in the survey area at the time of day necessary to be received in the respective city at 8:00 p.m. local time. In many areas, this resulted in pricing a combination of daytime and evening-rate calls.

*4.3 Housing Data Collection Procedures*

As done in previous years, Runzheimer collected housing information mainly from real estate professionals, various listing services, and advertisements. In addition, Runzheimer personnel traveled to each of the surveyed communities to assess the compatibility of the housing community with the income level for which the data were used and to ensure that homes in these communities were comparable to those surveyed in the Washington, DC, area.

4.3.1 Homeowner Data Collection

Runzheimer surveyed selling prices of homes that matched the housing profiles in each living community and obtained as many of these selling prices as possible for sales that occurred during the 12-month period prior to the date of the survey. The amount of data obtained depended on the number of home sales in the community and the availability of square footage and other housing profile information. This in turn depended on the size of the community, economic conditions, quality and quantity of the realty data available, and the willingness and ability of local realty professionals and assessor offices to provide data. If sales data obtained from the preliminary data sources did not meet specified contract minimums, Runzheimer contacted additional data sources in the area to attempt to secure more sales data, if practical. In this manner, either all or a sizeable portion of the home sales in each area was surveyed.

4.3.2 Renter Data Collection

Rental data also were obtained from a variety of sources, e.g., brokers, rental management firms, property managers, newspaper advertisements, and other listings. Analyses of these data revealed what appeared to be two separate rental markets: a broker market and a non-broker market. Rental rates and estimates provided by brokers generally exceeded those obtained from other sources. The methodology used to analyze these two data sets is discussed in section 4.4.2.

*4.4 Housing Analysis*

4.4.1 Homeowner Data Analysis

One of the most important factors relating to the price of a home is the number of square feet of living space. As was done last year, OPM used the median home value. The median is the middle value in a rank-ordered set of

observations. OPM used this approach to reduce the volatility of the housing data from one survey to the next because a relatively few extremely high or low home prices could significantly influence average housing prices.

For each income profile in each allowance area and the Washington, DC, area, OPM computed the median price per square foot for the comparables. This value was then multiplied by the reference square footage for the profile to determine the home purchase price for the profile.

As was done last year, OPM also used historical housing data in addition to data collected in this survey. These data are found in Appendix 10 of this report. The historical data are from previous living-cost surveys that were published in the **Federal Register** beginning with the 1990 report. (See Appendix 1 for a listing of these publications). The data for the period prior to 1990 were published with the results of the 1991-1992 living-cost surveys at 57 FR 58617. All housing values are based on the community selections and analytical methodologies used at the time of each respective survey.

The historical housing data used were estimated annual principal plus interest payments by income level in each area. To combine these data, OPM used weights that were derived from the 1992 Federal Employee Housing and Living Patterns Survey. These weights reflect the proportion of Federal employee homeowners by year of purchase in all allowance areas and in the Washington, DC, area. The historical housing weights and analyses are shown in Appendix 11.

4.4.2 Rental Data Analysis

OPM assigned each rental quote to a single income level based on the criteria stated in section 4.2.2. As discussed earlier, there were essentially two sources of rental information: broker and non-broker sources. In each area, the quantity of data obtained from either source varied significantly. Therefore, analyzing all of the rental data (both broker and non-broker) together for an area and income level was undesirable. Instead, OPM analyzed broker and non-broker data separately by income level. As with the housing data analyses, OPM used the median rental values. For each income level, OPM separately ranked rental rates from low to high for broker and non-broker data. The median values for broker and non-broker data for each group were determined and then averaged to compute a single rental value for each income level. Because OPM has no information on how the Federal employees who rent generally secure their lodgings, OPM applied equal weights to the broker and non-broker data to compute an overall average rental rate for the area and income level. The broker and non-broker medians and final results are shown in Appendix 12.

*4.5 Housing Survey Results*

In the above sections, the processes used for determining the costs for maintenance, insurance, utilities, real estate taxes, rents, and homeowner mortgages were described. Appendix 13 shows the cost of each of these items for renters and homeowners in each allowance area and in the Washington, DC, area. Appendix 14 compares the total cost of these items by income level in each allowance area with the total cost of the same items by income level in the DC area. Again, there are separate comparisons for renters and homeowners. The final housing-cost comparisons take the form of indexes that are used in Appendix 22 to derive the total, overall indexes for owners and renters.

**5. Transportation**

*5.1 Component Overview*

The transportation component consists of two categories: Automobile Expense and Other Transportation Costs. The Automobile Expense Category reflects costs relating to owning and operating a car in each area. The Other Transportation Costs Category is represented by the cost of air travel from each location to common points within the contiguous 48 States.

*5.2 Private Transportation Methodology*

As done in previous surveys, OPM analyzed automobile trans portation costs for three commonly purchased vehicles: a domestic auto, an import auto, and a utility vehicle. New car costs were used for these analyses because it was believed that pricing used vehicles of equivalent quality in each area could introduce inconsistencies because of the value judgments that would be required.

5.2.1 Vehicle Selection and Pricing

The same three models of automobiles that were surveyed in previous years were surveyed again this year:

Domestic-Ford Taurus GL 4-door sedan 3.0L 6 cyl.

Import-Honda Civic DX 4-door sedan 1.5L 4 cyl.

Utility-Chevrolet S10 Blazer 4X4 2 door 4.3L 6 cyl.

For each model car, Runzheimer collected new vehicle prices at dealerships in each area and from secondary sources, such as the Kelly Blue Book. All prices were based on the manufacturers' suggested retail prices (MSRP) for 1996. All vehicles were equipped with standard options, such as automatic transmission, AM/FM stereo radio, and air conditioning. In Alaska locations, special additional equipment was included in new-vehicle prices (i.e., engine-block heaters and heavy-duty batteries). Snow tires were also priced in Alaska. (See section 5.2.5.) In addition to the MSRP, the price included additional charges such as shipping, dealer preparation, additional dealer markup, excise tax, sales tax, and any other one-time taxes or charges. In Anchorage, for example, documentation fees were also included as part of the new-vehicle costs.

5.2.2 Vehicle Trade Cycle

Calculating the cost of owning and operating a vehicle requires knowing the miles driven and how long the car is owned. In the automobile industry, these two factors are known collectively as a vehicle's ''trade cycle.'' The trade cycle is stated as a length of time (in months or years) and the total number of miles driven in that time period. This information is used in the model to compute annual costs related to fuel, oil, tires, maintenance, and depreciation. As with the previous living-cost analyses, OPM used a four-year, 60,000-mile trade cycle in all areas.

5.2.3 Fuel Performance and Type

All vehicles included in this study used regular unleaded fuel. Runzheimer surveyed self-service cash prices of unleaded regular gasoline at name-brand gas stations in the Washington, DC, area and in all allowance areas, except those in Alaska. In consideration of the harsh climate in the Alaska allowance areas, full-service cash prices were surveyed.

To establish average fuel-performance ratings, the COLA model uses the ''city driving'' figures published by the U.S. Environmental Protection Agency (EPA). The ''city'' figures instead of ''highway'' figures are used because all locations contained considerable stop-and-go driving conditions. As in previous COLA surveys, OPM included in its analysis the following fuel-performance factors: temperature, road surface, and gradient. These factors are based on research previously conducted for OPM. This research and the factors are discussed below.

5.2.3.1 Impact of Temperature upon Fuel Performance

Gas mileage is affected by temperature. The lower the temperature,

the fewer miles-per-gallon achieved and vice versa. According to the EPA's *Passenger Car Fuel Economy: EPA and Road,* the temperature at which no adjustments to fuel performance occur is 77°F. Below that temperature, miles-per- gallon achieved drops. Above 77°F miles-per-gallon achieved improves. The model uses the average monthly temperatures for each allowance area and the DC area as reported in *The Weather Almanac,* published by Ruffner and Blair. For each location and month, the model uses the appropriate factor from the EPA study based on the average monthly temperature for the area. These factors are then averaged to derive a single overall factor for each location. The results of these calculations are shown in Table 5-1.

5.2.3.2 Impact of Road Surface upon Fuel Performance

For the model, it is assumed that Federally controlled roadways are typically composed of concrete and/or high-load asphalt and that locally controlled roadways are typically composed of low-load asphalt. EPA's research indicates that cars are generally more fuel-efficient on the firmer, high-load surfaces than on the softer, low-load surfaces. Although traffic patterns and road usage vary among areas, previous research conducted for OPM produced no relevant findings regarding this issue. Therefore, the model uses the assumption that Federally- controlled roadways generally support twice the traffic of, or are used at least twice as much as, locally controlled roadways.

In each allowance area, the total mileage falling into either the Federal or local categories was collected. For example, Alaska contains 5,512 miles of Federally controlled roads and 7,120 miles of locally controlled roads. The usage assumption increased Federal road mileage by a factor of two for the Alaska allowance areas.

The average low-load asphalt factor (which reflects dry, wet, and snowy conditions) was applied to the local mileage percentage, and the average concrete and/or high-load asphalt factor was applied to the Federal mileage percentage to produce two weighted average factors--one for the Alaskan allowance areas and another for the other allowance areas. These factors are shown in Table 5-1. The Washington, DC, area was assigned a factor of 1.00 on the premise that the vast majority of traffic in that area travels on dry, high-load surfaces. The application of these factors is described in Section 5.2.3.4.

5.2.3.3 Impact of Gradient Upon Fuel Performance

The effect of gradient on gas mileage is also estimated from EPA's *Passenger Car Fuel Economy: EPA and Road.* Local topography (i.e., gradient) affects fuel efficiency. EPA provides mileage factors based upon various gradients ranging from less than 0.5% (essentially flat) to greater than 6% (steep).

In research previously conducted for OPM, the contractor reviewed the topographic features of each area and found a wide range of road conditions. However, the contractor was unable to find relevant information on the types of terrain drivers typically encounter in each area or the number of miles drivers travel in each type of terrain. Lacking such information, the contractor assumed that drivers in the allowance areas generally traveled roads having approximately the same gradients that are found on average in the United States.

Applying the information from EPA's research, a fuel- performance factor of 0.98 was computed for this type of driving. This factor was assigned to each allowance area. For the DC area, a factor of 1.00 was used on the premise that the vast majority of traffic in that area travels on major freeways and highways that are relatively flat. The application of these factors is described in the next section.

5.2.3.4 Overall Impact upon Fuel Performance

OPM applied the factors described above to make adjustments in the average gas mileage ratings for each type of automobile surveyed for each allowance area and for the Washington, DC, area. The adjustment factors compound-- that is, the total adjustment is the result of multiplying the three individual factors together for each area.

In the table below, the factor 1.00 means that no adjustment in EPA fuel performance is appropriate. A factor of less than 1.00 means that the estimated gasoline mileage in the area is less than the EPA average. For example, the total adjustment factor for Juneau is 0.84. This means that the estimated gasoline mileage in Juneau is 84 percent of the EPA estimated average. Note that the adjustment factor for the DC area (0.94) indicates that average gasoline mileage in that area is also below the EPA estimate.

TABLE 5–1.—SUMMARY OF FUEL-PERFORMANCE ADJUSTMENTS

| Location | Temperature | Road surface | Gradient | Total |
|---|---|---|---|---|
| Anchorage | 0.88 | 0.96 | 0.98 | 0.83 |
| Fairbanks | 0.85 | 0.96 | 0.98 | 0.80 |
| Juneau | 0.89 | 0.96 | 0.98 | 0.84 |
| Nome | 0.85 | 0.96 | 0.98 | 0.80 |
| Hawaii | 0.99 | 0.98 | 0.98 | 0.95 |
| Virgin Islands | 1.01 | 0.98 | 0.98 | 0.97 |
| Puerto Rico | 1.01 | 0.98 | 0.98 | 0.97 |
| Guam | 0.99 | 0.98 | 0.98 | 0.95 |
| Washington, DC | 0.94 | 1.00 | 1.00 | 0.94 |

5.2.4 Vehicle Maintenance

As done in the previous surveys, Runzheimer surveyed the cost of five common maintenance services and repairs performed on the vehicles surveyed. The services and repairs were--

—Tuneup,
—Oil change,
—Automatic transmission fluid change,
—Flush/fill coolant, and
—Muffler/exhaust pipe replacement.

The automobile manufacturers' recommended maintenance schedules were used to determine the frequency of performing each of these maintenance jobs. Maintenance schedules vary, depending on the driving conditions typically encountered. Consistent with the assumptions used for fuel economy and tire mileage, it was assumed that driving conditions in the allowance areas are generally severe, and the maintenance schedules used reflected that kind of driving. For the DC area, it was assumed that driving conditions were normal, and the maintenance

schedules used for that area reflected that kind of driving.

The recommended frequency of performing each of these jobs was combined with the prices charged by local dealers and service stations to compute an estimated annual maintenance expense. Runzheimer collected the cost of the complete maintenance service or repair job for each vehicle. For example, the cost of a complete oil change was collected for each vehicle including the total charge for parts and the total charge for labor.

In the Alaska and DC areas, constant velocity joint (CVJ) boots replacement was also included in the cost of vehicle maintenance. Previous research conducted for OPM revealed varying replacement cycles among the Alaska allowance areas and between the Alaska areas and the DC area: Anchorage and Juneau-- every 45,000 miles (3 years), Nome--every 30,000 miles (2 years), Fairbanks--every 15,000 miles (1 year), and the Washington, DC, area--every 60,000 miles (4 years). The cost of replacement for all three vehicle types was factored into the indexes based upon the frequency of the replacement. In Fairbanks, for example, 100 percent of the cost was included because previous research indicated annual replacement was the norm.

5.2.5 Tires

Research previously conducted for OPM revealed that various factors (e.g., road quality/state of repair, road composition) appeared to reduce tread life (i.e., the average number of miles a tire is expected to last) in the allowance areas compared with the Washington, DC, area. Based on this research, the model uses tire expense based on a 40,000-mile tread life in allowance areas and a 55,000-mile tread life in the DC area.

Runzheimer priced the cost of a new set of tires, including mounting and balancing and all applicable taxes, in each area. This cost was converted into an annual cost by dividing the estimated number of annual miles driven by the expected tread life and multiplying this by the new tire price. Previous research indicated that four extra studded snow tires would be required for all three vehicles in the Alaska allowance areas. Therefore, Runzheimer surveyed the cost of extra wheels, extra tires, and installing studs for all vehicles in Anchorage, Fairbanks, Juneau, and Nome.

5.2.6 License and Registration Fees and Miscellaneous Taxes

Runzheimer obtained information regarding license registration fees, miscellaneous taxes, and personal property taxes (where applicable). License and registration fees were included as part of the annual cost of owning an automobile. Miscellaneous and personal-property taxes were computed for each year of the vehicle's 4-year trade cycle using the vehicle's estimated used-car value for each year. The resulting four personal property tax values were then averaged, and that average was included as part of the annual cost of owning an automobile. As stated in section 5.2.1, sales and excise taxes were included in the purchase price of the vehicle and were accounted for under the annual vehicle purchase and finance costs.

5.2.7 Depreciation

The single largest annual expense related to owning and operating a new car is depreciation--the lost value of the vehicle as it ages and is driven. In the COLA model, total depreciation is calculated by subtracting from the purchase price the estimated residual value (used car value) 4 years later. This value is then divided by four to produce an annual depreciation amount.

As described earlier, the new car price was the manufacturer's suggested retail price plus any additional charges, such as shipping, dealer prep, additional dealer markup, excise tax, and sales tax. As done in previous surveys, the used car value was based on information from sources such as the *Black Book Official Finance/Lease Guide for 1994.* Although such sources only track prices of vehicles sold in the contiguous 48 States, previous research performed by Runzheimer did not indicate that used cars in allowance areas were (on average) worth more or less than used cars in the DC area, except for Fairbanks and Nome. For Fairbanks and Nome, 90 percent of the projected residual values were used to reflect the more severe conditions.

It should be noted that identical residual values did not result in identical depreciation amounts. Depreciation amounts were generally higher in the allowance areas than in the Washington, DC, area because new car prices were generally higher in the allowance areas.

5.2.8 Finance Expense

The COLA model assumes that new car purchases are financed. Therefore, Runzheimer surveyed banks in all areas to obtain their auto-loan interest rates for a 48-month loan with 80 percent financing. OPM computed the finance cost for each vehicle in each area and included it in the annual cost of owning and operating an automobile.

5.2.9 Vehicle Insurance

Runzheimer surveyed the cost of car insurance in each location. Consistent with the previous year's survey, Runzheimer used the following common coverages, limits, and deductibles:

| | |
|---|---|
| Bodily Injury | $100,000/$300,000. |
| Property Damage | $50,000. |
| Medical | $5,000. |
| Uninsured Motorist | $100,000/300,000. |
| Comprehensive | $100 Deductible. |
| Collision | $250 Deductible. |

In each survey area, Runzheimer identified the common automobile insurance companies and attempted to obtain three insurance price quotes for each type of car surveyed. These quotes were averaged by type of car to produce estimated insurance costs for each area.

Runzheimer found that some insurance companies in Guam, Puerto Rico, and the Virgin Islands did not offer the coverages, limits, and deductibles shown above. To allow the comparison of the cost of these different policies with DC costs, OPM directed Runzheimer also to survey in the DC area the cost of insurance that was comparable to that offered in these allowance areas. The costs of these equivalent policies were then compared to derive adjustment factors that could be applied to the cost of the standard coverages, limits, and deductibles shown above. By applying these factors to the DC area average price, the cost of equivalent coverage was estimated for these particular allowance areas. The factors and their derivation are shown in Appendix 16.

5.2.10 Overall Annual Costs

As described above, Runzheimer surveyed the annual costs for fuel, maintenance and oil, tires, licensing, taxes, depreciation, finance, and insurance for three types of automobiles in each allowance area and in the Washington, DC, area. These costs were then summed to determine the overall annual costs by area for owning and operating each type of automobile. Appendix 15 shows these costs for each area by type of vehicle.

*5.3 Other Transportation Costs--Air Fares*

Air fare is the only item priced for the Other Transportation Costs Category. For this item, OPM priced the lowest priced round-trip air fare on a major carrier with a 2-week advance purchase and a 1-week stay over. Trips were priced from each allowance area and the Washington, DC, area to Chicago, Los Angeles, Miami, New York, Seattle, and St. Louis. These cities were selected to

represent a range of travel destinations coast- to-coast for COLA area and DC area Federal employees. The costs of the trips from each allowance area were averaged and compared with the average cost of the trips from the DC area to compute the category indexes. The fares are shown in Appendix 17.

*5.4 Transportation Component Analyses*

OPM compared the total cost of private auto transportation for each vehicle in each allowance area with the total cost for the same vehicle in the DC area. These comparisons are expressed as indexes and are shown in Appendix 19. Likewise, OPM compared the cost of air fares for each area with those for the DC area and computed a cost index. These indexes are shown in Appendices 17 and 19. OPM used national average expenditure data to derive weights that reflected how much consumers typically spend to own and operate an automobile versus other transportation expenses. These weights vary by income level and were used to combine the Automobile Expense Category index with the Other Transportation Costs index by area to derive the overall Transportation Component index for the area. The weights, computations, and final Transportation Component indexes are shown in Appendix 19.

**6. Miscellaneous Expenses**

*6.1 Component Overview*

The Miscellaneous Expense component consists of three categories of expenses:

—Medical care.

—Contributions (including gifts to non-family members).

—Personal insurance and retirement contributions/investments.

OPM used an approach similar to that used for the Goods and Services Component to derive the indexes for each of these categories and the Miscellaneous Component overall.

*6.2 Component Weights*

OPM used CES data to determine the appropriate weights for each of the items and categories in the Miscellaneous Component. The category weights are shown in the following table and in Appendix 21. Item weights are shown in Appendix 20.

TABLE 6–1.—MISCELLANEOUS EXPENSE CATEGORIES AND WEIGHTS

| Categories | Income level | | |
|---|---|---|---|
| | Lower (percent) | Middle (percent) | Upper (percent) |
| Medical Care | 41.36 | 31.40 | 24.04 |
| Contributions | 16.52 | 17.18 | 17.67 |
| Personal Insurance and Retirement Contributions | 42.11 | 51.42 | 58.29 |
| Totals | 100.00 | 100.00 | 100.00 |

Note: Values may not total because of rounding.

*6.3 Component Categories*

6.3.1 Medical Expense Category

Runzheimer surveyed the price of medical care items using essentially the same approach it used for the Goods and Services component items. The following medical care items were priced in each allowance area and in the Washington, DC, area:

—nonprescription pain reliever

—prescription drugs

—contact lenses

—dental service

—doctor visit

—hospital room

—health insurance

Runzheimer surveyed the cost of these items in both the allowance areas and in the DC area. OPM compared the prices to produce an index for each item in each area, then combined these indexes using CES weights to produce a single Medical Care Category index for each area. The COLA model assumes that the cost of health insurance is constant among areas because the choice of Federal health coverage is to a large extent a matter of personal preference. Therefore, the index for this item is 100.00.

6.3.2 Contributions Category

The index for the Contributions Category is the Goods and Services Component index for the area. The use of the Goods and Services index is based on the assumption that the relative level of contributions is roughly equivalent to that reflected by the Goods and Services index.

6.3.3 Personal Insurance and Retirement Category

The index for personal insurance and retirement contributions and investments is assumed to be constant among areas. The cost of Federal Employees Group Life Insurance is a matter of personal preference and is constant in all areas for the same age, salary, and benefit option combinations. Likewise, retirement contributions are a matter of personal preference, and the minimum contribution requirements are constant among areas for equivalent salary levels.

*6.4 Miscellaneous Expense Analyses*

As with the Goods and Services Component, the indexes for each of the Miscellaneous Component categories were combined using CES weights to produce component indexes by income level for each area. These indexes are shown in Appendix 21. Section 2.6 describes how the miscellaneous expense component indexes are combined with the other component indexes to derive the final index for each area.

**7. Final Results**

*7.1 Total Comparative Cost Indexes*

The total comparative cost indexes appear below. Appendix 23 shows how each index was derived from the component indexes.

TABLE 7–1.—FINAL COST COMPARISON INDEXES

| Allowance area | Index |
|---|---|
| Anchorage, Alaska | 104.84 |
| Fairbanks, Alaska | 109.90 |
| Juneau, Alaska | 110.57 |
| The rest of Alaska | 129.24 |
| City and County of Honolulu, Hawaii | 121.95 |
| Hawaii County, Hawaii | 111.89 |
| Kauai County, Hawaii | 121.36 |
| Maui County, Hawaii | 119.53 |
| Guam/CNMI*, Local Retail | 121.88 |
| Guam/CNMI, Commissary/Exchange | 116.06 |
| Puerto Rico | 102.01 |

TABLE 7–1.—FINAL COST COMPARISON INDEXES—Continued

| Allowance area | Index |
|---|---|
| U.S. Virgin Islands | 119.25 |

*CNMI=Commonwealth of the Northern Mariana Islands

APPENDIX 1.—PUBLICATION IN THE FEDERAL REGISTER OF RESULTS OF NONFOREIGN AREA LIVING-COST SURVEYS: 1990–1996

| Citation | Title | Contents |
|---|---|---|
| 56 FR 7902 | Office of Personnel Management: Cost-of-Living Allowances and Post Differentials (Nonforeign Areas). | Results of summer 1990 living-cost surveys conducted in Alaska, Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. |
| 57 FR 58556 | Office of Personnel Management: Report on 1991/1992 Surveys Used to Determine Cost-of-Living Allowances in Nonforeign Areas. | Results of summer 1991 and winter 1992 living-cost surveys conducted in Alaska, Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. |
| 58 FR 45558 | Office of Personnel Management: Report on 1992/1993 Surveys Used to Determine Cost-of-Living Allowances in Nonforeign Areas. | Results of summer 1992 and winter 1993 living-cost surveys conducted in Alaska, Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. |
| 58 FR 27316 | Office of Personnel Management: Report on Summer 1993 Surveys Used to Determine Cost-of-Living Allowances in Nonforeign Areas. | Results of summer 1993 living-cost surveys conducted in Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. |
| 59 FR 45066 | Office of Personnel Management: Report on Winter 1994 Surveys Used to Determine Cost-of-Living Allowances in Alaska. | Results of winter 1994 living-cost surveys conducted in Alaska. |
| 60 FR 61332 | Office of Personnel Management: Report on Summer 1994 Surveys Used to Determine Cost-of-Living Allowances in Selected Nonforeign Areas. | Results of summer 1994 living-cost surveys conducted in Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. |
| 61 FR 4070 | Office of Personnel Management: Report on Winter 1995 Surveys Used to Determine Cost-of-Living Allowances in Alaska. | Results of winter 1995 living-cost surveys conducted in Alaska. |

APPENDIX 2.—MULTIPLE SURVEY AREAS: 1996 SURVEY

[Federal Employment Weights Within a Single Allowance Area]

| Location | 1993 | 1994 | 1995 | Average | Weights |
|---|---|---|---|---|---|
| Hawaii County | | | | | |
| Hilo | 250 | 292 | 286 | 276 | 82.88 |
| Kona | 52 | 60 | 58 | 57 | 17.12 |
| Total | | | | 333 | 100.00 |
| Virgin Islands | | | | | |
| St. Croix | 142 | 151 | 154 | 149 | 46.42 |
| St. Thomas/St. John | 190 | 166 | 160 | 172 | 53.58 |
| Total | | | | 321 | 100.00 |

MULTIPLE INCOME LEVELS: 1996 SURVEY

[Federal Employment Weights Within a Single Allowance Area]

| Location and income level | 1993 | 1994 | 1995 | Average | Weights |
|---|---|---|---|---|---|
| Anchorage: | | | | | |
| Lower | 1,638 | 1,609 | 1,540 | 1,596 | 26.44 |
| Middle | 2,090 | 1,971 | 1,754 | 1,938 | 32.11 |
| Upper | 2,400 | 2,583 | 2,522 | 2,502 | 41.45 |
| Totals | | | | 6,036 | 100.00 |
| Fairbanks: | | | | | |
| Lower | 400 | 444 | 388 | 411 | 33.28 |
| Middle | 467 | 442 | 446 | 452 | 36.60 |
| Upper | 318 | 392 | 405 | 372 | 30.12 |
| Totals | | | | 1,235 | 100.00 |
| Juneau: | | | | | |
| Lower | 139 | 145 | 139 | 141 | 19.89 |

MULTIPLE INCOME LEVELS: 1996 SURVEY—Continued

[Federal Employment Weights Within a Single Allowance Area]

| Location and income level | 1993 | 1994 | 1995 | Average | Weights |
|---|---|---|---|---|---|
| Middle | 245 | 220 | 203 | 223 | 31.45 |
| Upper | 334 | 360 | 341 | 345 | 48.66 |
| Totals | ..... | ..... | ..... | 709 | 100.00 |
| Rest of Alaska: | | | | | |
| Lower | 444 | 414 | 349 | 402 | 25.62 |
| Middle | 759 | 722 | 703 | 728 | 46.40 |
| Upper | 391 | 445 | 481 | 439 | 27.98 |
| Totals | ..... | ..... | ..... | 1,569 | 100.00 |
| Honolulu: | | | | | |
| Lower | 4,346 | 4,239 | 4,140 | 4,242 | 32.68 |
| Middle | 4,540 | 4,171 | 3,952 | 4,221 | 32.52 |
| Upper | 4,344 | 4,689 | 4,514 | 4,516 | 34.80 |
| Totals | ..... | ..... | ..... | 12,979 | 100.00 |
| Hawaii: | | | | | |
| Lower | 122 | 165 | 139 | 142 | 36.69 |
| Middle | 145 | 154 | 164 | 154 | 39.79 |
| Upper | 85 | 91 | 98 | 91 | 23.52 |
| Totals | ..... | ..... | ..... | 387 | 100.00 |
| Kauai: | | | | | |
| Lower | 71 | 81 | 73 | 75 | 30.24 |
| Middle | 94 | 84 | 76 | 85 | 34.28 |
| Upper | 78 | 89 | 97 | 88 | 35.48 |
| Totals | ..... | ..... | ..... | 248 | 100.00 |
| Maui: | | | | | |
| Lower | 37 | 39 | 35 | 37 | 25.52 |
| Middle | 56 | 56 | 59 | 57 | 39.31 |
| Upper | 51 | 51 | 51 | 51 | 35.17 |
| Totals | ..... | ..... | ..... | 145 | 100.00 |
| Guam/CNMI: | | | | | |
| Lower | 1,061 | 1,060 | 947 | 1,023 | 47.12 |
| Middle | 696 | 681 | 669 | 682 | 31.41 |
| Upper | 437 | 498 | 464 | 466 | 21.47 |
| Totals | ..... | ..... | ..... | 2,171 | 100.00 |
| Puerto Rico: | | | | | |
| Lower | 2,330 | 2,428 | 2,370 | 2,376 | 40.66 |
| Middle | 2,287 | 2,184 | 2,166 | 2,212 | 37.86 |
| Upper | 1,140 | 1,321 | 1,303 | 1,255 | 21.48 |
| Totals | ..... | ..... | ..... | 5,843 | 100.00 |
| Virgin Islands: | | | | | |
| Lower | 128 | 114 | 98 | 113 | 35.31 |
| Middle | 133 | 128 | 133 | 131 | 40.94 |
| Upper | 71 | 75 | 83 | 76 | 23.75 |
| Totals | ..... | ..... | ..... | 320 | 100.00 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Average Before Tax Income | 33,901.00 | 33,854.00 | 36,838.00 | 34,864.33 |
| Average annual expenditures | 30,487.29 | 30,527.49 | 32,762.99 | 31,259.26 |
| Food | 4,366.88 | 4,358.56 | 4,526.94 | 4,417.46 |
| Food at home | 2,724.89 | 2,684.35 | 2,764.21 | 2,724.48 |
| Cereals and bakery products | 413.81 | 418.15 | 439.36 | 423.77 |
| Cereals and cereal products | 149.01 | 144.15 | 166.94 | 153.37 |
| Flour | 6.61 | 7.21 | 7.93 | 7.25 |
| Prepared flour mixes | 14.67 | 13.62 | 13.20 | 13.83 |
| Ready–to–eat and cooked cereals | 90.13 | 88.39 | 102.02 | 93.51 |
| Rice | 14.49 | 12.67 | 15.47 | 14.21 |
| Pasta, cornmeal and other cereal products | 23.11 | 22.27 | 28.32 | 24.57 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Bakery products | 264.80 | 274.00 | 272.42 | 270.41 |
| Bread | 76.98 | 77.58 | 77.20 | 77.25 |
| White bread | 38.93 | 38.04 | 38.02 | 38.33 |
| Bread, other than white | 38.04 | 39.54 | 39.17 | 38.92 |
| Crackers and cookies | 65.09 | 67.10 | 64.36 | 65.52 |
| Cookies | 41.15 | 40.75 | 43.78 | 41.89 |
| Crackers | 23.94 | 26.34 | 20.58 | 23.62 |
| Frozen and refrigerated bakery products | 19.33 | 21.06 | 22.16 | 20.85 |
| Other bakery products | 103.40 | 108.27 | 108.70 | 106.79 |
| Biscuits and rolls | 34.12 | 35.55 | 37.26 | 35.64 |
| Cakes and cupcakes | 29.49 | 31.67 | 31.12 | 30.76 |
| Bread and cracker products | 4.14 | 4.70 | 4.68 | 4.51 |
| Sweetrolls, coffee cakes, doughnuts | 24.05 | 24.93 | 23.08 | 24.02 |
| Pies, tarts, turnovers | 11.61 | 11.41 | 12.55 | 11.86 |
| Meats, poultry, fish, and eggs | 725.06 | 687.17 | 728.89 | 713.71 |
| Beef | 238.59 | 210.36 | 226.73 | 225.23 |
| Ground beef | 89.66 | 87.67 | 89.79 | 89.04 |
| Roast | 42.62 | 37.74 | 37.79 | 39.38 |
| Chuck roast | 16.81 | 13.48 | 12.10 | 14.13 |
| Round roast | 12.63 | 12.96 | 14.18 | 13.26 |
| Other roast | 13.18 | 11.30 | 11.51 | 12.00 |
| Steak | 87.83 | 69.00 | 85.81 | 80.88 |
| Round steak | 16.56 | 14.63 | 16.44 | 15.88 |
| Sirloin steak | 23.58 | 17.72 | 24.09 | 21.80 |
| Other steak | 47.68 | 36.65 | 45.28 | 43.20 |
| Other beef | 18.47 | 15.95 | 13.34 | 15.92 |
| Pork | 146.62 | 155.56 | 154.66 | 152.28 |
| Bacon | 21.28 | 20.47 | 23.01 | 21.59 |
| Pork chops | 35.26 | 34.88 | 37.47 | 35.87 |
| Ham | 38.92 | 42.73 | 36.74 | 39.46 |
| Ham, not canned | 35.84 | 38.98 | 33.91 | 36.24 |
| Canned ham | 3.08 | 3.75 | 2.84 | 3.22 |
| Sausage | 21.01 | 23.29 | 22.63 | 22.31 |
| Other pork | 30.15 | 34.19 | 34.80 | 33.05 |
| Other meats | 102.91 | 94.58 | 94.34 | 97.28 |
| Frankfurters | 23.87 | 21.19 | 19.13 | 21.40 |
| Lunch meats (cold cuts) | 70.13 | 63.56 | 65.67 | 66.45 |
| Bologna, liverwurst, salami | 23.75 | 22.91 | 23.25 | 23.30 |
| Other lunchmeats | 46.39 | 40.65 | 42.41 | 43.15 |
| Lamb, organ meats and others | 8.91 | 9.84 | 9.54 | 9.43 |
| Lamb and organ meats | 7.89 | 8.74 | 9.31 | 8.65 |
| Mutton, goat and game | 1.02 | 1.10 | 0.24 | 0.79 |
| Poultry | 123.67 | 123.39 | 135.32 | 127.46 |
| Fresh and frozen chickens | 92.17 | 91.28 | 107.49 | 96.98 |
| Fresh whole chicken | 24.27 | 19.61 | NA | 21.94 |
| Fresh and frozen whole chicken | NA | NA | 29.05 | 29.05 |
| Fresh and frozen chicken parts | 67.90 | 71.67 | 78.44 | 72.67 |
| Other poultry, incl. whole frozen chickens | 31.50 | 32.10 | NA | 31.80 |
| Other poultry | NA | NA | 27.83 | 27.83 |
| Fish and seafood | 81.51 | 74.99 | 87.13 | 81.21 |
| Canned fish and seafood | 18.40 | 17.46 | 15.60 | 17.15 |
| Fresh and frozen shellfish | 25.27 | 21.36 | NA | 23.32 |
| Fresh and frozen finfish | 37.83 | 36.17 | NA | 37.00 |
| Fresh fish and shellfish | NA | NA | 48.29 | 48.29 |
| Frozen fish and shellfish | NA | NA | 23.23 | 23.23 |
| Eggs | 31.77 | 28.30 | 30.72 | 30.26 |
| Dairy products | 306.57 | 307.10 | 297.87 | 303.85 |
| Fresh milk and cream | 134.72 | 136.59 | 131.98 | 134.43 |
| Whole milk | 49.88 | 47.69 | NA | 48.79 |
| Other milk and cream | 84.84 | 88.90 | NA | 86.87 |
| Fresh milk, all types | NA | NA | 123.44 | 123.44 |
| Cream | NA | NA | 8.55 | 8.55 |
| Other dairy products | 171.85 | 170.52 | 165.88 | 169.42 |
| Butter | 10.62 | 9.71 | 11.78 | 10.70 |
| Cheese | 90.15 | 87.72 | 84.78 | 87.55 |
| Ice cream and related products | 50.47 | 51.93 | 48.15 | 50.18 |
| Miscellaneous dairy products | 20.61 | 21.16 | 21.17 | 20.98 |
| Fruits and vegetables | 437.70 | 435.20 | 446.10 | 439.67 |
| Fresh fruits | 132.65 | 129.17 | 135.12 | 132.31 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Apples | 26.69 | 26.64 | 25.34 | 26.22 |
| Bananas | 27.62 | 26.48 | 30.25 | 28.12 |
| Oranges | 12.28 | 13.23 | 16.05 | 13.85 |
| Other fresh fruits | 66.06 | 62.82 | 63.49 | 64.44 |
| Fresh vegetables | 131.09 | 127.84 | 138.99 | 132.64 |
| Potatoes | 25.25 | 24.56 | 28.24 | 26.02 |
| Lettuce | 15.51 | 16.33 | 17.65 | 16.50 |
| Tomatoes | 21.64 | 19.85 | 21.59 | 21.03 |
| Other fresh vegetables | 68.69 | 67.10 | 71.52 | 69.10 |
| Processed fruits | 99.35 | 102.67 | 95.31 | 99.11 |
| Frozen fruits and fruit juices | 22.09 | 21.35 | 16.38 | 19.94 |
| Frozen orange juice | 14.09 | 13.34 | 9.57 | 12.33 |
| Other frozen fruits and juices | 7.99 | 8.01 | 6.81 | 8.00 |
| Canned and dried fruits | 24.23 | 23.48 | 21.11 | 23.86 |
| Fresh, canned or bottled fruit juices | 53.03 | 57.83 | 57.83 | 55.43 |
| Processed vegetables | 74.61 | 75.53 | 76.68 | 75.61 |
| Frozen vegetables | 26.45 | 25.46 | 24.78 | 25.56 |
| Canned and dried vegetables and juices | 48.16 | 50.07 | 51.90 | 50.04 |
| Canned beans | 9.26 | 10.09 | 10.61 | 9.99 |
| Canned corn | 6.29 | 7.40 | 6.99 | 6.89 |
| Other canned and dried veg. and juices | 32.61 | 32.59 | 34.30 | 32.60 |
| Other food at home | 841.75 | 836.73 | 851.99 | 843.49 |
| Sugar and other sweets | 104.62 | 106.24 | 110.67 | 107.18 |
| Candy and chewing gum | 59.10 | 62.86 | 66.52 | 62.83 |
| Sugar | 20.80 | 18.12 | 18.30 | 19.07 |
| Artificial sweeteners | 3.23 | 3.24 | 3.57 | 3.35 |
| Jams, preserves, other sweets | 21.48 | 22.02 | 22.28 | 21.93 |
| Fats and oils | 73.12 | 73.79 | 80.76 | 75.89 |
| Margarine | 14.31 | 14.56 | 14.68 | 14.52 |
| Other fats, oils, and salad dressing | 39.96 | 40.94 | 47.48 | 40.45 |
| Nondairy cream and imitation milk | 6.56 | 6.75 | 6.71 | 6.67 |
| Peanut butter | 12.30 | 11.53 | 11.89 | 11.91 |
| Miscellaneous foods | 387.81 | 393.26 | 369.77 | 383.61 |
| Frozen prepared foods | 71.21 | 73.99 | 65.79 | 70.33 |
| Frozen meals | 25.00 | 22.99 | 20.54 | 22.84 |
| Other frozen prepared foods | 46.21 | 51.01 | 45.25 | 47.49 |
| Canned and packaged soups | 26.23 | 25.44 | 30.21 | 27.29 |
| Potato chips, nuts, and other snacks | 78.66 | 78.63 | 75.91 | 77.73 |
| Potato chips and other snacks | 62.03 | 62.34 | 59.81 | 61.39 |
| Nuts | 16.63 | 16.29 | 16.10 | 16.34 |
| Condiments and seasonings | 87.93 | 90.44 | 82.47 | 86.95 |
| Salt, spices, other seasonings | 19.15 | 20.79 | 19.68 | 19.87 |
| Olives, pickles, relishes | 11.05 | 10.82 | 10.76 | 10.88 |
| Sauces and gravies | 42.03 | 43.55 | 38.05 | 41.21 |
| Baking needs and misc. products | 15.71 | 15.29 | 13.98 | 14.99 |
| Other canned and packaged prepared foods | 123.78 | 124.75 | 115.39 | 121.31 |
| Salads and desserts | 17.87 | 20.42 | 19.30 | 19.15 |
| Baby food | 23.56 | 24.11 | 27.68 | 25.12 |
| Miscellaneous prepared foods | 82.35 | 80.22 | 68.41 | 76.99 |
| Nonalcoholic beverages | 233.06 | 219.33 | 241.81 | 231.40 |
| Cola | 92.26 | 86.71 | 93.27 | 90.75 |
| Other carbonated drinks | 39.32 | 40.41 | 40.20 | 39.98 |
| Coffee | 42.59 | 40.13 | 43.29 | 42.00 |
| Roasted coffee | 25.35 | 24.56 | 29.20 | 26.37 |
| Instant and freeze dried coffee | 17.24 | 15.57 | 14.09 | 15.63 |
| Noncarbonated fruit flavored drinks | 25.74 | 20.15 | NA | 22.95 |
| Noncarbonated fruit flavored drinks, inc. non–frozen lemonade | NA | NA | 23.02 | 23.02 |
| Tea | 14.66 | 14.26 | 16.75 | 15.22 |
| Nonalcoholic beer | NA | NA | 0.76 | 0.76 |
| Other nonalcoholic beverages | 18.51 | 17.68 | 24.52 | 20.24 |
| Food prepared by consumer unit on out–of–town trips | 43.13 | 44.12 | 48.98 | 45.41 |
| Food away from home | 1,641.99 | 1,674.21 | 1,762.72 | 1,692.97 |
| Meals at restaurants, carry–outs and other | 1,300.05 | 1,344.40 | 1,363.26 | 1,335.90 |
| Lunch | 463.89 | 476.89 | 475.88 | 472.22 |
| Dinner | 601.50 | 619.67 | 668.88 | 630.02 |
| Snacks and nonalcoholic beverages | 133.59 | 141.35 | 110.46 | 128.47 |
| Breakfast and brunch | 101.08 | 106.49 | 108.05 | 105.21 |
| Board (including at school) | 43.00 | 46.92 | 50.40 | 46.77 |
| Catered affairs | 46.07 | 40.77 | 55.38 | 47.41 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Food on out–of–town trips | 178.84 | 167.14 | 213.45 | 186.48 |
| School lunches | 46.89 | 47.40 | 54.93 | 49.74 |
| Meals as pay | 27.13 | 27.58 | 25.30 | 26.67 |
| Alcoholic beverages | 313.94 | 321.12 | 296.57 | 310.54 |
| At home | 166.77 | 177.01 | 175.40 | 173.06 |
| Beer and ale | 87.98 | 99.54 | 108.74 | 98.75 |
| Whiskey | 17.07 | 14.23 | 14.25 | 15.18 |
| Wine | 45.33 | 43.11 | 36.06 | 41.50 |
| Other alcoholic beverages | 16.38 | 20.13 | 16.36 | 17.62 |
| Away from home | 147.17 | 144.11 | 121.17 | 137.48 |
| Beer and ale | 46.76 | 48.77 | 42.50 | 46.01 |
| Wine | 25.57 | 22.95 | 16.74 | 21.75 |
| Other alcoholic beverages | 46.66 | 47.06 | 30.22 | 41.31 |
| Alcoholic beverages purchased on trips | 28.19 | 25.34 | 31.71 | 28.41 |
| Housing | 9,325.13 | 9,528.41 | 10,189.41 | 9,680.98 |
| Shelter | 5,208.28 | 5,431.78 | 5,695.83 | 5,445.30 |
| Owned dwellings | 3,279.50 | 3,307.24 | 3,464.04 | 3,350.26 |
| Mortgage interest and charges | 1,951.95 | 1,984.40 | 1,925.26 | 1,953.87 |
| Mortgage interest | 1,880.31 | 1,856.78 | 1,825.30 | 1,854.13 |
| Interest paid, home equity loan | 33.34 | 63.99 | 44.67 | 47.33 |
| Interest paid, home equity line of credit | 37.94 | 63.32 | 54.73 | 52.00 |
| Prepayment penalty charges | 0.36 | 0.31 | 0.56 | 0.41 |
| Property taxes | 767.69 | 760.97 | 879.41 | 802.69 |
| Maintenance, repairs, insurance, other expenses | 559.86 | 561.86 | 659.37 | 593.70 |
| Homeowners and related insurance | 164.20 | 176.37 | 209.07 | 183.21 |
| Fire and extended coverage | 3.84 | 5.02 | 6.34 | 5.07 |
| Homeowners insurance | 160.36 | 171.35 | 202.73 | 178.15 |
| Ground rent | 33.78 | 33.40 | 40.26 | 35.81 |
| Maintenance and repair services | 278.55 | 268.09 | 312.65 | 286.43 |
| Painting and papering | 39.24 | 37.27 | 43.27 | 39.93 |
| Plumbing and water heating | 31.48 | 34.02 | 36.45 | 33.98 |
| Heat, a/c, electrical work | 45.96 | 53.14 | 55.08 | 51.39 |
| Roofing and gutters | 54.11 | 40.98 | 48.91 | 48.00 |
| Other repair and maintenance services (old) | 99.93 | 91.16 | NA | 95.55 |
| Other repair and maintenance services | NA | NA | 112.39 | 112.39 |
| Repair and replacement of hard surface flooring | 6.47 | 10.16 | 14.76 | 10.46 |
| Repair of built–in appliances | 1.36 | 1.36 | 1.78 | 1.50 |
| Maintenance and repair commodities | 69.18 | 63.89 | 75.59 | 69.55 |
| Paints, wallpaper and supplies | 16.27 | 16.50 | 18.95 | 17.24 |
| Tools and equipment for painting and wallpapering | 1.75 | 1.77 | 2.04 | 1.85 |
| Plumbing supplies and equipment | 7.65 | 5.96 | 8.57 | 7.39 |
| Electrical supplies, heating and cooling equipment | 3.44 | 7.13 | 5.86 | 5.48 |
| Materials for hard surface flooring, repair/replacement | 2.17 | 3.13 | 5.08 | 3.46 |
| Materials and equipment for roof and gutters | 6.61 | 6.20 | 5.94 | 6.25 |
| Materials for plaster, panelling, siding, doors, etc. | 10.86 | 7.29 | 12.78 | 10.31 |
| Materials for patio, walk, fence, driveway, etc. | 0.55 | 0.67 | 0.52 | 0.58 |
| Materials for landscaping maintenance | 1.77 | 1.15 | 1.48 | 1.47 |
| Miscellaneous supplies and equipment | 18.11 | 14.08 | 14.37 | 15.52 |
| Material for insulation, other maint., and repair | 12.55 | 7.84 | 10.19 | 10.19 |
| Materials to finish basements, remodelling, etc. | 5.56 | 6.24 | 4.18 | 5.33 |
| Property management and security | 13.44 | 20.12 | 21.59 | 18.38 |
| Property management | 8.61 | 13.24 | 12.78 | 11.54 |
| Management and upkeep services for security | 4.84 | 6.88 | 8.81 | 6.84 |
| Parking | 0.70 | NA | 0.21 | 0.46 |
| Rented dwellings | 1,609.43 | 1,787.19 | 1,828.52 | 1,741.71 |
| Rent | 1,538.23 | 1,714.30 | 1,755.05 | 1,669.19 |
| Rent as pay | 44.87 | 37.09 | 42.31 | 41.42 |
| Maintenance, insurance and other expenses | 26.33 | 35.80 | 31.16 | 31.10 |
| Tenant's insurance | 9.76 | 9.16 | 9.65 | 9.52 |
| Maintenance and repair services | 9.96 | 11.88 | 11.56 | 11.13 |
| Repair or maintenance services (old) | 9.49 | 11.52 | NA | 10.51 |
| Repair or maintenance services | NA | NA | 10.37 | 10.37 |
| Repair and replacement of hard surface flooring | 0.38 | 0.29 | 1.05 | 0.57 |
| Repair of built–in appliances | 0.08 | 0.07 | 0.13 | 0.09 |
| Maintenance and repair commodities | 6.61 | 14.76 | 9.95 | 10.44 |
| Paint, wallpaper, and supplies | 2.07 | 1.70 | 2.09 | 1.95 |
| Tools and equipment for painting and wallpapering | 0.22 | 0.18 | 0.22 | 0.21 |
| Materials for plastering, panels, roofing, gutters, etc | 0.43 | 2.86 | 1.23 | 1.51 |
| Materials for patio, walk, fence, driveway, etc. | 0.02 | 0.04 | 0.09 | 0.05 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Plumbing supplies and equipment | 0.25 | 0.55 | 0.70 | 0.50 |
| Electrical supplies, heating and cooling equipment | 0.34 | 0.26 | 1.36 | 0.65 |
| Miscellaneous supplies and equipment | 2.17 | 7.71 | 3.41 | 4.43 |
| Material for insulation, other maintenance and repair | 0.82 | 1.51 | 1.13 | 1.15 |
| Termite and pest control (capital improvement) | NA | NA | NA | NA |
| Materials for additions, finishing basements, etc. | 1.34 | 5.90 | 1.67 | 2.97 |
| Construction materials for jobs not started | 0.01 | 0.30 | 0.61 | 0.31 |
| Material for hard surface flooring | 0.59 | 0.90 | 0.54 | 0.68 |
| Material for landscape maintenance | 0.53 | 0.55 | 0.31 | 0.46 |
| Other lodging | 319.35 | 337.35 | 403.28 | 353.33 |
| Owned vacation homes | 92.13 | 115.29 | 122.14 | 109.85 |
| Mortgage interest and charges | 39.20 | 54.55 | 43.30 | 45.68 |
| Mortgage interest | 38.93 | 50.60 | 39.56 | 43.03 |
| Interest paid, home equity loan | 0.02 | 1.06 | 0.43 | 0.50 |
| Interest paid, home equity line of credit | 0.26 | 2.88 | 3.31 | 2.15 |
| Prepayment penalty charge | NA | NA | NA | NA |
| Property taxes | 37.77 | 42.04 | 51.02 | 43.61 |
| Maintenance, insurance, and other expenses | 15.17 | 18.70 | 27.82 | 20.56 |
| Homeowners and related insurance | 3.79 | 4.10 | 7.66 | 5.18 |
| Homeowners insurance | 3.65 | 3.86 | 7.35 | 4.95 |
| Fire and extended coverage | 0.14 | 0.24 | 0.31 | 0.23 |
| Ground rent | 2.32 | 1.75 | 3.62 | 2.56 |
| Maintenance and repair services | 5.25 | 7.53 | 11.87 | 8.22 |
| Repair and remodeling services (old) | 5.14 | 7.39 | NA | 6.27 |
| Repair and remodeling services | NA | NA | 11.40 | 11.40 |
| Repair and replacement of hard surface flooring | 0.11 | 0.15 | 0.47 | 0.24 |
| Maintenance and repair commodities | 0.53 | 1.97 | 1.35 | 1.28 |
| Paints, wallpaper, supplies | 0.15 | 1.31 | 0.16 | 0.54 |
| Tools and equipment for painting and wallpapering | 0.02 | 0.14 | 0.02 | 0.06 |
| Materials for plaster., panel., roof., gutters, etc. | 0.05 | 0.07 | 0.10 | 0.07 |
| Material for patio, walk, fence, drive, masonry, etc. | 0.00 | 0.01 | NA | 0.01 |
| Plumbing supplies and equipment | 0.05 | 0.32 | 0.05 | 0.14 |
| Electrical supplies, heating and cooling equipment | 0.09 | 0.03 | NA | 0.06 |
| Miscellaneous supplies and equipment | 0.12 | 0.09 | 0.99 | 0.40 |
| Material for insulation, other maintenance and repair | 0.04 | 0.09 | 0.99 | 0.37 |
| Material for finishing basements & remodeling rooms | 0.08 | NA | NA | 0.08 |
| Materials for hard surface flooring | NA | NA | 0.03 | 0.03 |
| Materials for landscaping maintenance | 0.06 | NA | NA | 0.06 |
| Property management and security | 3.19 | 3.35 | 3.27 | 3.27 |
| Property management | 1.96 | 2.25 | 2.36 | 2.19 |
| Management and upkeep services for security | 1.23 | 1.10 | 0.91 | 1.08 |
| Parking | 0.09 | NA | 0.06 | 0.08 |
| Housing while attending school | 59.66 | 54.71 | 59.54 | 57.97 |
| Lodging on out–of–town trips | 167.56 | 167.34 | 221.60 | 185.50 |
| Utilities, fuels, and public services | 1,961.13 | 1,962.49 | 2,170.32 | 2,031.31 |
| Natural gas | 240.89 | 246.97 | 280.09 | 255.98 |
| Utility—natural gas (renter). | 50.96 | 55.98 | 60.54 | 55.83 |
| Utility—natural gas (owned home) | 189.11 | 189.86 | 216.97 | 198.65 |
| Utility—natural gas (owned vacation) | 0.82 | 1.07 | 2.53 | 1.47 |
| Utility—natural gas (rented vacation) | NA | 0.06 | 0.05 | 0.06 |
| Electricity | 791.57 | 770.65 | 846.21 | 802.81 |
| Electricity (renter) | 189.36 | 201.59 | 207.80 | 199.58 |
| Electricity (owned home) | 595.84 | 562.26 | 630.39 | 596.16 |
| Electricity (owned vacation) | 6.00 | 6.59 | 7.36 | 6.65 |
| Electricity (rented vacation). | 0.37 | 0.20 | 0.65 | 0.41 |
| Fuel oil and other fuels | 103.30 | 93.93 | 98.11 | 98.45 |
| Fuel oil | 62.83 | 55.61 | 59.27 | 59.24 |
| Fuel oil (renter) | 5.61 | 7.00 | 6.49 | 6.37 |
| Fuel oil (owned home) | 56.67 | 48.25 | 52.38 | 52.43 |
| Fuel oil (owned vacation) | 0.51 | 0.36 | 0.40 | 0.42 |
| Fuel oil (rented vacation) | 0.04 | NA | NA | 0.04 |
| Coal | 4.66 | 2.50 | 1.66 | 2.94 |
| Coal (renter) | 0.26 | 0.05 | 0.55 | 0.29 |
| Coal (owned home) | 4.38 | 2.44 | 1.12 | 2.65 |
| Coal (owned vacation) | 0.02 | 0.02 | NA | 0.02 |
| Coal (rented vacation) | NA | NA | NA | NA |
| Bottled gas | 27.47 | 27.18 | 30.68 | 28.44 |
| Gas, btld/tank (renter) | 4.19 | 4.79 | 4.19 | 4.39 |
| Gas, btld/tank (owned home). | 21.14 | 20.75 | 23.43 | 21.77 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Gas, btld/tank (owned vacation) | 2.11 | 1.64 | 3.03 | 2.26 |
| Gas, btld/tank (rented vacation) | 0.02 | NA | 0.04 | 0.03 |
| Wood and other fuels | 8.35 | 8.64 | 6.49 | 7.83 |
| Wood/other fuels (renter) | 1.37 | 1.59 | 0.61 | 1.19 |
| Wood/other fuels (owned home) | 6.92 | 6.71 | 5.81 | 6.48 |
| Wood/other fuels (owned vacation) | 0.05 | 0.34 | 0.06 | 0.15 |
| Wood/other fuels (rented vacation) | NA | NA | NA | NA |
| Telephone services | 608.50 | 619.87 | 688.52 | 638.96 |
| Telephone (old) | 48.22 | 0.00 | NA | 24.11 |
| Telephone services in home city, excluding car phones | 560.28 | 619.87 | 674.31 | 618.15 |
| Telephone services for mobile car phones | NA | NA | 14.21 | 14.21 |
| Water and other public services | 216.87 | 231.08 | 257.41 | 235.12 |
| Water and sewerage maintenance | 159.33 | 160.22 | 182.67 | 167.41 |
| Water/sewer maint. (renter) | 22.04 | 24.38 | 26.75 | 24.39 |
| Water/sewer maint. (owned home) | 136.19 | 133.69 | 154.37 | 141.42 |
| Water/sewer maint. (owned vacation) | 1.09 | 2.10 | 1.50 | 1.56 |
| Water/sewer maint. (rented vacation) | 0.01 | 0.05 | 0.04 | 0.03 |
| Trash and garbage collection | 55.90 | 69.38 | 73.48 | 66.25 |
| Trash/garb. coll. (renter) | 7.26 | 7.37 | 9.37 | 8.00 |
| Trash/garb. coll. (owned home) | 47.64 | 59.92 | 62.61 | 56.72 |
| Trash/garb. coll. (owned vacation) | 1.00 | 2.09 | 1.45 | 1.51 |
| Trash/garb. coll. (rented vacation) | NA | 0.01 | 0.04 | 0.02 |
| Septic tank cleaning | 1.65 | 1.47 | 1.26 | 1.46 |
| Septic tank clean. (renter) | 0.07 | 0.11 | 0.01 | 0.06 |
| Septic tank clean. (owned home) | 1.57 | 1.29 | 1.23 | 1.36 |
| Septic tank clean. (owned vacation) | 0.01 | 0.07 | NA | 0.04 |
| Septic tank clean. (rented vacation) | NA | NA | 0.01 | 0.01 |
| Household operations | 451.97 | 487.20 | 499.86 | 479.68 |
| Personal services | 224.86 | 253.05 | 240.70 | 239.54 |
| Babysitting | 83.78 | 85.92 | 81.17 | 84.85 |
| Care for elderly, invalids, handicapped, etc | 26.56 | 43.92 | 19.24 | 29.91 |
| Day–care centers, nursery, and preschools | 114.51 | 123.21 | 140.29 | 126.00 |
| Other household expenses | 227.11 | 234.15 | 259.16 | 240.14 |
| Housekeeping services | 77.46 | 71.70 | 82.83 | 77.33 |
| Gardening, lawn care service | 60.85 | 64.99 | 69.73 | 65.19 |
| Water softening service | 2.72 | 3.28 | 2.65 | 2.88 |
| Household laundry, dry cleaning, sent out (nonclothing) | 2.21 | 2.32 | 1.79 | 2.11 |
| Coin–operated laundry and dry cleaning (nonclothing) | 4.91 | 5.58 | 5.40 | 5.30 |
| Services for termite/pest control maintenance | NA | NA | 7.46 | 7.46 |
| Other home services | 16.79 | 18.38 | 20.11 | 18.43 |
| Termite/pest control products | 0.22 | 0.29 | 0.29 | 0.27 |
| Moving, storage, freight express | 22.73 | 24.37 | 27.54 | 24.88 |
| Appliance repair, including service center | 16.96 | 15.88 | 15.24 | 16.03 |
| Reupholstering, furniture repair | 11.51 | 18.56 | 11.03 | 13.70 |
| Repair/rental of lawn/garden equipment, tools, etc. | 5.78 | 3.74 | 9.20 | 6.24 |
| Appliance rental | 1.28 | 1.86 | 1.55 | 1.56 |
| Rental of office equipment for nonbusiness use | 0.17 | 0.13 | 0.31 | 0.20 |
| Repair of misc. household equipment and furnishings | 2.34 | 1.89 | 2.46 | 2.23 |
| Repair of computer systems for nonbusiness use | 1.19 | 1.19 | 1.57 | 1.32 |
| Rental/installation of dishwashers, range hoods, etc. | NA | NA | NA | NA |
| Housekeeping supplies | 451.34 | 462.61 | 424.30 | 446.08 |
| Laundry and cleaning supplies | 123.66 | 123.97 | 117.94 | 121.86 |
| Soaps and detergents | 73.49 | 70.41 | 66.49 | 70.13 |
| Other laundry cleaning products | 50.17 | 53.56 | 51.45 | 51.73 |
| Other household products | 197.81 | 211.79 | 187.75 | 199.12 |
| Cleansing and toilet tissue, paper towels and napkins | 62.60 | 60.52 | 60.17 | 61.10 |
| Miscellaneous household products | 91.22 | 94.75 | 80.66 | 88.88 |
| Lawn and garden supplies | 44.00 | 56.52 | 46.92 | 49.15 |
| Postage and stationery | 129.87 | 126.85 | 118.61 | 125.11 |
| Stationery, stationery supplies, giftwraps | 66.09 | 62.59 | 62.86 | 63.85 |
| Postage | 63.78 | 64.26 | 55.74 | 61.26 |
| Household furnishings and equipment | 1,252.41 | 1,184.33 | 1,399.10 | 1,278.61 |
| Household textiles | 107.35 | 94.56 | 106.15 | 102.69 |
| Bathroom linens | 24.61 | 15.62 | 13.89 | 18.04 |
| Bedroom linens | 39.34 | 43.17 | 52.67 | 45.06 |
| Kitchen and dining room linens | 4.76 | 7.84 | 7.27 | 6.62 |
| Curtains and draperies | 18.09 | 19.11 | 19.08 | 18.76 |
| Slipcovers, decorative pillows | 1.36 | 1.42 | 2.08 | 1.62 |
| Sewing material for slipcovers, curtains, etc. | 18.17 | 6.54 | 10.11 | 11.61 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Other linens | 1.04 | 0.86 | 1.04 | 0.98 |
| Furniture | 297.24 | 316.15 | 323.70 | 312.36 |
| Mattress and springs | 35.82 | 38.97 | 44.00 | 39.60 |
| Other bedroom furniture | 46.24 | 57.57 | 53.64 | 52.48 |
| Sofas | 65.48 | 70.67 | 76.89 | 71.01 |
| Living room chairs | 34.99 | 30.70 | 34.47 | 33.39 |
| Living room tables | 14.24 | 17.63 | 14.27 | 15.38 |
| Kitchen, dining room furniture | 46.11 | 42.37 | 49.61 | 46.03 |
| Infants' furniture | 7.58 | 6.74 | 6.04 | 6.79 |
| Outdoor furniture | 13.59 | 11.02 | 12.29 | 12.30 |
| Occasional furniture | 33.18 | 40.48 | 32.50 | 35.39 |
| Floor coverings | 128.97 | 61.08 | 131.65 | 107.23 |
| Wall–to–wall carpeting (renter) | 2.02 | 2.57 | 2.50 | 2.36 |
| Wall–to–wall carpet, installed (renter) | 1.56 | 2.05 | 2.12 | 1.91 |
| Wall–to–wall carpet, not installed carpet squares (renter) | 0.46 | 0.52 | 0.38 | 0.45 |
| Wall–to–wall carpet (replacement) (owned home) | 34.99 | 29.06 | 34.44 | 32.83 |
| Wall–to–wall carpet, not installed, carpet squares (owner) | 2.91 | 1.89 | 1.81 | 2.20 |
| Wall–to–wall carpet, installed (replacement) (owner) | 32.08 | 27.17 | 32.63 | 30.63 |
| Room size rugs and other floor covering, nonpermanent | 91.96 | 29.45 | 94.72 | 72.04 |
| Major appliances | 131.98 | 144.89 | 152.32 | 143.06 |
| Dishwashers (built–in), garbage disposals, etc. (renter) | 0.98 | 0.16 | 0.75 | 0.63 |
| Dishwashers (built–in), garbage disposals, etc. (owner) | 9.54 | 7.21 | 10.97 | 9.24 |
| Refrigerators, freezers (renter) | 7.51 | 8.38 | 6.90 | 7.60 |
| Refrigerators, freezers (owned home) | 25.85 | 33.30 | 38.91 | 32.69 |
| Washing machines (renter) | 4.28 | 6.28 | 6.05 | 5.54 |
| Washing machines (owned home). | 17.22 | 15.85 | 14.39 | 15.82 |
| Clothes dryers (renter) | 2.34 | 3.35 | 4.04 | 3.24 |
| Clothes dryers (owned home) | 7.05 | 9.78 | 9.31 | 8.71 |
| Cooking stoves, ovens (renter) | 2.18 | 3.11 | 2.42 | 2.57 |
| Cooking stoves, ovens (owned home) | 13.20 | 14.81 | 22.97 | 16.99 |
| Microwave ovens (renter) | 2.09 | 3.09 | 3.35 | 2.84 |
| Microwave ovens (owned home) | 4.85 | 4.74 | 6.48 | 5.36 |
| Portable dishwasher (renter) | 0.14 | 0.11 | 0.08 | 0.11 |
| Portable dishwasher (owned home) | 0.24 | 1.15 | 0.49 | 0.63 |
| Window air conditioners (renter) | 1.12 | 1.18 | 2.83 | 1.71 |
| Window air conditioners (owned home) | 7.61 | 3.31 | 3.93 | 4.95 |
| Electric floor cleaning equipment | 15.03 | 13.63 | 13.92 | 14.19 |
| Sewing machines | 5.19 | 5.15 | 2.92 | 4.42 |
| Miscellaneous household appliances | 5.56 | 10.29 | 1.61 | 5.82 |
| Small appliances, miscellaneous housewares | 83.38 | 86.46 | 85.73 | 85.19 |
| Housewares | 57.82 | 62.47 | 60.60 | 60.30 |
| Plastic dinnerware | 1.79 | 1.61 | 1.60 | 1.67 |
| China and other dinnerware | 11.56 | 11.60 | 11.63 | 11.60 |
| Flatware | 4.07 | 3.97 | 5.16 | 4.40 |
| Glassware | 7.08 | 13.59 | 8.14 | 9.60 |
| Silver serving pieces | 3.83 | 1.35 | 1.31 | 2.16 |
| Other serving pieces | 1.78 | 1.59 | 1.63 | 1.67 |
| Nonelectric cookware | 11.67 | 11.66 | 15.22 | 12.85 |
| Tableware, nonelectric kitchenware | 16.02 | 17.08 | 15.92 | 16.34 |
| Small appliances | 25.56 | 23.99 | 25.13 | 24.89 |
| Small electric kitchen appliances | 18.05 | 18.75 | 18.19 | 18.33 |
| Portable heating and cooling equipment | 7.52 | 5.23 | 6.94 | 6.56 |
| Miscellaneous household equipment | 503.48 | 481.19 | 599.55 | 528.07 |
| Window coverings | 12.79 | 17.37 | 14.48 | 14.88 |
| Infants' equipment | 10.62 | 5.52 | 7.46 | 7.87 |
| Laundry and cleaning equip. | 9.19 | 10.99 | 11.25 | 10.48 |
| Outdoor equipment | 6.20 | 4.83 | 5.48 | 5.50 |
| Clocks | 4.45 | 3.38 | 5.32 | 4.38 |
| Lamps and lighting fixtures | 22.80 | 26.10 | 36.98 | 28.63 |
| Other household decorative items | 107.69 | 111.16 | 119.06 | 112.64 |
| Telephones and accessories | 62.21 | 20.55 | 38.10 | 40.29 |
| Lawn and garden equipment | 39.58 | 43.15 | 53.17 | 45.30 |
| Power tools | 13.25 | 16.15 | 13.51 | 14.30 |
| Small miscellaneous furnishings | 5.23 | 1.15 | 1.88 | 2.75 |
| Hand tools | 11.71 | 14.07 | 9.88 | 11.89 |
| Indoor plants, fresh flowers | 57.80 | 53.49 | 52.70 | 54.66 |
| Closet and storage items | 6.99 | 12.21 | 8.33 | 9.18 |
| Rental of furniture | 3.36 | 3.67 | 4.53 | 3.85 |
| Luggage | 7.49 | 7.04 | 8.00 | 7.51 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Computers and computer hardware nonbusiness use | 63.64 | 63.66 | 115.01 | 80.77 |
| Computer software/accessories for nonbusiness use | 8.69 | 9.48 | 20.05 | 12.74 |
| Telephone answering devices | 5.00 | 4.64 | 3.95 | 4.53 |
| Calculators | 2.56 | 1.57 | 2.35 | 2.16 |
| Business equipment for home use | 5.02 | 4.23 | 4.75 | 4.67 |
| Other hardware | 11.83 | 13.74 | 25.27 | 16.95 |
| Smoke alarms (owned home) | 0.38 | 0.47 | 0.86 | 0.57 |
| Smoke alarms (renter) | 0.09 | 0.06 | 0.15 | 0.10 |
| Smoke alarms (owned vacation) | NA | NA | NA | NA |
| Other household appliances (owned home) | 4.63 | 4.40 | 6.69 | 5.24 |
| Other household appliances (renter) | 0.87 | 0.99 | 1.36 | 1.07 |
| Miscellaneous household equipment and parts | 19.42 | 27.08 | 28.95 | 25.15 |
| Apparel and services | 1,801.23 | 1,732.90 | 1,688.22 | 1,740.78 |
| Men and boys | 448.88 | 436.86 | 418.74 | 434.83 |
| Men, 16 and over | 357.81 | 353.05 | 320.76 | 343.87 |
| Men's suits | 39.20 | 43.98 | 32.42 | 38.53 |
| Men's sportcoats, tailored jackets | 13.84 | 12.04 | 13.87 | 13.25 |
| Men's coats and jackets | 30.48 | 26.12 | 29.56 | 28.72 |
| Men's underwear | 12.26 | 14.13 | 12.90 | 13.10 |
| Men's hosiery | 12.60 | 13.73 | 10.30 | 12.21 |
| Men's nightwear | 6.24 | 5.84 | 2.73 | 4.94 |
| Men's accessories | 34.42 | 33.64 | 29.43 | 32.50 |
| Men's sweaters and vests | 13.47 | 13.11 | 14.23 | 13.60 |
| Men's active sportswear | 12.15 | 11.96 | 11.96 | 12.02 |
| Men's shirts | 87.10 | 87.25 | 79.19 | 84.51 |
| Men's pants | 77.09 | 70.18 | 62.55 | 69.94 |
| Men's shorts, shorts sets | 13.53 | 16.40 | 15.91 | 15.28 |
| Men's uniforms | 5.00 | 3.70 | 3.35 | 4.02 |
| Men's costumes | 0.42 | 0.98 | 2.34 | 1.25 |
| Boys, 2 to 15 | 91.07 | 83.82 | 97.98 | 90.96 |
| Boys' coats and jackets | 4.36 | 5.73 | 6.61 | 5.57 |
| Boys' sweaters | 3.09 | 2.70 | 2.76 | 2.85 |
| Boys' shirts | 21.80 | 19.50 | 21.53 | 20.94 |
| Boys' underwear | 4.96 | 4.89 | 4.57 | 4.81 |
| Boys' nightwear | 2.21 | 2.83 | 2.13 | 2.39 |
| Boys' hosiery | 4.97 | 4.26 | 3.75 | 4.33 |
| Boys' accessories | 4.58 | 5.19 | 7.57 | 5.78 |
| Boys' suits, sportcoats, vests | 0.51 | 2.13 | 6.10 | 2.91 |
| Boys' pants | 24.72 | 19.41 | 21.77 | 21.97 |
| Boys' shorts, shorts sets | 11.51 | 9.03 | 12.15 | 10.90 |
| Boys' uniforms, active sportswear | 7.43 | 7.30 | 7.76 | 7.50 |
| Boys' costumes | 0.93 | 0.85 | 1.30 | 1.03 |
| Women and girls | 724.73 | 703.40 | 653.73 | 693.95 |
| Women, 16 and over | 624.19 | 607.23 | 552.35 | 594.59 |
| Women's coats and jackets | 40.55 | 58.80 | 49.54 | 49.63 |
| Women's dresses | 118.10 | 89.96 | 81.37 | 96.48 |
| Women's sportcoats, tailored jackets | 6.02 | 3.90 | 4.15 | 4.69 |
| Women's vests and sweaters | 46.00 | 40.43 | 32.73 | 39.72 |
| Women's shirts, tops, blouses | 114.03 | 106.20 | 96.49 | 105.57 |
| Women's skirts | 28.63 | 21.52 | 19.13 | 23.09 |
| Women's pants | 69.35 | 79.18 | 58.46 | 69.00 |
| Women's shorts, shorts sets | 20.40 | 23.33 | 23.01 | 22.25 |
| Women's active sportswear | 28.54 | 32.91 | 24.30 | 28.58 |
| Women's sleepwear | 20.98 | 25.33 | 24.72 | 23.68 |
| Women's undergarments | 27.53 | 33.13 | 24.46 | 28.37 |
| Women's hosiery | 27.13 | 25.01 | 25.02 | 25.72 |
| Women's suits | 33.54 | 30.71 | 37.27 | 33.84 |
| Women's accessories | 38.59 | 33.98 | 49.54 | 40.70 |
| Women's uniforms | 1.47 | 1.82 | 0.42 | 1.24 |
| Women's costumes | 3.34 | 1.01 | 1.73 | 2.03 |
| Girls, 2 to 15 | 100.53 | 96.17 | 101.38 | 99.36 |
| Girls' coats and jackets | 6.71 | 7.65 | 7.23 | 7.20 |
| Girls' dresses, suits | 13.87 | 13.23 | 13.99 | 13.70 |
| Girls' shirts, blouses, sweaters | 23.20 | 22.42 | 25.48 | 23.70 |
| Girls' skirts and pants | 15.56 | 14.87 | 16.06 | 15.50 |
| Girls' shorts, shorts sets | 8.41 | 9.83 | 9.07 | 9.10 |
| Girls' active sportswear | 10.66 | 8.41 | 6.56 | 8.54 |
| Girls' underwear and sleepwear | 6.16 | 6.26 | 7.49 | 6.64 |
| Girls' hosiery | 6.09 | 5.05 | 5.82 | 5.65 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Girls' accessories | 5.49 | 4.50 | 4.55 | 4.85 |
| Girls' uniforms | 2.26 | 1.86 | 2.15 | 2.09 |
| Girls' costumes | 2.12 | 2.08 | 2.98 | 2.39 |
| Children under 2 | 85.67 | 80.39 | 83.32 | 83.13 |
| Infant coat, jacket, snowsuit | 2.99 | 3.25 | 2.69 | 2.98 |
| Infant dresses, outerwear | 17.87 | 20.75 | 22.30 | 20.31 |
| Infant underwear | 51.00 | 46.85 | 49.15 | 49.00 |
| Infant nightwear, loungewear | 3.11 | 4.26 | 3.94 | 3.77 |
| Infant accessories | 5.15 | 5.28 | 5.23 | 5.22 |
| Infant hosiery | 0.10 | NA | NA | 0.10 |
| Footwear | 258.04 | 243.05 | 258.43 | 253.17 |
| Men's footwear | 72.47 | 73.53 | 84.05 | 76.68 |
| Boys' footwear | 29.42 | 31.65 | 34.18 | 31.75 |
| Women's footwear | 128.82 | 115.47 | 113.26 | 119.18 |
| Girls' footwear | 27.33 | 22.41 | 26.94 | 25.56 |
| Other apparel products and services | 283.91 | 269.19 | 274.00 | 275.70 |
| Material for making clothes | 9.10 | 8.58 | 7.24 | 8.31 |
| Sewing patterns and notions | 3.00 | 2.56 | 2.57 | 2.71 |
| Watches | 20.45 | 20.47 | 24.45 | 21.79 |
| Jewelry | 121.45 | 108.73 | 108.96 | 113.05 |
| Shoe repair and other shoe service | 4.27 | 3.47 | 3.16 | 3.63 |
| Coin–operated apparel laundry and dry cleaning | 37.63 | 38.61 | 37.33 | 37.86 |
| Apparel alteration and repair | 6.23 | 6.02 | 6.90 | 6.38 |
| Clothing rental | 4.02 | 3.56 | 3.75 | 3.78 |
| Watch and jewelry repair | 6.94 | 5.54 | 5.99 | 6.16 |
| Apparel laundry and dry cleaning not coin operated | 69.99 | 70.94 | 73.18 | 71.37 |
| Clothing storage | 0.83 | 0.71 | 0.47 | 0.67 |
| Transportation | 5,235.41 | 5,232.14 | 6,075.53 | 5,514.36 |
| Vehicle purchases (net outlay) | 2,154.04 | 2,167.03 | 2,703.01 | 2,341.36 |
| Cars and trucks, new | 1,072.55 | 1,095.97 | 1,333.33 | 1,167.28 |
| New cars | 749.65 | 749.56 | 727.70 | 742.30 |
| New trucks | 322.90 | 346.42 | 605.63 | 424.98 |
| Cars and trucks, used | 1,060.67 | 1,033.39 | 1,320.82 | 1,138.29 |
| Used cars | 742.29 | 737.98 | 866.68 | 782.32 |
| Used trucks | 318.39 | 295.42 | 454.14 | 355.98 |
| Other vehicles | 20.82 | 37.66 | 48.85 | 35.78 |
| New motorcycles | 2.87 | 18.06 | 25.77 | 15.57 |
| New aircraft | NA | NA | NA | NA |
| Used motorcycles | 17.95 | 9.04 | 23.09 | 16.69 |
| Used aircraft | NA | 10.57 | NA | 10.57 |
| Gasoline and motor oil | 998.10 | 972.68 | 989.97 | 986.92 |
| Gasoline | 884.83 | 868.13 | 877.48 | 876.81 |
| Diesel fuel | 9.23 | 9.86 | 9.16 | 9.42 |
| Gasoline on out–of–town trips | 91.98 | 82.43 | 90.64 | 88.35 |
| Gasohol | NA | NA | 0.18 | 0.18 |
| Motor oil | 11.31 | 11.44 | 11.60 | 11.45 |
| Motor oil on out–of–town trips | 0.74 | 0.83 | 0.92 | 0.83 |
| Other vehicle expenses | 1,775.67 | 1,805.62 | 1,989.07 | 1,856.79 |
| Vehicle finance charges | 280.20 | 258.96 | 238.49 | 259.22 |
| Automobile finance charges | 190.05 | 169.13 | 139.82 | 166.33 |
| Truck finance charges | 75.90 | 71.72 | 86.72 | 78.11 |
| Motorcycle and plane finance charges | 0.50 | 1.93 | 1.05 | 1.16 |
| Other vehicle finance charges | 13.76 | 16.18 | 10.90 | 13.61 |
| Maintenance and repairs | 641.71 | 627.51 | 700.79 | 656.67 |
| Coolant, additives, brake, transmission fluids | 6.94 | 6.77 | 6.32 | 6.68 |
| Tires – purchased, replaced, installed | 85.76 | 92.70 | 89.79 | 89.42 |
| Parts, equipment, and accessories | 100.00 | 75.63 | 111.43 | 95.69 |
| Vehicle audio equipment, excluding labor | NA | NA | 5.45 | 5.45 |
| Vehicle products | 3.19 | 3.14 | 5.28 | 3.87 |
| Misc. auto repair, servicing | 22.31 | 20.13 | 33.34 | 25.26 |
| Body work and painting | 30.35 | 32.21 | 36.88 | 33.15 |
| Clutch, transmission repair | 35.98 | 34.71 | 46.56 | 39.08 |
| Drive shaft and rear–end repair | 6.97 | 7.96 | 5.94 | 6.96 |
| Brake work | 42.57 | 43.87 | 43.70 | 43.38 |
| Repair to steering or front–end | 12.69 | 15.62 | 18.42 | 15.58 |
| Repair to engine cooling system | 24.02 | 24.59 | 22.60 | 23.74 |
| Motor tune–up | 46.97 | 46.95 | 42.86 | 45.59 |
| Lube, oil change, and oil filters | 33.01 | 35.54 | 39.86 | 36.14 |
| Front–end alignment, wheel balance | 11.64 | 12.40 | NA | 12.02 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Front–end alignment, wheel balance and rotation | NA | NA | 9.78 | 9.78 |
| Shock absorber replacement | 9.13 | 8.25 | 7.04 | 8.14 |
| Brake adjustment | 6.83 | 5.13 | 3.89 | 5.28 |
| Gas tank repair, replacement | 1.18 | 1.60 | 2.52 | 1.77 |
| Repair tires and other repair work | 33.15 | 33.63 | 27.94 | 31.57 |
| Vehicle air conditioning repair | NA | NA | 14.87 | 14.87 |
| Exhaust system repair | 18.36 | 18.29 | 20.56 | 19.07 |
| Electrical system repair | 26.00 | 28.19 | 31.39 | 28.53 |
| Motor repair, replacement | 79.50 | 73.60 | 69.19 | 74.10 |
| Auto repair service policy | 5.18 | 6.60 | 5.17 | 5.65 |
| Vehicle insurance | 619.68 | 638.83 | 698.00 | 652.17 |
| Vehicle rental, leases, licenses, other charges | 234.08 | 280.31 | 351.79 | 288.73 |
| Leased and rented vehicles | 95.89 | 125.45 | 196.83 | 139.39 |
| Rented vehicles | 33.77 | 32.93 | 39.82 | 35.51 |
| Auto rental | 12.42 | 8.36 | 6.03 | 8.94 |
| Auto rental, out–of–town trips | 15.41 | 16.16 | 26.09 | 19.22 |
| Truck rental | 2.10 | 2.71 | 1.68 | 2.16 |
| Truck rental, out–of–town trips | 2.49 | 5.20 | 4.61 | 4.10 |
| Motorcycle rental | NA | NA | NA | NA |
| Aircraft rental | 0.27 | 0.24 | 0.16 | 0.22 |
| Motorcycle rental, out–of–town trips | 0.50 | 0.07 | 0.09 | 0.22 |
| Aircraft rental, out–of–town trips | 0.58 | 0.20 | 1.16 | 0.65 |
| Leased vehicles | 62.11 | 92.52 | 157.01 | 103.88 |
| Car lease payments | 47.74 | 69.08 | 104.24 | 73.69 |
| Cash downpayment (car lease) | 2.12 | 8.22 | 9.84 | 6.73 |
| Termination fee (car lease) | 0.16 | 0.14 | 0.44 | 0.25 |
| Truck lease payments | 11.01 | 12.47 | 38.15 | 20.54 |
| Cash downpayment (truck lease) | 1.09 | 1.52 | 4.30 | 2.30 |
| Termination fee (truck lease) | NA | 1.08 | 0.03 | 0.56 |
| State and local registration | 75.17 | 87.09 | 82.74 | 81.67 |
| Driver's license | 7.27 | 7.41 | 7.34 | 7.34 |
| Vehicle inspection | 8.31 | 9.03 | 8.78 | 8.71 |
| Parking fees | 23.86 | 23.01 | 27.47 | 24.78 |
| Parking fees (old) | 1.34 | 0.00 | NA | 0.67 |
| Parking fees in home city, excluding residence | 19.97 | 20.52 | 24.17 | 21.55 |
| Parking fees, out–of–town trips | 2.54 | 2.49 | 3.30 | 2.78 |
| Tolls | 8.71 | 10.98 | 10.47 | 10.05 |
| Tolls on out–of–town trips | 4.51 | 4.18 | 4.69 | 4.46 |
| Towing charges | 4.89 | 5.02 | 5.37 | 5.09 |
| Automobile service clubs | 5.48 | 8.14 | 8.10 | 7.24 |
| Public transportation | 307.60 | 286.82 | 393.48 | 329.30 |
| Airline fares | 183.39 | 173.89 | 253.06 | 203.45 |
| Intercity bus fares | 7.84 | 10.90 | 11.57 | 10.10 |
| Intracity mass transit fares | 54.01 | 48.57 | 49.28 | 50.62 |
| Local trans. on out–of–town trips | 3.34 | 8.74 | 10.19 | 7.42 |
| Taxi fares on trips | 17.17 | 5.14 | 5.99 | 9.43 |
| Taxi fares | 6.78 | 6.46 | 8.23 | 7.16 |
| Intercity train fares | 14.66 | 17.38 | 17.13 | 16.39 |
| Ship fares | 19.63 | 14.54 | 36.91 | 23.69 |
| School bus | 0.77 | 1.21 | 1.12 | 1.03 |
| Health care | 1,563.01 | 1,653.66 | 1,768.03 | 1,661.57 |
| Health insurance | 652.12 | 727.65 | 818.43 | 732.73 |
| Commercial health insurance | 213.85 | 232.16 | 251.06 | 232.36 |
| Blue Cross, Blue Shield | 148.51 | 173.35 | 159.34 | 160.40 |
| Health maintenance plans (HMO's) | 95.76 | 90.57 | 127.97 | 104.77 |
| Medicare payments | 101.70 | 111.33 | 157.72 | 123.58 |
| Commercial medicare supplements | 92.29 | 120.24 | 122.35 | 111.63 |
| Medical services | 561.20 | 546.03 | 567.28 | 558.17 |
| Physician's services | 179.39 | 170.75 | 159.89 | 170.01 |
| Dental services | 179.38 | 174.32 | 194.50 | 182.73 |
| Eyecare services | 25.60 | 29.20 | 29.81 | 28.20 |
| Service by professionals other than physician | 29.83 | 32.66 | 32.95 | 31.67 |
| Lab tests, x–rays | 25.91 | 31.35 | 25.73 | 27.66 |
| Hospital room | 36.47 | 37.42 | 44.70 | 39.53 |
| Hospital service other than room | 53.30 | 44.63 | 54.60 | 50.84 |
| Medical care in retirement community | NA | NA | NA | NA |
| Care in convalescent or nursing home | 21.05 | 13.48 | 13.21 | 15.91 |
| Repair of medical equipment | NA | NA | NA | NA |
| Other medical care services | 8.07 | 12.24 | 11.88 | 6.77 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Drugs | 258.20 | 284.99 | 294.24 | 279.14 |
| Nonprescription drugs | 73.86 | 80.16 | 84.17 | 79.40 |
| Prescription drugs | 184.34 | 204.83 | 210.08 | 199.75 |
| Medical supplies | 91.49 | 94.98 | 88.07 | 91.51 |
| Eyeglasses and contact lenses | 59.02 | 57.35 | 54.20 | 56.86 |
| Hearing aids | 3.50 | 7.13 | 0.94 | 3.86 |
| Topicals and dressings | 21.63 | 24.32 | 24.55 | 23.50 |
| Medical equipment for general use | 2.32 | 2.25 | 2.41 | 2.33 |
| Supportive and convalescent medical equipment | 3.48 | 2.85 | 3.82 | 3.38 |
| Rental of medical equipment | 0.35 | 0.35 | 0.72 | 0.47 |
| Rental of supportive, convalescent medical equipment | 1.19 | 0.74 | 1.43 | 1.12 |
| Entertainment | 1,523.49 | 1,525.52 | 1,619.28 | 1,556.10 |
| Fees and admissions | 384.49 | 375.11 | 451.13 | 403.58 |
| Recreation expenses, out–of–town trips | 16.61 | 15.32 | 22.00 | 17.98 |
| Social, recreation, civic club membership | 84.15 | 85.24 | 87.17 | 77.42 |
| Fees for participant sports | 69.06 | 61.15 | 73.87 | 68.03 |
| Participant sports, out–of–town trips | 20.12 | 21.17 | 27.40 | 22.90 |
| Movie, theater, opera, ballet | 66.54 | 64.92 | 78.89 | 70.12 |
| Movie, other admissions, out–of–town trips | 19.72 | 27.20 | 37.79 | 28.24 |
| Admission to sporting events | 20.69 | 22.94 | 32.52 | 25.38 |
| Admission to sports events, out–of–town trips | 17.42 | 9.08 | 12.59 | 13.03 |
| Fees for recreational lessons | 53.57 | 52.76 | 56.90 | 54.41 |
| Other entertainment services, out–of–town trips | 16.61 | 15.32 | 22.00 | 17.98 |
| Television, radios, sound equipment | 476.38 | 493.86 | 545.23 | 505.16 |
| Televisions | 328.75 | 331.31 | 376.08 | 345.38 |
| Community antenna or cable tv | 180.20 | 188.40 | 209.78 | 192.79 |
| Black and white tv | 1.81 | 3.06 | 2.23 | 2.37 |
| Color tv – console | 18.13 | 21.37 | 25.51 | 21.67 |
| Color tv – portable, table model | 44.32 | 41.51 | 54.63 | 46.82 |
| VCR's and video disc players | 40.40 | 31.41 | 32.98 | 34.93 |
| Video cassettes, tapes, and discs | 17.60 | 18.88 | 22.55 | 19.68 |
| Video game hardware and software | 15.04 | 16.25 | 19.24 | 16.84 |
| Repair of tv, radio, and sound equipment | 10.23 | 9.60 | 8.79 | 9.54 |
| Rental of televisions | 1.03 | 0.81 | 0.36 | 0.73 |
| Radios, sound equipment | 147.62 | 162.55 | 169.15 | 159.77 |
| Radios | 10.24 | 10.71 | 9.05 | 10.00 |
| Phonographs | 0.60 | 0.87 | NA | 0.74 |
| Tape recorders and players | 5.75 | 5.32 | 5.86 | 5.64 |
| Sound components and component systems | 30.53 | 35.56 | 31.51 | 32.53 |
| Miscellaneous sound equipment | 0.34 | 1.68 | 1.51 | 1.18 |
| Sound equipment accessories | 3.22 | 4.28 | 4.83 | 4.11 |
| Compact disc, tape, record and video mail order clubs | 8.04 | 8.97 | 13.11 | 10.04 |
| Records, CDs, audio tapes, needles | 29.54 | 31.01 | 37.80 | 32.78 |
| Rental of VCR, radio, and sound equipment | 0.70 | 0.79 | 0.35 | 0.61 |
| Musical instruments and accessories | 16.03 | 20.45 | 17.62 | 18.03 |
| Rental and repair of musical instruments | 2.42 | 2.11 | 2.06 | 2.20 |
| Rental of video cassettes, tapes, films, and discs | 40.22 | 40.79 | 45.45 | 42.15 |
| Pets, toys, and playground equipment | 286.11 | 281.46 | 305.98 | 291.18 |
| Pets. | 168.99 | 167.12 | 177.55 | 171.22 |
| Pet food | 85.02 | 84.94 | 82.75 | 84.24 |
| Pet purchase, supplies, medicine | 23.73 | 24.72 | 29.36 | 25.94 |
| Pet services | 16.52 | 13.87 | 16.52 | 15.64 |
| Vet services | 43.72 | 43.58 | 48.92 | 45.41 |
| Toys, games, hobbies, and tricycles | 112.46 | 112.38 | 125.48 | 116.77 |
| Playground equipment | 4.66 | 1.96 | 2.95 | 3.19 |
| Other entertainment supplies, equipment, and services | 376.51 | 375.10 | 316.93 | 356.18 |
| Unmotored recreational vehicles. | 14.05 | 33.20 | 29.18 | 25.48 |
| Boat without motor and boat trailers | 3.85 | 14.72 | 5.16 | 7.91 |
| Trailer and other attachable campers | 10.20 | 18.48 | 24.02 | 17.57 |
| Motorized recreational vehicles. | 154.19 | 142.45 | 81.72 | 126.12 |
| Motorized camper coaches and other vehicles | 75.13 | 77.70 | 43.13 | 76.42 |
| Purchase of boat with motor | 79.05 | 64.75 | 38.58 | 60.79 |
| Rental of recreational vehicles. | 3.71 | 1.90 | 2.42 | 2.68 |
| Rental noncamper trailer | 0.03 | 0.05 | 0.13 | 0.07 |
| Boat and trailer rental, out–of–town trips | 2.13 | 0.47 | 0.74 | 1.11 |
| Rental of campers, etc. on out–of–town trips (old) | NA | NA | NA | NA |
| Rental of campers on out–of–town trips | 0.17 | 0.54 | 0.39 | 0.37 |
| Rental of other vehicles on out–of–town trips | 1.09 | 0.40 | 0.66 | 0.72 |
| Rental of boat | 0.02 | 0.05 | 0.10 | 0.06 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Rental of campers, other r.v.'s | 0.27 | 0.39 | 0.40 | 0.33 |
| Outboard motors | 1.91 | 2.17 | 2.05 | 2.04 |
| Docking and landing fees | 4.50 | 5.77 | 5.05 | 5.11 |
| Sports, recreation and exercise equipment | 111.11 | 102.67 | 115.10 | 109.63 |
| Athletic gear, game tables, and exercise equipment | 45.33 | 45.98 | 54.37 | 48.56 |
| Bicycles | 19.23 | 16.46 | 14.10 | 16.60 |
| Camping equipment | 4.50 | 3.77 | 3.61 | 3.96 |
| Hunting and fishing equipment. | 20.54 | 16.92 | 20.58 | 19.35 |
| Winter sports equipment | 5.30 | 3.19 | 4.99 | 4.49 |
| Water and miscellaneous sport equipment | 14.50 | 14.68 | 15.51 | 14.59 |
| Rental and repair of misc. sports equipment | 1.70 | 1.68 | 1.95 | 1.78 |
| Photographic equipment and supplies | 81.69 | 81.66 | 74.17 | 79.17 |
| Film | 21.01 | 20.32 | 20.48 | 20.60 |
| Other photographic supplies | 1.43 | 0.17 | 0.31 | 0.64 |
| Film processing | 28.58 | 27.09 | 28.34 | 28.00 |
| Repair and rental of photographic equipment | 0.55 | 0.39 | 0.33 | 0.42 |
| Photographic equipment | 14.65 | 13.47 | 12.63 | 13.58 |
| Photographer fees | 15.47 | 20.23 | 12.09 | 15.93 |
| Fireworks | 1.08 | 0.63 | 0.76 | 0.82 |
| Souvenirs | 0.45 | 1.21 | 0.49 | 0.72 |
| Visual goods | 1.09 | 0.57 | 1.49 | 1.05 |
| Pinball, electronic video games | 2.72 | 2.88 | 4.50 | 3.37 |
| Personal care products and services | 418.96 | 408.21 | 414.76 | 413.98 |
| Personal care products | 228.19 | 223.41 | 235.24 | 228.95 |
| Hair care products | 45.03 | 42.44 | 49.23 | 45.57 |
| Nonelectric articles for the hair | 6.41 | 5.35 | 7.26 | 6.34 |
| Wigs and hairpieces | 1.77 | 1.23 | 0.89 | 1.30 |
| Oral hygiene products, articles | 27.93 | 28.07 | 25.52 | 27.17 |
| Shaving needs | 10.65 | 9.46 | 12.64 | 10.92 |
| Cosmetics, perfume, bath preparation | 98.28 | 103.29 | 106.82 | 102.80 |
| Deodorants, feminine hygiene, misc. personal care | 32.28 | 28.78 | 28.40 | 29.82 |
| Electric personal care appliances | 5.85 | 4.80 | 4.46 | 5.04 |
| Personal care services | 190.77 | 184.80 | 179.53 | 185.03 |
| Personal care service for females | 103.69 | 98.60 | 89.46 | 97.25 |
| Personal care service for males | 86.99 | 86.08 | 89.94 | 87.67 |
| Repair of personal care appliances | 0.09 | 0.12 | 0.12 | 0.11 |
| Reading | 168.07 | 165.57 | 171.39 | 168.34 |
| Newspapers | 70.41 | 70.60 | 70.94 | 70.51 |
| Magazines | 39.74 | 38.78 | 39.53 | 39.26 |
| Newsletters | 0.27 | 0.67 | 0.15 | 0.36 |
| Books thru book clubs | 12.22 | 10.56 | 11.44 | 11.41 |
| Books not thru book clubs | 40.22 | 41.38 | 47.99 | 43.20 |
| Encyclopedia and other sets of reference books | 5.21 | 3.58 | 1.33 | 3.37 |
| Education | 433.88 | 423.79 | 469.39 | 442.35 |
| College tuition | 230.54 | 237.86 | 275.33 | 247.91 |
| Elementary and high school tuition | 65.77 | 69.99 | 65.45 | 67.07 |
| Other schools tuition | 39.08 | 16.39 | 15.34 | 23.60 |
| Other school expenses including rentals | 17.66 | 18.40 | 19.50 | 18.52 |
| School books, supplies, equipment for college | 37.22 | 36.94 | 39.14 | 37.77 |
| School books, supplies, etc. for elementary high school | 6.41 | 6.89 | 9.71 | 7.67 |
| School books, supplies, etc. for day care, nursery, other | 3.11 | 3.64 | 3.49 | 3.41 |
| School supplies, etc. – unspecified | 34.10 | 33.67 | 41.43 | 36.40 |
| Tobacco products and smoking supplies | 277.79 | 278.59 | 261.81 | 272.73 |
| Cigarettes | 255.97 | 256.67 | 238.23 | 250.29 |
| Other tobacco products | 18.68 | 19.51 | 21.96 | 20.05 |
| Smoking accessories | 3.14 | 2.41 | 1.62 | 2.39 |
| Miscellaneous | 877.79 | 794.63 | 810.79 | 827.74 |
| Miscellaneous fees, pari–mutuel losses | 48.28 | 60.93 | 50.63 | 53.28 |
| Legal fees | 80.65 | 88.62 | 119.22 | 96.16 |
| Funeral expenses | 54.07 | 51.73 | 91.97 | 65.92 |
| Safe deposit box rental | 6.18 | 5.88 | 5.79 | 5.95 |
| Checking accounts, other bank service charges | 25.63 | 26.45 | 27.69 | 26.59 |
| Cemetery lots, vaults, maintenance fees | 15.42 | 16.64 | 19.45 | 17.17 |
| Accounting fees | 46.16 | 47.58 | 44.90 | 46.21 |
| Miscellaneous personal services | 32.25 | 41.90 | 27.76 | 33.97 |
| Finance charges excluding mortgage and vehicle | 253.58 | 227.00 | 228.84 | 236.47 |
| Occupational expenses | 99.47 | 109.07 | 94.19 | 100.91 |
| Expenses for other properties | 207.48 | 110.86 | 94.77 | 137.70 |
| Interest paid, home equity line of credit (other property) | 1.77 | 0.80 | 0.50 | 1.02 |

APPENDIX 3—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | Total complete reporting | | | |
|---|---|---|---|---|
| | 1991 | 1992 | 1994 | Average |
| Credit card memberships | 6.86 | 7.17 | 5.08 | 6.37 |
| Cash contributions | 1,040.14 | 1,020.99 | 1,066.81 | 1,042.65 |
| Cash contributions to non–CU memb., incl. child sup., etc. | 277.71 | 240.72 | 292.68 | 270.37 |
| Gifts of cash, stocks and bonds to non–CU members | 219.98 | 249.31 | 228.78 | 232.69 |
| Contributions to charity | 97.36 | 105.65 | 102.81 | 101.94 |
| Contributions to church | 407.43 | 378.37 | 404.30 | 396.70 |
| Contributions to educational organizations | 21.71 | 31.50 | 22.66 | 25.29 |
| Contributions to political organizations | 7.64 | 7.22 | 8.33 | 7.73 |
| Other contributions | 8.31 | 8.21 | 7.25 | 7.92 |
| Personal insurance and pensions | 3,141.56 | 3,083.40 | 3,404.08 | 3,209.68 |
| Life and other personal insurance | 353.85 | 354.24 | 413.43 | 373.84 |
| Life, endowment, annuity, other personal insurance | 340.55 | 342.74 | 395.89 | 359.73 |
| Other nonhealth insurance | 13.30 | 11.50 | 17.54 | 14.11 |
| Pensions and Social Security | 2,787.71 | 2,729.16 | 2,990.65 | 2,835.84 |
| Deductions for government retirement | 80.17 | 77.00 | 84.07 | 80.41 |
| Deductions for railroad retirement | 4.55 | 3.03 | 5.38 | 4.32 |
| Deductions for private pensions | 268.34 | 264.82 | 324.08 | 285.75 |
| Non–payroll deposit to retirement plans | 334.61 | 337.62 | 331.09 | 334.44 |
| Deductions for Social Security | 2,100.03 | 2,046.70 | 2,246.03 | 2,130.92 |

*Data might not be statistically significant.
Source: Bureau of Labor Statistics

APPENDIX 4—CONSUMER EXPENDITURE SURVEYS

[Pre–published Data for All Consumer Units Nationwide*]

| | $10,000 to $14,999 | $15,000 to $19,999 | $20,000 to $29,999 | $30,000 to $39,999 | $40,000 to $49,999 | $50,000 and over |
|---|---|---|---|---|---|---|
| Average income before taxes: | | | | | | |
| 1991 | $12,340.00 | $17,301.00 | $24,816.00 | $34,402.00 | $44,548.00 | $79,902.00 |
| 1992 | 12,437.00 | 17,420.00 | 24,560.00 | 34,439.00 | 44,442.00 | 81,602.00 |
| 1994 | 12,340.00 | 17,229.00 | 24,721.00 | 34,402.00 | 44,388.00 | 84,162.24 |
| Average | 12,372.33 | 17,316.67 | 24,699.00 | 34,414.33 | 44,459.33 | 81,888.75 |
| Goods and services: | | | | | | |
| 1991 | 7,262.65 | 8,319.82 | 9,715.90 | 13,134.61 | 14,944.06 | 21,598.60 |
| 1992 | 6,735.63 | 8,878.05 | 10,200.76 | 12,021.89 | 15,600.83 | 20,967.26 |
| 1994 | 6,989.07 | 8,346.77 | 10,014.51 | 12,274.85 | 14,404.18 | 21,193.80 |
| Average | 6,995.78 | 8,514.88 | 9,977.06 | 12,477.12 | 14,983.02 | 21,253.22 |
| Food at home: | | | | | | |
| 1991 | 2,267.82 | 2,379.01 | 2,517.57 | 2,959.22 | 3,321.94 | 3,841.29 |
| 1992 | 2,060.61 | 2,473.08 | 2,558.40 | 2,785.24 | 3,265.99 | 3,799.25 |
| 1994 | 2,219.92 | 2,437.04 | 2,597.85 | 2,833.99 | 3,175.54 | 3,797.84 |
| Average | 2,182.78 | 2,429.71 | 2,557.94 | 2,859.48 | 3,254.49 | 3,812.79 |
| Food away from home: | | | | | | |
| 1991 | 945.30 | 1,084.27 | 1,316.78 | 1,803.69 | 2,316.13 | 3,113.47 |
| 1992 | 841.79 | 1,201.22 | 1,405.80 | 1,771.87 | 2,354.17 | 3,131.93 |
| 1994 | 822.30 | 1,089.35 | 1,334.07 | 1,820.82 | 2,211.78 | 3,383.08 |
| Average | 869.80 | 1,124.95 | 1,352.22 | 1,798.79 | 2,294.03 | 3,209.49 |
| Alcohol: | | | | | | |
| 1991 | 140.42 | 248.53 | 270.50 | 389.51 | 404.39 | 563.87 |
| 1992 | 200.85 | 223.45 | 324.37 | 313.65 | 374.96 | 590.09 |
| 1994 | 135.15 | 215.61 | 287.46 | 347.42 | 327.07 | 495.08 |
| Average | 158.81 | 229.20 | 294.11 | 350.19 | 368.81 | 549.68 |
| Domestic Service: | | | | | | |
| 1991 | 170.38 | 109.83 | 171.63 | 229.79 | 273.86 | 469.21 |
| 1992 | 151.62 | 129.29 | 147.99 | 222.40 | 398.61 | 559.53 |
| 1994 | 85.17 | 111.05 | 203.94 | 235.13 | 310.43 | 489.65 |
| Average | 135.72 | 116.72 | 174.52 | 229.11 | 327.63 | 506.13 |
| Furnishings & household operations: | | | | | | |
| 1991 | 1,009.62 | 1,125.48 | 1,466.95 | 2,104.83 | 2,361.30 | 3,924.40 |
| 1992 | 970.65 | 1,370.53 | 1,587.26 | 1,932.32 | 2,427.52 | 3,651.88 |
| 1994 | 1,128.53 | 1,178.62 | 1,521.80 | 1,938.32 | 2,574.21 | 4,075.65 |
| Average | 1,036.27 | 1,224.88 | 1,525.34 | 1,991.82 | 2,454.34 | 3,883.98 |
| Clothing: | | | | | | |
| 1991 | 1,093.80 | 1,178.28 | 1,325.86 | 1,951.82 | 2,186.30 | 3,520.50 |

APPENDIX 4—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | $10,000 to $14,999 | $15,000 to $19,999 | $20,000 to $29,999 | $30,000 to $39,999 | $40,000 to $49,999 | $50,000 and over |
|---|---|---|---|---|---|---|
| 1992 | 889.14 | 1,093.68 | 1,563.66 | 1,603.41 | 2,267.24 | 3,394.31 |
| 1994 | 790.15 | 1,079.54 | 1,464.58 | 1,672.99 | 1,890.64 | 3,188.54 |
| Average | 924.36 | 1,117.17 | 1,451.37 | 1,742.74 | 2,114.73 | 3,367.78 |
| Recreation: | | | | | | |
| 1991 | 723.92 | 980.12 | 1,270.25 | 1,908.30 | 2,058.64 | 3,485.92 |
| 1992 | 755.24 | 1,146.23 | 1,302.99 | 1,726.85 | 2,558.20 | 3,374.39 |
| 1994 | 828.97 | 1,060.46 | 1,342.40 | 1,741.22 | 2,128.85 | 3,451.76 |
| Average | 769.38 | 1,062.27 | 1,305.21 | 1,792.12 | 2,248.56 | 3,437.36 |
| Personal Care: | | | | | | |
| 1991 | 288.37 | 304.89 | 364.44 | 450.76 | 527.30 | 722.72 |
| 1992 | 229.68 | 340.56 | 376.85 | 405.19 | 528.27 | 702.54 |
| 1994 | 256.43 | 286.31 | 348.68 | 454.00 | 491.54 | 693.28 |
| Average | 258.16 | 310.59 | 363.32 | 436.65 | 515.70 | 706.18 |
| Tobacco: | | | | | | |
| 1991 | 257.39 | 306.61 | 291.80 | 323.27 | 355.15 | 293.08 |
| 1992 | 242.99 | 287.66 | 296.57 | 321.75 | 321.76 | 300.33 |
| 1994 | 222.20 | 250.93 | 280.57 | 340.50 | 295.12 | 278.18 |
| Average | 240.86 | 281.73 | 289.65 | 328.51 | 324.01 | 290.53 |
| Professional Services: | | | | | | |
| 1991 | 365.63 | 602.80 | 720.12 | 1,013.42 | 1,139.05 | 1,664.14 |
| 1992 | 393.06 | 612.35 | 636.87 | 939.21 | 1,104.11 | 1,463.01 |
| 1994 | 500.25 | 637.86 | 633.16 | 890.46 | 999.00 | 1,340.74 |
| Average | 419.65 | 617.67 | 663.38 | 947.70 | 1,080.72 | 1,489.30 |
| Housing: | | | | | | |
| 1991 | 4,700.82 | 5,318.86 | 6,091.15 | 7,384.48 | 8,488.72 | 12,253.50 |
| 1992 | 5,063.74 | 5,566.03 | 6,434.77 | 7,383.31 | 9,071.67 | 12,721.51 |
| 1994 | 5,231.62 | 5,948.47 | 6,764.14 | 7,878.29 | 9,000.79 | 12,785.95 |
| Average | 4,998.73 | 5,611.12 | 6,430.02 | 7,548.69 | 8,853.73 | 12,586.99 |
| Transportation: | | | | | | |
| 1991 | 3,108.18 | 3,296.23 | 4,641.29 | 5,764.38 | 7,119.40 | 9,201.49 |
| 1992 | 2,830.29 | 3,352.10 | 4,803.28 | 5,744.17 | 6,992.50 | 9,305.77 |
| 1994 | 2,757.80 | 4,313.27 | 5,598.36 | 6,010.98 | 8,886.15 | 10,415.29 |
| Average | 2,898.76 | 3,653.87 | 5,014.31 | 5,839.84 | 7,666.02 | 9,640.85 |
| Private transportation: | | | | | | |
| 1991 | 2,952.36 | 3,118.89 | 4,434.71 | 5,473.96 | 6,809.12 | 8,535.49 |
| 1992 | 2,704.31 | 3,171.96 | 4,570.31 | 5,504.80 | 6,638.47 | 8,663.84 |
| 1994 | 2,560.05 | 4,021.24 | 5,343.02 | 5,696.30 | 8,493.93 | 9,583.58 |
| Average | 2,738.91 | 3,437.36 | 4,782.68 | 5,558.35 | 7,313.84 | 8,927.64 |
| Air fares & other transportation expenses: | | | | | | |
| 1991 | 155.82 | 177.34 | 206.58 | 290.42 | 310.28 | 666.00 |
| 1992 | 125.98 | 180.14 | 232.97 | 239.37 | 354.03 | 641.93 |
| 1994 | 197.75 | 292.03 | 255.34 | 314.68 | 392.22 | 831.71 |
| Average | 159.85 | 216.50 | 231.63 | 281.49 | 352.18 | 713.21 |
| Miscellaneous: | | | | | | |
| 1991 | 2,831.11 | 3,165.50 | 4,318.05 | 5,771.11 | 7,086.75 | 12,656.03 |
| 1992 | 2,530.29 | 3,280.40 | 4,349.33 | 5,801.25 | 7,754.49 | 12,924.24 |
| 1994 | 2,567.73 | 3,238.07 | 4,336.49 | 6,018.55 | 7,526.50 | 13,270.22 |
| Average | 2,643.04 | 3,227.99 | 4,334.62 | 5,863.64 | 7,455.91 | 12,950.16 |
| Health care: | | | | | | |
| 1991 | 1,350.11 | 1,422.83 | 1,559.13 | 1,612.87 | 1,690.72 | 2,137.27 |
| 1992 | 1,409.04 | 1,652.24 | 1,647.83 | 1,711.96 | 1,953.77 | 2,262.82 |
| 1994 | 1,484.32 | 1,666.38 | 1,578.60 | 1,761.97 | 2,007.63 | 2,447.22 |
| Average | 1,414.49 | 1,580.48 | 1,595.19 | 1,695.60 | 1,884.04 | 2,282.44 |
| Cash contributions: | | | | | | |
| 1991 | 764.72 | 647.89 | 728.00 | 863.26 | 986.19 | 2,418.40 |
| 1992 | 509.71 | 515.63 | 688.17 | 834.21 | 1,424.12 | 2,515.30 |
| 1994 | 396.39 | 455.67 | 771.77 | 1,049.71 | 1,005.01 | 2,428.04 |
| Average | 556.94 | 539.73 | 729.31 | 915.73 | 1,138.44 | 2,453.91 |
| Personal insurance: | | | | | | |
| 1991 | 716.28 | 1,094.78 | 2,030.92 | 3,294.98 | 4,409.84 | 8,100.36 |
| 1992 | 611.54 | 1,112.53 | 2,013.33 | 3,255.08 | 4,376.60 | 8,146.12 |
| 1994 | 687.02 | 1,116.02 | 1,986.12 | 3,206.87 | 4,513.86 | 8,394.96 |
| Average | 671.61 | 1,107.78 | 2,010.12 | 3,252.31 | 4,433.43 | 8,213.81 |
| Consumer units: | | | | | | |
| 1991 | 9,252 | 7,821 | 13,467 | 11,079 | 8,019 | 17,833 |

APPENDIX 4—CONSUMER EXPENDITURE SURVEYS—Continued

[Pre–published Data for All Consumer Units Nationwide*]

| | $10,000 to $14,999 | $15,000 to $19,999 | $20,000 to $29,999 | $30,000 to $39,999 | $40,000 to $49,999 | $50,000 and over |
|---|---|---|---|---|---|---|
| 1992 | 10,053 | 8,294 | 14,616 | 10,448 | 7,967 | 18,181 |
| 1994 | 9,780 | 7,851 | 13,975 | 10,922 | 8,280 | 20,609 |
| Percentage of Owners with Mortgage: | | | | | | |
| 1991 | 16% | 23% | 32% | 46% | 58% | 73% |
| 1992 | 15% | 23% | 31% | 44% | 58% | 71% |
| 1994 | 14% | 17% | 31% | 44% | 53% | 68% |
| Percentage of Renters: | | | | | | |
| 1991 | 48% | 46% | 43% | 32% | 25% | 13% |
| 1992 | 50% | 45% | 43% | 33% | 25% | 14% |
| 1994 | 49% | 47% | 42% | 34% | 25% | 15% |
| Owners as Percentage of Renters Plus Owners with Mortgages: | | | | | | |
| 1991 | 25.00% | 33.33% | 42.67% | 58.97% | 69.88% | 84.88% |
| 1992 | 23.08% | 33.82% | 41.89% | 57.14% | 69.88% | 83.53% |
| 1994 | 22.22% | 26.56% | 42.47% | 56.41% | 67.95% | 81.93% |
| Average | 23.43% | 31.24% | 42.34% | 57.51% | 69.24% | 83.45% |
| Renters as Percentage of Renters Plus Owners with Mortgages: | | | | | | |
| 1991 | 75.00% | 66.67% | 57.33% | 41.03% | 30.12% | 15.12% |
| 1992 | 76.92% | 66.18% | 58.11% | 42.86% | 30.12% | 16.47% |
| 1994 | 77.78% | 73.44% | 57.53% | 43.59% | 32.05% | 18.07% |
| | 76.57% | 68.76% | 57.66% | 42.49% | 30.76% | 16.55% |

*Data may not be statistically significant.
Source: Bureau of Labor Statistics

APPENDIX 5:—ITEM DESCRIPTIONS

| | |
|---|---|
| Food at Home: | |
| Ground Beef | Price per lb. of fresh not frozen average size package of regular ground beef with no more than 25% fat content. Do not price lean, ground chuck, ground round, frozen beef et cetera. Do not price family–pack, value–pack, super–saver pack, or equivalent. |
| Round Steak, Boneless | Price per lb. of an average size package. Do not price family–pack, value–pack, super–saver pack or equivalent. Do not price frozen steak. Order of choice: Boneless beef round, Boneless top round, Boneless bottom round. |
| Round Roast, Boneless | Price per lb. of an average size package. Do not price family–pack, value–pack, super–saver pack or equivalent. Do not price frozen roast. Order of choice: Boneless rolled rump, Sirloin tip rolled, Boneless top round. |
| Pork Chops, Bone In | Price per lb. of an average size package. Do not price family–pack, value–pack, super–saver pack or equivalent. Do not price frozen chops. Order of choice: Center cut, rib chop; Loin chops with bone. |
| Bacon, Sliced | 16 OZ (1LB) package, regular sliced bacon. Do not price Canadian bacon, extra thick sliced, or extra lean. Order of choice: *Oscar Mayer, Hormel, Armour, Dubuque.* |
| Chicken, Whole | Price per lb. of fresh whole fryer chicken. Do not price family–pack, value–pack, super–saver pack or equivalent. Do not price frozen chicken or roasters. |
| Fish Filet, Frozen | Price per lb. of frozen ocean whitefish filet. Do not price breaded filets. Do not price family–pack, value–pack, super–saver pack or equivalent. Order of choice: Cod, Haddock, Snapper, Mahi–Mahi. |
| Tuna, Canned | Chunk light, packed in water (Not fancy style). Order of choice: *Star Kist, Chicken of the Sea, Bumble Bee.* |
| Lunch Meat | 8 OZ pkg., *Oscar Mayer.* Order of choice: Bologna, Cotto Salami. |
| Ham, Canned | 3 LB tin of canned ham. Do not price *Hormel*'s supreme cut ham or equivalent. Order of choice: *Hormel, Dubuque, Bar–S.* |
| Frankfurter | All beef 16 OZ (1LB) package. Do not price chicken, turkey, extra lean, or fat free frankfurters. Order of choice: *Oscar Mayer, Hormel, Dubuque, Ballpark.* |
| Eggs, Large | 1 dozen. Order of choice: local brand, regional brand. |
| Fish, Fresh | Price per lb. of salmon steak. Do not price special prepared skinless or boneless varieties. Do not price family–pack, value–pack, super–save pack, or equivalent. |
| Milk, 2% | Gallon (128 FL OZ) store brand, 2%. |
| Cheddar Cheese | 10 OZ package mild cheddar cheese. Order of choice: *Kraft Cracker Barrel, Tillamook.* |
| Ice Cream | 1/2 gallon (2 QT) of store brand vanilla ice cream. Do not price ice milk or frozen yogurt. |
| Bread, White | 16 OZ loaf of sliced white bread. Do not price store brand. Order of choice: *Wonder, Sunbeam, Holsum, Regional brand.* |
| Spaghetti, Dry | 16 OZ box or bag. Order of choice: *Creamettes, American Beauty, Mission, Golden Grain, San Georgio.* |
| Cereal | 20 OZ box of cereal. Do not price significantly larger or smaller size. Order of choice: *Post Raisin Bran, Kellogg's Raisin Bran, Kellogg's Frosted Mini–Wheats.* |
| Cookies | 18 – 20 OZ package. Order of choice: *Nabisco Oreo Cookies, Keebler Chips Deluxe, Nabisco Chips Ahoy.* |
| Frozen Waffles | Package of frozen waffles. Order of choice: *Kellogg's Eggo.* |

APPENDIX 5:—ITEM DESCRIPTIONS—Continued

| | |
|---|---|
| Hamburger Buns | Package of 8 sliced enriched white hamburger buns. Do not price store brand, whole wheat or sesame seed buns. Order of choice: *Wonder, Sunbeam, Regional brand.* |
| Cake | Package of two cellophane wrapped, cream–filled sponge cake deserts. Do not price fresh baked desserts, boxed, or family packs. Order of choice: *Hostess Twinkie, Krispy Kreme, Hostess Cupcake, Dolly Madison Zinger.* |
| Apples, Fresh | Price per LB of apples, loose (not in bag). If only bagged apples are available, report the weight of the bag. Order of choice: Red delicious, Golden delicious. |
| Bananas, Fresh | Price per lb. of bananas. If sold by bunch report price and weight of bunch. |
| Tomatoes, Fresh | Price per lb. of medium–size tomatoes. Do not price organic, 'hydro', plum, or extra fancy tomatoes. |
| Potatoes | 10 LB bag of Russet baking potatoes. Do not price loose potatoes. If 10 lb bag is not available, substitute nearest size bag and note price and size. Do not price, white, red or new potatoes. |
| Frozen Orange Juice | 12 FL OZ (makes 48 FL OZ) of frozen orange juice concentrate. Do not price calcium fortified, pulp free, country style etc. Order of choice: *Minute Maid, Sunkist, Whole Sun.* |
| Fruit Juice | 48 ounce bottle of cranberry juice. Do not price frozen or boxed drink or drink in significantly different size bottle. Order of choice: *Ocean Spray Cranberry Cocktail, Ocean Spray Cranapple.* |
| Peaches, Canned | 16 OZ can sliced yellow cling peaches. Order of choice: *Libby's, Del Monte.* |
| Peas, Frozen | 16 OZ package of frozen peas. Do not price peas with sauce or *Green Giant Select.* Order of choice: *Green Giant, Birdseye, Hanover.* |
| Green Beans, Canned | 14.5 OZ can of cut green beans. Do not price French style or canned vegetable mixtures. Order of choice: *Del Monte, Green Giant.* |
| Oranges, Fresh | Price per lb. of loose NAVEL oranges. If only bagged oranges are available, also report the weight of the bag. Order of choice: California navel, Florida navel. |
| Lettuce, Fresh | Price per lb. of iceberg lettuce. If lettuce is sold by the head, report the price and weight of an average head. Find equivalent–size heads at each store. |
| Celery, Fresh | Price per lb. for celery. Do not price celery hearts or Pascal type celery. If celery is only sold by the bunch, report the price and the weight of an average bunch. Find equivalent size bunches at each store. |
| Fruit Drink | 46 FL OZ can. Do not price plastic bottles, powdered mixes, or individual serving sized drinks. Order of choice: *Hawaiian Punch, Hi–C regular.* |
| Soft Drink | 2 liter plastic bottle. Order of choice: *Coca–Cola, Pepsi.* |
| Coffee, Ground | 13 OZ can ground coffee. Do not price decaffeinated or special roasts. Order of choice: *Folger's Drip, Maxwell House, Hill's Bros.* |
| Canned Soup | 1 can *Campbell's* soup. Do not price hearty, reduced fat or salt free varieties. Order of choice: Vegetable, Chicken Noodle, Vegetable Beef, Turkey Noodle, Chicken and Rice. |
| Snack Food | 6 OZ bag or box of potato chips. Order of choice: *Ruffles, Lays.* |
| Salt | 26 OZ box of iodized salt. Do not price sea–salt, kosher–style salt etc. Order of choice: *Morton, Ivory,* Regional brand, Store brand. |
| Ketchup | 28 OZ plastic squeeze bottle. Order of choice: *Heinz.* |
| Cooking Oil | 48 FL OZ bottle. Order of choice: *Crisco, Wesson, Mazola.* |
| Margarine | 4 sticks (1 LB). Order of choice: *Blue Bonnet, Parkay.* |
| Frozen Dinner | *Swanson* 11.5 OZ (326 G) frozen turkey dinner. Dinner should include whipped potatoes, peas, and fruit compote. Do not price Hungry Man or equivalent extra–portion sizes. |
| Jello Gelatin | 3 OZ box gelatin dessert. Order of choice: *Jell–O, Royal.* |
| Baby Food | 4 OZ jar strained vegetables or fruit. Order of choice: *Gerber Second Foods, Heinz.* |
| Candy Bar | Regular size candy bar ranging in weight from 1.55 oz to 2.13 oz. Do not price king–size or multi–pack candy bars. Order of choice: *Snickers, Hershey's, Mars, 3–Musketeers, Butterfinger.* |
| Sugar, Granulated | 5 LB bag of granulated cane or beet sugar. Do not price superfine or generic. Order of choice: Non–store brand, Store brand. |
| Bottled Water | 1 gallon (128 FL OZ) bottled spring water (store brand). Do not price sparkling or distilled water. |
| Food Away from Home: | |
| Breakfast | Two strips of bacon or 2 sausages, 2 eggs, toast, and coffee or juice. Report percentages added for tax, tip and service charge. Order of choice: *Denny's, Bob Evans,* Any equivalent restaurant. |
| Lunch | Cheeseburger platter with fries and small soft drink. Report percentages added for tax, tip and service charge. Order of choice: *Denny's, Sizzlers,* Any equivalent restaurant. |
| Pizza Lunch | 1 personal size cheese pizza (or 1 slice of cheese pizza). Include small soft drink and gratuity. Do not price salad. Order of choice: *Pizza Hut,* Any equivalent restaurant. |
| Dinner | New York Strip, small side dish (e.g., rice or potato), side salad or salad bar, and coffee. Meal should not include dessert. Report percentages added for tax, tip and service charge. Order of choice: *Denny's, Sizzlers,* Any equivalent restaurant. |
| Pizza Dinner | 1 12–inch diameter cheese pizza with regular crust (not thin or extra thick) and no extra toppings. Include small drink and gratuity. Do not price salad. Order of choice: *Pizza Hut,* Any equivalent restaurant. |
| Fast Food Meal | Big Mac or Whopper, medium french fries, and medium coke. Price a combo meal, if a suitable one is offered. Order of choice: *MacDonalds, Burger King,* Any equivalent outlet. |
| Ice Cream Cone | Regular (1 scoop) vanilla ice cream cone. Do not price frozen yogurt. Order of choice: *Baskin–Robbins,* Any equivalent outlet. |
| Tobacco: | |
| Cigarettes, King Size | 1 carton (200 cigarettes) of *Winston* filter kings soft pack. Do not price generic brand. |
| Alcohol: | |
| Beer At Home | Six–pack of *Budweiser* 12 OZ cans (Puerto Rico – 10 OZ cans.) Do not price refrigerated beer unless that is all that is available. |
| Wine At Home | 1.5 L of Chablis blanc. Order of choice: *Gallo, Inglenook.* |
| Beer Away | Glass of *Budweiser/Miller Lite* beer. |
| Wine Away | Price 1 glass of house white wine. |

APPENDIX 5:—ITEM DESCRIPTIONS—Continued

| | |
|---|---|
| Furnishings, Household Operations: | |
| Lawn Care Service | Price to cut and trim a 1/4 acre lot on a weekly basis. Do not include other yard services (e.g. fertilizing, raking, or watering). |
| Housekeeping Services | Price per hour for bi–weekly cleaning. House approximately 2,000 sq. ft. Family size four. Services include—Bathroom(s): sanitize walls, floor, counter tops, bathtub, stool; Kitchen: sanitize walls, counter tops, cabinets, appliances; Living and Dining Room; dust, polish furniture, and vacuum; Bedroom; polish furniture and vacuum. If other services are included please note. Report the number of cleaners and estimated number of hours to complete service. |
| Moving | Price per hour for a within–city move, two men with enclosed van. Include any van rental fees. Do not include any extra insurance options or specialty packaging options. Note number of men if other than two used. |
| Toilet Tissue | 4 roll pack. Do not price family–pack, double pack, value–pack, super–saver size package, or equivalent. Order of choice: *Cottonelle, Northern, Charmin.* |
| Pen | 10 pack round stick medium pen. Order of choice: *Bic, Papermate.* |
| Parcel Post | Cost to United States Parcel of mailing a 5 lb. package to each of the following cities: Chicago, Los Angeles, New York. |
| Laundry Soap | 100 FL OZ of liquid household laundry detergent. Do not price detergent with bleach or whiteners. Order of choice: *Tide, Cheer, Wisk, Surf.* |
| Plant Food | 8 OZ container of indoor plant food. Order of choice: *Miracle Grow.* |
| Bed Sheet Set | 1 set queen–size no–iron cotton & polyester percale sheets (180 thread count). 1 set consists of 1 fitted sheet, 1 flat sheet, and two pillowcases. Do not price designer sheet sets. Price sheet sets with minimum design. Order of choice: *Fieldcrest, New Concept, Dan Rivers, Colour Forum,* Available brand. |
| Bath Towel | 27x50 inch bath towel made of 100% cotton. Order of choice: *Cannon, Heir Loom, Fieldcrest, Royal Velvet.* |
| Dining Room Table | Pedestal oak veneer tabletop with 4 spindled hardwood chairs. |
| Living Room Chair | Recliner. |
| Bedroom Set | Include items such as chest, nightstand, and bed frame. |
| Washing Machine | Super capacity washing machine with 4 water temperatures, 8 wash cycles, 4 water levels, white porcelain tub, self–clean lint filter, fabric softener dispenser and 2 speed combinations. Order of choice: *Maytag* Model #LAT960, *General Electric* Model #WWSR3090T, *Whirlpool* Model #LSC8244D. |
| Kitchen Range | 30–inch electric range with upswept cook–top, removable coil elements, electronic clock with timer, oven light, delay–start cook control, storage drawer, self–cleaning oven with two oven racks and a porcelain enamel broiler pan. Order of choice: *Maytag* Model #CRE9500, *General Electric* Model #JBP47GV, *Whirlpool* Model #RF385PXDQ. |
| Refrigerator | No–frost top–mount 20.5 to 21.5 cubic ft. refrigerator with reversible doors, glass shelves, moisture controlled crisper drawers, and meat drawer. Door contains 1 or more covered compartments and adjustable bins. Freezer has adjustable door bins and ice trays. Do not price models with ice makers, chilled water dispensers, or other extra features. Order of choice: *Maytag* Model #RTD2100DAE, *General Electric* Model #TBX21ZAX, *Whirlpool* Model #ET21DKXD. |
| Vacuum | Upright vacuum cleaner with 6.5 to 7.5 amps, 120 volts, six above–the–floor attachments, height adjustment, regular bag and 20 to 25 foot cord. Order of choice: *Eureka* Model #9334AT, *Hoover* Model #U4263–930, *Hoover* Model #U4293–930, *Eureka* Model #9205. |
| Two–slice Toaster | Two–slice toaster, chrome body, wide slot with pastry defrost setting. Order of choice: *Proctor Silex* Model #T620B, *Proctor Silex* Model #22100. |
| Baking Dish | 8 inch square glass baking dish (any color). Do not include cover or lid. Order of choice: *Pyrex, Anchor Hocking.* |
| China | *Corelle* Abundance pattern tableware set. Set consists of 20 pieces: 4 dinner plates, 4 luncheon plates, 4 bowls, 4 cups, and 4 saucers. The pattern is beige with a fruit and flower motif. Order of choice: Corelle Impressions, New Corelle. |
| Electric Drill | Reversible, variable speed, 7 to 9 volt, cordless electric drill with 3 hour recharge. Order of choice: *Black and Decker* Model #9052, *Skil* Model #2236. |
| Red Roses, Fresh Cut | 1 dozen long stemmed, fresh cut red roses. Do not price boxed or arranged |
| Hammer | Curved claw hammer with a 16 OZ head, wood handle, high carbon steel head, black finish. Overall length 13 1/4''. Please price an inexpensive hammer. Do not price hammers with non–wooden handles or hammers typically used by carpenter. Order of choice: *Stanley* Model #51616, *Vaughan* Model #F16. |
| Area Rug | 8'x11' oval, braided rug |
| Snow Blower | Four cycle, 8 to 9 HP two–stage gas snow thrower. Order of choice: *Honda* Model #H5828KITA, *Simplicity* Model #970M, *Toro* Model #38540. |
| Lawn Trimmer | Gas powered, 30 or 31 CC two–cycle engine single line lawn trimmer with a 17 or 18 inch wide cut. |
| Window Shade | Light–filtering, unfringed 37.5 width window shade. |
| Clothing: | |
| Man's Jeans | Regular loose fit inexpensive, non–designer jeans. Do not price bleached, stone–washed or designer jeans. Order of choice: *Wranglers, Lee*'s regular fit. |
| Man's Dress Shirt | White or solid color, long sleeve, button cuff, plain collar dress shirt, approximately 35% cotton, 65% polyester. A dress shirt will have exact collar and sleeve sizes. Example: 15 1/2 inch collar, 34 inch sleeve. Order of choice: *Arrow, Van Heusen, Moose Creek, Pour Homme.* |
| Boy's Jeans | Regular fit (size 9–14), inexpensive jeans. Do not price bleached, stone–washed or designer jeans. *Wranglers, Lee's, Rustlers.* |
| Boy's T–shirt | Screen–printed t–shirt commonly worn by boys ages 8 thru 10 (size 7–14). Pullover with crew neck, short sleeves and polyester/cotton blend. Order of choice: *Ocean Pacific, Team Shirts (NFL), Miller, Hanes.* |

APPENDIX 5:—ITEM DESCRIPTIONS—Continued

| | |
|---|---|
| Man's Undershirt | White 100% cotton undershirts with short sleeves, set of three. If not in set of three, report the number of undershirts in package. Order of choice: *Fruit of the Loom, Hanes.* |
| Man's Insulated Underwear Top | White light weight, crew neck thermal underwear top of cotton and polyester. Order of choice: *J.E. Morgan, Hanes.* |
| Man's Suit | Double–breasted suit in worsted wool. Ventless back. |
| Man's Jacket | Denim jacket. Relaxed fit and machine washable. |
| Man's Parka | Park with polyester & cotton shell. Lower body nylon lining. Detachable hood, multiple pockets and drawstring at waist. |
| Woman's Dress | Sleeved shirtwaist dress appropriate for office attire. Exclude any unusual ornamentation. Dress should be unlined and 100% rayon or 100% polyester. Order of choice: *Stewart Allen, Lesley Fay, California Design, Perception,* Store label. |
| Woman's Blouse | 100% polyester, white, long sleeve, button front blouse with minimum trim. Order of choice: *Wrapper, Girls Girls Girls, Christy Jill, Jacelyn Ferrare, Bill Blass.* |
| Woman's Slacks | Misses unlined slacks appropriate for office attire. The slacks should be a blend of cotton and polyester without a belt. Order of choice: *Donnkenny, Alfred Dunner, Fundamental Things, Counterpart, Jump.* |
| Woman's Accessory | Split–grain, cowhide leather, checkbook clutch wallet. Do not price eel skin, snake skin or other varieties. Order of choice: *Michael Stevens, Mundi, Cadillac, Amity, Buxton.* |
| Girl's Dress | Cotton blend long–sleeve dress appropriate for school. Exclude extra ornamentation. For girls ages 8 through 10 (size 7–14). Order of choice: *Carter's, JoLene, Bendina, Jazz Kids, Byer.* |
| Girl's Jeans | Jeans, for girls ages 8 through 10 years (size 7–14). Order of choice: *Zenna, Rider, Lee, Bongo.* |
| Girl's Knit Top | Knit long sleeve pullover of cotton/poly blend. For girls ages 8 thru 10 (size 7–14). Order of choice: *Spumoni, Hot Shots, Lee, New Moves, Freeze Frames.* |
| Woman's Coat | 100% wool, double–breasted coat. |
| Woman's Jacket | Hooded slicker. Zip front design lined in 100% cotton. PVC vinyl shell. |
| Woman's Sweater | Cotton knit crewneck pullover sweater. Machine wash. |
| Infant's Sleeper | One–piece sleeping garment with legs, covering the body including the feet. Order of choice: *Gerber, Playskool, Health Tex, Carter, Fruit of the Loom.* |
| Disposable Diaper | 36 count package disposable diapers, (child 12–18 LBS). Do not price larger size diapers. Order of choice: *Pampers, Luv's, Huggies.* |
| Man's Shoes | 100% leather wing tips. Order of choice: *Bostonian, Rockport, Giorgio Brutini.* |
| Woman's Shoes | Woman's pump style shoes with enclosed heel and toe, leather uppers and the rest of man–made materials. Heel height should be approximately two inches. Order of choice: *Naturalizer, Capezio, Calico.* |
| Man's Boots | 8 inch waterproof, insulated leather boot with Cambrelle lining. Order of choice: *Timberland, Sorel, Donner.* |
| Woman's Boots | Calf height boot with pile or fleece lining, urethane upper, side zipper, broad–based one–inch heel, and non–skid traction sole. Order of choice: *Naturalizer, Timberland, Sorel.* |
| Jewelry | 1 pair 6mm 14K gold ball earrings for pierced ears. |
| Coin Laundry | 1 load of laundry using a regular size, top loading commercial washing machine. Do not include cost of drying. |
| Dry Clean Man's Suit | Dry clean a man's 2–piece suit of typical fabric. |
| Domestic Service: | |
| Day–care | 1 month of day–care for a 3–year–old child (5 days a week, about 8 hours per day). If monthly rate is not available: 1) obtain weekly rate and record in the comment section 2) multiply weekly rate by 4.33 to obtain monthly rate 3) record monthly rate in the regular price field. |
| Babysitter | Average hourly rate for 1 child, age four years, evening, before midnight. (Teenager in your home.) Do not price commercial baby–sitting service. Special Instructions: If typical for your area, you may wish to obtain quotes from friends who use teenage babysitters. |
| Professional Services: | |
| Legal Services | Fee for a standard residential real estate closing. Fee should include all paperwork and attendance at the lending institution closing. |
| Accounting Services | Hourly rate for individual tax work (not business). Price rate for Federal 1040 tax form service with typical itemized deductions. |
| Charge Card Finance Charges | Finance charges on a major charge card through a local bank. Assume average monthly balance is $1500. Please report the financial charges on the first month's balance of $1500. Do Not include principal payments or annual fees. Annual fees are reported separately, but both charges must be obtained for the same card. Order of choice: *Mastercard, VISA.* |
| Charge Card Annual Fee | Annual fee on major charge card through local bank. Note: Finance charges are reported separately, but both charges must be obtained for the same card. Order of choice: *Mastercard, VISA.* |
| Funeral Services | The charge for a direct cremation. Includes removal of remains, local transportation to crematory, necessary body care and minimal services of the staff. Do not include the fee for the crematory, container or use of facilities and staff. |
| Personal Care: | |
| Woman's Cut And Styled Blow Dry | Regular service for a woman's cut and styled blow dry. Include wash but do not include curling iron if extra. |
| Man's Haircut | Man's typical haircut. Do not include wash. |
| Lipstick | 1 tube of lipstick. Order of choice: *Revlon Super Lustrous, Revlon Moondrops, L'Oreal.* |
| Shampoo | 15 ounce bottle of shampoo for normal hair. Order of choice: *Suave, VO5, White Rain.* |
| Recreation: | |
| Bowling | 1 game of open (or non–league) 10–pin bowling on Saturday night. Exclude cost of shoe rental. If priced by the hour, report the estimated number of games per hour. Do not price duck–pin bowling. |

APPENDIX 5:—ITEM DESCRIPTIONS—Continued

| | |
|---|---|
| Golf | 18 holes of golf on a weekend. Do not price par 3 courses. Do not include golf–cart rental, or special early–bird or off hours pricing in cost. If only 9 hole rate is available, report twice the price. If only daily rate is available (unlimited number of holes), report the Saturday or Sunday rate. Please ask if the course is publicly-owned or privately-owned and record this information in the comment section. |
| Movie Theater | Typical adult price for regular length, current–release (currently advertised on television) evening film. Report weekend evening price if different from weekday. |
| Health Club | Regular individual membership for 1 year for existing member. Do not include any initial fees assessed only to new members or any special offers provided only to new members. If yearly rate is not available, price per month and note as a monthly rate. Services must include free weights, cardiovascular equipment, aerobic classes, and tennis or racquetball court(s). Note if pool or other significant services are also offered. |
| Piano Lessons | Private lesson for a beginner one–half hour in length. |
| Downhill Skiing | 1 lift ticket on Saturday. |
| Roller Skating | 1 session of open skating on Saturday night. Exclude cost of skate rental. |
| Video Rental | Price to rent 1 video tape of recently released movie, Saturday night (1 day or minimum rental period) rate. Non–member fee. |
| Video Recorder | VCR with 4 video heads, double azimuth, unified TV/VCR remote, one–year eight event timer, auto tracking, LED display, and HI–FI stereo. Order of choice: *Zenith* Model #VR4205, *Sony* Model #SLV740, *JVC* Model #HRJ620. |
| Compact Disc | Regular price for a current best–selling CD. Do not price double CD's. Order of choice: *Jagged Little Pill, Waiting to Exhale.* |
| Compact Disc Player | 5 disc CD player with rotary changer system, 10 key access, 32 track programming, 8 times over sampling, and a remote. Order of choice: *Sony* Model #CDPC745, *Technics* Model #SLPD887, *JVC* Model #XLF215TN. |
| Color Television | 20 inch table model color TV with a remote, auto channel search, closed captions, sleep timer, on–screen channel/time and menus, channel flashback, and 181 channel tuning. Order of choice: *Zenith* Model #SR2031, *Sony* Model #KV20TS32, *JVC* Model #C20CL6. |
| Basic Cable Service | 1 month of basic cable channel TV. Report the number of channels offered. If basic service provides 12 or fewer channels, price the next level of service. Do not include hookup charges or premium (e.g., movie) channels. Convert monthly cost to price per channel per month. |
| Veterinary Services | Typical fee for general office visit for a small dog. |
| Pet Food | 5.5 OZ can of cat food. Order of choice: *Purina, 9 Lives, Whiska, Friskies.* |
| Film Developing | Price to process and print 35 millimeter, 24 exposure, 100 ASA color. Regular size (3 X 5) single prints only. |
| Camera Film | 35 millimeter, 24 exposure, 100 ASA *Kodak* camera film in single pack. |
| Tennis Balls | Can of three heavy–duty felt, yellow, tennis balls. Order of choice: *Wilson, Penn.* |
| Board Game | Board game. Do not price deluxe edition. Order of choice: *Monopoly, Sorry, Scrabble.* |
| All–terrain Vehicle | All terrain sports vehicle with four–wheel drive and a 250 to 300 CC (approximate sizes) engine. Do not price industrial ATV's (similar to sports model but heavier duty) or ''Arctic Cat'' models. Order of choice: *Honda* Model #TRX399FW, *Suzuki* Model #250LT4WDT, *Polaris* Model #W968040, *Kawasaki* Model #KLF300C. |
| Personal Water Craft | Sit-down jet ski. Order of choice: *SkiDoo, Arti Cat Tiger Shark* Montego, *Polaris* SL700 Model #B964066, *Kawasaki* 750SS Model #JH750E, *Seadoo* Model #SPX8777. |
| Motor Scooter | 50 CC scooter. 1 seater with electric start, oil injection 2–stroke engine. Order of choice: *Yamaha* JOG Model #CY50, *Honda* Elite Model #SA50. |
| Book | Store price (not publisher's price unless that is the store price) for top selling paperback book. Order of choice: *Waiting to Exhale, Eyes of a Child, Hidden Jewel.* |
| Magazine | Store price (not publisher's price unless that is the store price) for a single copy. Order of choice: *Time, Newsweek, U.S. News & World Report.* |
| Regional Newspaper | 1 year of home delivery of the largest selling daily regional paper (including Sunday edition) distributed in the area. Do not include tip. In Alaska, price the major Anchorage newspaper. In Hawaii, price the major Honolulu newspaper. |
| Miscellaneous Expense Component: | |
| Non–aspirin Pain Reliever | 60 tablets of extra–strength *Tylenol.* Do not price caplets or gelcaps. |
| Tetracycline Prescription | 40 capsules of tetracycline, 250 milligram strength. |
| Contact Lenses | 1 year supply of soft 2 week replacement contact lenses. Order of choice: *Medalists, Sequence, AcuVue, NewVue, Precision.* |
| Dentist Clean And Check Teeth | Charge for x–rays, exam and prophylaxis (light scaling and polishing) or cleaning of teeth without special treatment of gums or teeth. Do not price initial visit. Do not price specialist or oral surgeon. |
| Doctor Office Visit | Typical fee, after the initial visit, for an office visit when medical advice or simple treatment is needed. Do not include the charge for a regular physical examination, injections, medication or lab tests (routine brief visit). Price general practitioner. Do not price specialist. |
| Hospital Room | Daily charge for a semi–private room. Include food and routine care. Exclude cost of operating room, surgery, medicine, lab fees, etc. Do not price speciality rooms, e.g., those in cardiac care units. |
| Housing–Related Component: | |
| Electric Bill | Average monthly consumption in KWH and dollars; customer service charge; cost for first xxx KWH; cost for over first xxx KWH. |
| Gas/Oil Bill | Average monthly consumption in cu. ft./gallons and dollars; customer service charge; cost for first cu. ft./gallons; Cost for over first xxx cu. ft/gallons. |
| Water Bill | Average monthly consumption in gallons and dollars; customer service charge; cost for first xxx gallons; cost for over xxx gallons. |

APPENDIX 5:—ITEM DESCRIPTIONS—Continued

| | |
|---|---|
| Real Estate Taxes | Current real property tax rate, any special charges that are added to the tax bill and any homestead credits that might be deducted from the bill. Report when properties were last assessed and what base year tax rate should be applied to the assessment. Report when rates are certified and when bills are mailed. |
| Bathroom Caulking | 5.5 OZ plastic tube of latex white bathroom caulking. Do not price caulking gun cartridge. Order of choice: *DAP Kwik Seal, Red Devil, GE Silicone II.* |
| Electrical Outlet | 2–plug 15–amp (duplex) grounded electrical outlet. This is a standard wall outlet or plug commonly found in homes. Price blister pack or cardboard mounted (individually packaged) only. Do not price loose electric outlet. Order of choice: *GE, Levitron, Eagle.* |
| Electrical Work | Labor to add circuit breaker for dishwasher. Cut 3/4 inch hole in wooden floor for cable. Connect dishwasher directly to power box (power box is easy to reach). Report price per hour, estimated time for job, & travel. Exclude cost of materials. |
| Fire Extinguisher | Fire extinguisher with a UL rating of 10 BC, 2.5 lb. size. Order of choice: *Kidde, First Alert.* |
| Interior Painting | Labor to paint 12' x 14' living room with 8' ceilings. Walls are plaster or drywall in good repair. Two standard sized sash windows, 1 picture window, 1 standard wood door. Rooms have simple wood baseboards and trim. Existing paint is latex, flat white, smooth finish, about 3 yrs old. Trim paint is latex, white, gloss enamel, about 3 yrs old. Walls and trim require no surface preparation. Report price per hour, estimated time for job, and travel. If flat charge, report estimated time to complete job. Do not include materials. |
| Latex Interior Paint | 1 gallon white, interior flat latex paint. Price a national brand with 1 coat coverage. Order of choice: *Dutch Boy, Glidden, Ben Moore, Sherwin Williams, Martin-Senior, Pittsburgh, Benjamin Moore.* |
| Pest Control | Basic pest control maintenance (1 visit to control crawling insects, not wood eating), based on the inside of a 1,200 sq. ft. single story home. Price follow–up maintenance only, not the initial application. |
| Unclog Drain | Labor to unclog kitchen sink drain by mechanical means (snake, auger, etc.). Don't include trap removal. Assume clog is in the plumbing inside the house, not in the yard. Obtain hourly rate, estimated time for job, and travel. Exclude cost of materials, and extra charge for excess travel, overtime, weekend or emergencies. |
| Kitchen Faucet | Single control chrome–plated faucet with spray. Faucet is solid brass and stainless steel quality construction with copper waterways, washer less design, and triple chrome plating. Faucet sprayer should sit in a separate holder. Do not price decorator or ''in the deck'' models (sprayer sits in a hole in the faucet base or ''deck''). Warrantied for as long as the home is owned. If pricing Brand 2 (*Delta*), a 2–year warranty is acceptable. Order of choice: *Peerless 8500-ECP, Delta 400.* |
| Mortgage Interest | Current interest rate for a 30–year loan on the average house assuming 80 percent financing. |
| Homeowner Insurance | Report annual renewal premium for HO–2 type coverage. If the company does not refer to the coverage as HO–2, obtain the cost for a comprehensive coverage that covers ''all risk for dwelling and named peril for contents'' with contents at replacement value. |
| Renter Insurance | Report price of HO–4 type coverage; assume value of contents at $25,000 for lower and middle income, and $30,000 for upper income. |
| Long Distance Call | 10 minute calls received on a weekday in New York, Chicago, and Los Angeles at 8:00 p.m. (local time); direct dial from the location being surveyed to these three cities. Include any federal, state, local or excise tax that is applicable. |
| Telephone Service | Monthly cost for unmeasured touch tone service. Include tax. Do not include options such as call waiting, call forwarding or fees for equipment rental. |
| Homeowners and Renters: | |
| Homeowners | Selling price, sale date, age, room count (when available), square footage, and price per square foot for selected income profile houses. Information was collected from various sources, including real estate professionals, appraisers, MLS data, assessors' offices, and private sources. |
| Renters | Monthly rent for 1–bedroom and 2–bedroom apartments, and for 2 and 3–bedroom detached houses or townhouses, along with estimates of the prevailing range of rental rates in each area (low, median, and high). To the extent practical, obtain square footage of the unit, total room count, whether utilities are included, and special amenities. Obtain overall rental rate trends in the area. Obtain data from brokers and non-brokers. |
| Transportation Component: | |
| Vehicles | 1996 Honda Civic DX four door sedan, 1.5 Liter 4 Cylinder.<br>1996 Chevrolet Blazer, T–Series, Two Door, four wheel drive, 4.3 Liter 6 Cylinder.<br>1996 Ford Taurus GL four door sedan, 3.0 Liter 6 Cylinder. |
| Gasoline | Gallon of self–service unleaded regular gasoline. In Alaska, use full–service price. |
| Tune–up | Basic tune–up for each vehicle. Include replacing spark plugs (do not price platinum), check distributor cap, and rotor. Check and adjust ignition timing. Adjust idle speed. Inspect air cleaner. Do not include cost to replace PVC valve, fuel filter or air filter. Sales tax should not be included in price. |
| Oil Change | Oil change for each vehicle. Include parts and labor for the following: drain old oil, replace oil filter and refill with appropriate number of quarts of 10W30 SG grade oil. If SG grade not available, price SF grade oil. |
| ATF Change | Price to change automatic transmission fluid in each vehicle. Include parts and labor for the following: drain and replace transmission fluid and test vehicle. Include filter and pan gasket replacement. |
| Coolant Flush and Fill | Price to flush and fill engine coolant in each vehicle. Include parts and labor for the following: remove old coolant, flush contaminants, and replace with new coolant. |
| Muffler System | Complete muffler system for each vehicle. Include parts and labor for the following: install all parts after the catalytic converter. These parts include mid pipes, clamps, muffler, and tail pipes. |
| One–Time Taxes | Report any one–time sales or other taxes associated with a new car purchase for each vehicle. |
| Annual Misc. Taxes | Annual miscellaneous tax (e.g., personal property tax, use tax, etc.) for each vehicle. Report how rate is determined, give formula for new vehicle purchase, give formula for subsequent year (2 to 5) and explain billing. |

APPENDIX 5:—ITEM DESCRIPTIONS—Continued

| | |
|---|---|
| Regular Tires | Black Side Wall P175/70R13 for the Honda Civic. Order of choice: *Goodyear* Invicta GL, *Michelin* LX1, *BF Goodrich* Touring TA.<br>Black Side Wall P205/75R15 for Chevrolet blazer. Order of choice: *Goodyear* Wrangler AT, *Michelin* XCHF, *BF Goodrich* Radial TA.<br>Black Side Wall P205/65R15 for the Ford Taurus GL. Order of choice: *Goodyear* Invicta GL, *Michelin* XW4, *BF Goodrich* Touring TA. |
| License And Registration | Title fee (including lien fee), passenger vehicle registration fees, plate fees, inspection fees (safety and emissions), administration/clerical/other fees and local added fees for each vehicle. |
| Automobile Finance | The interest rate for a 4–year loan based on a down payment of 20 percent. Assume the loan applicant is a current bank customer who will make payments by cash/check and not by automatic deduction from the account. |
| Automobile Insurance | Coverage identified below. Assume that vehicles are used in commuting 15 miles one–way per day, 15,000 mi/yr and that the driver is a 35–year–old married male with no accidents or violations in the last 5 years. Include related expense fees and taxes. Include applicable safety feature discounts. COVERAGES (BI 100/300,000 PD 25,000 Med 15,000 or PIP 50,000 UM 100/300,000. Com 100 deductible. Col 250 ded). If these deductibles are not available, price the policy with the closest coverage available. |
| CVJ Boots | The replacement of the inner and outer CVJ Boots (constant velocity joint) on both front wheels for a 3–year old (1993) edition of each vehicle. |
| Studded Snow Tire | Studded P175/70R13, P205/65R15, and P205/75R15 snow tire for Honda Civic DX, Ford Taurus GL, and Chevy Blazer, respectively. Order of choice: *Goodyear* Ultra Grip, *Michelin* XM+SA Alpin, *BF Goodrich* Trailmaker Plus. |
| Residual Value | Retail value of a 48–month old edition of each vehicle. |
| Round Trip Airfare | Lowest cost round trip tickets offered by major airlines to Chicago, Los Angeles, Miami, New York, Seattle, and St. Louis. Daytime departure, maximum 14–day advance purchase, and minimum 7–day stay over. Disregard other restrictions. |

APPENDIX 6.—PRINCIPAL PRICING CHANGES

[Goods and Services/Miscellaneous Expenses/Housing Related]

| Current | Previous | Reason |
|---|---|---|
| 1. Charge card annual fee | Not surveyed | New item. |
| 2. Charge card finance charges | Not surveyed | New item. |
| 3. Funeral services | Not surveyed | New item. |
| 4. Motor scooter | Not surveyed | New item. |
| 5. Personal water craft | Not surveyed | New item. |
| 6. Parcel post | Not surveyed | New item. |
| 7. Accounting service; Federal 1040 tax form service with typical itemized deductions. | Accounting service; unspecified personal tax service. | Change improves price comparison. |
| 8. Area rug | Toilet lid cover | Change improves brand comparison and better representation of consumer expenditure survey. |
| 9. Baking dish | Casserole dish set | Change improves brand comparison. |
| 10. Boy's jeans; discount store | Boy's jeans; department store | More widely used outlet. |
| 11. Contact lenses | Optometrist visit | Change improves price comparison. |
| 12. Fruit juice; cranberry | Tomato juice | More representative of a fruit juice purchase. |
| 13. Girl's knit top | Girl's blouse | More widely purchased item. |
| 14. Hospital room; semi–private | Hospital room; private | More typical of hospital stays. |
| 15. Lawn care service | Appliance repair | Change improves price comparison and better representation of consumer expenditure survey. |
| 16. Legal services; real estate closing | Legal services; general counsel | More widely used service. |
| 17. Man's jeans; discount store | Man's jeans; department store | More widely used outlet. |
| 18. Round trip airfare; multiple areas | Round trip airfare; Los Angeles | Expands cost information base. |
| 19. Snack cake | Donuts | Change improves brand comparison. |
| 20. Tune–up without PVC valve, fuel filter, and air filter replacement. | Tune–up with PVC valve, fuel filter, and air filter replacement. | Change improves price comparison and facilitates data collection. |
| 21. Basic cable service; price per channel per month | Basic cable service; monthly rate | Change improves price comparison. |

**Appendix 7.—Nonforeign Area Cost-of-Living Allowances Price Survey Data Collection Procedures**

**Survey Description**

The following information will be provided to the participants verbally or in writing. Participants who are familiar with the program and the survey may be provided with less information as appropriate.

*Purpose*

The Federal Government pays cost-of-living allowances (COLA) in Alaska, Hawaii, and certain U.S. territories and possessions. Living cost differences are determined by comparing costs of goods, services, housing, transportation, and other items in the allowance area with the cost of the same or similar items and services in the Washington DC area. The U.S. Office of Personnel Management (OPM) is responsible for the operation of the COLA program.

*Data Collection*

OPM, or its representative, conducts annual Price Surveys to determine living cost differences. Local governments, retail outlets, realty firms, and businesses providing professional and other services to be

surveyed are identified through the use of full-scale Background Surveys, conducted approximately once every five years. Participation in the Price Surveys is voluntary. Data are collected by telephone and/or personal interview.

Wherever practical and appropriate, the price of each good or service is obtained from at least three outlets in each allowance area and at least six outlets in the reference area (i.e., the Washington, DC, area). Realty data may be obtained from one or multiple sources, as appropriate.

*Release of Information*

The price data collected from participating firms may be made available to Congress or to the general public upon request. This includes the name of the company and prices of items or services surveyed. The names of proprietors, managers, or other individuals who provide price information generally will not be made public. However, the Government may release the names of individuals who, on the basis of their expertise, provide opinions or estimates.

*Public Burden Information*

Public burden reporting for this collection of information is estimated to vary from 1 to 20 minutes per response. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestion for reducing this burden to Reports and Forms Management Officer, U.S. Office of Personnel Management, 1900 E Street, NW., Room CHP 500, Washington, DC 20415; and to the Office of Management and Budget, Paperwork Reduction Project (3206090199), Washington, DC 20503.

**Nonforeign Area Cost-of-Living Allowances Price Survey Data Collection Procedures**

**Interview Guidelines**

Three types of information are collected in price surveys: price of goods and services, rental rates and related information, and home prices and related information. The following are the typical interview questions used to collect these data.

*Price Information Collection*

1. What is the regular (non-sale) price of _____ (a specific item or service)?

Examples of items include, but are not limited to:

Chuck Roast, Bone In.
Price per pound. Average size package (e.g., not a 'family' or 'bonus' pack).
lst Choice: Arm pot roast.
2nd Choice: Eye roast.

Peas, Frozen.
Price for 10 ounce package.
lst Choice: Bird's Eye.
2nd Choice: Major brand of equivalent quality.

Men's Jeans.
Price for one pair of blue jeans.
1st Choice: Levi's #501 jeans.
2nd Choice: Equivalent quality jeans.

Automobile, New.
'Sticker' price of current year model Honda Civic, DX, four door sedan, 1.5 liter, four cylinder engine. (Price options, fees, financing, and taxes separately.)

Example of services include, but are not limited to:

Woman's Haircut and Styling.
'Regular service' price for a woman's cut and styled blow dry. Include wash, but do not include use of curling iron if there is an extra charge.

Unclog Drain.
Price to unclog kitchen drain by mechanical means (snake, auger, etc.). Only include pipe removal if necessary to access trap.

Film Developing.
Price to process and print 35 millimeter, 24 exposure, 100 ASA color roll film. Single prints only, standard size and finish.

Doctor, Office Visit.
Typical fee, after the initial visit, for an office visit when medical advice or simple treatment is all that is needed. Do not include the charge for a complete physical examination, injections, medication, laboratory tests, or similar services.

Oil Change.
Price of a regular oil change including oil and filter for a current year model Honda Civic DX sedan, 1.5 liter, 4 cylinder engine.

2. Prices of many of the items can be obtained ''off-the-shelf'' without assistance. Occasionally, when a specific item is not available, assistance from sales or other personnel may be required to identify and price substitution items of comparable quality and quantity.

3. Prices of most services are obtained by telephone or personal interview. A few services are priced with little or no assistance. For example, prices may be obtainable from a displayed price schedule, list, or menu.

*Housing Component—Rental Information Collection*

1. Describe the location, size, layout, number and types of rooms, and square footage or your rental units.

2. Are they apartments, duplexes, town houses, detached houses, or other types of units? Describe.

3. Are there additional amenities (e.g., pool, sauna, tennis courts, gym)? If so, describe.

4. What is the monthly rent? What is the amount of the security deposit (if any)? What other kinds of fees or assessments are there?

5. Are utilities included? Which ones? If you can, please provide information on average monthly or annual costs of utilities paid by tenants.

6. Are term leases usually required? What are the conditions and penalties associated with the lease?

7. Are there any special restrictions or other factors we should know about (e.g., seasonal tourist trade)?

*Housing Component—Information Collection for Comparable Sales*

1. Describe the location, size, layout, number and types of rooms, and square footage of some of your recent home sales.

2. Were they condominiums, duplexes, town houses, detached houses, or other types of dwellings? Describe.

3. Were there any atypical characteristics (e.g., extra large lot sizes, beach front, desirable/undesirable locations)?

4. Are there additional amenities provided by the developer, homeowners association, or similar community group (e.g., pool, sauna, tennis courts, gym)? If so, describe facilities and charges.

5. What was the selling price and date of sale?

6. What are the real estate taxes?

7. Do you have any data on utilities relating to these homes?

8. In the past year or so, what has been the average appreciation rate of property in this community? Looking back over the past six years, has this rate changed? How?

9. Describe current market conditions (e.g., soft, booming, so-so). How has this affected housing prices? Describe the housing market over the past six years.

10. Are there any special considerations or other factors we should know about (e.g., retirement/tourist trade) that might affect the housing market in this community?

BILLING CODE 6325–01–F

## *Nonforeign Area Cost-of Living Price Information Collection*

Survey Date: _____ Survey Area: _____ Data Collector: _____

| Survey Item/Description | Outlet | Price | Wgt/Cnt | Remarks |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

## *Nonforeign Area Cost-of Living Price Information Collection*

Survey Date: _____ Survey Area: _____ Data Collector: _____

Survey Item: _____

Description:

| Outlet | Price | Wgt/Count | Remarks |
|---|---|---|---|
| | | | |
| | | | |
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| | | | |

Comments:

OMB Approved
OMB No. 3206-0199
Expires June 30, 1997

## *Nonforeign Area Cost-of-Living*
## *Housing Component - Information Collection for Comparable Sales*

Survey Area: _____ Community: _____ Survey Date: _____ Data Collector: _____

| Address | Selling Price | Sale Date | Room Count | | | Square Feet | Taxes | Other | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | Total | Bed | Bath | | | | |
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Comments *(include appreciation/depreciation rate and general market conditions)*:

OMB Approved
OMB No. 3206-0199
Expires June 30, 1997

## *Nonforeign Area Cost-of-Living*
## *Housing Component - Rental Information Collection*

Survey Area: _____ Community: _____ Survey Date: _____ Data Collector: _____

| Complex Address Phone # | Rental Type | Bedroom Count | Monthly Rent | Total Room Count | Square Feet | Security Deposit | Utilities | Monthly Heating Cost | Amenities | Restrictions | Total Units | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | |
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Remarks:

OMB Approved
OMB No. 3206-0199
Expires June 30, 1997

BILLING CODE 6325–01–C

**Nonforeign Area Cost-of-Living Allowances Background Survey Data Collection Procedures**

**Survey Description**

The following information will be provided to the participants verbally or in writing. Participants who are familiar with the program and the survey may be provided with less information as appropriate.

*Purpose*

The Federal Government pays cost-of-living allowances (COLA) in Alaska, Hawaii, and certain U.S. territories and possessions. Living cost differences are determined by comparing costs of goods, services, housing, transportation, and other items in the allowance area with the cost of the same or similar items and services in the Washington, DC, area. The U.S. Office of Personnel Management (OPM) is responsible for the operation of the COLA program. OPM, or its representative, conducts annual surveys to determine living cost differences. OPM conducts full-scale Background Surveys approximately once every five years to review the appropriateness of items, services, and businesses covered in the annual Price surveys. Elements of the Background Survey may be repeated annually on a limited basis as part of the maintenance of and preparation for the annual Price Surveys.

OPM uses the Background Survey to identify the services, items, quantities, outlets, and locations that will be surveyed to collect living cost data within the allowance areas and the Washington, DC, area. The Background Survey also is used to collect information on local trade practices, consumer buying patterns, taxes and fees, and other economic characteristics related to living costs.

*Data Collection*

Full-scale Background Surveys are conducted approximately once every five years. OPM identifies major manufacturers, local governments, retail outlets, realty firms, and businesses providing professional services to be surveyed on the basis of business volume and local prominence. Participation is voluntary. Data are collected by telephone and/or personal interview.

*Confidentiality*

All data collected are used only for the purposes described above. The Government pledges to hold all micro or ''raw'' data collected in confidence. Names of participating businesses and institutions may be released. Names of individuals are not released. Summary data will be made available to the public only to the extent that micro data cannot be associated with data sources.

*Public Burden Information*

Public burden reporting for this collection of information is estimated to vary from 5 minutes to 30 minutes per response. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestion for reducing this burden to Reports and Forms Management Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room CHP 500, Washington, DC 20415; and to the Office of Management and Budget, Paperwork Reduction Project (3206090199), Washington, DC 20503.

**Nonforeign Area Cost-of-Living Allowances Background Survey Data Collection Procedures**

**Interview Guidelines**

Seven types of information are collected in background surveys. Information is collected on products and services, outlet availability and usage, transportation, local taxes and fees, mortgage, real estate, and other topics related to the measurement of living costs (e.g., specialized information from local chambers of commerce, colleges, and universities). The following are the typical interview questions used to collect these data.

*Product or Service Information*

1. As a major manufacturer/supplier of _____ (a specific product or service, e.g., women's apparel), please identify your items/services that are most popular (e.g., your 'volume sellers').

2. Which of these items are apt to be readily available in the following geographic locations: Alaska (i.e., Anchorage, Fairbanks, and Juneau); Hawaii; Guam; Puerto Rico; the Virgin Islands; and Washington, DC, and suburbs?

3. If the items or services are not universally available, are there other items or services that are of similar function, quality, quantity, size, and type that can be substituted?

4. Is there anything else we should know about your product or service? Are there recommendations you wish to make that would help us in our data collection?

*Outlet Availability and Usage (Retail)*

1. What is your product or service? What is the address(es) of your establishment(s)? If you have multiple locations, which locations have the greatest sales volumes (i.e., are most utilized by consumers)?

2. What are your store/office hours? Do these vary by location?

3. Is your full line of products or services available at all locations?

4. Is there anything else we should know about your outlet(s) or recommendations you wish to make?

*Transportation Information—Private and Public Services*

1. What type of transportation services do you provide (e.g., taxi, bus, subway)?

2. What geographic areas do you service? Which routes are 'typical' or most heavily utilized?

3. What is your rate structure? Does it vary by time of day or season?

4. Is there anything else we should know about transportation usage and services in your area? Are there recommendations you wish to make about our data collection?

*Transportation Information—Private Use and Maintenance*

1. What types of driving are most common in your area? What is the annual distance driven?

2. What types of roads and highways are common in your area? What are the road surfaces and conditions?

3. Are there unusual climatic or other factors that affect the fuel economy, maintenance, and depreciation of vehicles?

4. Is there anything else we should know about private transportation usage and maintenance in your area? Are there suggestions or recommendations you wish to make?

*Local Taxes and Fees*

1. What types of taxes, licenses, or fees does your State, territory, or local jurisdiction levy on real estate; personal property; sales (including sales of property); automobiles; utilities; or other goods, services, or transactions?

2. Who levies these taxes, licenses or fees (i.e., State, territory, county, city, other jurisdiction)?

3. What are the rates or schedules for these? How often and when are they levied? Do the rates/schedules vary by location, season, or other factors?

4. Is there anything else we should know about taxes and fees in your area? Are there suggestions or recommendations you wish to make?

*Mortgage Information*

1. What forms of home financing are most common in _____ (the allowance area or Washington DC metropolitan area)? (Do not include second mortgages.)

2. What are the typical conditions and limitations on loans?

3. What is the typical amount(s) of down payment required? What are the terms and rates?

4. Are there special subsidies or other practices that influence home financing in your area?

5. Looking back six years, what types of changes have occurred that affect home financing?

6. Is there anything else we should know about home financing in your area? Are there suggestions or recommendations you wish to make that would help us in our data collection?

*Real Estate Information*

1. What is the availability of housing in _____ (the allowance area or Washington DC metropolitan area)? Of principal interest is housing for typical salary and wage earners (as distinguished from retirees, tourists, or other special groups) for persons with low, moderate, and high incomes.

2. Describe the communities within your area in which persons _____ (specify occupation/income characteristics) typically live. If appropriate, identify separate communities for renters and home owners. Where are these communities located relative to the major Federal activities in the area?

3. Describe the type of housing (e.g., apartment, condominium, town house, detached house).

4. For each type of housing, what are the usual number of rooms, bedrooms, baths, total square footage, lot size, type of construction, and similar characteristics?

5. What types of utilities are available and typically used in these communities: sewer, water, natural gas, electricity, other?

6. Are there any unusual factors that might affect maintenance requirements in your area?

7. Looking back 6 years, describe the changes that significantly affected the housing market (both rental and owner markets).

8. Is there anything else we should know about the housing market in your area? Are there suggestions or recommendations you wish to make concerning our data collection?

*Other Types of Information*

Occasionally, it is necessary to collect information from colleges, universities, chambers of commerce, trade associations, and other groups on specific subjects relating to the analysis of living costs. For example, a university known to be involved in home energy research may be contacted to determine whether there are consumption data by region or allowance area that could have application in the COLA program.

When such data are collected, the purpose and basic structure of the interview will follow the patterns shown above. The substance, however, will vary with the subject matter.

**BILLING CODE 6325–01–F**

## *Nonforeign Area Cost-of-Living Background Survey Information Collection*

Contact Date: _____ Survey Area: _____ Data Collector: _____

| Contact |
|---|
| Name: |
| Address: |
| Phone #: |

| Purpose of Contact | |
|---|---|
| Product/Service Info. | |
| Outlet Availability/Usage | |
| Transportation Info. | |
| Local Taxes and Fees | |
| Mortgage Information | |
| Real Estate Information | |
| Other: (specify) | |

Findings:

Remarks:

OMB Approved
OMB No. 3206-0199
Expires June 30, 1997

BILLING CODE 6325–01–C

## APPENDIX 8—CONSUMPTION GOODS AND SERVICES ANALYSIS

[1996 Survey]

| Categories | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights* | Subtotal | Weights* | Subtotal | Weights* | Subtotal |
| Anchorage, AK: | | | | | | | |
| 1. Food At Home | 112.18 | 27.04 | 30.33 | 24.04 | 26.97 | 21.15 | 23.73 |
| 2. Food Away From Home | 114.92 | 13.60 | 15.63 | 14.16 | 16.27 | 14.71 | 16.90 |
| 3. Tobacco | 109.72 | 3.09 | 3.39 | 2.55 | 2.80 | 2.02 | 2.22 |
| 4. Alcohol | 112.15 | 2.66 | 2.98 | 2.64 | 2.96 | 2.62 | 2.94 |
| 5. Furnishings and Household Operations | 103.17 | 14.98 | 15.45 | 15.99 | 16.50 | 16.97 | 17.51 |
| 6. Clothing | 97.88 | 13.54 | 13.25 | 14.22 | 13.92 | 14.87 | 14.55 |
| 7. Domestic Services | 85.15 | 1.73 | 1.47 | 1.94 | 1.65 | 2.14 | 1.82 |
| 8. Professional Services | 98.26 | 6.95 | 6.83 | 7.01 | 6.89 | 7.07 | 6.95 |
| 9. Personal Care | 101.48 | 3.62 | 3.67 | 3.52 | 3.57 | 3.43 | 3.48 |
| 10. Recreation | 114.89 | 12.80 | 14.71 | 13.93 | 16.00 | 15.02 | 17.26 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 107.71 | | | | |
| Middle | | | | | 107.53 | | |
| Upper | | | | | | | 107.36 |
| Fairbanks, AK: | | | | | | | |
| 1. Food At Home | 111.54 | 27.04 | 30.16 | 24.04 | 26.81 | 21.15 | 23.59 |
| 2. Food Away From Home | 123.76 | 13.60 | 16.83 | 14.16 | 17.52 | 14.71 | 18.21 |
| 3. Tobacco | 101.67 | 3.09 | 3.14 | 2.55 | 2.59 | 2.02 | 2.05 |
| 4. Alcohol | 111.49 | 2.66 | 2.97 | 2.64 | 2.94 | 2.62 | 2.92 |
| 5. Furnishings and Household Operations | 108.94 | 14.98 | 16.32 | 15.99 | 17.42 | 16.97 | 18.49 |
| 6. Clothing | 108.62 | 13.54 | 14.71 | 14.22 | 15.45 | 14.87 | 16.15 |
| 7. Domestic Services | 75.77 | 1.73 | 1.31 | 1.94 | 1.47 | 2.14 | 1.62 |
| 8. Professional Services | 122.36 | 6.95 | 8.50 | 7.01 | 8.58 | 7.07 | 8.65 |
| 9. Personal Care | 99.99 | 3.62 | 3.62 | 3.52 | 3.52 | 3.43 | 3.43 |
| 10. Recreation | 143.48 | 12.80 | 18.37 | 13.93 | 19.99 | 15.02 | 21.55 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 115.93 | | | | |
| Middle | | | | | 116.29 | | |
| Upper | | | | | | | 116.66 |
| Juneau, AK: | | | | | | | |
| 1. Food At Home | 118.98 | 27.04 | 32.17 | 24.04 | 28.60 | 21.15 | 25.16 |
| 2. Food Away From Home | 127.90 | 13.60 | 17.39 | 14.16 | 18.11 | 14.71 | 18.81 |
| 3. Tobacco | 93.07 | 3.09 | 2.88 | 2.55 | 2.37 | 2.02 | 1.88 |
| 4. Alcohol | 109.03 | 2.66 | 2.90 | 2.64 | 2.88 | 2.62 | 2.86 |
| 5. Furnishings and Household Operations | 104.68 | 14.98 | 15.68 | 15.99 | 16.74 | 16.97 | 17.76 |
| 6. Clothing | 106.68 | 13.54 | 14.44 | 14.22 | 15.17 | 14.87 | 15.86 |
| 7. Domestic Services | 88.80 | 1.73 | 1.54 | 1.94 | 1.72 | 2.14 | 1.90 |
| 8. Professional Services | 102.98 | 6.95 | 7.16 | 7.01 | 7.22 | 7.07 | 7.28 |
| 9. Personal Care | 117.43 | 3.62 | 4.25 | 3.52 | 4.13 | 3.43 | 4.03 |
| 10. Recreation | 146.20 | 12.80 | 18.71 | 13.93 | 20.37 | 15.02 | 21.96 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 117.12 | | | | |
| Middle | | | | | 117.31 | | |
| Upper | | | | | | | 117.50 |
| Nome, AK: | | | | | | | |
| 1. Food At Home | 162.32 | 27.04 | 43.89 | 24.04 | 39.02 | 21.15 | 34.33 |
| 2. Food Away From Home | 127.70 | 13.60 | 17.37 | 14.16 | 18.08 | 14.71 | 18.78 |
| 3. Tobacco | 112.38 | 3.09 | 3.47 | 2.55 | 2.87 | 2.02 | 2.27 |
| 4. Alcohol | 129.90 | 2.66 | 3.46 | 2.64 | 3.43 | 2.62 | 3.40 |
| 5. Furnishings and Household Operations | 134.95 | 14.98 | 20.22 | 15.99 | 21.58 | 16.97 | 22.90 |
| 6. Clothing | 131.72 | 13.54 | 17.83 | 14.22 | 18.73 | 14.87 | 19.59 |
| 7. Domestic Services | 115.71 | 1.73 | 2.00 | 1.94 | 2.24 | 2.14 | 2.48 |
| 8. Professional Services | 89.87 | 6.95 | 6.25 | 7.01 | 6.30 | 7.07 | 6.35 |
| 9. Personal Care | 110.82 | 3.62 | 4.01 | 3.52 | 3.90 | 3.43 | 3.80 |
| 10. Recreation | 173.63 | 12.80 | 22.22 | 13.93 | 24.19 | 15.02 | 26.08 |

APPENDIX 8—CONSUMPTION GOODS AND SERVICES ANALYSIS—Continued

[1996 Survey]

| Categories | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights* | Subtotal | Weights* | Subtotal | Weights* | Subtotal |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 140.72 | | | | |
| Middle | | | | | 140.34 | | |
| Upper | | | | | | | 139.98 |
| Honolulu, HI: | | | | | | | |
| 1. Food At Home | 135.40 | 27.04 | 36.61 | 24.04 | 32.55 | 21.15 | 28.64 |
| 2. Food Away From Home | 122.05 | 13.60 | 16.60 | 14.16 | 17.28 | 14.71 | 17.95 |
| 3. Tobacco | 113.11 | 3.09 | 3.50 | 2.55 | 2.88 | 2.02 | 2.28 |
| 4. Alcohol | 108.90 | 2.66 | 2.90 | 2.64 | 2.87 | 2.62 | 2.85 |
| 5. Furnishings and Household Operations | 104.89 | 14.98 | 15.71 | 15.99 | 16.77 | 16.97 | 17.80 |
| 6. Clothing | 94.67 | 13.54 | 12.82 | 14.22 | 13.46 | 14.87 | 14.08 |
| 7. Domestic Services | 90.18 | 1.73 | 1.56 | 1.94 | 1.75 | 2.14 | 1.93 |
| 8. Professional Services | 107.59 | 6.95 | 7.48 | 7.01 | 7.54 | 7.07 | 7.61 |
| 9. Personal Care | 85.45 | 3.62 | 3.09 | 3.52 | 3.01 | 3.43 | 2.93 |
| 10. Recreation | 119.19 | 12.80 | 15.26 | 13.93 | 16.60 | 15.02 | 17.90 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 115.53 | | | | |
| Middle | | | | | 114.71 | | |
| Upper | | | | | | | 113.97 |
| Hilo, HI: | | | | | | | |
| 1. Food At Home | 137.68 | 27.04 | 37.23 | 24.04 | 33.10 | 21.15 | 29.12 |
| 2. Food Away From Home | 114.98 | 13.60 | 15.64 | 14.16 | 16.28 | 14.71 | 16.91 |
| 3. Tobacco | 107.87 | 3.09 | 3.33 | 2.55 | 2.75 | 2.02 | 2.18 |
| 4. Alcohol | 114.39 | 2.66 | 3.04 | 2.64 | 3.02 | 2.62 | 3.00 |
| 5. Furnishings and Household Operations | 103.18 | 14.98 | 15.46 | 15.99 | 16.50 | 16.97 | 17.51 |
| 6. Clothing | 101.56 | 13.54 | 13.75 | 14.22 | 14.44 | 14.87 | 15.10 |
| 7. Domestic Services | 67.36 | 1.73 | 1.17 | 1.94 | 1.31 | 2.14 | 1.44 |
| 8. Professional Services | 93.13 | 6.95 | 6.47 | 7.01 | 6.53 | 7.07 | 6.58 |
| 9. Personal Care | 107.88 | 3.62 | 3.91 | 3.52 | 3.80 | 3.43 | 3.70 |
| 10. Recreation | 117.98 | 12.80 | 15.10 | 13.93 | 16.43 | 15.02 | 17.72 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 115.10 | | | | |
| Middle | | | | | 114.16 | | |
| Upper | | | | | | | 113.26 |
| Kailua Kona, HI: | | | | | | | |
| 1. Food At Home | 131.75 | 27.04 | 35.63 | 24.04 | 31.67 | 21.15 | 27.87 |
| 2. Food Away From Home | 126.04 | 13.60 | 17.14 | 14.16 | 17.85 | 14.71 | 18.54 |
| 3. Tobacco | 107.90 | 3.09 | 3.33 | 2.55 | 2.75 | 2.02 | 2.18 |
| 4. Alcohol | 113.72 | 2.66 | 3.02 | 2.64 | 3.00 | 2.62 | 2.98 |
| 5. Furnishings and Household Operations | 97.94 | 14.98 | 14.67 | 15.99 | 15.66 | 16.97 | 16.62 |
| 6. Clothing | 99.79 | 13.54 | 13.51 | 14.22 | 14.19 | 14.87 | 14.84 |
| 7. Domestic Services | 91.96 | 1.73 | 1.59 | 1.94 | 1.78 | 2.14 | 1.97 |
| 8. Professional Services | 102.79 | 6.95 | 7.14 | 7.01 | 7.21 | 7.07 | 7.27 |
| 9. Personal Care | 90.66 | 3.62 | 3.28 | 3.52 | 3.19 | 3.43 | 3.11 |
| 10. Recreation | 138.27 | 12.80 | 17.70 | 13.93 | 19.26 | 15.02 | 20.77 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 117.01 | | | | |
| Middle | | | | | 116.56 | | |
| Upper | | | | | | | 116.15 |
| Kauai County, HI: | | | | | | | |
| 1. Food At Home | 146.62 | 27.04 | 39.65 | 24.04 | 35.25 | 21.15 | 31.01 |
| 2. Food Away From Home | 136.39 | 13.60 | 18.55 | 14.16 | 19.31 | 14.71 | 20.06 |
| 3. Tobacco | 119.63 | 3.09 | 3.70 | 2.55 | 3.05 | 2.02 | 2.42 |
| 4. Alcohol | 112.24 | 2.66 | 2.99 | 2.64 | 2.96 | 2.62 | 2.94 |

APPENDIX 8—CONSUMPTION GOODS AND SERVICES ANALYSIS—Continued

[1996 Survey]

| Categories | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights* | Subtotal | Weights* | Subtotal | Weights* | Subtotal |
| 5. Furnishings and Household Operations | 108.05 | 14.98 | 16.19 | 15.99 | 17.28 | 16.97 | 18.34 |
| 6. Clothing | 102.33 | 13.54 | 13.86 | 14.22 | 14.55 | 14.87 | 15.22 |
| 7. Domestic Services | 71.70 | 1.73 | 1.24 | 1.94 | 1.39 | 2.14 | 1.53 |
| 8. Professional Services | 106.07 | 6.95 | 7.37 | 7.01 | 7.44 | 7.07 | 7.50 |
| 9. Personal Care | 98.85 | 3.62 | 3.58 | 3.52 | 3.48 | 3.43 | 3.39 |
| 10. Recreation | 129.70 | 12.80 | 16.60 | 13.93 | 18.07 | 15.02 | 19.48 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 123.73 | | | | |
| Middle | | | | | 122.78 | | |
| Upper | | | | | | | 121.89 |
| Maui County, HI: | | | | | | | |
| 1. Food At Home | 136.12 | 27.04 | 36.81 | 24.04 | 32.72 | 21.15 | 28.79 |
| 2. Food Away From Home | 133.24 | 13.60 | 18.12 | 14.16 | 18.87 | 14.71 | 19.60 |
| 3. Tobacco | 116.64 | 3.09 | 3.60 | 2.55 | 2.97 | 2.02 | 2.36 |
| 4. Alcohol | 116.97 | 2.66 | 3.11 | 2.64 | 3.09 | 2.62 | 3.06 |
| 5. Furnishings and Household Operations | 110.27 | 14.98 | 16.52 | 15.99 | 17.63 | 16.97 | 18.71 |
| 6. Clothing | 100.98 | 13.54 | 13.67 | 14.22 | 14.36 | 14.87 | 15.02 |
| 7. Domestic Services | 84.56 | 1.73 | 1.46 | 1.94 | 1.64 | 2.14 | 1.81 |
| 8. Professional Services | 97.35 | 6.95 | 6.77 | 7.01 | 6.82 | 7.07 | 6.88 |
| 9. Personal Care | 105.20 | 3.62 | 3.81 | 3.52 | 3.70 | 3.43 | 3.61 |
| 10. Recreation | 126.68 | 12.80 | 16.22 | 13.93 | 17.65 | 15.02 | 19.03 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 120.09 | | | | |
| Middle | | | | | 119.45 | | |
| Upper | | | | | | | 118.87 |
| Guam: | | | | | | | |
| 1. Food At Home | 128.12 | 27.04 | 34.64 | 24.04 | 30.80 | 21.15 | 27.10 |
| 2. Food Away From Home | 123.12 | 13.60 | 16.74 | 14.16 | 17.43 | 14.71 | 18.11 |
| 3. Tobacco | 77.80 | 3.09 | 2.40 | 2.55 | 1.98 | 2.02 | 1.57 |
| 4. Alcohol | 101.35 | 2.66 | 2.70 | 2.64 | 2.68 | 2.62 | 2.66 |
| 5. Furnishings and Household Operations | 119.21 | 14.98 | 17.86 | 15.99 | 19.06 | 16.97 | 20.23 |
| 6. Clothing | 105.81 | 13.54 | 14.33 | 14.22 | 15.05 | 14.87 | 15.73 |
| 7. Domestic Services | 86.75 | 1.73 | 1.50 | 1.94 | 1.68 | 2.14 | 1.86 |
| 8. Professional Services | 100.03 | 6.95 | 6.95 | 7.01 | 7.01 | 7.07 | 7.07 |
| 9. Personal Care | 118.07 | 3.62 | 4.27 | 3.52 | 4.16 | 3.43 | 4.05 |
| 10. Recreation | 126.43 | 12.80 | 16.18 | 13.93 | 17.61 | 15.02 | 18.99 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 117.57 | | | | |
| Middle | | | | | 117.46 | | |
| Upper | | | | | | | 117.37 |
| Guam Blend:** | | | | | | | |
| 1. Food At Home | 89.20 | 27.04 | 24.12 | 24.04 | 21.44 | 21.15 | 18.87 |
| 2. Food Away From Home | 123.12 | 13.60 | 16.74 | 14.16 | 17.43 | 14.71 | 18.11 |
| 3. Tobacco | 56.89 | 3.09 | 1.76 | 2.55 | 1.45 | 2.02 | 1.15 |
| 4. Alcohol | 94.01 | 2.66 | 2.50 | 2.64 | 2.48 | 2.62 | 2.46 |
| 5. Furnishings and Household Operations | 108.85 | 14.98 | 16.31 | 15.99 | 17.41 | 16.97 | 18.47 |
| 6. Clothing | 94.80 | 13.54 | 12.84 | 14.22 | 13.48 | 14.87 | 14.10 |
| 7. Domestic Services | 86.75 | 1.73 | 1.50 | 1.94 | 1.68 | 2.14 | 1.86 |
| 8. Professional Services | 100.03 | 6.95 | 6.95 | 7.01 | 7.01 | 7.07 | 7.07 |
| 9. Personal Care | 111.21 | 3.62 | 4.03 | 3.52 | 3.91 | 3.43 | 3.81 |
| 10. Recreation | 116.43 | 12.80 | 14.90 | 13.93 | 16.22 | 15.02 | 17.49 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 101.65 | | | | |
| Middle | | | | | 102.51 | | |

APPENDIX 8—CONSUMPTION GOODS AND SERVICES ANALYSIS—Continued

[1996 Survey]

| Categories | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights* | Subtotal | Weights* | Subtotal | Weights* | Subtotal |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 103.39 |
| Puerto Rico: | | | | | | | |
| 1. Food At Home | 102.23 | 27.04 | 27.64 | 24.04 | 24.58 | 21.15 | 21.62 |
| 2. Food Away From Home | 107.64 | 13.60 | 14.64 | 14.16 | 15.24 | 14.71 | 15.83 |
| 3. Tobacco | 93.64 | 3.09 | 2.89 | 2.55 | 2.39 | 2.02 | 1.89 |
| 4. Alcohol | 116.10 | 2.66 | 3.09 | 2.64 | 3.07 | 2.62 | 3.04 |
| 5. Furnishings and Household Operations | 95.57 | 14.98 | 14.32 | 15.99 | 15.28 | 16.97 | 16.22 |
| 6. Clothing | 90.51 | 13.54 | 12.26 | 14.22 | 12.87 | 14.87 | 13.46 |
| 7. Domestic Services | 89.13 | 1.73 | 1.54 | 1.94 | 1.73 | 2.14 | 1.91 |
| 8. Professional Services | 102.10 | 6.95 | 7.10 | 7.01 | 7.16 | 7.07 | 7.22 |
| 9. Personal Care | 86.75 | 3.62 | 3.14 | 3.52 | 3.05 | 3.43 | 2.98 |
| 10. Recreation | 110.71 | 12.80 | 14.17 | 13.93 | 15.42 | 15.02 | 16.63 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 100.79 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 100.79 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 100.80 |
| St. Croix, VI: | | | | | | | |
| 1. Food At Home | 117.61 | 27.04 | 31.80 | 24.04 | 28.27 | 21.15 | 24.87 |
| 2. Food Away From Home | 131.30 | 13.60 | 17.86 | 14.16 | 18.59 | 14.71 | 19.31 |
| 3. Tobacco | 72.84 | 3.09 | 2.25 | 2.55 | 1.86 | 2.02 | 1.47 |
| 4. Alcohol | 104.96 | 2.66 | 2.79 | 2.64 | 2.77 | 2.62 | 2.75 |
| 5. Furnishings and Household Operations | 116.92 | 14.98 | 17.51 | 15.99 | 18.70 | 16.97 | 19.84 |
| 6. Clothing | 96.28 | 13.54 | 13.04 | 14.22 | 13.69 | 14.87 | 14.32 |
| 7. Domestic Services | 40.34 | 1.73 | 0.70 | 1.94 | 0.78 | 2.14 | 0.86 |
| 8. Professional Services | 106.28 | 6.95 | 7.39 | 7.01 | 7.45 | 7.07 | 7.51 |
| 9. Personal Care | 105.81 | 3.62 | 3.83 | 3.52 | 3.72 | 3.43 | 3.63 |
| 10. Recreation | 124.48 | 12.80 | 15.93 | 13.93 | 17.34 | 15.02 | 18.70 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 113.10 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 113.17 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 113.26 |
| St. Thomas, VI: | | | | | | | |
| 1. Food At Home | 127.65 | 27.04 | 34.52 | 24.04 | 30.69 | 21.15 | 27.00 |
| 2. Food Away From Home | 129.20 | 13.60 | 17.57 | 14.16 | 18.29 | 14.71 | 19.01 |
| 3. Tobacco | 69.65 | 3.09 | 2.15 | 2.55 | 1.78 | 2.02 | 1.41 |
| 4. Alcohol | 107.08 | 2.66 | 2.85 | 2.64 | 2.83 | 2.62 | 2.81 |
| 5. Furnishings and Household Operations | 117.63 | 14.98 | 17.62 | 15.99 | 18.81 | 16.97 | 19.96 |
| 6. Clothing | 95.30 | 13.54 | 12.90 | 14.22 | 13.55 | 14.87 | 14.17 |
| 7. Domestic Services | 73.38 | 1.73 | 1.27 | 1.94 | 1.42 | 2.14 | 1.57 |
| 8. Professional Services | 127.30 | 6.95 | 8.85 | 7.01 | 8.92 | 7.07 | 9.00 |
| 9. Personal Care | 124.10 | 3.62 | 4.49 | 3.52 | 4.37 | 3.43 | 4.26 |
| 10. Recreation | 124.14 | 12.80 | 15.89 | 13.93 | 17.29 | 15.02 | 18.65 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 118.11 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 117.95 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 117.84 |

*Numbers might not add to 100 due to rounding.
**Local Retail and Commissary/Exchange

CONSUMPTION GOODS AND SERVICES ANALYSIS—COMPOSITES

[1996 Survey]

| Location | Weights | Total indexes | | |
|---|---|---|---|---|
| | | Lower income | Middle income | Upper income |
| Hilo, HI | 82.88 | 115.10 | 114.16 | 113.26 |
| Kailua Kona, HI | 17.12 | 117.01 | 116.56 | 116.15 |
| Total weight | 100.00 | ..... | ..... | ..... |
| Hawaii County, HI | ..... | 115.43 | 114.57 | 113.75 |
| St. Croix, VI | 46.42 | 113.10 | 113.17 | 113.26 |
| St. Thomas, VI | 53.58 | 118.11 | 117.95 | 117.84 |
| Total weight | 100.00 | ..... | ..... | ..... |
| Virgin Islands | ..... | 115.78 | 115.73 | 115.71 |

APPENDIX 9.—OPM LIVING COMMUNITY LIST

| | Low | Middle | High |
|---|---|---|---|
| Anchorage, AK: | | | |
| Homeowner | North Anchorage | North Anchorage | South Anchorage.* |
| Renter | North Anchorage | North Anchorage | South Anchorage.* |

*The line between North and South Anchorage is set by Tudor Road.

| | | | |
|---|---|---|---|
| Fairbanks, AK: | | | |
| Homeowner | Fairbanks | Fairbanks | Fairbanks. |
| Renter | Fairbanks | Fairbanks | Fairbanks. |
| Juneau, AK: | | | |
| Homeowner | Juneau/Mendenhall | Juneau/Mendenhall | Juneau/Mendenhall. |
| Renter | Juneau/Mendenhall | Juneau/Mendenhall | Juneau/Mendenhall. |
| Nome, AK: | | | |
| Homeowner | Nome | Nome | Nome. |
| Renter | Nome | Nome | Nome. |
| Honolulu: | | | |
| Homeowner | Ewa Beach | Kaneohe | Manoa/Kaimuki. |
| | Waipahu | Pearl City | Kailua. |
| Renter | Pearl Harbor Area* | Alakea | Manoa. |
| | Kalihi | Kaneohe | Aiea. |

*Pearl Harbor Area excludes Aiea.

| | | | |
|---|---|---|---|
| Hawaii County—Hilo: | | | |
| Homeowner | Hilo | Hilo | Hilo. |
| Renter | Hilo | Hilo | Hilo. |
| Hawaii County—Kailua Kona: | | | |
| Homeowner | Kailua Kona | Kailua Kona | Kailua Kona. |
| Renter | Kailua Kona | Kailua Kona | Kailua Kona. |
| Kauai: | | | |
| Homeowner | Kauai | Kauai | Kauai. |
| Renter | Kauai | Kauai | Kauai. |
| Maui: | | | |
| Homeowner | Maui | Maui | Maui. |
| Renter | Maui | Maui | Maui. |
| Guam: | | | |
| Homeowner | Guam | Guam | Guam. |
| Renter | Guam | Guam | Guam. |
| San Juan: | | | |
| Homeowner | Carolina | Rio Piedras* | Guaynabo. |
| | Bayamon | VA Hospital Area | Hato Rey. |
| Renter | Carolina | Rio Piedras* | Old San Juan. |
| | Rio Piedras Area | Isla Verde** | Condado. |

*Rio Piedras excludes VA Hospital Area. **Isla Verde excludes the area on the Boulevard.

| | | | |
|---|---|---|---|
| St. Croix: | | | |
| Homeowner | St. Croix | St. Croix | St. Croix. |

APPENDIX 9.—OPM LIVING COMMUNITY LIST—Continued

| | Low | Middle | High |
|---|---|---|---|
| Renter | St. Croix | St. Croix | St. Croix. |
| St. Thomas: | | | |
| Homeowner | St. Thomas | St. Thomas | St. Thomas. |
| Renter | St. Thomas | St. Thomas | St. Thomas. |
| Washington, DC DC: | | | |
| Homeowner | Southeast DC | Northeast DC | Northwest DC.* |
| Renter | Southeast DC | Northeast DC | Northwest DC.* |

*Northwest DC excludes Georgetown, but includes Dupont Circle, Cleveland Park, and Adams Morgan.

| | | | |
|---|---|---|---|
| Washington, DC MD: | | | |
| Homeowner | Capitol Heights/Suitland | Gaithersburg/Silver Spring | Rockville. |
| Renter | Capitol Heights/Suitland | Hyattsville/College Park | Rockville. |
| Washington, DC VA: | | | |
| Homeowner | Woodbridge/Dale City | Springfield | Alexandria. |
| Renter | Woodbridge/Dale City | Alexandria | Arlington. |

APPENDIX 10—HISTORICAL HOME MARKET VALUES AND INTEREST RATES

| Area | Year | Interest rate (percent) | Income level | Market value | Annual P&I* |
|---|---|---|---|---|---|
| Anchorage, AK | 1986 | 10.000 | Lower | $87,974 | $7,411.56 |
| | | | Middle | 116,993 | 9,856.32 |
| | | | Upper | 143,284 | 12,071.28 |
| | 1987 | 9.375 | Lower | 81,024 | 6,469.56 |
| | | | Middle | 109,147 | 8,715.12 |
| | | | Upper | 130,227 | 10,398.36 |
| | 1988 | 10.500 | Lower | 74,218 | 6,517.44 |
| | | | Middle | 101,300 | 8,895.60 |
| | | | Upper | 117,190 | 10,291.08 |
| | 1989 | 11.125 | Lower | 67,538 | 6,235.80 |
| | | | Middle | 93,454 | 8,628.72 |
| | | | Upper | 112,532 | 10,390.20 |
| | 1990 | 10.250 | Lower | 60,784 | 5,229.00 |
| | | | Middle | 87,071 | 7,490.40 |
| | | | Upper | 114,783 | 9,874.32 |
| | 1992 | 9.000 | Lower | 65,700 | 5,074.92 |
| | | | Middle | 96,200 | 7,430.88 |
| | | | Upper | 139,400 | 10,767.84 |
| | 1993 | 8.125 | Lower | 70,902 | 5,053.92 |
| | | | Middle | 99,073 | 7,061.88 |
| | | | Upper | 130,815 | 9,324.48 |
| | 1994 | 7.625 | Lower | 72,216 | 4,906.92 |
| | | | Middle | 99,099 | 6,733.56 |
| | | | Upper | 124,780 | 8,478.60 |
| | 1995 | 8.625 | Lower | 83,286 | 6,218.76 |
| | | | Middle | 102,089 | 7,622.76 |
| | | | Upper | 134,580 | 10,048.80 |
| | 1996 | 7.125 | Lower | 83,646 | 5,409.96 |
| | | | Middle | 112,671 | 7,287.24 |
| | | | Upper | 139,689 | 9,034.68 |
| Fairbanks, AK | 1986 | 10.000 | Lower | 78,982 | 6,654.00 |
| | | | Middle | 102,726 | 8,654.40 |
| | | | Upper | 140,199 | 11,811.36 |
| | 1987 | 9.375 | Lower | 71,839 | 5,736.24 |
| | | | Middle | 97,958 | 7,821.72 |
| | | | Upper | 131,833 | 10,526.64 |
| | 1988 | 10.500 | Lower | 64,696 | 5,681.28 |
| | | | Middle | 93,191 | 8,183.52 |
| | | | Upper | 123,467 | 10,842.24 |
| | 1989 | 11.125 | Lower | 57,553 | 5,313.96 |
| | | | Middle | 88,424 | 8,164.32 |
| | | | Upper | 115,101 | 10,627.44 |
| | 1990 | 10.250 | Lower | 50,604 | 4,353.24 |
| | | | Middle | 83,619 | 7,193.40 |
| | | | Upper | 107,143 | 9,217.08 |
| | 1992 | 9.000 | Lower | 70,851 | 5,472.84 |
| | | | Middle | 101,400 | 7,832.52 |
| | | | Upper | 137,000 | 10,582.44 |
| | 1993 | 8.125 | Lower | 69,498 | 4,953.84 |

APPENDIX 10—HISTORICAL HOME MARKET VALUES AND INTEREST RATES—Continued

| Area | Year | Interest rate (percent) | Income level | Market value | Annual P&I* |
|---|---|---|---|---|---|
| | | | Middle | 101,478 | 7,233.36 |
| | | | Upper | 115,787 | 8,253.24 |
| | 1994 | 7.625 | Lower | 76,302 | 5,184.60 |
| | | | Middle | 112,580 | 7,649.64 |
| | | | Upper | 127,829 | 8,685.72 |
| | 1995 | 8.708 | Lower | 68,940 | 5,186.76 |
| | | | Middle | 84,240 | 6,337.80 |
| | | | Upper | 108,426 | 8,157.48 |
| | 1996 | 7.125 | Lower | 72,918 | 4,716.12 |
| | | | Middle | 92,625 | 5,990.76 |
| | | | Upper | 115,855 | 7,493.16 |
| Juneau, AK | 1986 | 10.000 | Lower | 90,811 | 7,650.60 |
| | | | Middle | 107,283 | 9,038.28 |
| | | | Upper | 127,114 | 10,708.92 |
| | 1987 | 9.375 | Lower | 83,909 | 6,699.96 |
| | | | Middle | 100,846 | 8,052.36 |
| | | | Upper | 120,885 | 9,652.44 |
| | 1988 | 10.500 | Lower | 76,441 | 6,712.68 |
| | | | Middle | 93,787 | 8,235.96 |
| | | | Upper | 113,874 | 9,999.84 |
| | 1989 | 11.125 | Lower | 68,797 | 6,352.08 |
| | | | Middle | 86,284 | 7,966.68 |
| | | | Upper | 106,131 | 9,799.20 |
| | 1990 | 10.250 | Lower | 78,429 | 6,746.88 |
| | | | Middle | 99,227 | 8,536.08 |
| | | | Upper | 123,324 | 10,609.08 |
| | 1992 | 9.000 | Lower | 89,470 | 6,911.04 |
| | | | Middle | 114,400 | 8,836.68 |
| | | | Upper | 146,300 | 11,300.76 |
| | 1993 | 8.125 | Lower | 87,570 | 6,241.92 |
| | | | Middle | 115,518 | 8,234.04 |
| | | | Upper | 134,232 | 9,568.08 |
| | 1994 | 7.625 | Lower | 92,826 | 6,307.32 |
| | | | Middle | 117,364 | 7,974.72 |
| | | | Upper | 140,760 | 9,564.36 |
| | 1995 | 8.625 | Lower | 102,879 | 7,681.80 |
| | | | Middle | 138,723 | 10,358.16 |
| | | | Upper | 163,812 | 12,231.48 |
| | 1996 | 7.125 | Lower | 114,255 | 7,389.72 |
| | | | Middle | 143,767 | 9,298.44 |
| | | | Upper | 169,507 | 10,963.20 |
| Nome, AK | 1986 | 10.000 | Lower | 84,057 | 7,081.56 |
| | | | Middle | 111,159 | 9,364.80 |
| | | | Upper | 133,735 | 11,266.80 |
| | 1987 | 9.375 | Lower | 81,367 | 6,497.04 |
| | | | Middle | 107,602 | 8,591.76 |
| | | | Upper | 129,445 | 10,335.96 |
| | 1988 | 10.500 | Lower | 78,763 | 6,916.56 |
| | | | Middle | 104,159 | 9,146.76 |
| | | | Upper | 125,312 | 11,004.24 |
| | 1989 | 11.125 | Lower | 76,243 | 7,039.56 |
| | | | Middle | 100,826 | 9,309.36 |
| | | | Upper | 121,302 | 11,199.96 |
| | 1990 | 10.250 | Lower | 73,803 | 6,348.96 |
| | | | Middle | 97,600 | 8,396.16 |
| | | | Upper | 117,420 | 10,101.12 |
| | 1992 | 9.000 | Lower | 71,100 | 5,492.04 |
| | | | Middle | 97,500 | 7,531.32 |
| | | | Upper | 122,400 | 9,454.68 |
| | 1993 | 8.125 | Lower | 56,453 | 4,023.96 |
| | | | Middle | 77,415 | 5,518.08 |
| | | | Upper | 97,186 | 6,927.36 |
| | 1994 | 7.625 | Lower | 82,365 | 5,596.56 |
| | | | Middle | 112,948 | 7,674.60 |
| | | | Upper | 141,794 | 9,634.68 |
| | 1995 | 8.625 | Lower | 81,711 | 6,101.16 |
| | | | Middle | 118,027 | 8,812.80 |
| | | | Upper | 154,343 | 11,524.44 |
| | 1996 | 7.125 | Lower | 80,856 | 5,229.48 |
| | | | Middle | 119,171 | 7,707.60 |
| | | | Upper | 139,213 | 9,003.84 |

APPENDIX 10—HISTORICAL HOME MARKET VALUES AND INTEREST RATES—Continued

| Area | Year | Interest rate (percent) | Income level | Market value | Annual P&I* |
|---|---|---|---|---|---|
| Honolulu, HI | 1986 | 10.250 | Lower | 97,229 | 8,364.24 |
| | | | Middle | 134,257 | 11,549.52 |
| | | | Upper | 154,513 | 13,292.04 |
| | 1987 | 10.375 | Lower | 107,837 | 9,373.08 |
| | | | Middle | 158,027 | 13,735.56 |
| | | | Upper | 190,786 | 16,582.92 |
| | 1988 | 11.000 | Lower | 118,445 | 10,828.56 |
| | | | Middle | 181,797 | 16,620.48 |
| | | | Upper | 227,059 | 20,758.44 |
| | 1989 | 10.500 | Lower | 154,366 | 13,555.68 |
| | | | Middle | 239,426 | 21,025.20 |
| | | | Upper | 263,331 | 23,124.36 |
| | 1990 | 10.250 | Lower | 216,113 | 18,591.24 |
| | | | Middle | 335,197 | 28,835.52 |
| | | | Upper | 379,283 | 32,628.12 |
| | 1991 | 9.125 | Lower | 207,000 | 16,168.56 |
| | | | Middle | 310,700 | 24,268.44 |
| | | | Upper | 370,600 | 28,947.12 |
| | 1992 | 8.125 | Lower | 211,347 | 15,064.80 |
| | | | Middle | 329,693 | 23,500.44 |
| | | | Upper | 363,460 | 25,907.28 |
| | 1993 | 7.125 | Lower | 202,041 | 13,067.40 |
| | | | Middle | 327,715 | 21,195.60 |
| | | | Upper | 374,918 | 24,248.52 |
| | 1994 | 9.333 | Lower | 251,919 | 20,041.44 |
| | | | Middle | 331,695 | 26,388.00 |
| | | | Upper | 394,706 | 31,400.76 |
| | 1996 | 7.025 | Lower | 228,111 | 14,606.04 |
| | | | Middle | 318,199 | 20,374.32 |
| | | | Upper | 398,412 | 25,510.44 |
| Hilo, HI | 1986 | 10.250 | Lower | 50,459 | 4,340.76 |
| | | | Middle | 71,995 | 6,193.44 |
| | | | Upper | 97,783 | 8,411.88 |
| | 1987 | 10.375 | Lower | 59,435 | 5,166.00 |
| | | | Middle | 82,183 | 7,143.24 |
| | | | Upper | 106,098 | 9,221.88 |
| | 1988 | 11.000 | Lower | 68,410 | 6,254.28 |
| | | | Middle | 92,371 | 8,444.88 |
| | | | Upper | 114,412 | 10,459.92 |
| | 1989 | 10.500 | Lower | 77,386 | 6,795.60 |
| | | | Middle | 102,559 | 9,006.24 |
| | | | Upper | 122,727 | 10,777.32 |
| | 1990 | 10.250 | Lower | 67,714 | 5,825.16 |
| | | | Middle | 108,821 | 9,361.44 |
| | | | Upper | 164,283 | 14,132.52 |
| | 1991 | 9.125 | Lower | 134,100 | 10,474.44 |
| | | | Middle | 180,700 | 14,114.28 |
| | | | Upper | 204,000 | 15,934.20 |
| | 1992 | 8.125 | Lower | 130,743 | 9,319.32 |
| | | | Middle | 162,903 | 11,611.68 |
| | | | Upper | 197,863 | 14,103.60 |
| | 1993 | 7.125 | Lower | 127,854 | 8,269.20 |
| | | | Middle | 173,095 | 11,195.28 |
| | | | Upper | 202,018 | 13,065.96 |
| | 1994 | 9.333 | Lower | 114,696 | 9,124.68 |
| | | | Middle | 162,500 | 12,927.72 |
| | | | Upper | 196,146 | 15,604.32 |
| | 1996 | 7.000 | Lower | 115,750 | 7,392.84 |
| | | | Middle | 164,711 | 10,519.92 |
| | | | Upper | 183,841 | 11,741.76 |
| Kailua Kona, HI | 1986 | 10.250 | Lower | 77,097 | 6,632.28 |
| | | | Middle | 107,594 | 9,255.84 |
| | | | Upper | 119,902 | 10,314.60 |
| | 1987 | 10.375 | Lower | 88,880 | 7,725.36 |
| | | | Middle | 122,387 | 10,637.76 |
| | | | Upper | 140,297 | 12,194.52 |
| | 1988 | 11.000 | Lower | 100,662 | 9,202.80 |
| | | | Middle | 137,180 | 12,541.44 |
| | | | Upper | 160,692 | 14,691.00 |
| | 1989 | 10.500 | Lower | 112,444 | 9,874.32 |
| | | | Middle | 151,973 | 13,345.56 |

APPENDIX 10—HISTORICAL HOME MARKET VALUES AND INTEREST RATES—Continued

| Area | Year | Interest rate (percent) | Income level | Market value | Annual P&I* |
|---|---|---|---|---|---|
| | ..... | ..... | Upper ..... | 181,087 | 15,902.16 |
| | 1990 | 10.250 | Lower ..... | 134,609 | 11,579.88 |
| | ..... | ..... | Middle ..... | 189,900 | 16,336.32 |
| | ..... | ..... | Upper ..... | 225,100 | 19,364.40 |
| | 1991 | 9.130 | Lower ..... | 154,800 | 12,096.60 |
| | ..... | ..... | Middle ..... | 204,100 | 15,949.08 |
| | ..... | ..... | Upper ..... | 256,700 | 20,059.44 |
| | 1992 | 8.125 | Lower ..... | 159,867 | 11,395.32 |
| | ..... | ..... | Middle ..... | 222,950 | 15,891.84 |
| | ..... | ..... | Upper ..... | 261,018 | 18,605.28 |
| | 1993 | 7.125 | Lower ..... | 153,666 | 9,938.64 |
| | ..... | ..... | Middle ..... | 219,245 | 14,180.16 |
| | ..... | ..... | Upper ..... | 261,902 | 16,939.08 |
| | 1994 | 9.333 | Lower ..... | 152,235 | 12,111.00 |
| | ..... | ..... | Middle ..... | 215,826 | 17,169.96 |
| | ..... | ..... | Upper ..... | 224,128 | 17,830.44 |
| | 1996 | 6.958 | Lower ..... | 144,434 | 9,186.12 |
| | ..... | ..... | Middle ..... | 191,923 | 12,206.40 |
| | ..... | ..... | Upper ..... | 220,752 | 14,039.88 |
| Kauai County, HI ..... | 1986 | 10.250 | Lower ..... | 68,105 | 5,858.76 |
| | ..... | ..... | Middle ..... | 88,032 | 7,572.96 |
| | ..... | ..... | Upper ..... | 105,494 | 9,075.24 |
| | 1987 | 10.375 | Lower ..... | 78,576 | 6,829.80 |
| | ..... | ..... | Middle ..... | 106,294 | 9,238.92 |
| | ..... | ..... | Upper ..... | 121,318 | 10,544.88 |
| | 1988 | 11.000 | Lower ..... | 91,046 | 8,323.68 |
| | ..... | ..... | Middle ..... | 124,556 | 11,387.28 |
| | ..... | ..... | Upper ..... | 145,581 | 13,309.44 |
| | 1989 | 10.500 | Lower ..... | 103,516 | 9,090.24 |
| | ..... | ..... | Middle ..... | 142,818 | 12,541.56 |
| | ..... | ..... | Upper ..... | 177,900 | 15,622.32 |
| | 1990 | 10.250 | Lower ..... | 177,351 | 15,256.80 |
| | ..... | ..... | Middle ..... | 233,846 | 20,116.80 |
| | ..... | ..... | Upper ..... | 295,854 | 25,451.04 |
| | 1991 | 9.125 | Lower ..... | 174,336 | 13,617.12 |
| | ..... | ..... | Middle ..... | 229,900 | 17,957.16 |
| | ..... | ..... | Upper ..... | 290,800 | 22,714.08 |
| | 1992 | 8.125 | Lower ..... | 171,792 | 12,245.28 |
| | ..... | ..... | Middle ..... | 221,624 | 15,797.28 |
| | ..... | ..... | Upper ..... | 273,921 | 19,524.96 |
| | 1993 | 7.125 | Lower ..... | 171,964 | 11,122.08 |
| | ..... | ..... | Middle ..... | 221,858 | 14,349.12 |
| | ..... | ..... | Upper ..... | 274,195 | 17,734.08 |
| | 1994 | 9.333 | Lower ..... | 163,350 | 12,995.64 |
| | ..... | ..... | Middle ..... | 222,196 | 17,677.20 |
| | ..... | ..... | Upper ..... | 255,000 | 20,287.08 |
| | 1996 | 6.958 | Lower ..... | 176,907 | 11,251.32 |
| | ..... | ..... | Middle ..... | 228,147 | 14,510.28 |
| | ..... | ..... | Upper ..... | 265,084 | 16,859.40 |
| Maui County, HI ..... | 1986 | 10.250 | Lower ..... | 91,748 | 7,892.64 |
| | ..... | ..... | Middle ..... | 121,737 | 10,472.52 |
| | ..... | ..... | Upper ..... | 153,091 | 13,169.76 |
| | 1987 | 10.375 | Lower ..... | 100,293 | 8,717.40 |
| | ..... | ..... | Middle ..... | 133,911 | 11,639.40 |
| | ..... | ..... | Upper ..... | 168,401 | 14,637.24 |
| | 1988 | 11.000 | Lower ..... | 121,107 | 11,071.92 |
| | ..... | ..... | Middle ..... | 160,693 | 14,691.00 |
| | ..... | ..... | Upper ..... | 202,081 | 18,474.84 |
| | 1989 | 10.500 | Lower ..... | 151,384 | 13,293.84 |
| | ..... | ..... | Middle ..... | 200,866 | 17,639.04 |
| | ..... | ..... | Upper ..... | 252,601 | 22,182.12 |
| | 1990 | 10.250 | Lower ..... | 174,092 | 14,976.36 |
| | ..... | ..... | Middle ..... | 230,996 | 19,871.64 |
| | ..... | ..... | Upper ..... | 290,491 | 24,989.64 |
| | 1991 | 9.125 | Lower ..... | 210,651 | 16,453.68 |
| | ..... | ..... | Middle ..... | 279,500 | 21,831.36 |
| | ..... | ..... | Upper ..... | 351,494 | 27,454.80 |
| | 1992 | 8.125 | Lower ..... | 207,913 | 14,820.00 |
| | ..... | ..... | Middle ..... | 275,925 | 19,667.88 |
| | ..... | ..... | Upper ..... | 346,925 | 24,728.76 |
| | 1993 | 7.125 | Lower ..... | 180,099 | 11,648.28 |

APPENDIX 10—HISTORICAL HOME MARKET VALUES AND INTEREST RATES—Continued

| Area | Year | Interest rate (percent) | Income level | Market value | Annual P&I* |
|---|---|---|---|---|---|
| | | | Middle | 255,476 | 16,523.40 |
| | | | Upper | 310,845 | 20,104.56 |
| | 1994 | 9.333 | Lower | 180,000 | 14,320.32 |
| | | | Middle | 250,588 | 19,936.08 |
| | | | Upper | 278,443 | 22,152.12 |
| | 1996 | 7.000 | Lower | 192,575 | 12,299.64 |
| | | | Middle | 260,593 | 16,643.88 |
| | | | Upper | 283,138 | 18,083.76 |
| Guam | 1986 | 10.250 | Lower | 65,363 | 5,622.84 |
| | | | Middle | 79,689 | 6,855.36 |
| | | | Upper | 170,384 | 14,657.40 |
| | 1987 | 10.375 | Lower | 74,841 | 6,505.08 |
| | | | Middle | 91,802 | 7,979.40 |
| | | | Upper | 188,786 | 16,409.16 |
| | 1988 | 11.000 | Lower | 84,271 | 7,704.36 |
| | | | Middle | 103,920 | 9,500.64 |
| | | | Upper | 207,287 | 18,950.76 |
| | 1989 | 10.375 | Lower | 93,709 | 8,145.12 |
| | | | Middle | 116,079 | 10,089.48 |
| | | | Upper | 225,735 | 19,620.72 |
| | 1990 | 10.500 | Lower | 103,174 | 9,060.24 |
| | | | Middle | 128,151 | 11,253.60 |
| | | | Upper | 244,245 | 21,448.32 |
| | 1991 | 10.125 | Lower | 113,491 | 9,662.04 |
| | | | Middle | 140,966 | 12,001.08 |
| | | | Upper | 268,670 | 22,873.20 |
| | 1992 | 9.491 | Lower | 130,855 | 10,554.60 |
| | | | Middle | 162,534 | 13,109.88 |
| | | | Upper | 309,777 | 24,986.28 |
| | 1993 | 7.750 | Lower | 144,738 | 9,954.48 |
| | | | Middle | 189,280 | 13,017.84 |
| | | | Upper | 258,978 | 17,811.36 |
| | 1994 | 10.050 | Lower | 133,452 | 11,290.32 |
| | | | Middle | 188,240 | 15,925.44 |
| | | | Upper | 244,375 | 20,674.56 |
| | 1996 | 7.875 | Lower | 130,746 | 9,100.80 |
| | | | Middle | 180,074 | 12,534.36 |
| | | | Upper | 224,347 | 15,616.08 |
| Puerto Rico | 1986 | 10.250 | Lower | 56,323 | 4,845.24 |
| | | | Middle | 68,989 | 5,934.84 |
| | | | Upper | 99,857 | 8,590.32 |
| | 1987 | 10.625 | Lower | 60,266 | 5,346.36 |
| | | | Middle | 73,818 | 6,548.64 |
| | | | Upper | 106,847 | 9,478.80 |
| | 1988 | 10.875 | Lower | 64,485 | 5,837.04 |
| | | | Middle | 78,985 | 7,149.48 |
| | | | Upper | 114,326 | 10,348.44 |
| | 1989 | 10.375 | Lower | 70,934 | 6,165.48 |
| | | | Middle | 86,884 | 7,551.84 |
| | | | Upper | 122,329 | 10,632.72 |
| | 1990 | 10.375 | Lower | 78,027 | 6,782.04 |
| | | | Middle | 95,572 | 8,307.00 |
| | | | Upper | 134,562 | 11,696.04 |
| | 1991 | 8.875 | Lower | 82,800 | 6,324.48 |
| | | | Middle | 100,255 | 7,657.68 |
| | | | Upper | 141,100 | 10,777.44 |
| | 1992 | 8.125 | Lower | 62,271 | 4,438.68 |
| | | | Middle | 84,721 | 6,038.88 |
| | | | Upper | 151,946 | 10,830.72 |
| | 1993 | 7.125 | Lower | 61,389 | 3,970.44 |
| | | | Middle | 84,084 | 5,438.28 |
| | | | Upper | 151,878 | 9,822.96 |
| | 1994 | 8.750 | Lower | 66,843 | 5,048.16 |
| | | | Middle | 102,232 | 7,720.92 |
| | | | Upper | 143,633 | 10,847.64 |
| | 1996 | 7.792 | Lower | 69,714 | 4,813.92 |
| | | | Middle | 107,367 | 7,413.96 |
| | | | Upper | 168,385 | 11,627.40 |
| St. Croix, VI | 1986 | 10.250 | Lower | 48,995 | 4,214.88 |
| | | | Middle | 63,491 | 5,461.80 |
| | | | Upper | 107,730 | 9,267.60 |

APPENDIX 10—HISTORICAL HOME MARKET VALUES AND INTEREST RATES—Continued

| Area | Year | Interest rate (percent) | Income level | Market value | Annual P&I* |
|---|---|---|---|---|---|
| | 1987 | 12.000 | Lower | 54,140 | 5,346.12 |
| | | | Middle | 70,157 | 6,927.72 |
| | | | Upper | 119,042 | 11,754.96 |
| | 1988 | 12.000 | Lower | 66,051 | 6,522.36 |
| | | | Middle | 85,592 | 8,451.96 |
| | | | Upper | 145,231 | 14,341.08 |
| | 1989 | 11.750 | Lower | 64,730 | 6,272.52 |
| | | | Middle | 83,880 | 8,128.20 |
| | | | Upper | 142,326 | 13,791.84 |
| | 1990 | 11.250 | Lower | 80,912 | 7,544.28 |
| | | | Middle | 104,850 | 9,776.28 |
| | | | Upper | 177,908 | 16,588.32 |
| | 1991 | 10.250 | Lower | 85,281 | 7,336.32 |
| | | | Middle | 110,500 | 9,505.80 |
| | | | Upper | 187,500 | 16,129.80 |
| | 1992 | 9.500 | Lower | 103,635 | 8,365.68 |
| | | | Middle | 151,866 | 12,258.96 |
| | | | Upper | 188,037 | 15,178.68 |
| | 1993 | 8.375 | Lower | 112,962 | 8,242.44 |
| | | | Middle | 174,161 | 12,708.00 |
| | | | Upper | 194,004 | 14,155.92 |
| | 1994 | 9.083 | Lower | 77,409 | 6,024.00 |
| | | | Middle | 128,076 | 9,966.84 |
| | | | Upper | 210,035 | 16,344.96 |
| | 1996 | 9.042 | Lower | 86,304 | 6,691.32 |
| | | | Middle | 124,863 | 9,680.88 |
| | | | Upper | 180,796 | 14,017.44 |
| St. Thomas, VI | 1986 | 10.250 | Lower | 92,023 | 7,916.40 |
| | | | Middle | 116,437 | 10,016.52 |
| | | | Upper | 138,973 | 11,955.24 |
| | 1987 | 12.000 | Lower | 103,617 | 10,231.80 |
| | | | Middle | 131,108 | 12,946.44 |
| | | | Upper | 156,484 | 15,452.28 |
| | 1988 | 12.000 | Lower | 121,129 | 11,961.12 |
| | | | Middle | 153,265 | 15,134.40 |
| | | | Upper | 182,929 | 18,063.60 |
| | 1989 | 11.750 | Lower | 126,943 | 12,301.20 |
| | | | Middle | 160,622 | 15,564.84 |
| | | | Upper | 191,710 | 18,577.32 |
| | 1990 | 11.250 | Lower | 122,500 | 11,422.08 |
| | | | Middle | 155,000 | 14,452.32 |
| | | | Upper | 185,000 | 17,249.64 |
| | 1991 | 10.250 | Lower | 126,900 | 10,916.64 |
| | | | Middle | 180,700 | 15,544.80 |
| | | | Upper | 210,800 | 18,134.28 |
| | 1992 | 9.000 | Lower | 128,930 | 9,959.04 |
| | | | Middle | 183,591 | 14,181.24 |
| | | | Upper | 214,173 | 16,543.56 |
| | 1993 | 8.250 | Lower | 139,680 | 10,074.00 |
| | | | Middle | 198,829 | 14,339.88 |
| | | | Upper | 231,949 | 16,728.48 |
| | 1994 | 9.083 | Lower | 106,533 | 8,290.44 |
| | | | Middle | 190,164 | 14,798.52 |
| | | | Upper | 195,381 | 15,204.60 |
| | 1996 | 8.292 | Lower | 137,936 | 9,987.00 |
| | | | Middle | 197,134 | 14,273.16 |
| | | | Upper | 187,673 | 13,588.08 |
| Washington, DC (DC) | 1986 | 10.250 | Lower | 64,778 | 5,572.56 |
| | | | Middle | 99,213 | 8,534.88 |
| | | | Upper | 173,448 | 14,921.04 |
| | 1987 | 10.250 | Lower | 70,543 | 6,068.52 |
| | | | Middle | 113,015 | 9,722.16 |
| | | | Upper | 187,324 | 16,114.68 |
| | 1988 | 10.500 | Lower | 76,327 | 6,702.60 |
| | | | Middle | 126,817 | 11,136.48 |
| | | | Upper | 202,310 | 17,765.88 |
| | 1989 | 9.625 | Lower | 82,128 | 6,701.52 |
| | | | Middle | 140,619 | 11,474.40 |
| | | | Upper | 218,495 | 17,829.00 |
| | 1990 | 9.875 | Lower | 87,877 | 7,325.52 |
| | | | Middle | 140,974 | 11,751.84 |

APPENDIX 10—HISTORICAL HOME MARKET VALUES AND INTEREST RATES—Continued

| Area | Year | Interest rate (percent) | Income level | Market value | Annual P&I* |
|---|---|---|---|---|---|
| | ..... | ..... | Upper ..... | 235,975 | 19,671.24 |
| | 1991 | 9.250 | Lower ..... | 90,104 | 7,116.12 |
| | ..... | ..... | Middle ..... | 144,550 | 11,416.08 |
| | ..... | ..... | Upper ..... | 242,000 | 19,112.40 |
| | 1992 | 8.313 | Lower ..... | 90,828 | 6,589.32 |
| | ..... | ..... | Middle ..... | 127,270 | 9,233.04 |
| | ..... | ..... | Upper ..... | 241,230 | 17,500.56 |
| | 1993 | 7.375 | Lower ..... | 93,369 | 6,190.80 |
| | ..... | ..... | Middle ..... | 115,021 | 7,626.48 |
| | ..... | ..... | Upper ..... | 286,564 | 19,000.56 |
| | 1994 | 8.677 | Lower ..... | 82,242 | 6,170.04 |
| | ..... | ..... | Middle ..... | 104,657 | 7,851.72 |
| | ..... | ..... | Upper ..... | 305,541 | 22,922.64 |
| | 1996 | 7.625 | Lower ..... | 73,177 | 4,972.20 |
| | ..... | ..... | Middle ..... | 110,425 | 7,503.12 |
| | ..... | ..... | Upper ..... | 290,563 | 19,743.24 |
| Washington, DC (MD) ..... | 1986 | 10.250 | Lower ..... | 60,029 | 5,164.08 |
| | ..... | ..... | Middle ..... | 92,955 | 7,996.56 |
| | ..... | ..... | Upper ..... | 110,600 | 9,514.44 |
| | 1987 | 10.125 | Lower ..... | 66,032 | 5,621.64 |
| | ..... | ..... | Middle ..... | 102,250 | 8,705.04 |
| | ..... | ..... | Upper ..... | 121,660 | 10,357.56 |
| | 1988 | 10.375 | Lower ..... | 73,295 | 6,370.68 |
| | ..... | ..... | Middle ..... | 113,498 | 9,865.20 |
| | ..... | ..... | Upper ..... | 135,043 | 11,737.80 |
| | 1989 | 10.000 | Lower ..... | 81,357 | 6,854.04 |
| | ..... | ..... | Middle ..... | 125,983 | 10,613.64 |
| | ..... | ..... | Upper ..... | 149,898 | 12,628.44 |
| | 1990 | 9.875 | Lower ..... | 89,493 | 7,460.28 |
| | ..... | ..... | Middle ..... | 138,581 | 11,552.28 |
| | ..... | ..... | Upper ..... | 164,888 | 13,745.28 |
| | 1991 | 8.750 | Lower ..... | 93,475 | 7,059.48 |
| | ..... | ..... | Middle ..... | 144,748 | 10,931.88 |
| | ..... | ..... | Upper ..... | 169,958 | 12,835.80 |
| | 1992 | 8.313 | Lower ..... | 104,198 | 7,559.28 |
| | ..... | ..... | Middle ..... | 131,118 | 9,512.28 |
| | ..... | ..... | Upper ..... | 207,502 | 15,053.64 |
| | 1993 | 7.375 | Lower ..... | 92,655 | 6,143.52 |
| | ..... | ..... | Middle ..... | 118,911 | 7,884.36 |
| | ..... | ..... | Upper ..... | 204,264 | 13,543.68 |
| | 1994 | 8.688 | Lower ..... | 90,963 | 6,831.24 |
| | ..... | ..... | Middle ..... | 167,349 | 12,567.72 |
| | ..... | ..... | Upper ..... | 214,030 | 16,073.40 |
| | 1996 | 6.896 | Lower ..... | 109,369 | 6,912.12 |
| | ..... | ..... | Middle ..... | 222,845 | 14,083.80 |
| | ..... | ..... | Upper ..... | 224,792 | 14,206.80 |
| Washington, DC (VA) ..... | 1986 | 10.250 | Lower ..... | 70,857 | 6,095.52 |
| | ..... | ..... | Middle ..... | 79,954 | 6,878.16 |
| | ..... | ..... | Upper ..... | 132,568 | 11,404.20 |
| | 1987 | 10.125 | Lower ..... | 76,526 | 6,515.04 |
| | ..... | ..... | Middle ..... | 86,350 | 7,351.44 |
| | ..... | ..... | Upper ..... | 143,173 | 12,189.00 |
| | 1988 | 10.500 | Lower ..... | 83,413 | 7,324.92 |
| | ..... | ..... | Middle ..... | 94,122 | 8,265.36 |
| | ..... | ..... | Upper ..... | 156,059 | 13,704.36 |
| | 1989 | 9.500 | Lower ..... | 90,086 | 7,271.88 |
| | ..... | ..... | Middle ..... | 101,652 | 8,205.60 |
| | ..... | ..... | Upper ..... | 168,544 | 13,605.24 |
| | 1990 | 10.000 | Lower ..... | 97,293 | 8,196.60 |
| | ..... | ..... | Middle ..... | 109,784 | 9,249.00 |
| | ..... | ..... | Upper ..... | 182,028 | 15,335.28 |
| | 1991 | 8.938 | Lower ..... | 103,462 | 7,947.48 |
| | ..... | ..... | Middle ..... | 117,650 | 9,037.44 |
| | ..... | ..... | Upper ..... | 187,000 | 14,364.60 |
| | 1992 | 8.250 | Lower ..... | 100,103 | 7,219.56 |
| | ..... | ..... | Middle ..... | 126,315 | 9,110.04 |
| | ..... | ..... | Upper ..... | 182,810 | 13,184.52 |
| | 1993 | 7.500 | Lower ..... | 94,905 | 6,370.44 |
| | ..... | ..... | Middle ..... | 126,874 | 8,516.40 |
| | ..... | ..... | Upper ..... | 181,705 | 12,196.92 |
| | 1994 | 8.698 | Lower ..... | 99,657 | 7,490.88 |

APPENDIX 10—HISTORICAL HOME MARKET VALUES AND INTEREST RATES—Continued

| Area | Year | Interest rate (percent) | Income level | Market value | Annual P&I* |
|---|---|---|---|---|---|
| | ..... | ..... | Middle ..... | 167,876 | 12,618.72 |
| | ..... | ..... | Upper ..... | 228,191 | 17,152.44 |
| | 1996 | 7.083 | Lower ..... | 108,327 | 6,976.80 |
| | ..... | ..... | Middle ..... | 169,472 | 10,914.84 |
| | ..... | ..... | Upper ..... | 206,918 | 13,326.60 |

*Principal and interest assumes 80 financing.

APPENDIX 11.—HISTORICAL HOUSING DATA

| Year | Weights | Lower amounts | Subtotal | Middle amounts | Subtotal | Upper amounts | Subtotal |
|---|---|---|---|---|---|---|---|
| Anchorage, AK: | | | | | | | |
| 1986 | 6.31 | 7,411.56 | 467.67 | 9,856.32 | 621.93 | 12,071.28 | 761.70 |
| 1987 | 6.77 | 6,469.56 | 437.99 | 8,715.12 | 590.01 | 10,398.36 | 703.97 |
| 1988 | 8.19 | 6,517.44 | 533.78 | 8,895.60 | 728.55 | 10,291.08 | 842.84 |
| 1989 | 7.03 | 6,235.80 | 438.38 | 8,628.72 | 606.60 | 10,390.20 | 730.43 |
| 1990 | 7.72 | 5,229.00 | 403.68 | 7,490.40 | 578.26 | 9,874.32 | 762.30 |
| 1992 | 8.32 | 5,074.92 | 422.23 | 7,430.88 | 618.25 | 10,767.84 | 895.88 |
| 1993 | 10.08 | 5,053.92 | 509.44 | 7,061.88 | 711.84 | 9,324.48 | 939.91 |
| 1994 | 12.92 | 4,906.92 | 633.97 | 6,733.56 | 869.98 | 8,478.60 | 1,095.44 |
| 1995 | 13.78 | 6,218.76 | 856.95 | 7,622.76 | 1,050.42 | 10,048.80 | 1,384.72 |
| 1996 | 18.88 | 5,409.96 | 1,021.40 | 7,287.24 | 1,375.83 | 9,034.68 | 1,705.75 |
| Totals | 100.00 | ..... | 5,725.49 | ..... | 7,751.67 | ..... | 9,822.94 |
| Fairbanks, AK: | | | | | | | |
| 1986 | 6.31 | 6,654.00 | 419.87 | 8,654.40 | 546.09 | 11,811.36 | 745.30 |
| 1987 | 6.77 | 5,736.24 | 388.34 | 7,821.72 | 529.53 | 10,526.64 | 712.65 |
| 1988 | 8.19 | 5,681.28 | 465.30 | 8,183.52 | 670.23 | 10,842.24 | 887.98 |
| 1989 | 7.03 | 5,313.96 | 373.57 | 8,164.32 | 573.95 | 10,627.44 | 747.11 |
| 1990 | 7.72 | 4,353.24 | 336.07 | 7,193.40 | 555.33 | 9,217.08 | 711.56 |
| 1992 | 8.32 | 5,472.84 | 455.34 | 7,832.52 | 651.67 | 10,582.44 | 880.46 |
| 1993 | 10.08 | 4,953.84 | 499.35 | 7,233.36 | 729.12 | 8,253.24 | 831.93 |
| 1994 | 12.92 | 5,184.60 | 669.85 | 7,649.64 | 988.33 | 8,685.72 | 1,122.20 |
| 1995 | 13.78 | 5,186.76 | 714.74 | 6,337.80 | 873.35 | 8,157.48 | 1,124.10 |
| 1996 | 18.88 | 4,716.12 | 890.40 | 5,990.76 | 1,131.06 | 7,493.16 | 1,414.71 |
| Totals | 100.00 | ..... | 5,212.83 | ..... | 7,248.66 | ..... | 9,178.00 |
| Juneau, AK: | | | | | | | |
| 1986 | 6.31 | 7,650.60 | 482.75 | 9,038.28 | 570.32 | 10,708.92 | 675.73 |
| 1987 | 6.77 | 6,699.96 | 453.59 | 8,052.36 | 545.14 | 9,652.44 | 653.47 |
| 1988 | 8.19 | 6,712.68 | 549.77 | 8,235.96 | 674.53 | 9,999.84 | 818.99 |
| 1989 | 7.03 | 6,352.08 | 446.55 | 7,966.68 | 560.06 | 9,799.20 | 688.88 |
| 1990 | 7.72 | 6,746.88 | 520.86 | 8,536.08 | 658.99 | 10,609.08 | 819.02 |
| 1992 | 8.32 | 6,911.04 | 575.00 | 8,836.68 | 735.21 | 11,300.76 | 940.22 |
| 1993 | 10.08 | 6,241.92 | 629.19 | 8,234.04 | 829.99 | 9,568.08 | 964.46 |
| 1994 | 12.92 | 6,307.32 | 814.91 | 7,974.72 | 1,030.33 | 9,564.36 | 1,235.72 |
| 1995 | 13.78 | 7,681.80 | 1,058.55 | 10,358.16 | 1,427.35 | 12,231.48 | 1,685.50 |
| 1996 | 18.88 | 7,389.72 | 1,395.18 | 9,298.44 | 1,755.55 | 10,963.20 | 2,069.85 |
| Totals | 100.00 | ..... | 6,926.35 | ..... | 8,787.47 | ..... | 10,551.84 |
| Nome, AK: | | | | | | | |
| 1986 | 6.31 | 7,081.56 | 446.85 | 9,364.80 | 590.92 | 11,266.80 | 710.94 |
| 1987 | 6.77 | 6,497.04 | 439.85 | 8,591.76 | 581.66 | 10,335.96 | 699.74 |
| 1988 | 8.19 | 6,916.56 | 566.47 | 9,146.76 | 749.12 | 11,004.24 | 901.25 |
| 1989 | 7.03 | 7,039.56 | 494.88 | 9,309.36 | 654.45 | 11,199.96 | 787.36 |
| 1990 | 7.72 | 6,348.96 | 490.14 | 8,396.16 | 648.18 | 10,101.12 | 779.81 |
| 1992 | 8.32 | 5,492.04 | 456.94 | 7,531.32 | 626.61 | 9,454.68 | 786.63 |
| 1993 | 10.08 | 4,023.96 | 405.62 | 5,518.08 | 556.22 | 6,927.36 | 698.28 |
| 1994 | 12.92 | 5,596.56 | 723.08 | 7,674.60 | 991.56 | 9,634.68 | 1,244.80 |
| 1995 | 13.78 | 6,101.16 | 840.74 | 8,812.80 | 1,214.40 | 11,524.44 | 1,588.07 |
| 1996 | 18.88 | 5,229.48 | 987.33 | 7,707.60 | 1,455.19 | 9,003.84 | 1,699.92 |
| Totals | 100.00 | ..... | 5,851.90 | ..... | 8,068.31 | ..... | 9,896.80 |
| Honolulu, HI: | | | | | | | |
| 1986 | 6.31 | 8,364.24 | 527.78 | 11,549.52 | 728.77 | 13,292.04 | 838.73 |
| 1987 | 6.77 | 9,373.08 | 634.56 | 13,735.56 | 929.90 | 16,582.92 | 1,122.66 |

APPENDIX 11.—HISTORICAL HOUSING DATA—Continued

| Year | Weights | Lower amounts | Subtotal | Middle amounts | Subtotal | Upper amounts | Subtotal |
|---|---|---|---|---|---|---|---|
| 1988 | 8.19 | 10,828.56 | 886.86 | 16,620.48 | 1,361.22 | 20,758.44 | 1,700.12 |
| 1989 | 7.03 | 13,555.68 | 952.96 | 21,025.20 | 1,478.07 | 23,124.36 | 1,625.64 |
| 1990 | 7.72 | 18,591.24 | 1,435.24 | 28,835.52 | 2,226.10 | 32,628.12 | 2,518.89 |
| 1991 | 8.32 | 16,168.56 | 1,345.22 | 24,268.44 | 2,019.13 | 28,947.12 | 2,408.40 |
| 1992 | 10.08 | 15,064.80 | 1,518.53 | 23,500.44 | 2,368.84 | 25,907.28 | 2,611.45 |
| 1993 | 12.92 | 13,067.40 | 1,688.31 | 21,195.60 | 2,738.47 | 24,248.52 | 3,132.91 |
| 1994 | 13.78 | 20,041.44 | 2,761.71 | 26,388.00 | 3,636.27 | 31,400.76 | 4,327.02 |
| 1996 | 18.88 | 14,606.04 | 2,757.62 | 20,374.32 | 3,846.67 | 25,510.44 | 4,816.37 |
| Totals | 100.00 | ..... | 14,508.79 | ..... | 21,333.44 | ..... | 25,102.19 |
| Hilo, HI: | | | | | | | |
| 1986 | 6.31 | 4,340.76 | 273.90 | 6,193.44 | 390.81 | 8,411.88 | 530.79 |
| 1987 | 6.77 | 5,166.00 | 349.74 | 7,143.24 | 483.60 | 9,221.88 | 624.32 |
| 1988 | 8.19 | 6,254.28 | 512.23 | 8,444.88 | 691.64 | 10,459.92 | 856.67 |
| 1989 | 7.03 | 6,795.60 | 477.73 | 9,006.24 | 633.14 | 10,777.32 | 757.65 |
| 1990 | 7.72 | 5,825.16 | 449.70 | 9,361.44 | 722.70 | 14,132.52 | 1,091.03 |
| 1991 | 8.32 | 10,474.44 | 871.47 | 14,114.28 | 1,174.31 | 15,934.20 | 1,325.73 |
| 1992 | 10.08 | 9,319.32 | 939.39 | 11,611.68 | 1,170.46 | 14,103.60 | 1,421.64 |
| 1993 | 12.92 | 8,269.20 | 1,068.38 | 11,195.28 | 1,446.43 | 13,065.96 | 1,688.12 |
| 1994 | 13.78 | 9,124.68 | 1,257.38 | 12,927.72 | 1,781.44 | 15,604.32 | 2,150.28 |
| 1996 | 18.88 | 7,392.84 | 1,395.77 | 10,519.92 | 1,986.16 | 11,741.76 | 2,216.84 |
| Totals | 100.00 | ..... | 7,595.69 | ..... | 10,480.69 | ..... | 12,663.07 |
| Kailua Kona, HI: | | | | | | | |
| 1986 | 6.31 | 6,632.28 | 418.50 | 9,255.84 | 584.04 | 10,314.60 | 650.85 |
| 1987 | 6.77 | 7,725.36 | 523.01 | 10,637.76 | 720.18 | 12,194.52 | 825.57 |
| 1988 | 8.19 | 9,202.80 | 753.71 | 12,541.44 | 1,027.14 | 14,691.00 | 1,203.19 |
| 1989 | 7.03 | 9,874.32 | 694.16 | 13,345.56 | 938.19 | 15,902.16 | 1,117.92 |
| 1990 | 7.72 | 11,579.88 | 893.97 | 16,336.32 | 1,261.16 | 19,364.40 | 1,494.93 |
| 1991 | 8.32 | 12,096.60 | 1,006.44 | 15,949.08 | 1,326.96 | 20,059.44 | 1,668.95 |
| 1992 | 10.08 | 11,395.32 | 1,148.65 | 15,891.84 | 1,601.90 | 18,605.28 | 1,875.41 |
| 1993 | 12.92 | 9,938.64 | 1,284.07 | 14,180.16 | 1,832.08 | 16,939.08 | 2,188.53 |
| 1994 | 13.78 | 12,111.00 | 1,668.90 | 17,169.96 | 2,366.02 | 17,830.44 | 2,457.03 |
| 1996 | 18.88 | 9,186.12 | 1,734.34 | 12,206.40 | 2,304.57 | 14,039.88 | 2,650.73 |
| Totals | 100.00 | ..... | 10,125.75 | ..... | 13,962.24 | ..... | 16,133.11 |
| Kauai, HI: | | | | | | | |
| 1986 | 6.31 | 5,858.76 | 369.69 | 7,572.96 | 477.85 | 9,075.24 | 572.65 |
| 1987 | 6.77 | 6,829.80 | 462.38 | 9,238.92 | 625.47 | 10,544.88 | 713.89 |
| 1988 | 8.19 | 8,323.68 | 681.71 | 11,387.28 | 932.62 | 13,309.44 | 1,090.04 |
| 1989 | 7.03 | 9,090.24 | 639.04 | 12,541.56 | 881.67 | 15,622.32 | 1,098.25 |
| 1990 | 7.72 | 15,256.80 | 1,177.82 | 20,116.80 | 1,553.02 | 25,451.04 | 1,964.82 |
| 1991 | 8.32 | 13,617.12 | 1,132.94 | 17,957.16 | 1,494.04 | 22,714.08 | 1,889.81 |
| 1992 | 10.08 | 12,245.28 | 1,234.32 | 15,797.28 | 1,592.37 | 19,524.96 | 1,968.12 |
| 1993 | 12.92 | 11,122.08 | 1,436.97 | 14,349.12 | 1,853.91 | 17,734.08 | 2,291.24 |
| 1994 | 13.78 | 12,995.64 | 1,790.80 | 17,677.20 | 2,435.92 | 20,287.08 | 2,795.56 |
| 1996 | 18.88 | 11,251.32 | 2,124.25 | 14,510.28 | 2,739.54 | 16,859.40 | 3,183.05 |
| Totals | 100.00 | ..... | 11,049.92 | ..... | 14,586.41 | ..... | 17,567.43 |
| Maui, HI: | | | | | | | |
| 1986 | 6.31 | 7,892.64 | 498.03 | 10,472.52 | 660.82 | 13,169.76 | 831.01 |
| 1987 | 6.77 | 8,717.40 | 590.17 | 11,639.40 | 787.99 | 14,637.24 | 990.94 |
| 1988 | 8.19 | 11,071.92 | 906.79 | 14,691.00 | 1,203.19 | 18,474.84 | 1,513.09 |
| 1989 | 7.03 | 13,293.84 | 934.56 | 17,639.04 | 1,240.02 | 22,182.12 | 1,559.40 |
| 1990 | 7.72 | 14,976.36 | 1,156.17 | 19,871.64 | 1,534.09 | 24,989.64 | 1,929.20 |
| 1991 | 8.32 | 16,453.68 | 1,368.95 | 21,831.36 | 1,816.37 | 27,454.80 | 2,284.24 |
| 1992 | 10.08 | 14,820.00 | 1,493.86 | 19,667.88 | 1,982.52 | 24,728.76 | 2,492.66 |
| 1993 | 12.92 | 11,648.28 | 1,504.96 | 16,523.40 | 2,134.82 | 20,104.56 | 2,597.51 |
| 1994 | 13.78 | 14,320.32 | 1,973.34 | 19,936.08 | 2,747.19 | 22,152.12 | 3,052.56 |
| 1996 | 18.88 | 12,299.64 | 2,322.17 | 16,643.88 | 3,142.36 | 18,083.76 | 3,414.21 |
| Totals | 100.00 | ..... | 12,749.00 | ..... | 17,249.37 | ..... | 20,664.82 |
| Guam: | | | | | | | |
| 1986 | 6.31 | 5,622.84 | 354.80 | 6,855.36 | 432.57 | 14,657.40 | 924.88 |
| 1987 | 6.77 | 6,505.08 | 440.39 | 7,979.40 | 540.21 | 16,409.16 | 1,110.90 |
| 1988 | 8.19 | 7,704.36 | 630.99 | 9,500.64 | 778.10 | 18,950.76 | 1,552.07 |
| 1989 | 7.03 | 8,145.12 | 572.60 | 10,089.48 | 709.29 | 19,620.72 | 1,379.34 |

APPENDIX 11.—HISTORICAL HOUSING DATA—Continued

| Year | Weights | Lower amounts | Subtotal | Middle amounts | Subtotal | Upper amounts | Subtotal |
|---|---|---|---|---|---|---|---|
| 1990 | 7.72 | 9,060.24 | 699.45 | 11,253.60 | 868.78 | 21,448.32 | 1,655.81 |
| 1991 | 8.32 | 9,662.04 | 803.88 | 12,001.08 | 998.49 | 22,873.20 | 1,903.05 |
| 1992 | 10.08 | 10,554.60 | 1,063.90 | 13,109.88 | 1,321.48 | 24,986.28 | 2,518.62 |
| 1993 | 12.92 | 9,954.48 | 1,286.12 | 13,017.84 | 1,681.90 | 17,811.36 | 2,301.23 |
| 1994 | 13.78 | 11,290.32 | 1,555.81 | 15,925.44 | 2,194.53 | 20,674.56 | 2,848.95 |
| 1996 | 18.88 | 9,100.80 | 1,718.23 | 12,534.36 | 2,366.49 | 15,616.08 | 2,948.32 |
| Totals | 100.00 | ..... | 9,126.17 | ..... | 11,891.84 | ..... | 19,143.17 |
| Puerto Rico: | | | | | | | |
| 1986 | 6.31 | 4,845.24 | 305.73 | 5,934.84 | 374.49 | 8,590.32 | 542.05 |
| 1987 | 6.77 | 5,346.36 | 361.95 | 6,548.64 | 443.34 | 9,478.80 | 641.71 |
| 1988 | 8.19 | 5,837.04 | 478.05 | 7,149.48 | 585.54 | 10,348.44 | 847.54 |
| 1989 | 7.03 | 6,165.48 | 433.43 | 7,551.84 | 530.89 | 10,632.72 | 747.48 |
| 1990 | 7.72 | 6,782.04 | 523.57 | 8,307.00 | 641.30 | 11,696.04 | 902.93 |
| 1991 | 8.32 | 6,324.48 | 526.20 | 7,657.68 | 637.12 | 10,777.44 | 896.68 |
| 1992 | 10.08 | 4,438.68 | 447.42 | 6,038.88 | 608.72 | 10,830.72 | 1,091.74 |
| 1993 | 12.92 | 3,970.44 | 512.98 | 5,438.28 | 702.63 | 9,822.96 | 1,269.13 |
| 1994 | 13.78 | 5,048.16 | 695.64 | 7,720.92 | 1,063.94 | 10,847.64 | 1,494.80 |
| 1996 | 18.88 | 4,813.92 | 908.87 | 7,413.96 | 1,399.76 | 11,627.40 | 2,195.25 |
| Totals | 100.00 | ..... | 5,193.84 | ..... | 6,987.73 | ..... | 10,629.31 |
| St. Croix, VI: | | | | | | | |
| 1986 | 6.31 | 4,214.88 | 265.96 | 5,461.80 | 344.64 | 9,267.60 | 584.79 |
| 1987 | 6.77 | 5,346.12 | 361.93 | 6,927.72 | 469.01 | 11,754.96 | 795.81 |
| 1988 | 8.19 | 6,522.36 | 534.18 | 8,451.96 | 692.22 | 14,341.08 | 1,174.53 |
| 1989 | 7.03 | 6,272.52 | 440.96 | 8,128.20 | 571.41 | 13,791.84 | 969.57 |
| 1990 | 7.72 | 7,544.28 | 582.42 | 9,776.28 | 754.73 | 16,588.32 | 1,280.62 |
| 1991 | 8.32 | 7,336.32 | 610.38 | 9,505.80 | 790.88 | 16,129.80 | 1,342.00 |
| 1992 | 10.08 | 8,365.68 | 843.26 | 12,258.96 | 1,235.70 | 15,178.68 | 1,530.01 |
| 1993 | 12.92 | 8,242.44 | 1,064.92 | 12,708.00 | 1,641.87 | 14,155.92 | 1,828.94 |
| 1994 | 13.78 | 6,024.00 | 830.11 | 9,966.84 | 1,373.43 | 16,344.96 | 2,252.34 |
| 1996 | 18.88 | 6,691.32 | 1,263.32 | 9,680.88 | 1,827.75 | 14,017.44 | 2,646.49 |
| Totals | 100.00 | ..... | 6,797.44 | ..... | 9,701.64 | ..... | 14,405.10 |
| St. Thomas, VI: | | | | | | | |
| 1986 | 6.31 | 7,916.40 | 499.52 | 10,016.52 | 632.04 | 11,955.24 | 754.38 |
| 1987 | 6.77 | 10,231.80 | 692.69 | 12,946.44 | 876.47 | 15,452.28 | 1,046.12 |
| 1988 | 8.19 | 11,961.12 | 979.62 | 15,134.40 | 1,239.51 | 18,063.60 | 1,479.41 |
| 1989 | 7.03 | 12,301.20 | 864.77 | 15,564.84 | 1,094.21 | 18,577.32 | 1,305.99 |
| 1990 | 7.72 | 11,422.08 | 881.78 | 14,452.32 | 1,115.72 | 17,249.64 | 1,331.67 |
| 1991 | 8.32 | 10,916.64 | 908.26 | 15,544.80 | 1,293.33 | 18,134.28 | 1,508.77 |
| 1992 | 10.08 | 9,959.04 | 1,003.87 | 14,181.24 | 1,429.47 | 16,543.56 | 1,667.59 |
| 1993 | 12.92 | 10,074.00 | 1,301.56 | 14,339.88 | 1,852.71 | 16,728.48 | 2,161.32 |
| 1994 | 13.78 | 8,290.44 | 1,142.42 | 14,798.52 | 2,039.24 | 15,204.60 | 2,095.19 |
| 1996 | 18.88 | 9,987.00 | 1,885.55 | 14,273.16 | 2,694.77 | 13,588.08 | 2,565.43 |
| Totals | 100.00 | ..... | 10,160.04 | ..... | 14,267.47 | ..... | 15,915.87 |
| Washington, DC (DC): | | | | | | | |
| 1986 | 6.31 | 5,572.56 | 351.63 | 8,534.88 | 538.55 | 14,921.04 | 941.52 |
| 1987 | 6.77 | 6,068.52 | 410.84 | 9,722.16 | 658.19 | 16,114.68 | 1,090.96 |
| 1988 | 8.19 | 6,702.60 | 548.94 | 11,136.48 | 912.08 | 17,765.88 | 1,455.03 |
| 1989 | 7.03 | 6,701.52 | 471.12 | 11,474.40 | 806.65 | 17,829.00 | 1,253.38 |
| 1990 | 7.72 | 7,325.52 | 565.53 | 11,751.84 | 907.24 | 19,671.24 | 1,518.62 |
| 1991 | 8.32 | 7,116.12 | 592.06 | 11,416.08 | 949.82 | 19,112.40 | 1,590.15 |
| 1992 | 10.08 | 6,589.32 | 664.20 | 9,233.04 | 930.69 | 17,500.56 | 1,764.06 |
| 1993 | 12.92 | 6,190.80 | 799.85 | 7,626.48 | 985.34 | 19,000.56 | 2,454.87 |
| 1994 | 13.78 | 6,170.04 | 850.23 | 7,851.72 | 1,081.97 | 22,922.64 | 3,158.74 |
| 1996 | 18.88 | 4,972.20 | 938.75 | 7,503.12 | 1,416.59 | 19,743.24 | 3,727.52 |
| Totals | 100.00 | ..... | 6,193.15 | ..... | 9,187.12 | ..... | 18,954.85 |
| Washington, DC (MD): | | | | | | | |
| 1986 | 6.31 | 5,164.08 | 325.85 | 7,996.56 | 504.58 | 9,514.44 | 600.36 |
| 1987 | 6.77 | 5,621.64 | 380.59 | 8,705.04 | 589.33 | 10,357.56 | 701.21 |
| 1988 | 8.19 | 6,370.68 | 521.76 | 9,865.20 | 807.96 | 11,737.80 | 961.33 |
| 1989 | 7.03 | 6,854.04 | 481.84 | 10,613.64 | 746.14 | 12,628.44 | 887.78 |
| 1990 | 7.72 | 7,460.28 | 575.93 | 11,552.28 | 891.84 | 13,745.28 | 1,061.14 |
| 1991 | 8.32 | 7,059.48 | 587.35 | 10,931.88 | 909.53 | 12,835.80 | 1,067.94 |

APPENDIX 11.—HISTORICAL HOUSING DATA—Continued

| Year | Weights | Lower amounts | Subtotal | Middle amounts | Subtotal | Upper amounts | Subtotal |
|---|---|---|---|---|---|---|---|
| 1992 | 10.08 | 7,559.28 | 761.98 | 9,512.28 | 958.84 | 15,053.64 | 1,517.41 |
| 1993 | 12.92 | 6,143.52 | 793.74 | 7,884.36 | 1,018.66 | 13,543.68 | 1,749.84 |
| 1994 | 13.78 | 6,831.24 | 941.34 | 12,567.72 | 1,731.83 | 16,073.40 | 2,214.91 |
| 1996 | 18.88 | 6,912.12 | 1,305.01 | 14,083.80 | 2,659.02 | 14,206.80 | 2,682.24 |
| Totals | 100.00 | | 6,675.39 | | 10,817.73 | | 13,444.16 |
| Washington, DC (VA): | | | | | | | |
| 1986 | 6.31 | 6,095.52 | 384.63 | 6,878.16 | 434.01 | 11,404.20 | 719.61 |
| 1987 | 6.77 | 6,515.04 | 441.07 | 7,351.44 | 497.69 | 12,189.00 | 825.20 |
| 1988 | 8.19 | 7,324.92 | 599.91 | 8,265.36 | 676.93 | 13,704.36 | 1,122.39 |
| 1989 | 7.03 | 7,271.88 | 511.21 | 8,205.60 | 576.85 | 13,605.24 | 956.45 |
| 1990 | 7.72 | 8,196.60 | 632.78 | 9,249.00 | 714.02 | 15,335.28 | 1,183.88 |
| 1991 | 8.32 | 7,947.48 | 661.23 | 9,037.44 | 751.92 | 14,364.60 | 1,195.13 |
| 1992 | 10.08 | 7,219.56 | 727.73 | 9,110.04 | 918.29 | 13,184.52 | 1,329.00 |
| 1993 | 12.92 | 6,370.44 | 823.06 | 8,516.40 | 1,100.32 | 12,196.92 | 1,575.84 |
| 1994 | 13.78 | 7,490.88 | 1,032.24 | 12,618.72 | 1,738.86 | 17,152.44 | 2,363.61 |
| 1996 | 18.88 | 6,976.80 | 1,317.22 | 10,914.84 | 2,060.72 | 13,326.60 | 2,516.06 |
| Totals | 100.00 | | 7,131.08 | | 9,469.61 | | 13,787.17 |

APPENDIX 12.—SUMMARY OF RENTAL ANALYSES

| | 1996 Data medians | | | | | |
|---|---|---|---|---|---|---|
| | B&NB | | Non-Brkr | | Broker | |
| | # | $ | # | $ | # | $ |
| Anchorage, AK: | | | | | | |
| Low | 126 | $525 | 117 | $550 | 9 | $500 |
| Middle | 216 | 650 | 207 | 650 | 9 | 650 |
| High | 143 | 1,013 | 113 | 1,000 | 30 | 1,025 |
| Fairbanks, AK: | | | | | | |
| Low | 106 | 531 | 98 | 525 | 8 | 537 |
| Middle | 173 | 672 | 165 | 650 | 8 | 694 |
| High | 216 | 866 | 198 | 850 | 18 | 882 |
| Juneau, AK: | | | | | | |
| Low | 43 | 725 | 34 | 750 | 9 | 700 |
| Middle | 58 | 875 | 49 | 900 | 9 | 850 |
| High | 83 | 1,238 | 65 | 1,250 | 18 | 1,225 |
| Nome, AK: | | | | | | |
| Low | 6 | 638 | 2 | 625 | 4 | 650 |
| Middle | 8 | 869 | 4 | 875 | 4 | 863 |
| High | 10 | 994 | 4 | 1,000 | 6 | 988 |
| Honolulu, HI: | | | | | | |
| Low | 226 | 775 | 208 | 750 | 18 | 800 |
| Middle | 125 | 948 | 107 | 895 | 18 | 1,000 |
| High | 333 | 1,263 | 297 | 1,150 | 36 | 1,375 |
| Hilo, HI: | | | | | | |
| Low | 40 | 463 | 31 | 400 | 9 | 525 |
| Middle | 40 | 575 | 31 | 475 | 9 | 675 |
| High | 147 | 713 | 129 | 650 | 18 | 775 |
| Kailua Kona, HI: | | | | | | |
| Low | 125 | 664 | 116 | 625 | 9 | 703 |
| Middle | 104 | 730 | 95 | 635 | 9 | 825 |
| High | 142 | 1,029 | 124 | 990 | 18 | 1,068 |
| Kauai, HI: | | | | | | |
| Low | 48 | 563 | 39 | 525 | 9 | 600 |
| Middle | 30 | 688 | 21 | 625 | 9 | 750 |
| High | 392 | 881 | 374 | 800 | 18 | 963 |
| Maui, HI: | | | | | | |
| Low | 155 | 650 | 146 | 650 | 9 | 650 |
| Middle | 134 | 763 | 125 | 725 | 9 | 800 |
| High | 555 | 950 | 537 | 900 | 18 | 1,000 |
| Guam: | | | | | | |
| Low | 51 | 650 | 42 | 600 | 9 | 700 |
| Middle | 103 | 888 | 94 | 750 | 9 | 1,025 |
| High | 153 | 1,075 | 135 | 1,000 | 18 | 1,150 |
| Puerto Rico: | | | | | | |
| Low | 30 | 593 | 12 | 499 | 18 | 688 |

APPENDIX 12.—SUMMARY OF RENTAL ANALYSES—Continued

| | 1996 Data medians | | | | | |
|---|---|---|---|---|---|---|
| | B&NB | | Non-Brkr | | Broker | |
| | # | $ | # | $ | # | $ |
| Middle | 40 | 966 | 22 | 808 | 18 | 1,125 |
| High | 53 | 1,525 | 19 | 1,550 | 34 | 1,500 |
| St. Croix, VI: | | | | | | |
| Low | 37 | 525 | 28 | 450 | 9 | 600 |
| Middle | 36 | 700 | 27 | 600 | 9 | 800 |
| High | 47 | 925 | 29 | 650 | 18 | 1,200 |
| St. Thomas, VI: | | | | | | |
| Low | 39 | 775 | 30 | 700 | 9 | 850 |
| Middle | 34 | 975 | 25 | 850 | 9 | 1,100 |
| High | 28 | 1,463 | 10 | 1,400 | 18 | 1,525 |
| Washington, DC (DC) | | | | | | |
| Low | 253 | 438 | 244 | 425 | 9 | 450 |
| Middle | 186 | 573 | 177 | 595 | 9 | 550 |
| High | 140 | 1,275 | 122 | 1,000 | 18 | 1,550 |
| Washington, DC (MD) | | | | | | |
| Low | 77 | 545 | 68 | 540 | 9 | 550 |
| Middle | 127 | 678 | 118 | 655 | 9 | 700 |
| High | 120 | 1,113 | 102 | 1,075 | 18 | 1,150 |
| Washington, DC (VA) | | | | | | |
| Low | 42 | 628 | 33 | 605 | 9 | 650 |
| Middle | 226 | 862 | 217 | 823 | 9 | 900 |
| High | 157 | 1,188 | 139 | 1,125 | 18 | 1,250 |

APPENDIX 13—HOUSING COST ANALYSIS

[1996 Survey]

| | Annual costs | | | | | |
|---|---|---|---|---|---|---|
| | Lower income | | Middle income | | Upper income | |
| | Owner | Renter | Owner | Renter | Owner | Renter |
| Anchorage, AK: | | | | | | |
| Maintenance | $317 | ..... | $373 | ..... | $429 | ..... |
| Insurance | 286 | $101 | 316 | $101 | 359 | $109 |
| Utilities | 2,226 | 1,955 | 2,565 | 2,226 | 2,903 | 2,384 |
| Real estate taxes | 1,509 | ..... | 1,850 | ..... | 2,439 | ..... |
| Housing | 5,725 | 6,300 | 7,752 | 7,800 | 9,823 | 12,156 |
| Total annual cost | 10,063 | 8,356 | 12,856 | 10,127 | 15,953 | 14,649 |
| Fairbanks, AK: | | | | | | |
| Maintenance | 375 | ..... | 442 | ..... | 508 | ..... |
| Insurance | 260 | 120 | 282 | 120 | 306 | 131 |
| Utilities | 2,651 | 2,325 | 3,057 | 2,651 | 3,464 | 2,840 |
| Real estate taxes | 1,110 | ..... | 1,398 | ..... | 1,854 | ..... |
| Housing | 5,213 | 6,372 | 7,249 | 8,064 | 9,178 | 10,392 |
| Total annual cost | 9,609 | 8,817 | 12,428 | 10,835 | 15,310 | 13,363 |
| Juneau, AK: | | | | | | |
| Maintenance | 366 | ..... | 431 | ..... | 496 | ..... |
| Insurance | 266 | 123 | 271 | 123 | 311 | 129 |
| Utilities | 2,563 | 2,246 | 2,959 | 2,563 | 3,355 | 2,748 |
| Real estate taxes | 1,344 | ..... | 1,812 | ..... | 2,139 | ..... |
| Housing | 6,926 | 8,700 | 8,787 | 10,500 | 10,552 | 14,856 |
| Total annual cost | 11,465 | 11,069 | 14,260 | 13,186 | 16,853 | 17,733 |
| Nome, AK: | | | | | | |
| Maintenance | 379 | ..... | 446 | ..... | 513 | ..... |
| Insurance | 337 | 147 | 423 | 147 | 473 | 154 |
| Utilities | 3,687 | 3,210 | 4,284 | 3,687 | 4,882 | 3,966 |
| Real estate taxes | 878 | ..... | 1,269 | ..... | 1,659 | ..... |
| Housing | 5,852 | 7,656 | 8,068 | 10,428 | 9,897 | 11,928 |
| Total annual cost | 11,133 | 11,013 | 14,490 | 14,262 | 17,424 | 16,048 |

APPENDIX 13—HOUSING COST ANALYSIS—Continued

[1996 Survey]

| | Annual costs | | | | | |
|---|---|---|---|---|---|---|
| | Lower income | | Middle income | | Upper income | |
| | Owner | Renter | Owner | Renter | Owner | Renter |
| Honolulu, HI: | | | | | | |
| Maintenance | 422 | ..... | 497 | ..... | 571 | ..... |
| Insurance | 694 | 397 | 971 | 399 | 1,325 | 466 |
| Utilities | 1,768 | 1,576 | 2,008 | 1,768 | 2,247 | 1,880 |
| Real estate taxes | 678 | ..... | 974 | ..... | 1,222 | ..... |
| Housing | 14,509 | 9,300 | 21,333 | 11,376 | 25,102 | 15,156 |
| Total annual cost | 18,071 | 11,273 | 25,783 | 13,543 | 30,467 | 17,502 |
| Hilo, HI: | | | | | | |
| Maintenance | 458 | ..... | 539 | ..... | 619 | ..... |
| Insurance | 781 | 579 | 808 | 579 | 821 | 732 |
| Utilities | 1,956 | 1,735 | 2,232 | 1,956 | 2,507 | 2,085 |
| Real estate taxes | 332 | ..... | 545 | ..... | 695 | ..... |
| Housing | 7,596 | 5,556 | 10,481 | 6,900 | 12,663 | 8,556 |
| Total annual cost | 11,123 | 7,870 | 14,605 | 9,435 | 17,305 | 11,373 |
| Kailua Kona, HI: | | | | | | |
| Maintenance | 425 | ..... | 500 | ..... | 574 | ..... |
| Insurance | 786 | 625 | 817 | 625 | 874 | 732 |
| Utilities | 1,956 | 1,735 | 2,232 | 1,956 | 2,507 | 2,085 |
| Real estate taxes | 499 | ..... | 782 | ..... | 819 | ..... |
| Housing | 10,126 | 7,968 | 13,962 | 8,760 | 16,133 | 12,348 |
| Total annual cost | 13,792 | 10,328 | 18,293 | 11,341 | 20,907 | 15,165 |
| Kauai County, HI: | | | | | | |
| Maintenance | 369 | ..... | 434 | ..... | 499 | ..... |
| Insurance | 811 | 579 | 1,006 | 579 | 1,279 | 705 |
| Utilities | 1,988 | 1,761 | 2,270 | 1,988 | 2,553 | 2,119 |
| Real estate taxes | 462 | ..... | 675 | ..... | 793 | ..... |
| Housing | 11,050 | 6,756 | 14,586 | 8,256 | 17,567 | 10,572 |
| Total annual cost | 14,680 | 9,096 | 18,971 | 10,823 | 22,691 | 13,396 |
| Maui County, HI: | | | | | | |
| Maintenance | 463 | ..... | 544 | ..... | 626 | ..... |
| Insurance | 597 | 610 | 778 | 610 | 854 | 732 |
| Utilities | 1,671 | 1,489 | 1,898 | 1,671 | 2,124 | 1,777 |
| Real estate taxes | 490 | ..... | 737 | ..... | 835 | ..... |
| Housing | 12,749 | 7,800 | 17,249 | 9,156 | 20,665 | 11,400 |
| Total annual cost | 15,970 | 9,899 | 21,206 | 11,437 | 25,104 | 13,909 |
| Guam: | | | | | | |
| Maintenance | 553 | ..... | 650 | ..... | 748 | ..... |
| Insurance | 1,398 | 388 | 1,930 | 386 | 2,320 | 459 |
| Utilities | 1,962 | 1,785 | 2,184 | 1,962 | 2,406 | 2,066 |
| Real estate taxes | 391 | ..... | 527 | ..... | 741 | ..... |
| Housing | 9,126 | 7,800 | 11,892 | 10,656 | 19,143 | 12,900 |
| Total annual cost | 13,430 | 9,973 | 17,183 | 13,004 | 25,358 | 15,425 |
| Puerto Rico: | | | | | | |
| Maintenance | 167 | ..... | 197 | ..... | 227 | ..... |
| Insurance | 402 | 239 | 614 | 239 | 1,001 | 273 |
| Utilities | 1,075 | 975 | 1,201 | 1,075 | 1,326 | 1,134 |
| Real estate taxes | 0 | ..... | 9 | ..... | 627 | ..... |
| Housing | 5,194 | 7,116 | 6,988 | 11,592 | 10,629 | 18,300 |
| Total annual cost | 6,838 | 8,330 | 9,009 | 12,906 | 13,810 | 19,707 |
| St. Croix, VI: | | | | | | |
| Maintenance | 343 | ..... | 404 | ..... | 464 | ..... |
| Insurance | 1,838 | 850 | 2,632 | 850 | 3,617 | 1,020 |
| Utilities | 1,881 | 1,665 | 2,151 | 1,881 | 2,420 | 2,007 |
| Real estate taxes | 393 | ..... | 773 | ..... | 1,388 | ..... |

APPENDIX 13—HOUSING COST ANALYSIS—Continued

[1996 Survey]

| | Annual costs | | | | | |
|---|---|---|---|---|---|---|
| | Lower income | | Middle income | | Upper income | |
| | Owner | Renter | Owner | Renter | Owner | Renter |
| Housing | 6,797 | 6,300 | 9,702 | 8,400 | 14,405 | 11,100 |
| Total annual cost | 11,252 | 8,815 | 15,662 | 11,131 | 22,294 | 14,127 |
| St. Thomas, VI: | | | | | | |
| Maintenance | 310 | ..... | 365 | ..... | 420 | ..... |
| Insurance | 2,684 | 625 | 3,717 | 625 | 3,803 | 1,020 |
| Utilities | 1,881 | 1,665 | 2,151 | 1,881 | 2,420 | 2,007 |
| Real estate taxes | 612 | ..... | 1,239 | ..... | 1,278 | ..... |
| Housing | 10,160 | 9,300 | 14,267 | 11,700 | 15,916 | 17,556 |
| Total annual cost | 15,647 | 11,590 | 21,739 | 14,206 | 23,837 | 20,583 |
| Washington, DC (DC): | | | | | | |
| Maintenance | 329 | ..... | 387 | ..... | 445 | ..... |
| Insurance | 199 | 107 | 274 | 107 | 685 | 125 |
| Utilities | 2,037 | 1,795 | 2,341 | 2,037 | 2,644 | 2,179 |
| Real estate taxes | 474 | ..... | 722 | ..... | 2,851 | ..... |
| Housing | 6,193 | 5,256 | 9,187 | 6,876 | 18,955 | 15,300 |
| Total annual cost | 9,232 | 7,158 | 12,911 | 9,020 | 25,580 | 17,604 |
| Washington, DC (MD): | | | | | | |
| Maintenance | 329 | ..... | 387 | ..... | 445 | ..... |
| Insurance | 227 | 96 | 225 | 96 | 238 | 105 |
| Utilities | 1,855 | 1,645 | 2,118 | 1,855 | 2,382 | 1,978 |
| Real estate taxes | 1,237 | ..... | 1,811 | ..... | 2,758 | ..... |
| Housing | 6,675 | 6,540 | 10,818 | 8,136 | 13,444 | 13,356 |
| Total annual cost | 10,323 | 8,281 | 15,359 | 10,087 | 19,267 | 15,439 |
| Washington, DC (VA): | | | | | | |
| Maintenance | 329 | ..... | 387 | ..... | 445 | ..... |
| Insurance | 175 | 92 | 202 | 91 | 228 | 104 |
| Utilities | 2,062 | 1,821 | 2,363 | 2,062 | 2,664 | 2,202 |
| Real estate taxes | 1,369 | ..... | 1,964 | ..... | 2,718 | ..... |
| Housing | 7,131 | 7,536 | 9,470 | 10,344 | 13,787 | 14,256 |
| Total annual cost | 11,066 | 9,449 | 14,386 | 12,497 | 19,842 | 16,562 |

HOUSING COST ANALYSIS—COMPOSITES

[1996 Survey]

| Location | Weights | Annual costs | | | | | |
|---|---|---|---|---|---|---|---|
| | | Lower income | | Middle income | | Upper income | |
| | | Owner | Renter | Owner | Renter | Owner | Renter |
| Hilo, HI | 82.88 | $11,123 | $7,870 | $14,605 | $9,435 | $17,305 | $11,373 |
| Kailua Kona, HI | 17.12 | 13,792 | 10,328 | 18,293 | 11,341 | 20,907 | 15,165 |
| Total weight | 100.00 | ..... | ..... | ..... | ..... | ..... | ..... |
| Hawaii County, HI | ..... | 11,580 | 8,291 | 15,236 | 9,761 | 17,922 | 12,022 |
| St. Croix, VI | 46.42 | 11,252 | 8,815 | 15,662 | 11,131 | 22,294 | 14,127 |
| St. Thomas, VI | 53.58 | 15,647 | 11,590 | 21,739 | 14,206 | 23,837 | 20,583 |
| Total weight | 100.00 | ..... | ..... | ..... | ..... | ..... | ..... |
| Virgin Islands | ..... | 13,607 | 10,302 | 18,918 | 12,779 | 23,121 | 17,586 |
| Washington, DC, DC | 33.34 | 9,232 | 7,158 | 12,911 | 9,020 | 25,580 | 17,604 |
| Washington, DC, MD | 33.33 | 10,323 | 8,281 | 15,359 | 10,087 | 19,267 | 15,439 |
| Washington, DC, VA | 33.33 | 11,066 | 9,449 | 14,386 | 12,497 | 19,842 | 16,562 |

HOUSING COST ANALYSIS—COMPOSITES—Continued

[1996 Survey]

| Location | Weights | Annual costs | | | | | |
|---|---|---|---|---|---|---|---|
| | | Lower income | | Middle income | | Upper income | |
| | | Owner | Renter | Owner | Renter | Owner | Renter |
| Total weight | 100.00 | ..... | ..... | ..... | ..... | ..... | ..... |
| DC area | ..... | 10,207 | 8,296 | 14,219 | 10,535 | 21,563 | 16,535 |

APPENDIX 14—HOUSING ANALYSIS

[1996 Survey]

| | Owners | | | Renters | | |
|---|---|---|---|---|---|---|
| | Total annual cost | Total cost DC area | Index | Total annual cost | Total cost DC area | Index |
| Anchorage, AK: | | | | | | |
| Lower income | $10,063 | $10,207 | 98.59 | $8,356 | $8,296 | 100.72 |
| Middle income | 12,856 | 14,219 | 90.41 | 10,127 | 10,535 | 96.13 |
| Upper income | 15,953 | 21,563 | 73.98 | 14,649 | 16,535 | 88.59 |
| Fairbanks, AK: | | | | | | |
| Lower income | 9,609 | 10,207 | 94.14 | 8,817 | 8,296 | 106.28 |
| Middle income | 12,428 | 14,219 | 87.40 | 10,835 | 10,535 | 102.85 |
| Upper income | 15,310 | 21,563 | 71.00 | 13,363 | 16,535 | 80.82 |
| Juneau, AK: | | | | | | |
| Lower income | 11,465 | 10,207 | 112.32 | 11,069 | 8,296 | 133.43 |
| Middle income | 14,260 | 14,219 | 100.29 | 13,186 | 10,535 | 125.16 |
| Upper income | 16,853 | 21,563 | 78.16 | 17,733 | 16,535 | 107.25 |
| Nome, AK: | | | | | | |
| Lower income | 11,133 | 10,207 | 109.07 | 11,013 | 8,296 | 132.75 |
| Middle income | 14,490 | 14,219 | 101.91 | 14,262 | 10,535 | 135.38 |
| Upper income | 17,424 | 21,563 | 80.81 | 16,048 | 16,535 | 97.05 |
| Honolulu, HI: | | | | | | |
| Lower income | 18,071 | 10,207 | 177.05 | 11,273 | 8,296 | 135.88 |
| Middle income | 25,783 | 14,219 | 181.33 | 13,543 | 10,535 | 128.55 |
| Upper income | 30,467 | 21,563 | 141.29 | 17,502 | 16,535 | 105.85 |
| Hawaii County, HI: | | | | | | |
| Lower income | 11,580 | 10,207 | 113.45 | 8,291 | 8,296 | 99.94 |
| Middle income | 15,236 | 14,219 | 107.15 | 9,761 | 10,535 | 92.65 |
| Upper income | 17,922 | 21,563 | 83.11 | 12,022 | 16,535 | 72.71 |
| Kauai County, HI: | | | | | | |
| Lower income | 14,680 | 10,207 | 143.82 | 9,096 | 8,296 | 109.64 |
| Middle income | 18,971 | 14,219 | 133.42 | 10,823 | 10,535 | 102.73 |
| Upper income | 22,691 | 21,563 | 105.23 | 13,396 | 16,535 | 81.02 |
| Maui County, HI: | | | | | | |
| Lower income | 15,970 | 10,207 | 156.46 | 9,899 | 8,296 | 119.32 |
| Middle income | 21,206 | 14,219 | 149.14 | 11,437 | 10,535 | 108.56 |
| Upper income | 25,104 | 21,563 | 116.42 | 13,909 | 16,535 | 84.12 |
| Guam: | | | | | | |
| Lower income | 13,430 | 10,207 | 131.58 | 9,973 | 8,296 | 120.21 |
| Middle income | 17,183 | 14,219 | 120.85 | 13,004 | 10,535 | 123.44 |
| Upper income | 25,358 | 21,563 | 117.60 | 15,425 | 16,535 | 93.29 |
| Puerto Rico: | | | | | | |
| Lower income | 6,838 | 10,207 | 66.99 | 8,330 | 8,296 | 100.41 |
| Middle income | 9,009 | 14,219 | 63.36 | 12,906 | 10,535 | 122.51 |
| Upper income | 13,810 | 21,563 | 64.04 | 19,707 | 16,535 | 119.18 |
| Virgin Islands: | | | | | | |
| Lower income | 13,607 | 10,207 | 133.31 | 10,302 | 8,296 | 124.18 |
| Middle income | 18,918 | 14,219 | 133.05 | 12,779 | 10,535 | 121.30 |
| Upper income | 23,121 | 21,563 | 107.23 | 17,586 | 16,535 | 106.36 |

APPENDIX 15—PRIVATE TRANSPORTATION COST ANALYSIS

[1996 Survey]

| | Annual costs | | |
|---|---|---|---|
| | Honda Civic 1.5L 4 cyl DX 4 dr sedan | Ford Taurus 3.0L 6 cyl GL 4 dr sedan | Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2 dr |
| Anchorage, AK: | | | |
| Fuel | $1,016 | $1,524 | $1,905 |
| Maintenance/oil | 921 | 917 | 859 |
| Tires | 94 | 124 | 129 |
| License and registration | 38 | 38 | 38 |
| Miscellaneous tax | 50 | 50 | 50 |
| Depreciation | 1,975 | 3,430 | 2,753 |
| Finance expense | 614 | 845 | 934 |
| Insurance | 1,401 | 1,146 | 1,349 |
| Total annual cost | 6,109 | 8,074 | 8,017 |
| Fairbanks, AK: | | | |
| Fuel | 971 | 1,456 | 1,820 |
| Maintenance/oil | 817 | 760 | 797 |
| Tires | 103 | 135 | 139 |
| License and registration | 38 | 38 | 38 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,782 | 3,622 | 2,657 |
| Finance expense | 787 | 936 | 962 |
| Insurance | 1,307 | 1,103 | 1,461 |
| Total annual cost | 6,805 | 8,050 | 7,874 |
| Juneau, AK: | | | |
| Fuel | 926 | 1,388 | 1,735 |
| Maintenance/oil | 850 | 786 | 827 |
| Tires | 106 | 138 | 131 |
| License and registration | 38 | 38 | 38 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,373 | 3,195 | 2,554 |
| Finance expense | 695 | 830 | 927 |
| Insurance | 831 | 730 | 1,056 |
| Total annual cost | 5,819 | 7,105 | 7,268 |
| Nome, AK: | | | |
| Fuel | 1,300 | 1,950 | 2,438 |
| Maintenance/oil | 749 | 746 | 822 |
| Tires | 128 | 177 | 166 |
| License and registration | 38 | 38 | 38 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,710 | 4,242 | 3,736 |
| Finance expense | 650 | 877 | 966 |
| Insurance | 1,001 | 937 | 1,251 |
| Total annual cost | 6,576 | 8,967 | 9,417 |
| Honolulu, HI: | | | |
| Fuel | 805 | 1,208 | 1,510 |
| Maintenance/oil | 413 | 447 | 475 |
| Tires | 111 | 134 | 164 |
| License and registration | 81 | 96 | 110 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,432 | 3,087 | 2,983 |
| Finance expense | 792 | 913 | 1,121 |
| Insurance | 2,100 | 2,150 | 2,608 |
| Total annual cost | 6,734 | 8,035 | 8,971 |
| Hilo, HI: | | | |
| Fuel | 846 | 1,269 | 1,586 |
| Maintenance/oil | 470 | 473 | 509 |
| Tires | 109 | 156 | 128 |
| License and registration | 51 | 65 | 74 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,635 | 3,105 | 3,534 |
| Finance expense | 823 | 909 | 1,212 |

APPENDIX 15—PRIVATE TRANSPORTATION COST ANALYSIS—Continued

[1996 Survey]

| | Annual costs | | |
|---|---|---|---|
| | Honda Civic 1.5L 4 cyl DX 4 dr sedan | Ford Taurus 3.0L 6 cyl GL 4 dr sedan | Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2 dr |
| Insurance | 2,349 | 2,064 | 2,410 |
| Total annual cost | 7,283 | 8,041 | 9,453 |
| Kailua Kona, HI: | | | |
| Fuel | 925 | 1,387 | 1,734 |
| Maintenance/oil | 498 | 449 | 477 |
| Tires | 86 | 164 | 105 |
| License and registration | 51 | 65 | 74 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,747 | 3,212 | 3,456 |
| Finance expense | 900 | 992 | 1,279 |
| Insurance | 2,348 | 2,064 | 2,421 |
| Total annual cost | 7,555 | 8,333 | 9,546 |
| Kauai, HI: | | | |
| Fuel | 856 | 1,284 | 1,606 |
| Maintenance/oil | 524 | 491 | 519 |
| Tires | 104 | 155 | 159 |
| License and registration | 54 | 66 | 76 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,934 | 4,005 | 4,500 |
| Finance expense | 914 | 1,118 | 1,446 |
| Insurance | 2,278 | 2,165 | 2,116 |
| Total annual cost | 7,664 | 9,284 | 10,422 |
| Maui, HI: | | | |
| Fuel | 875 | 1,313 | 1,641 |
| Maintenance/oil | 557 | 532 | 560 |
| Tires | 104 | 151 | 123 |
| License and registration | 64 | 75 | 86 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,155 | 3,241 | 3,863 |
| Finance expense | 735 | 934 | 1,271 |
| Insurance | 2,168 | 1,895 | 2,250 |
| Total annual cost | 6,658 | 8,141 | 9,794 |
| Guam: | | | |
| Fuel | 789 | 1,184 | 1,480 |
| Maintenance/oil | 515 | 555 | 573 |
| Tires | 91 | 143 | 132 |
| License and registration | 24 | 28 | 30 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,979 | 4,435 | 3,694 |
| Finance expense | 877 | 1,141 | 1,230 |
| Insurance | 1,504 | 1,895 | 1,952 |
| Total annual cost | 6,779 | 9,381 | 9,091 |
| Puerto Rico: | | | |
| Fuel | 605 | 907 | 1,134 |
| Maintenance/oil | 337 | 323 | 346 |
| Tires | 90 | 128 | 105 |
| License and registration | 88 | 88 | 100 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,680 | 3,891 | 3,406 |
| Finance expense | 1,063 | 1,346 | 1,521 |
| Insurance | 1,788 | 1,942 | 2,173 |
| Total annual cost | 6,651 | 8,625 | 8,785 |
| St. Croix, VI: | | | |
| Fuel | 553 | 830 | 1,037 |
| Maintenance/oil | 366 | 396 | 444 |
| Tires | 128 | 191 | 177 |

APPENDIX 15—PRIVATE TRANSPORTATION COST ANALYSIS—Continued

[1996 Survey]

| | Annual costs | | |
|---|---|---|---|
| | Honda Civic 1.5L 4 cyl DX 4 dr sedan | Ford Taurus 3.0L 6 cyl GL 4 dr sedan | Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2 dr |
| License and registration | 50 | 59 | 71 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,486 | 3,956 | 4,907 |
| Finance expense | 904 | 1,209 | 1,661 |
| Insurance | 1,943 | 2,854 | 3,473 |
| Total annual cost | 6,430 | 9,495 | 11,770 |
| St. Thomas, VI: | | | |
| Fuel | 777 | 1,165 | 1,457 |
| Maintenance/oil | 430 | 457 | 497 |
| Tires | 85 | 127 | 97 |
| License and registration | 50 | 59 | 71 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,886 | 3,956 | 3,113 |
| Finance expense | 846 | 1,036 | 1,106 |
| Insurance | 1,565 | 2,451 | 2,511 |
| Total annual cost | 6,639 | 9,251 | 8,852 |
| Washington, DC (DC): | | | |
| Fuel | 612 | 918 | 1,147 |
| Maintenance/oil | 294 | 309 | 260 |
| Tires | 76 | 91 | 114 |
| License and registration | 74 | 74 | 107 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,452 | 3,163 | 3,166 |
| Finance expense | 671 | 781 | 973 |
| Insurance | 1,421 | 1,348 | 1,596 |
| Total annual cost | 5,600 | 6,684 | 7,363 |
| Washington, DC (MD): | | | |
| Fuel | 614 | 922 | 1,152 |
| Maintenance/oil | 286 | 253 | 257 |
| Tires | 78 | 86 | 98 |
| License and registration | 85 | 85 | 112 |
| Miscellaneous tax | 0 | 0 | 0 |
| Depreciation | 2,106 | 3,127 | 2,773 |
| Finance expense | 598 | 751 | 883 |
| Insurance | 1,413 | 1,243 | 1,496 |
| Total annual cost | 5,180 | 6,467 | 6,771 |
| Washington, DC (VA): | | | |
| Fuel | 568 | 852 | 1,065 |
| Maintenance/oil | 302 | 309 | 288 |
| Tires | 76 | 92 | 98 |
| License and registration | 48 | 53 | 53 |
| Miscellaneous tax | 391 | 419 | 609 |
| Depreciation | 2,216 | 3,159 | 2,485 |
| Finance expense | 645 | 795 | 883 |
| Insurance | 755 | 678 | 758 |
| Total annual cost | 5,001 | 6,357 | 6,239 |

PRIVATE TRANSPORTATION COST ANALYSIS—COMPOSITES

[1996 Survey]

| Location | Weights | Annual costs | | |
|---|---|---|---|---|
| | | Honda Civic 1.5L 4 cyl DX 4 dr sedan | Ford Taurus 3.0L 6 cyl GL 4 dr sedan | Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2 dr |
| Hilo, HI | 82.88 | $7,283 | $8,041 | $9,453 |

PRIVATE TRANSPORTATION COST ANALYSIS—COMPOSITES—Continued

[1996 Survey]

| Location | Weights | Annual costs | | |
|---|---|---|---|---|
| | | Honda Civic 1.5L 4 cyl DX 4 dr sedan | Ford Taurus 3.0L 6 cyl GL 4 dr sedan | Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2 dr |
| Kailua Kona, HI | 17.12 | 7,555 | 8,333 | 9,546 |
| Total weight | 100.00 | | | |
| Hawaii County, HI | | 7,330 | 8,091 | 9,469 |
| St. Croix, VI | 46.42 | 6,430 | 9,495 | 11,770 |
| St. Thomas, VI | 53.58 | 6,639 | 9,251 | 8,852 |
| Total weight | 100.00 | | | |
| Virgin Islands | | 6,542 | 9,364 | 10,207 |
| Washington, DC, DC | 33.34 | 5,600 | 6,684 | 7,363 |
| Washington, DC, MD | 33.33 | 5,180 | 6,467 | 6,771 |
| Washington, DC, VA | 33.33 | 5,001 | 6,357 | 6,239 |
| Total weight | 100.00 | | | |
| DC area | | 5,260 | 6,503 | 6,791 |

APPENDIX 16—AUTO INSURANCE CALCULATION WORKSHEET—SPECIAL LIMITS ADJUSTMENTS

[Location: Guam]

| Allowance area—original values | | | | Reference area—special limits | | | | Indexes | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | DC | | | | | | |
| BI 100/300 | 121.50 | 121.50 | 121.50 | BI 100/300 | 323.74 | 313.74 | 307.20 | | | |
| PD 25 | 81.00 | 81.00 | 81.00 | PD 25 | 129.26 | 125.26 | 123.06 | | | |
| Med/PIP | 25.00 | 25.00 | 25.00 | Med/PIP | | | | | | |
| UM 15/30 | 8.00 | 8.00 | 8.00 | UM 100/300 | | | | | | |
| CM 100 | 375.00 | 489.50 | 515.00 | CM 100 | 266.06 | 250.66 | 380.34 | | | |
| CL 200 | 793.50 | 1,024.50 | 1,076.50 | CL 250 | 591.40 | 545.14 | 671.06 | | | |
| Totals* | 1,371.00 | 1,716.50 | 1,794.00 | Totals* | 1,310.46 | 1,234.80 | 1,481.66 | 104.62 | 139.01 | 121.08 |
| | | | | MD | | | | | | |
| | | | | BI 100/300 | 351.50 | 344.93 | 333.98 | | | |
| | | | | PD 25 | 135.60 | 133.44 | 128.72 | | | |
| | | | | Med/PIP | | | | | | |
| | | | | UM 100/300 | | | | | | |
| | | | | CM 100 | 218.80 | 151.87 | 264.47 | | | |
| | | | | CL 250 | 458.63 | 355.60 | 469.46 | | | |
| | | | | Totals* | 1,164.53 | 985.84 | 1,196.63 | 117.73 | 174.12 | 149.92 |
| | | | | VA | | | | | | |
| | | | | BI 100/300 | 210.58 | 211.92 | 199.12 | | | |
| | | | | PD 25 | 86.75 | 87.35 | 81.20 | | | |
| | | | | Med/PIP | | | | | | |
| | | | | UM 100/300 | | | | | | |
| | | | | CM 100 | 115.07 | 82.87 | 151.60 | | | |
| | | | | CL 250 | 249.53 | 206.15 | 284.45 | | | |
| | | | | Totals* | 661.93 | 588.29 | 716.37 | 207.12 | 291.78 | 250.43 |

| Allowance area—adjusted values | | | | Reference area—normal limits | | | | Adjusted values | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | DC | | | | | | |
| BI 100/300 | 121.50 | 121.50 | 121.50 | BI 100/300 | 323.74 | 313.74 | 307.20 | | | |
| PD 25 | 81.00 | 81.00 | 81.00 | PD 25 | 129.26 | 125.26 | 123.06 | | | |
| Med/PIP | 25.00 | 25.00 | 25.00 | Med/PIP | 39.26 | 41.74 | 43.14 | | | |
| UM 100/300 | 108.07 | 153.69 | 132.53 | UM 100/300 | 71.14 | 71.14 | 71.14 | 74.43 | 98.89 | 86.14 |
| CM 100 | 375.00 | 489.50 | 515.00 | CM 100 | 266.06 | 250.66 | 380.34 | | | |
| CL 200 | 793.50 | 1,024.50 | 1,076.50 | CL 250 | 591.40 | 545.14 | 671.06 | | | |
| Totals** | 1,504.07 | 1,895.19 | 1,951.53 | Totals** | 1,420.86 | 1,347.68 | 1,595.94 | | | |

| Allowance area—adjusted values | | | | Reference area—normal limits | | | | Adjusted values | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | MD | | | | | | |
| | | | | BI 100/300 | 351.50 | 344.93 | 333.98 | ..... | ..... | ..... |
| | | | | PD 25 | 135.60 | 133.44 | 128.72 | ..... | ..... | ..... |
| | | | | Med/PIP | 94.71 | 97.24 | 124.94 | ..... | ..... | ..... |
| | | | | UM 100/300 | 124.70 | 124.70 | 124.70 | 146.81 | 217.13 | 186.95 |
| | | | | CM 100 | 218.80 | 151.87 | 264.47 | ..... | ..... | ..... |
| | | | | CL 250 | 458.63 | 355.60 | 469.46 | ..... | ..... | ..... |
| | | | | Totals** | 1,383.94 | 1,207.78 | 1,446.27 | ..... | ..... | ..... |
| | | | | VA | | | | | | |
| | | | | BI 100/300 | 210.58 | 211.92 | 199.12 | ..... | ..... | ..... |
| | | | | PD 25 | 86.75 | 87.35 | 81.20 | ..... | ..... | ..... |
| | | | | Med/PIP | 36.78 | 39.18 | 41.77 | ..... | ..... | ..... |
| | | | | UM 100/300 | 49.71 | 49.71 | 49.71 | 102.96 | 145.04 | 124.49 |
| | | | | CM 100 | 115.07 | 82.87 | 151.60 | ..... | ..... | ..... |
| | | | | CL 250 | 249.53 | 206.15 | 284.45 | ..... | ..... | ..... |
| | | | | Totals** | 748.42 | 677.18 | 807.85 | ..... | ..... | ..... |

Notes: Normal limits coverage was priced in the allowance and reference area, except for Uninsured Motorist (UM), for which equivalent coverage could not be priced. To estimate the cost of equivalent coverage, the relative costs of the total premiums (less Medical or Personal Injury Protection and Uninsured Motorist premiums where applicable) for each area were compared to derive indexes that were used to adjust reference area UM premiums for each of the reference area survey locations. These values were then averaged and used as the adjusted allowance area UM premium.

*Less Med/PIP and UM

**Including Med/PIP and UM

## AUTO INSURANCE CALCULATION WORKSHEET—SPECIAL LIMITS ADJUSTMENTS

[Location: Puerto Rico]

| Allowance area—original values | | | | Reference area—special limits | | | | Indexes | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | DC | | | | | | |
| BI 100/300 | 250.34 | 250.34 | 250.34 | BI 100/300 | 323.74 | 313.74 | 307.20 | ..... | ..... | ..... |
| PD 25 | 110.10 | 110.10 | 110.10 | PD 25 | 129.26 | 125.26 | 123.06 | ..... | ..... | ..... |
| Med/PIP | 6.04 | 6.04 | 6.04 | Med/PIP | ..... | ..... | ..... | | | |
| UM 100/300 | ..... | ..... | ..... | UM 100/300 | ..... | ..... | ..... | ..... | ..... | ..... |
| CM 100 | 915.84 | 1,017.77 | 1,213.20 | CM 100 | 266.06 | 250.66 | 380.34 | ..... | ..... | ..... |
| CL 250 | 375.68 | 398.54 | 443.86 | CL 250 | 591.40 | 545.14 | 671.06 | ..... | ..... | ..... |
| Totals* | 1,651.96 | 1,776.75 | 2,017.50 | Totals* | 1,310.46 | 1,234.80 | 1,481.66 | 126.06 | 143.89 | 136.16 |
| | | | | MD | | | | | | |
| | | | | BI 100/300 | 351.50 | 344.93 | 333.98 | ..... | ..... | ..... |
| | | | | PD 25 | 135.60 | 133.44 | 128.72 | ..... | ..... | ..... |
| | | | | Med/pip | ..... | ..... | ..... | | | |
| | | | | UM 100/300 | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | CM 100 | 218.80 | 151.87 | 264.47 | ..... | ..... | ..... |
| | | | | CL 250 | 458.63 | 355.60 | 469.46 | ..... | ..... | ..... |
| | | | | Totals* | 1,164.53 | 985.84 | 1,196.63 | 141.86 | 180.23 | 168.60 |
| | | | | VA | | | | | | |
| | | | | BI 100/300 | 210.58 | 211.92 | 199.12 | ..... | ..... | ..... |
| | | | | PD 25 | 86.75 | 87.35 | 81.20 | ..... | ..... | ..... |
| | | | | Med/PIP | ..... | ..... | ..... | | | |
| | | | | UM 100/300 | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | CM 100 | 115.07 | 82.87 | 151.60 | ..... | ..... | ..... |
| | | | | CL 250 | 249.53 | 206.15 | 284.45 | ..... | ..... | ..... |
| | | | | Totals* | 661.93 | 588.29 | 716.37 | 249.57 | 302.02 | 281.63 |

| Allowance area—adjusted values | | | | Reference area—normal limits | | | | Adjusted values | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | DC | | | | | | |
| BI 100/300 | 250.34 | 250.34 | 250.34 | BI 100/300 | 323.74 | 313.74 | 307.20 | ..... | ..... | ..... |
| PD 25 | 110.10 | 110.10 | 110.10 | PD 25 | 129.26 | 125.26 | 123.06 | ..... | ..... | ..... |
| Med/PIP | 6.04 | 6.04 | 6.04 | Med/PIP | 39.26 | 41.74 | 43.14 | ..... | ..... | ..... |
| UM 100/300 | 130.21 | 159.08 | 149.03 | UM 100/300 | 71.14 | 71.14 | 71.14 | 89.68 | 102.36 | 96.86 |
| CM 100 | 915.84 | 1,017.77 | 1,213.20 | CM 100 | 266.06 | 250.66 | 380.34 | ..... | ..... | ..... |
| CL 250 | 375.68 | 398.54 | 443.86 | CL 250 | 591.40 | 545.14 | 671.06 | ..... | ..... | ..... |
| Totals** | 1,788.21 | 1,941.87 | 2,172.57 | Totals** | 1,420.86 | 1,347.68 | 1,595.94 | ..... | ..... | ..... |

| Allowance area—adjusted values | | | | Reference area—normal limits | | | | Adjusted values | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | MD | | | | | | |
| | | | | BI 100/300 | 351.50 | 344.93 | 333.98 | ..... | ..... | ..... |
| | | | | PD 25 | 135.60 | 133.44 | 128.72 | ..... | ..... | ..... |
| | | | | Med/PIP | 94.71 | 97.24 | 124.94 | ..... | ..... | ..... |
| | | | | UM 100/300 | 124.70 | 124.70 | 124.70 | 176.90 | 224.75 | 210.24 |
| | | | | CM 100 | 218.80 | 151.87 | 264.47 | ..... | ..... | ..... |
| | | | | CL 250 | 458.63 | 355.60 | 469.46 | ..... | ..... | ..... |
| | | | | Totals** | 1,383.94 | 1,207.78 | 1,446.27 | ..... | ..... | ..... |
| | | | | VA | | | | | | |
| | | | | BI 100/300 | 210.58 | 211.92 | 199.12 | ..... | ..... | ..... |
| | | | | PD 25 | 86.75 | 87.35 | 81.20 | ..... | ..... | ..... |
| | | | | Med/PIP | 36.78 | 39.18 | 41.77 | ..... | ..... | ..... |
| | | | | UM 100/300 | 49.71 | 49.71 | 49.71 | 124.06 | 150.13 | 140.00 |
| | | | | CM 100 | 115.07 | 82.87 | 151.60 | ..... | ..... | ..... |
| | | | | CL 250 | 249.53 | 206.15 | 284.45 | ..... | ..... | ..... |
| | | | | Totals** | 748.42 | 677.18 | 807.85 | ..... | ..... | ..... |

Notes: Normal limits coverage was priced in the allowance and reference area, except for Uninsured Motorist (UM), for which equivalent coverage could not be priced. To estimate the cost of equivalent coverage, the relative costs of the total premiums (less Medical or Personal Injury Protection and Uninsured Motorist premiums where applicable) for each area were compared to derive indexes that were used to adjust reference area UM premiums for each of the reference area survey locations. These values were then averaged and used as the adjusted allowance area UM premium.

*Less Med/PIP and UM

**Including Med/PIP and UM

## AUTO INSURANCE CALCULATION WORKSHEET—SPECIAL LIMITS ADJUSTMENTS

[Location: St. Croix]

| Allowance area—original values | | | | Reference area—special limits | | | | Indexes | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | DC | | | | | | |
| BI 10/20 | 155.93 | 155.93 | 155.93 | BI 25/50 | 246.40 | 239.74 | 234.40 | 63.28 | 65.04 | 66.52 |
| PD 10 | 160.96 | 160.96 | 160.96 | PD 10 | 121.26 | 118.60 | 115.14 | 132.74 | 135.72 | 139.80 |
| Med/PIP | 40.24 | 40.24 | 40.24 | Med/PIP | ..... | ..... | ..... | ..... | ..... | ..... |
| UM | ..... | ..... | ..... | UM 25/50 | ..... | ..... | ..... | ..... | ..... | ..... |
| CM 250/500 | 349.59 | 483.89 | 641.83 | CM 500 | 212.86 | 202.26 | 302.34 | 164.23 | 239.24 | 212.29 |
| CL 500/1000 | 736.90 | 1,256.49 | 1,661.41 | CL 500 | 444.74 | 411.86 | 499.40 | 165.69 | 305.08 | 332.68 |
| Totals* | 1,403.38 | 2,057.27 | 2,620.13 | Totals* | 1,025.26 | 972.46 | 1,151.28 | 136.88 | 211.55 | 227.58 |
| | | | | MD | | | | | | |
| | | | | BI 25/40 | 260.66 | 254.47 | 251.56 | 59.82 | 61.28 | 61.99 |
| | | | | PD 10 | 134.08 | 131.43 | 129.01 | 120.05 | 122.47 | 124.77 |
| | | | | Med/PIP | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | UM 25/40 | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | CM 500 | 158.32 | 115.62 | 219.60 | 220.81 | 418.52 | 292.27 |
| | | | | CL 500 | 372.70 | 292.15 | 436.02 | 197.72 | 430.08 | 381.04 |
| | | | | Totals* | 925.76 | 793.67 | 1,036.19 | 151.59 | 259.21 | 252.86 |
| | | | | VA | | | | | | |
| | | | | BI 25/50 | 155.40 | 156.10 | 146.62 | 100.34 | 99.89 | 106.35 |
| | | | | PD 20 | 86.38 | 86.98 | 80.83 | 186.34 | 185.05 | 199.13 |
| | | | | Med/PIP | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | UM 25/50 | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | CM 500 | 86.27 | 61.08 | 111.32 | 405.23 | 792.22 | 576.56 |
| | | | | CL 500 | 205.38 | 167.85 | 236.30 | 358.80 | 748.58 | 703.09 |
| | | | | Totals* | 533.43 | 472.01 | 575.07 | 263.09 | 435.85 | 455.62 |

| Allowance area—adjusted values | | | | Reference area—normal limits | | | | Adjusted values | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | DC | | | | | | |
| BI 100/300 | 208.81 | 209.04 | 207.71 | BI 100/300 | 323.74 | 313.74 | 307.20 | 204.86 | 204.06 | 204.35 |
| PD 25 | 165.34 | 165.02 | 164.78 | PD 25 | 129.26 | 125.26 | 123.06 | 171.58 | 170.00 | 172.04 |
| Med/PIP | 40.24 | 40.24 | 40.24 | Med/PIP | 39.26 | 41.74 | 43.14 | ..... | ..... | ..... |
| UM 100/300 | 139.06 | 230.13 | 234.57 | UM 100/300 | 71.14 | 71.14 | 71.14 | 97.38 | 150.50 | 161.90 |
| CM 100 | 462.13 | 630.60 | 818.15 | CM 100 | 266.06 | 250.66 | 380.34 | 436.95 | 599.68 | 807.42 |
| CL 250 | 927.33 | 1,578.56 | 2,007.08 | CL 250 | 591.40 | 545.14 | 671.06 | 979.89 | 1,663.11 | 2,232.48 |
| Totals** | 1,942.91 | 2,853.59 | 3,472.53 | Totals** | 1,420.86 | 1,347.68 | 1,595.94 | 1,890.66 | 2,787.35 | 3,578.19 |

| Allowance area—adjusted values | | | | Reference area—normal limits | | | | Adjusted values | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | MD | | | | | | |
| | | | | BI 100/300 | 351.50 | 344.93 | 333.98 | 210.27 | 211.37 | 207.03 |
| | | | | PD 25 | 135.60 | 133.44 | 128.72 | 162.79 | 163.42 | 160.60 |
| | | | | Med/PIP | 94.71 | 97.24 | 124.94 | ..... | ..... | ..... |
| | | | | UM 100/300 | 124.70 | 124.70 | 124.70 | 189.03 | 323.23 | 315.32 |
| | | | | CM 100 | 218.80 | 151.87 | 264.47 | 483.13 | 635.61 | 772.97 |
| | | | | CL 250 | 458.63 | 355.60 | 469.46 | 906.80 | 1,529.36 | 1,788.83 |
| | | | | Totals** | 1,383.94 | 1,207.78 | 1,446.27 | 1,952.02 | 2,862.99 | 3,244.75 |
| | | | | VA | | | | | | |
| | | | | BI 100/300 | 210.58 | 211.92 | 199.12 | 211.30 | 211.69 | 211.76 |
| | | | | PD 25 | 86.75 | 87.35 | 81.20 | 161.65 | 161.64 | 161.69 |
| | | | | Med/PIP | 36.78 | 39.18 | 41.77 | ..... | ..... | ..... |
| | | | | UM 100/300 | 49.71 | 49.71 | 49.71 | 130.78 | 216.66 | 226.49 |
| | | | | CM 100 | 115.07 | 82.87 | 151.60 | 466.30 | 656.51 | 874.06 |
| | | | | CL 250 | 249.53 | 206.15 | 284.45 | 895.31 | 1,543.20 | 1,999.94 |
| | | | | Totals** | 748.42 | 677.18 | 807.85 | 1,865.34 | 2,789.70 | 3,473.94 |

Notes: Comparable coverage was priced in the allowance and in the reference area, and the premiums were compared to derive indexes for each type of coverage. With two exceptions, these indexes were used to adjust reference area premiums by type of coverage in each survey location and the results averaged to estimate the cost of equivalent coverage in the allowance area. The exceptions are Uninsured Motorist (UM) premiums, which were adjusted using the relative total cost of premiums (less Medical and Personal Injury Protection coverage where applicable), and Medical premiums, which were not adjusted because they were comparable to reference area coverage.

*Less Med/PIP and UM

**Including Med/PIP and UM

## AUTO INSURANCE CALCULATION WORKSHEET—SPECIAL LIMITS ADJUSTMENTS

[Location: St. Thomas]

| Allowance area—original values | | | | Reference area—special limits | | | | Indexes | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | DC | | | | | | |
| BI 10/20 | 138.33 | 138.33 | 138.33 | BI 25/50 | 246.40 | 239.74 | 234.40 | 56.14 | 57.70 | 59.01 |
| PD 10 | 139.33 | 139.33 | 139.33 | PD 10 | 121.26 | 118.60 | 115.14 | 114.90 | 117.48 | 121.01 |
| Med/PIP | 38.23 | 38.23 | 38.23 | Med | ..... | ..... | ..... | ..... | ..... | ..... |
| UM | ..... | ..... | ..... | UM 25/50 | ..... | ..... | ..... | ..... | ..... | ..... |
| CM 250/500 | 293.75 | 396.87 | 430.57 | CM 500 | 212.86 | 202.26 | 302.34 | 138.00 | 196.22 | 142.41 |
| CL 500/1000 | 555.31 | 1,090.00 | 1,182.05 | CL 500 | 444.74 | 411.86 | 499.40 | 124.86 | 264.65 | 236.69 |
| Totals* | 1,126.72 | 1,764.53 | 1,890.28 | Totals* | 1,025.26 | 972.46 | 1,151.28 | 109.90 | 181.45 | 164.19 |
| | | | | MD | | | | | | |
| | | | | BI 25/40 | 260.66 | 254.47 | 251.56 | 53.07 | 54.36 | 54.99 |
| | | | | PD 10 | 134.08 | 131.43 | 129.01 | 103.92 | 106.01 | 108.00 |
| | | | | Med | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | UM 25/40 | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | CM 500 | 158.32 | 115.62 | 219.60 | 185.54 | 343.25 | 196.07 |
| | | | | CL 500 | 372.70 | 292.15 | 436.02 | 149.00 | 373.10 | 271.10 |
| | | | | Totals* | 925.76 | 793.67 | 1,036.19 | 121.71 | 222.33 | 182.43 |
| | | | | VA | | | | | | |
| | | | | BI 25/50 | 155.40 | 156.10 | 146.62 | 89.02 | 88.62 | 94.35 |
| | | | | PD 20 | 86.38 | 86.98 | 80.83 | 161.30 | 160.19 | 172.37 |
| | | | | Med | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | UM 25/50 | ..... | ..... | ..... | ..... | ..... | ..... |
| | | | | CM 500 | 86.27 | 61.08 | 111.32 | 340.50 | 649.75 | 386.79 |
| | | | | CL 500 | 205.38 | 167.85 | 236.30 | 270.38 | 649.39 | 500.23 |
| | | | | Totals* | 533.43 | 472.01 | 575.07 | 211.22 | 373.83 | 328.70 |

| Allowance area—adjusted values | | | | Reference area—normal limits | | | | Adjusted values | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | DC | | | | | | |
| BI 100/300 | 185.25 | 185.44 | 184.27 | BI 100/300 | 323.74 | 313.74 | 307.20 | 181.75 | 181.03 | 181.28 |
| PD 25 | 143.12 | 142.85 | 142.63 | PD 25 | 129.26 | 125.26 | 123.06 | 148.52 | 147.16 | 148.91 |
| Med/PIP | 38.23 | 38.23 | 38.23 | Med/PIP | 39.26 | 41.74 | 43.14 | ..... | ..... | ..... |
| UM 100/300 | 111.65 | 197.39 | 169.23 | UM 100/300 | 71.14 | 71.14 | 71.14 | 78.18 | 129.08 | 116.80 |
| CM 100 | 388.31 | 517.20 | 548.85 | CM 100 | 266.06 | 250.66 | 380.34 | 367.16 | 491.85 | 541.64 |
| CL 250 | 698.82 | 1,369.39 | 1,427.98 | CL 250 | 591.40 | 545.14 | 671.06 | 738.42 | 1,442.71 | 1,588.33 |
| Totals** | 1,565.38 | 2,450.50 | 2,511.19 | Totals** | 1,420.86 | 1,347.68 | 1,595.94 | 1,514.03 | 2,391.83 | 2,576.96 |

| Allowance area—adjusted values | | | | Reference area—normal limits | | | | Adjusted values | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Honda | Ford | Chevy | | Honda | Ford | Chevy | Honda | Ford | Chevy |
| | | | | MD | | | | | | |
| | | | | BI 100/300 | 351.50 | 344.93 | 333.98 | 186.54 | 187.50 | 183.66 |
| | | | | PD 25 | 135.60 | 133.44 | 128.72 | 140.92 | 141.46 | 139.02 |
| | | | | Med/PIP | 94.71 | 97.24 | 124.94 | ..... | ..... | ..... |
| | | | | UM 100/300 | 124.70 | 124.70 | 124.70 | 151.77 | 277.25 | 227.49 |
| | | | | CM 100 | 218.80 | 151.87 | 264.47 | 405.96 | 521.29 | 518.55 |
| | | | | CL 250 | 458.63 | 355.60 | 469.46 | 683.36 | 1,326.74 | 1,272.71 |
| | | | | Totals** | 1,383.94 | 1,207.78 | 1,446.27 | 1,568.55 | 2,454.24 | 2,341.43 |
| | | | | VA | | | | | | |
| | | | | BI 100/300 | 210.58 | 211.92 | 199.12 | 187.46 | 187.80 | 187.87 |
| | | | | PD 25 | 86.75 | 87.35 | 81.20 | 139.93 | 139.93 | 139.96 |
| | | | | Med/PIP | 36.78 | 39.18 | 41.77 | ..... | ..... | ..... |
| | | | | UM 100/300 | 49.71 | 49.71 | 49.71 | 105.00 | 185.83 | 163.40 |
| | | | | CM 100 | 115.07 | 82.87 | 151.60 | 391.81 | 538.45 | 586.37 |
| | | | | CL 250 | 249.53 | 206.15 | 284.45 | 674.68 | 1,338.72 | 1,422.90 |
| | | | | Totals** | 748.42 | 677.18 | 807.85 | 1,498.88 | 2,390.73 | 2,500.50 |

Notes: Comparable coverage was priced in the allowance and in the reference area, and the premiums were compared to derive indexes for each type of coverage. With two exceptions, these indexes were used to adjust reference area premiums by type of coverage in each survey location and the results averaged to estimate the cost of equivalent coverage in the allowance area. The exceptions are Uninsured Motorist (UM) premiums, which were adjusted using the relative total cost of premiums (less Medical and Personal Injury Protection coverage where applicable), and Medical premiums, which were not adjusted because they were comparable to reference area coverage.

*Less Med/PIP and UM

**Including Med/PIP and UM

## APPENDIX 17—AIR FARES COST ANALYSIS

[1996 Survey]

| Location | Average allowance area air fares | Average DC area air fares | Index |
|---|---|---|---|
| Anchorage, AK | $673 | $334 | 201.50 |
| Fairbanks, AK | 768 | 334 | 229.94 |
| Juneau, AK | 708 | 334 | 211.98 |
| Nome, AK | 1,337 | 334 | 400.30 |
| Honolulu, HI | 586 | 334 | 175.45 |
| Hawaii County, HI | 733 | 334 | 219.46 |
| Kauai, HI | 741 | 334 | 221.86 |
| Maui, HI | 741 | 334 | 221.86 |
| Guam | 1,267 | 334 | 379.34 |
| Puerto Rico | 435 | 334 | 130.24 |
| Virgin Islands | 561 | 334 | 167.96 |

## AIR FARES—COMPOSITES

[1996 Survey]

| Location | Weights | Costs |
|---|---|---|
| Hilo, HI | 82.88 | $731 |
| Kailua Kona, HI | 17.12 | 741 |
| Total | 100.00 | ..... |
| Hawaii County, HI cost | ..... | 733 |
| St. Croix, VI | 46.42 | 572 |
| St. Thomas, VI | 53.58 | 552 |
| Total | 100.00 | ..... |
| Virgin Islands cost | ..... | 561 |

## APPENDIX 18—TRANSPORTATION ANALYSIS

[1996 Survey]

| | Total annual cost | Total cost DC area | Index |
|---|---|---|---|
| Anchorage, AK: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | $6,109 | $5,316 | 114.92 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 8,074 | 6,560 | 123.08 |

APPENDIX 18—TRANSPORTATION ANALYSIS—Continued

[1996 Survey]

| | Total annual cost | Total cost DC area | Index |
|---|---|---|---|
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 8,017 | 6,863 | 116.81 |
| Average index | | | 118.27 |
| Fairbanks, AK: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 6,805 | 5,316 | 128.01 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 8,050 | 6,560 | 122.71 |
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 7,874 | 6,863 | 114.73 |
| Average index | | | 121.82 |
| Juneau, AK: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 5,819 | 5,316 | 109.46 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 7,105 | 6,560 | 108.31 |
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 7,268 | 6,863 | 105.90 |
| Average index | | | 107.89 |
| Nome, AK: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 6,576 | 5,316 | 123.70 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 8,967 | 6,560 | 136.69 |
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 9,417 | 6,863 | 137.21 |
| Average index | | | 132.53 |
| Honolulu, HI: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 6,734 | 5,260 | 128.02 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 8,035 | 6,503 | 123.56 |
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 8,971 | 6,791 | 132.10 |
| Average index | | | 127.89 |
| Hawaii County, HI: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 7,330 | 5,260 | 139.35 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 8,091 | 6,503 | 124.42 |
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 9,469 | 6,791 | 139.43 |
| Average index | | | 134.40 |
| Kauai County, HI: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 7,664 | 5,260 | 145.70 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 9,284 | 6,503 | 142.76 |
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 10,422 | 6,791 | 153.47 |
| Average index | | | 147.31 |
| Maui County, HI: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 6,658 | 5,260 | 126.58 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 8,141 | 6,503 | 125.19 |
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 9,794 | 6,791 | 144.22 |
| Average index | | | 132.00 |
| Guam: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 6,779 | 5,260 | 128.88 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 9,381 | 6,503 | 144.26 |
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 9,091 | 6,791 | 133.87 |
| Average index | | | 135.67 |
| Puerto Rico: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 6,651 | 5,260 | 126.44 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 8,625 | 6,503 | 132.63 |
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 8,785 | 6,791 | 129.36 |
| Average index | | | 129.48 |
| Virgin Islands: | | | |
| 1. Honda Civic DX 4 dr sdn 1.5L 4 cyl | 6,542 | 5,260 | 124.37 |
| 2. Ford Taurus GL 4 dr sedan 3.0L 6 cyl | 9,364 | 6,503 | 144.00 |

APPENDIX 18—TRANSPORTATION ANALYSIS—Continued

[1996 Survey]

| | Total annual cost | Total cost DC area | Index |
|---|---|---|---|
| 3. Chevy S10 Blazer 4WD 2 dr 4.3L 6 cyl | 10,207 | 6,791 | 150.30 |
| Average index | | | 139.56 |

APPENDIX 19—TRANSPORTATION SUMMARY

[1996 Survey]

| | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights | Subtotal | Weights | Subtotal | Weights | Subtotal |
| Anchorage, AK: | | | | | | | |
| Private transportation | 118.27 | 95.23 | 112.63 | 94.58 | 111.86 | 93.96 | 111.13 |
| Air fares and other transportation expenses | 201.50 | 4.77 | 9.61 | 5.42 | 10.92 | 6.04 | 12.17 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 122.24 | | | | |
| Middle | | | | | 122.78 | | |
| Upper | | | | | | | 123.30 |
| Fairbanks, AK: | | | | | | | |
| Private transportation | 121.82 | 95.23 | 116.01 | 94.58 | 115.22 | 93.96 | 114.46 |
| Air fares and other transportation expenses | 229.94 | 4.77 | 10.97 | 5.42 | 12.46 | 6.04 | 13.89 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 126.98 | | | | |
| Middle | | | | | 127.68 | | |
| Upper | | | | | | | 128.35 |
| Juneau, AK: | | | | | | | |
| Private transportation | 107.89 | 95.23 | 102.74 | 94.58 | 102.04 | 93.96 | 101.37 |
| Air fares and other transportation expenses | 211.98 | 4.77 | 10.11 | 5.42 | 11.49 | 6.04 | 12.80 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 112.85 | | | | |
| Middle | | | | | 113.53 | | |
| Upper | | | | | | | 114.17 |
| Nome, AK: | | | | | | | |
| Private transportation | 132.53 | 95.23 | 126.21 | 94.58 | 125.35 | 93.96 | 124.53 |
| Air fares and other transportation expenses | 400.30 | 4.77 | 19.09 | 5.42 | 21.70 | 6.04 | 24.18 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 145.30 | | | | |
| Middle | | | | | 147.05 | | |
| Upper | | | | | | | 148.71 |
| Honolulu, HI: | | | | | | | |
| Private transportation | 127.89 | 95.23 | 121.79 | 94.58 | 120.96 | 93.96 | 120.17 |
| Air fares and other transportation expenses | 175.45 | 4.77 | 8.37 | 5.42 | 9.51 | 6.04 | 10.60 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 130.16 | | | | |
| Middle | | | | | 130.47 | | |
| Upper | | | | | | | 130.77 |
| Hawaii County, HI: | | | | | | | |
| Private transportation | 134.40 | 95.23 | 127.99 | 94.58 | 127.12 | 93.96 | 126.28 |
| Air fares and other transportation expenses | 219.46 | 4.77 | 10.47 | 5.42 | 11.89 | 6.04 | 13.26 |

APPENDIX 19—TRANSPORTATION SUMMARY—Continued

[1996 Survey]

| | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights | Subtotal | Weights | Subtotal | Weights | Subtotal |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 138.46 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 139.01 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 139.54 |
| Kauai County, HI: | | | | | | | |
| Private transportation | 147.31 | 95.23 | 140.28 | 94.58 | 139.33 | 93.96 | 138.41 |
| Air fares and other transportation expenses | 221.86 | 4.77 | 10.58 | 5.42 | 12.02 | 6.04 | 13.40 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 150.86 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 151.35 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 151.81 |
| Maui County, HI: | | | | | | | |
| Private transportation | 132.00 | 95.23 | 125.70 | 94.58 | 124.85 | 93.96 | 124.03 |
| Air fares and other transportation expenses | 221.86 | 4.77 | 10.58 | 5.42 | 12.02 | 6.04 | 13.40 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 136.28 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 136.87 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 137.43 |
| Guam: | | | | | | | |
| Private transportation | 135.67 | 95.23 | 129.20 | 94.58 | 128.32 | 93.96 | 127.48 |
| Air fares and other transportation expenses | 379.34 | 4.77 | 18.09 | 5.42 | 20.56 | 6.04 | 22.91 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 147.29 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 148.88 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 150.39 |
| Puerto Rico: | | | | | | | |
| Private transportation | 129.48 | 95.23 | 123.30 | 94.58 | 122.46 | 93.96 | 121.66 |
| Air fares and other transportation expenses | 130.24 | 4.77 | 6.21 | 5.42 | 7.06 | 6.04 | 7.87 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 129.51 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 129.52 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 129.53 |
| Virgin Islands: | | | | | | | |
| Private transportation | 139.56 | 95.23 | 132.90 | 94.58 | 132.00 | 93.96 | 131.13 |
| Air fares and other transportation expenses | 167.96 | 4.77 | 8.01 | 5.42 | 9.10 | 6.04 | 10.14 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 140.91 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 141.10 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 141.27 |

APPENDIX 20—MISCELLANEOUS EXPENSE ANALYSIS—CATEGORY INDEX DEVELOPMENT

[1996 Survey]

| | Price | Price DC area | Ratio | Weights | Subtotal | Index |
|---|---|---|---|---|---|---|
| Anchorage, AK: | | | | | | |

APPENDIX 20—MISCELLANEOUS EXPENSE ANALYSIS—CATEGORY INDEX DEVELOPMENT—Continued

[1996 Survey]

| | Price | Price DC area | Ratio | Weights | Subtotal | Index |
|---|---|---|---|---|---|---|
| Medical care | | | | | | 112.24 |
| Non–aspirin pain reliever | $5.79 | $6.11 | 0.95 | 4.78 | 4.53 | |
| Tetracycline | 7.96 | 6.20 | 1.28 | 12.02 | 15.42 | |
| Dentist clean/check | 149.33 | 103.28 | 1.45 | 15.65 | 22.63 | |
| Doctor office visit | 61.00 | 53.11 | 1.15 | 14.56 | 16.72 | |
| Hospital room | 684.00 | 506.97 | 1.35 | 3.39 | 4.57 | |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | |
| Contact Lenses | 166.00 | 213.83 | 0.78 | 5.51 | 4.28 | |
| Fairbanks, AK: | | | | | | |
| Medical care | | | | | | 114.72 |
| Non–aspirin pain reliever | 5.75 | 6.11 | 0.94 | 4.78 | 4.50 | |
| Tetracycline | 6.97 | 6.20 | 1.12 | 12.02 | 13.50 | |
| Dentist clean/check | 172.33 | 103.28 | 1.67 | 15.65 | 26.11 | |
| Doctor office visit | 65.00 | 53.11 | 1.22 | 14.56 | 17.82 | |
| Hospital room | 503.00 | 506.97 | 0.99 | 3.39 | 3.36 | |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | |
| Contact Lenses | 206.67 | 213.83 | 0.97 | 5.51 | 5.33 | |
| Juneau, AK: | | | | | | |
| Medical care | | | | | | 112.95 |
| Non–aspirin pain reliever | 6.94 | 6.11 | 1.14 | 4.78 | 5.43 | |
| Tetracycline | 8.73 | 6.20 | 1.41 | 12.02 | 16.91 | |
| Dentist clean/check | 151.67 | 103.28 | 1.47 | 15.65 | 22.98 | |
| Doctor office visit | 52.67 | 53.11 | 0.99 | 14.56 | 14.44 | |
| Hospital room | 600.00 | 506.97 | 1.18 | 3.39 | 4.01 | |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | |
| Contact Lenses | 197.33 | 213.83 | 0.92 | 5.51 | 5.08 | |
| Nome, AK: | | | | | | |
| Medical care | | | | | | 132.83 |
| Non–aspirin pain reliever | 6.94 | 6.11 | 1.14 | 4.78 | 5.43 | |
| Tetracycline | 14.75 | 6.20 | 2.38 | 12.02 | 28.58 | |
| Dentist clean/check | 176.50 | 103.28 | 1.71 | 15.65 | 26.75 | |
| Doctor office visit | 65.00 | 53.11 | 1.22 | 14.56 | 17.82 | |
| Hospital room | 653.00 | 506.97 | 1.29 | 3.39 | 4.37 | |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | |
| Contact Lenses | 225.00 | 213.83 | 1.05 | 5.51 | 5.80 | |
| Honolulu, HI: | | | | | | |
| Medical care | | | | | | 104.83 |
| Non–aspirin pain reliever | 6.72 | 6.11 | 1.10 | 4.78 | 5.26 | |
| Tetracycline | 5.95 | 6.20 | 0.96 | 12.02 | 11.53 | |
| Dentist clean/check | 143.05 | 103.28 | 1.39 | 15.65 | 21.68 | |
| Doctor office visit | 47.73 | 53.11 | 0.90 | 14.56 | 13.08 | |
| Hospital room | 623.61 | 506.97 | 1.23 | 3.39 | 4.17 | |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | |
| Contact Lenses | 194.67 | 213.83 | 0.91 | 5.51 | 5.02 | |
| Hilo, HI: | | | | | | |
| Medical care | | | | | | 101.13 |
| Non–aspirin pain reliever | 7.10 | 6.11 | 1.16 | 4.78 | 5.56 | |
| Tetracycline | 6.46 | 6.20 | 1.04 | 12.02 | 12.51 | |
| Dentist clean/check | 112.77 | 103.28 | 1.09 | 15.65 | 17.09 | |
| Doctor office visit | 48.79 | 53.11 | 0.92 | 14.56 | 13.38 | |
| Hospital room | 551.00 | 506.97 | 1.09 | 3.39 | 3.68 | |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | |
| Contact Lenses | 187.17 | 213.83 | 0.88 | 5.51 | 4.82 | |
| Kailua Kona, HI: | | | | | | |
| Medical care | | | | | | 112.85 |
| Non–aspirin pain reliever | 6.73 | 6.11 | 1.10 | 4.78 | 5.27 | |
| Tetracycline | 5.56 | 6.20 | 0.90 | 12.02 | 10.77 | |
| Dentist clean/check | 173.96 | 103.28 | 1.68 | 15.65 | 26.36 | |
| Doctor office visit | 64.41 | 53.11 | 1.21 | 14.56 | 17.66 | |
| Hospital room | 512.00 | 506.97 | 1.01 | 3.39 | 3.42 | |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | |
| Contact Lenses | 205.33 | 213.83 | 0.96 | 5.51 | 5.29 | |
| Kauai County, HI: | | | | | | |

APPENDIX 20—MISCELLANEOUS EXPENSE ANALYSIS—CATEGORY INDEX DEVELOPMENT—Continued

[1996 Survey]

| | Price | Price DC area | Ratio | Weights | Subtotal | Index |
|---|---|---|---|---|---|---|
| Medical care | ..... | ..... | ..... | ..... | ..... | 111.44 |
| Non–aspirin pain reliever | 9.05 | 6.11 | 1.48 | 4.78 | 7.08 | ..... |
| Tetracycline | 6.95 | 6.20 | 1.12 | 12.02 | 13.47 | ..... |
| Dentist clean/check | 157.98 | 103.28 | 1.53 | 15.65 | 23.94 | ..... |
| Doctor office visit | 49.82 | 53.11 | 0.94 | 14.56 | 13.66 | ..... |
| Hospital room | 611.83 | 506.97 | 1.21 | 3.39 | 4.09 | ..... |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | ..... |
| Contact Lenses | 198.34 | 213.83 | 0.93 | 5.51 | 5.11 | ..... |
| Maui County, HI: | | | | | | |
| Medical care | ..... | ..... | ..... | ..... | ..... | 109.52 |
| Non–aspirin pain reliever | 6.86 | 6.11 | 1.12 | 4.78 | 5.37 | ..... |
| Tetracycline | 5.85 | 6.20 | 0.94 | 12.02 | 11.33 | ..... |
| Dentist clean/check | 162.98 | 103.28 | 1.58 | 15.65 | 24.70 | ..... |
| Doctor office visit | 60.85 | 53.11 | 1.15 | 14.56 | 16.68 | ..... |
| Hospital room | 375.50 | 506.97 | 0.74 | 3.39 | 2.51 | ..... |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | ..... |
| Contact Lenses | 187.93 | 213.83 | 0.88 | 5.51 | 4.84 | ..... |
| Guam: | | | | | | |
| Medical care | ..... | ..... | ..... | ..... | ..... | 119.30 |
| Non–aspirin pain reliever | 8.64 | 6.11 | 1.41 | 4.78 | 6.76 | ..... |
| Tetracycline | 4.58 | 6.20 | 0.74 | 12.02 | 8.88 | ..... |
| Dentist clean/check | 192.33 | 103.28 | 1.86 | 15.65 | 29.14 | ..... |
| Doctor office visit | 63.33 | 53.11 | 1.19 | 14.56 | 17.36 | ..... |
| Hospital room | 259.00 | 506.97 | 0.51 | 3.39 | 1.73 | ..... |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | ..... |
| Contact Lenses | 440.00 | 213.83 | 2.06 | 5.51 | 11.34 | ..... |
| Puerto Rico: | | | | | | |
| Medical care | ..... | ..... | ..... | ..... | ..... | 79.42 |
| Non–aspirin pain reliever | 5.79 | 6.11 | 0.95 | 4.78 | 4.53 | ..... |
| Tetracycline | 3.92 | 6.20 | 0.63 | 12.02 | 7.59 | ..... |
| Dentist clean/check | 73.33 | 103.28 | 0.71 | 15.65 | 11.11 | ..... |
| Doctor office visit | 26.67 | 53.11 | 0.50 | 14.56 | 7.31 | ..... |
| Hospital room | 173.33 | 506.97 | 0.34 | 3.39 | 1.16 | ..... |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | ..... |
| Contact Lenses | 140.83 | 213.83 | 0.66 | 5.51 | 3.63 | ..... |
| St. Croix, VI: | | | | | | |
| Medical care | ..... | ..... | ..... | ..... | ..... | 91.44 |
| Non–aspirin pain reliever | 7.66 | 6.11 | 1.25 | 4.78 | 5.99 | ..... |
| Tetracycline | 5.65 | 6.20 | 0.91 | 12.02 | 10.95 | ..... |
| Dentist clean/check | 68.33 | 103.28 | 0.66 | 15.65 | 10.35 | ..... |
| Doctor office visit | 38.33 | 53.11 | 0.72 | 14.56 | 10.51 | ..... |
| Hospital room | 550.00 | 506.97 | 1.08 | 3.39 | 3.68 | ..... |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | ..... |
| Contact Lenses | 227.59 | 213.83 | 1.06 | 5.51 | 5.86 | ..... |
| St. Thomas, VI: | | | | | | |
| Medical care | ..... | ..... | ..... | ..... | ..... | 115.61 |
| Non–aspirin pain reliever | 7.99 | 6.11 | 1.31 | 4.78 | 6.25 | ..... |
| Tetracycline | 14.62 | 6.20 | 2.36 | 12.02 | 28.33 | ..... |
| Dentist clean/check | 82.75 | 103.28 | 0.80 | 15.65 | 12.54 | ..... |
| Doctor office visit | 61.25 | 53.11 | 1.15 | 14.56 | 16.79 | ..... |
| Hospital room | 345.00 | 506.97 | 0.68 | 3.39 | 2.31 | ..... |
| Health Insurance | 100.00 | 100.00 | 1.00 | 44.10 | 44.10 | ..... |
| Contact Lenses | 206.00 | 213.83 | 0.96 | 5.51 | 5.31 | ..... |

APPENDIX 21—MISCELLANEOUS EXPENSE ANALYSIS—TOTAL INDEX DEVELOPMENT

[1996 Survey]

| | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights* | Subtotal | Weights* | Subtotal | Weights* | Subtotal |
| Anchorage, AK: | | | | | | | |
| 1. Medical care | 112.24 | 41.36 | 46.42 | 31.40 | 35.24 | 24.04 | 26.98 |

APPENDIX 21—MISCELLANEOUS EXPENSE ANALYSIS—TOTAL INDEX DEVELOPMENT—Continued

[1996 Survey]

| | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights* | Subtotal | Weights* | Subtotal | Weights* | Subtotal |
| 2. Cash contributions: | | | | | | | |
| Lower income | 107.71 | 16.52 | 17.79 | | | | |
| Middle income | 107.53 | | | 17.18 | 18.47 | | |
| Upper income | 107.36 | | | | | 17.67 | 18.97 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 106.32 | | | | |
| Middle | | | | | 105.13 | | |
| Upper | | | | | | | 104.24 |
| Fairbanks, AK: | | | | | | | |
| 1. Medical care | 114.72 | 41.36 | 47.45 | 31.40 | 36.02 | 24.04 | 27.58 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 115.93 | 16.52 | 19.15 | | | | |
| Middle income | 116.29 | | | 17.18 | 19.98 | | |
| Upper income | 116.66 | | | | | 17.67 | 20.61 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 108.71 | | | | |
| Middle | | | | | 107.42 | | |
| Upper | | | | | | | 106.48 |
| Juneau, AK: | | | | | | | |
| 1. Medical care | 112.95 | 41.36 | 46.72 | 31.40 | 35.47 | 24.04 | 27.15 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 117.12 | 16.52 | 19.35 | | | | |
| Middle income | 117.31 | | | 17.18 | 20.15 | | |
| Upper income | 117.50 | | | | | 17.67 | 20.76 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 108.18 | | | | |
| Middle | | | | | 107.04 | | |
| Upper | | | | | | | 106.20 |
| Nome, AK: | | | | | | | |
| 1. Medical care | 132.83 | 41.36 | 54.94 | 31.40 | 41.71 | 24.04 | 31.93 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 140.72 | 16.52 | 23.25 | | | | |
| Middle income | 140.34 | | | 17.18 | 24.11 | | |
| Upper income | 139.98 | | | | | 17.67 | 24.73 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 120.30 | | | | |
| Middle | | | | | 117.24 | | |
| Upper | | | | | | | 114.95 |
| Honolulu, HI: | | | | | | | |
| 1. Medical care | 104.83 | 41.36 | 43.36 | 31.40 | 32.92 | 24.04 | 25.20 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 115.53 | 16.52 | 19.09 | | | | |
| Middle income | 114.71 | | | 17.18 | 19.71 | | |
| Upper income | 113.97 | | | | | 17.67 | 20.14 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 104.56 | | | | |

APPENDIX 21—MISCELLANEOUS EXPENSE ANALYSIS—TOTAL INDEX DEVELOPMENT—Continued

[1996 Survey]

| | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights* | Subtotal | Weights* | Subtotal | Weights* | Subtotal |
| Middle | ..... | ..... | ..... | ..... | 104.05 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 103.63 |
| Hilo, HI: | | | | | | | |
| 1. Medical care | 101.13 | 41.36 | 41.83 | 31.40 | 31.75 | 24.04 | 24.31 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 115.10 | 16.52 | 19.01 | ..... | ..... | ..... | ..... |
| Middle income | 114.16 | ..... | ..... | 17.18 | 19.61 | ..... | ..... |
| Upper income | 113.26 | ..... | ..... | ..... | ..... | 17.67 | 20.01 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 102.95 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 102.78 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 102.61 |
| Kailua Kona, HI: | | | | | | | |
| 1. Medical care | 112.85 | 41.36 | 46.67 | 31.40 | 35.43 | 24.04 | 27.13 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 117.01 | 16.52 | 19.33 | ..... | ..... | ..... | ..... |
| Middle income | 116.56 | ..... | ..... | 17.18 | 20.03 | ..... | ..... |
| Upper income | 116.15 | ..... | ..... | ..... | ..... | 17.67 | 20.52 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 108.11 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 106.88 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 105.94 |
| Kauai County, HI: | | | | | | | |
| 1. Medical care | 111.44 | 41.36 | 46.09 | 31.40 | 34.99 | 24.04 | 26.79 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 123.73 | 16.52 | 20.44 | ..... | ..... | ..... | ..... |
| Middle income | 122.78 | ..... | ..... | 17.18 | 21.09 | ..... | ..... |
| Upper income | 121.89 | ..... | ..... | ..... | ..... | 17.67 | 21.54 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 108.64 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 107.50 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 106.62 |
| Maui County, HI: | | | | | | | |
| 1. Medical care | 109.52 | 41.36 | 45.30 | 31.40 | 34.39 | 24.04 | 26.33 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 120.09 | 16.52 | 19.84 | ..... | ..... | ..... | ..... |
| Middle income | 119.45 | ..... | ..... | 17.18 | 20.52 | ..... | ..... |
| Upper income | 118.87 | ..... | ..... | ..... | ..... | 17.67 | 21.00 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | ..... | 100.00 | ..... | 100.00 | ..... | 100.00 | ..... |
| Total indexes: | | | | | | | |
| Lower | ..... | ..... | 107.25 | ..... | ..... | ..... | ..... |
| Middle | ..... | ..... | ..... | ..... | 106.33 | ..... | ..... |
| Upper | ..... | ..... | ..... | ..... | ..... | ..... | 105.62 |
| Guam: | | | | | | | |
| 1. Medical care | 119.30 | 41.36 | 49.34 | 31.40 | 37.46 | 24.04 | 28.68 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 117.57 | 16.52 | 19.42 | ..... | ..... | ..... | ..... |
| Middle income | 117.46 | ..... | ..... | 17.18 | 20.18 | ..... | ..... |
| Upper income | 117.37 | ..... | ..... | ..... | ..... | 17.67 | 20.74 |

APPENDIX 21—MISCELLANEOUS EXPENSE ANALYSIS—TOTAL INDEX DEVELOPMENT—Continued

[1996 Survey]

| | Category indexes | Lower income | | Middle income | | Upper income | |
|---|---|---|---|---|---|---|---|
| | | Weights* | Subtotal | Weights* | Subtotal | Weights* | Subtotal |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 110.87 | | | | |
| Middle | | | | | 109.06 | | |
| Upper | | | | | | | 107.71 |
| Puerto Rico: | | | | | | | |
| 1. Medical care | 79.42 | 41.36 | 32.85 | 31.40 | 24.94 | 24.04 | 19.09 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 100.79 | 16.52 | 16.65 | | | | |
| Middle income | 100.79 | | | 17.18 | 17.32 | | |
| Upper income | 100.80 | | | | | 17.67 | 17.81 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 91.61 | | | | |
| Middle | | | | | 93.68 | | |
| Upper | | | | | | | 95.19 |
| St. Croix, VI: | | | | | | | |
| 1. Medical care | 91.44 | 41.36 | 37.82 | 31.40 | 28.71 | 24.04 | 21.98 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 113.10 | 16.52 | 18.68 | | | | |
| Middle income | 113.17 | | | 17.18 | 19.44 | | |
| Upper income | 113.26 | | | | | 17.67 | 20.01 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 98.61 | | | | |
| Middle | | | | | 99.57 | | |
| Upper | | | | | | | 100.28 |
| St. Thomas, VI: | | | | | | | |
| 1. Medical care | 115.61 | 41.36 | 47.82 | 31.40 | 36.30 | 24.04 | 27.79 |
| 2. Cash contributions: | | | | | | | |
| Lower income | 118.11 | 16.52 | 19.51 | | | | |
| Middle income | 117.95 | | | 17.18 | 20.26 | | |
| Upper income | 117.84 | | | | | 17.67 | 20.82 |
| 3. Personal insurance/pensions | 100.00 | 42.11 | 42.11 | 51.42 | 51.42 | 58.29 | 58.29 |
| Total weights | | 100.00 | | 100.00 | | 100.00 | |
| Total indexes: | | | | | | | |
| Lower | | | 109.44 | | | | |
| Middle | | | | | 107.98 | | |
| Upper | | | | | | | 106.90 |

*Numbers might not add to 100 due to rounding.

MISCELLANEOUS EXPENSE ANALYSIS—COMPOSITES

[1996 Survey]

| Location | Weights | Total indexes | | |
|---|---|---|---|---|
| | | Lower income | Middle income | Upper income |
| Hilo, HI | 82.88 | 102.95 | 102.78 | 102.61 |
| Kailua Kona, HI | 17.12 | 108.11 | 106.88 | 105.94 |
| Total weight | 100.00 | | | |

MISCELLANEOUS EXPENSE ANALYSIS—COMPOSITES—Continued

[1996 Survey]

| Location | Weights | Total indexes | | |
|---|---|---|---|---|
| | | Lower income | Middle income | Upper income |
| Hawaii County, HI | ..... | 103.83 | 103.48 | 103.18 |
| St. Croix, VI | 46.42 | 98.61 | 99.57 | 100.28 |
| St. Thomas, VI | 53.58 | 109.44 | 107.98 | 106.90 |
| Total weight | 100.00 | ..... | ..... | ..... |
| Virgin Islands | ..... | 104.41 | 104.08 | 103.83 |

APPENDIX 22—COMPONENT EXPENDITURE AMOUNTS

[1996 Survey]

| | Incomes | Indexes | | | | | Amounts | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | CG&S | Own | Rent | Trn | Misc | CG&S | Own | Rent | Trn | Misc |
| *Reference Wts/Amts* | 21,600 | 39.62 | 25.72 | 25.72 | 18.48 | 16.18 | $8,558 | $5,556 | $5,556 | $3,992 | $3,495 |
| | 32,900 | 38.97 | 24.46 | 24.46 | 18.22 | 18.35 | 12,821 | 8,047 | 8,047 | 5,994 | 6,037 |
| | 50,300 | 38.37 | 23.28 | 23.28 | 17.98 | 20.37 | 19,300 | 11,710 | 11,710 | 9,044 | 10,246 |
| Anchorage, AK | Lower | 107.71 | 98.59 | 100.72 | 122.24 | 106.32 | 9,218 | 5,478 | 5,596 | 4,880 | 3,716 |
| | Middle | 107.53 | 90.41 | 96.13 | 122.78 | 105.13 | 13,786 | 7,275 | 7,736 | 7,359 | 6,347 |
| | Upper | 107.36 | 73.98 | 88.59 | 123.30 | 104.24 | 20,720 | 8,663 | 10,374 | 11,151 | 10,680 |
| Fairbanks, AK | Lower | 115.93 | 94.14 | 106.28 | 126.98 | 108.71 | 9,921 | 5,230 | 5,905 | 5,069 | 3,799 |
| | Middle | 116.29 | 87.40 | 102.85 | 127.68 | 107.42 | 14,910 | 7,033 | 8,276 | 7,653 | 6,485 |
| | Upper | 116.66 | 71.00 | 80.82 | 128.35 | 106.48 | 22,515 | 8,314 | 9,464 | 11,608 | 10,910 |
| Juneau, AK | Lower | 117.12 | 112.32 | 133.43 | 112.85 | 108.18 | 10,023 | 6,240 | 7,413 | 4,505 | 3,781 |
| | Middle | 117.31 | 100.29 | 125.16 | 113.53 | 107.04 | 15,040 | 8,070 | 10,072 | 6,805 | 6,462 |
| | Upper | 117.50 | 78.16 | 107.25 | 114.17 | 106.20 | 22,678 | 9,153 | 12,559 | 10,326 | 10,881 |
| Nome, AK | Lower | 140.72 | 109.07 | 132.75 | 145.30 | 120.30 | 12,043 | 6,060 | 7,376 | 5,800 | 4,204 |
| | Middle | 140.34 | 101.91 | 135.38 | 147.05 | 117.24 | 17,993 | 8,201 | 10,894 | 8,814 | 7,078 |
| | Upper | 139.98 | 80.81 | 97.05 | 148.71 | 114.95 | 27,016 | 9,463 | 11,365 | 13,449 | 11,778 |
| Honolulu, HI | Lower | 116.08 | 177.05 | 135.88 | 130.16 | 104.65 | 9,934 | 9,837 | 7,549 | 5,196 | 3,658 |
| | Middle | 115.26 | 181.33 | 128.55 | 130.47 | 104.14 | 14,777 | 14,592 | 10,344 | 7,820 | 6,287 |
| | Upper | 114.51 | 141.29 | 105.85 | 130.77 | 103.72 | 22,100 | 16,545 | 12,395 | 11,827 | 10,627 |
| Hawaii County, HI | Lower | 115.43 | 113.45 | 99.94 | 138.46 | 103.83 | 9,878 | 6,303 | 5,553 | 5,527 | 3,629 |
| | Middle | 114.57 | 107.15 | 92.65 | 139.01 | 103.48 | 14,689 | 8,622 | 7,456 | 8,332 | 6,247 |
| | Upper | 113.75 | 83.11 | 72.71 | 139.54 | 103.18 | 21,954 | 9,732 | 8,514 | 12,620 | 10,572 |
| Kauai County, HI | Lower | 123.73 | 143.82 | 109.64 | 150.86 | 108.64 | 10,589 | 7,991 | 6,092 | 6,022 | 3,797 |
| | Middle | 122.78 | 133.42 | 102.73 | 151.35 | 107.50 | 15,742 | 10,736 | 8,267 | 9,072 | 6,490 |
| | Upper | 121.89 | 105.23 | 81.02 | 151.81 | 106.62 | 23,525 | 12,322 | 9,487 | 13,730 | 10,924 |
| Maui County, HI | Lower | 120.09 | 156.46 | 119.32 | 136.28 | 107.25 | 10,277 | 8,693 | 6,629 | 5,440 | 3,748 |
| | Middle | 119.45 | 149.14 | 108.56 | 136.87 | 106.33 | 15,315 | 12,001 | 8,736 | 8,204 | 6,419 |
| | Upper | 118.87 | 116.42 | 84.12 | 137.43 | 105.62 | 22,942 | 13,633 | 9,850 | 12,429 | 10,822 |
| Guam (Local Retail) | Lower | 117.57 | 131.58 | 120.21 | 147.29 | 110.87 | 10,062 | 7,311 | 6,679 | 5,880 | 3,875 |
| | Middle | 117.46 | 120.85 | 123.44 | 148.88 | 109.06 | 15,060 | 9,725 | 9,933 | 8,924 | 6,584 |
| | Upper | 117.37 | 117.60 | 93.29 | 150.39 | 107.71 | 22,652 | 13,771 | 10,924 | 13,601 | 11,036 |
| Guam (Comm.&Exch.) | Lower | 101.65 | 131.58 | 120.21 | 147.29 | 110.87 | 8,699 | 7,311 | 6,679 | 5,880 | 3,875 |
| | Middle | 102.51 | 120.85 | 123.44 | 148.88 | 109.06 | 13,143 | 9,725 | 9,933 | 8,924 | 6,584 |
| | Upper | 103.39 | 117.60 | 93.29 | 150.39 | 107.71 | 19,954 | 13,771 | 10,924 | 13,601 | 11,036 |
| Puerto Rico | Lower | 100.79 | 66.99 | 100.41 | 129.51 | 91.61 | 8,626 | 3,722 | 5,579 | 5,170 | 3,202 |
| | Middle | 100.79 | 63.36 | 122.51 | 129.52 | 93.68 | 12,922 | 5,099 | 9,858 | 7,763 | 5,655 |
| | Upper | 100.80 | 64.04 | 119.18 | 129.53 | 95.19 | 19,454 | 7,499 | 13,956 | 11,715 | 9,753 |
| Virgin Islands | Lower | 115.78 | 133.31 | 124.18 | 140.91 | 104.41 | 9,908 | 7,407 | 6,899 | 5,625 | 3,649 |
| | Middle | 115.73 | 133.05 | 121.30 | 141.10 | 104.08 | 14,838 | 10,707 | 9,761 | 8,458 | 6,283 |
| | Upper | 115.71 | 107.23 | 106.36 | 141.27 | 103.83 | 22,332 | 12,557 | 12,455 | 12,776 | 10,638 |

APPENDIX 23—TOTAL COMPARATIVE COST INDEXES

[1996 Survey]

| | Income | Income Weights | Own | Rent | Total | WDC | Index |
|---|---|---|---|---|---|---|---|
| | Lower | 21,600 | 37.97 | 62.03 | | | |
| | Middle | 32,900 | 47.13 | 52.87 | | | |
| | Upper | 50,300 | 61.21 | 38.79 | | | |
| Anchorage, AK | Lower | 26.44 | $23,292 | $23,410 | $23,365 | $21,600 | |
| | Middle | 32.11 | 34,767 | 35,228 | 35,011 | 32,900 | |
| | Upper | 41.45 | 51,214 | 52,925 | 51,878 | 50,300 | |
| | | 100.00 | | | 38,923 | 37,125 | 104.84 |
| Fairbanks, AK | Lower | 33.28 | 24,019 | 24,694 | 24,438 | 21,600 | |
| | Middle | 36.60 | 36,081 | 37,324 | 36,738 | 32,900 | |
| | Upper | 30.12 | 53,347 | 54,497 | 53,793 | 50,300 | |
| | | 100.00 | | | 37,782 | 34,380 | 109.90 |
| Juneau, AK | Lower | 19.89 | 24,549 | 25,722 | 25,277 | 21,600 | |
| | Middle | 31.45 | 36,377 | 38,379 | 37,435 | 32,900 | |
| | Upper | 48.66 | 53,038 | 56,444 | 54,359 | 50,300 | |
| | | 100.00 | | | 43,252 | 39,119 | 110.57 |
| Nome, AK | Lower | 25.62 | 28,107 | 29,423 | 28,923 | 21,600 | |
| | Middle | 46.40 | 42,086 | 44,779 | 43,510 | 32,900 | |
| | Upper | 27.98 | 61,706 | 63,608 | 62,444 | 50,300 | |
| | | 100.00 | | | 45,071 | 34,873 | 129.24 |
| Honolulu, HI | Lower | 32.68 | 28,625 | 26,337 | 27,206 | 21,600 | |
| | Middle | 32.52 | 43,476 | 39,228 | 41,230 | 32,900 | |
| | Upper | 34.80 | 61,099 | 56,949 | 59,489 | 50,300 | |
| | | 100.00 | | | 43,001 | 35,262 | 121.95 |
| Hawaii County, HI | Lower | 36.69 | 25,337 | 24,587 | 24,872 | 21,600 | |
| | Middle | 39.79 | 37,890 | 36,724 | 37,274 | 32,900 | |
| | Upper | 23.52 | 54,878 | 53,660 | 54,406 | 50,300 | |
| | | 100.00 | | | 36,753 | 32,847 | 111.89 |
| Kauai County, HI | Lower | 30.24 | 28,399 | 26,500 | 27,221 | 21,600 | |
| | Middle | 34.28 | 42,040 | 39,571 | 40,735 | 32,900 | |
| | Upper | 35.48 | 60,501 | 57,666 | 59,401 | 50,300 | |
| | | 100.00 | | | 43,271 | 35,656 | 121.36 |
| Maui County, HI | Lower | 25.52 | 28,158 | 26,094 | 26,878 | 21,600 | |
| | Middle | 39.31 | 41,939 | 38,674 | 40,213 | 32,900 | |
| | Upper | 35.17 | 59,826 | 56,043 | 58,359 | 50,300 | |
| | | 100.00 | | | 43,192 | 36,136 | 119.53 |
| Guam (Local Retail) | Lower | 47.12 | 27,128 | 26,496 | 26,736 | 21,600 | |
| | Middle | 31.41 | 40,293 | 40,501 | 40,403 | 32,900 | |
| | Upper | 21.47 | 61,060 | 58,213 | 59,956 | 50,300 | |
| | | 100.00 | | | 38,161 | 31,311 | 121.88 |
| Guam (Comm.&Exch.) | Lower | 47.12 | 25,765 | 25,133 | 25,373 | 21,600 | |
| | Middle | 31.41 | 38,376 | 38,584 | 38,486 | 32,900 | |
| | Upper | 21.47 | 58,362 | 55,515 | 57,258 | 50,300 | |
| | | 100.00 | | | 36,338 | 31,311 | 116.06 |
| Puerto Rico | Lower | 40.66 | 20,720 | 22,577 | 21,872 | 21,600 | |
| | Middle | 37.86 | 31,439 | 36,198 | 33,955 | 32,900 | |
| | Upper | 21.48 | 48,421 | 54,878 | 50,926 | 50,300 | |
| | | 100.00 | | | 32,687 | 32,043 | 102.01 |
| Virgin Islands | Lower | 35.31 | 26,589 | 26,081 | 26,274 | 21,600 | |
| | Middle | 40.94 | 40,286 | 39,340 | 39,786 | 32,900 | |
| | Upper | 23.75 | 58,303 | 58,201 | 58,263 | 50,300 | |
| | | 100.00 | | | 39,403 | 33,042 | 119.25 |

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Tuesday
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## Part IV

# Department of Health and Human Services

## Administration for Children and Families

## Administration for Native Americans; Availability of Financial Assistance; Notice

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

**[Program Announcement No. 93612–973]**

### Administration for Native Americans: Availability of Financial Assistance

**AGENCY:** Administration for Native Americans (ANA), ACF, DHHS.

**ACTION:** Notice of funding availability.

**SUMMARY:** The Administration for Native Americans (ANA) announces the availability of fiscal year 1997 funds for information dissemination and strategy development relating to the implementation of the tribal-specific provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104–193 (the Act). ANA plans to fund applicants in six (6) geographic areas to develop comprehensive TANF information dissemination and strategies designed to assist tribal and community leaders in making informed decisions relating to participation in the Temporary Assistance to Needy Families (TANF) Program. The Administration for Children and Families (ACF) is responsible for the implementation of the Act, including tribal-specific TANF provisions.

Financial assistance provided by ANA in support of projects in this area is intended to promote information dissemination and strategy development concerning the TANF program for the benefit of entities designated in Pub. L. 104–193 as eligible to administer a TANF program—federally-recognized tribes, the Metlakatla Indian Community and the 12 Alaska Native regional non-profit corporations.

**DATES:** The closing date for receipt of applications is May 27, 1997.

**ADDRESSES:** Application kits, containing the necessary forms and instructions to apply for a grant under this program announcement, may be obtained from: U.S. Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, 370 L'Enfant Promenade, Mail Stop HHH 348F, Washington, DC 20447, Attention: 93612–973, Telephone: (202) 690–7776.

**FOR FURTHER INFORMATION CONTACT:** Deborah Yatsko, Program Specialist, Administration for Children and Families, Administration for Native Americans, 370 L'Enfant Promenade, Mail Stop HHH 348F, Washington, D.C. 20447, tel: (202) 690–7843, fax: (202) 690–7441.

**SUPPLEMENTARY INFORMATION:**

## Introduction and Purpose

This Announcement describes the availability of fiscal year 1997 financial assistance for grants to develop and disseminate consistent program information on the legal, fiscal and administrative requirements of the TANF Block Grant Program to federally-recognized tribes, the Metlakatla Indian Community and the 12 Alaska Native regional non-profit corporations.

ANA fully supports and assists tribal and Alaska Native Village governments, Native American institutions, and local leadership in exercising local control and decision-making over their resources. Consistent with this policy, ANA will assist federally-recognized tribes, the Metlakatla Indian Community and the 12 Alaska Native regional non-profit corporations in obtaining the information necessary to make informed decisions about exercising their options under TANF; i.e. to administer this program and apply directly for Federal funding, participate in TANF through the State government, form tribal consortia, or contract for services. This will be accomplished by funding six (6) TANF information dissemination and strategy development grants. Eligibility for these grants extends to all tribes, organizations and groups listed in PART II, Section D ''Eligible Applicants''.

Funding authorization is provided under section [803(a) of the Native American Programs Act of 1974, as amended (Public Law 93–644, 88 Stat. 2324, 42 U.S.C. 2991b).]

Proposed projects will be reviewed on a competitive basis against the specific evaluation criteria presented in this announcement. Applicants may submit proposals for more than one geographic area, but it is anticipated that no single organization will be awarded a grant for more than one region. However, should a shortage of highly ranked organizations develop, ANA may award more than one grant to an organization or may combine regions under one grant.

This program announcement consists of three parts:

Part I—ANA Policy and Goals

Provides general information about ANA's policies and goals as they relate to TANF information dissemination and strategy development grants.

Part II—TANF Information Dissemination and Strategy Development Grants

Describes the TANF Information Dissemination and Strategy Development Grants under which ANA is requesting applications.

The following sections provide specific information to be used to develop an application for ANA funds:

A Purpose and Availability of Funds;
B Background;
C Competitive Geographical Areas of Consideration
D Eligible Applicants;
E Grantee Share of the Project;
F Review Criteria;
G Application Due Date; and
H Contacts to Obtain Further Information

Part III—General Application Information and Guidance

Provides important information and guidance that must be taken into account in developing an application for one or more of the six (6) geographical areas. These geographic areas are defined in PART II, Section C. ''Competitive Geographic Areas of Consideration''.

### *Part I—ANA Policy and Goals*

The mission of the Administration for Native Americans is to promote the goal of social and economic self-sufficiency for American Indians, Alaska Natives, Native Hawaiians and other Native American Pacific Islanders. ANA believes that the responsibility of achieving self-sufficiency resides with the governing bodies of Indian tribes, Alaska Native Villages and in the leadership of Native American groups. A community's progress toward self-sufficiency is based on its efforts to plan, organize and direct resources in a comprehensive manner consistent with its long-range goals. ANA fully supports and assists tribal and Alaska Native Village governments, Native American institutions, and local leadership in exercising local control and decision-making over their resources.

Consistent with this policy, ANA is offering federal assistance through grant projects designed to assist federally-recognized tribes, the Metlakatla Indian Community and the 12 Alaska Native regional non-profit corporations to gain information relating to their options under the TANF Block Grant Program. Information and analysis to be provided through the six (6) ANA grants must fully address this range of options: to administer this program and apply directly for Federal funds; participate through State governments; form tribal consortia; or contract for services.

ANA will provide financial assistance to successful applicants to disseminate information about the TANF Block Grant Program in specific geographic areas. These TANF information dissemination and strategy development projects will last for up to one year. Applicants must describe concrete strategies to gather, organize and disseminate program information. Planning for the project must consider

the maximum use of all available resources, including: initial coordination with ACF to ensure that the TANF information to be provided to tribes is comprehensive and current; how resources will be directed to program information dissemination; and comprehensive strategies for presenting the information, such as meetings, forums, workshops, cluster sessions and on-site presentations.

An application from a federally-recognized Tribe, Alaska Native Village or Native American organization must be from the governing body of the Tribe or organization. ANA will not accept applications from tribal components which are tribally-authorized divisions of a larger tribe, unless the application includes a Tribal resolution which clearly demonstrates the Tribe's support of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area for the duration of the approved grant period.

*Part II—TANF Information Dissemination and Strategy Development Grants*

This part describes ANA's funding authority, priorities, requirements and review criteria. The standard requirements necessary for each application as well as the standard ANA program guidance and technical guidance are described in Part III of this announcement.

A. Purpose and Availability of Funds

This Announcement describes the availability of fiscal year 1997 financial assistance for grants to develop and disseminate consistent program information on the legal, fiscal and administrative requirements of the TANF Block Grant Program to federally-recognized tribes, the Metlakatla Indian Community and the 12 Alaska Native regional non-profit corporations.

Approximately $ 1,200,000 of financial assistance is anticipated to be available for TANF information dissemination and strategy development. ANA anticipates awarding six (6) competitive grants to provide geographic coverage for the continental United States and Alaska.

B. Background

Recent legislation significantly changes the administration and delivery of welfare services by enabling federally-recognized tribes, the Metlaketla Indian Community and the 12 Alaska Native regional non-profit corporations to receive direct Federal funding to administer social welfare programs. Pub. L. 104–193 (the Act) authorizes tribes to apply directly to the Department of Health and Human Services to receive funds and administer TANF Block Grants; participate through the state government; form tribal consortia; or to contract for services. The TANF Block Grant Program replaces the former Aid to Families With Dependent Children Program (AFDC), the Job Opportunity and Basic Skills Training Program (JOBS) and the Emergency Assistance (EA) Program.

The new law represents a significant departure from the previous welfare laws and contains many provisions of major consequence to tribes. These provisions must be implemented in a relatively short time to maximize the availability of Federal funds. The specific references to tribal-specific TANF provisions are found in sections 412 and 417 (4) of the amended IV-A of the Social Security Act:

Title I of Pub.L. 104–193 amends part A of title IV of the Social Security Act by replacing the Aid to Families with Dependent Children (AFDC) Program, the Job Opportunities and Basic Skills (JOBS) Program and the Emergency Assistance (EA) program with the Temporary Assistance for Needy Families (TANF) Program. Under the new IV-A, open-ended funding and guaranteed individual entitlement to public assistance has been repealed. The purpose of TANF is to give States and federally-recognized tribes, the Metlakatla Indian Community and the 12 Alaska Native regional non-profit corporations the opportunity to create a system that promotes work and responsibility and strengthens families. Flexibility is now provided to States and Indian tribes to operate a program designed to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; reduce dependency on public benefits by promoting job preparation, work and marriage, prevent and reduce the incidence of out-of-wedlock pregnancies; and encourage the formation and maintenance of two-parent families. The new statute provides both challenges and opportunities to help needy families.

The information to be disseminated through the six (6) ANA grants will assist federally-recognized tribes, the Metlakatla Indian Community, and the 12 Alaska Native regional non-profit corporations in understanding and assessing their options under TANF. Such information may include the background and statutory requirements of TANF; data systems and other administrative requirements to conduct a TANF program; schematics for program models and designs, including intake processing for TANF applicants; identification of data sources on size and composition of the TANF-eligible population; availability of TANF funds; financial consequences and anticipated costs for tribes under each option; requirements for forming consortia or contracting for services; consideration of tribal-state cooperative agreements; participation as part of a State program; and the relationship of TANF to other social service programs.

Applications should also address the mechanisms to be used in gathering information and assuring that all information provided to tribes is authoritative, comprehensive and current. Proposals should be as specific as possible in identifying how information will be disseminated to tribes and how options will be explored. Proposals should also clearly identify the approaches to be taken, such as meetings, forums, cluster groups, and on-site presentations. A recognition of the diversity of local tribal needs and capabilities should also be fully articulated.

C. Competitive Geographical Areas of Consideration

Competitive geographical areas are approximately equivalent to the federal regional system, with Alaska as a separate area. These geographical divisions are designated according to the concentration of TANF-eligible entities (federally-recognized tribes, the Metlakatla Indian Community and the 12 Alaska Native regional non-profit corporations) in each area. Eligible applicants for the six (6) ANA grants (as listed in Part II, Section D, ''Eligible Applicants'') may compete in each of the following six (6) geographical areas:

Area 1—Federal regions 1–5: CT, ME, MA, NH, RI, VT, NY, NJ, DE, MD, PA, AL, FL, GA, KY, MS, NC, SC, TN, IL, IN, MI, MN, OH, WI, VA, WV
Area 2—Federal regions 6 & 7: AR, LA, NM, OK, TX, IA, KS, MO, NE
Area 3—Federal region 8: CO, MT, ND, SD, UT, WY
Area 4—Federal region 9: AZ, CA, NV
Area 5—Federal region 10: ID, OR, WA
Area 6—AK

Applicants may submit one application per geographical area. An applicant may receive only one grant, regardless of the number of geographic areas in which it competes. Should a shortage of highly ranked organizations develop, however, ANA may award more than one grant to an organization or may combine regions under one grant.

D. Eligible Applicants

The following organizations are eligible to apply under this competitive area:

- Federally recognized Indian Tribes;

- Consortia of Indian Tribes;
- Incorporated non-Federally recognized Tribes;
- Incorporated nonprofit multi-purpose community-based Indian organizations;
- Urban Indian Centers;
- National or regional incorporated nonprofit Native American organizations with Native American community-specific objectives;
- Alaska Native villages as defined in the Alaska Native Claims Settlement Act (ANCSA) and/or nonprofit village consortia;
- Incorporated nonprofit Alaska Native multi-purpose community-based organizations;
- Nonprofit Alaska Native Regional Corporations/Associations in Alaska with village specific projects;
- Nonprofit Native organizations in Alaska with village specific projects;
- Public and nonprofit private agencies serving Native Hawaiians;
- Public and nonprofit private agencies serving native peoples from Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands. (The populations served may be located on these islands or in the United States); and
- Tribally Controlled Community Colleges, Tribally Controlled Post-Secondary Vocational Institutions, and colleges and universities located in Hawaii, Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands which serve Native American Pacific Islanders.

**Note:** Current ANA grantees are also eligible to apply under this announcement.

Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

If the applicant is other than a tribe or an Alaska Native Village government and is proposing a project benefiting Native Americans or Alaska Natives, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community to be served. An organization can conclusively establish that it meets this requirement through a signed statement or resolution stating that its duly elected or appointed board of directors are either Native Americans or Native Alaskans or a copy of the organizational charter or by-laws that clearly states that the organization has a board drawn from members of those groups.

E. Grantee Share of the Project

Grantees must provide at least 20 percent of the total approved cost of the project. (The total approved cost of the project is the sum of the ACF share and the non-Federal share.) The non-Federal share may be met by cash or in-kind contributions; although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $200,000 in Federal funds must include a match of at least $50,000 (20% total project cost).

As per 45 CFR Part 74.2, In-Kind contributions is defined as ''the value of non-cash contributions provided by non-Federal third parties. Third party-in kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.''

In addition it may include other Federal funding sources where its legislation or regulations authorizes using specific types of funds for a match and provided the source relates to the ANA project, as follows:

- Indian Child Welfare funds, through the Department of Interior;
- Indian Self-Determination and Education Assistance funds, through the Department of Interior and the Department of Health and Human Services; and
- Community Development Block Grant funds, through the Department of Housing and Urban Development.

An itemized budget detailing the applicant's non-Federal share, and its source, must be included in an application.

If an applicant plans to charge indirect costs in its ANA application, a current copy of its Indirect Cost Agreement must be included in the application.

A request for a waiver of the non-Federal share requirement may be submitted in accordance with 45 CFR 1336.50(b)(3) of the Native American Program Regulations.

**Note:** Applications originating from American Samoa, Guam, Palau, or the Commonwealth of the Northern Mariana Islands are covered under Section 501(d) of Public Law 95–134, as amended (48 U.S.C. 1469a) under which HHS waives any requirement for local matching funds under $200,000 (including in-kind contributions).

F. Review Criteria

The evaluation criteria are closely related to each other and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications which are responsive to this program announcement. Proposed projects will be reviewed on a competitive basis using the following evaluation criteria:

*(1) Goals and Available Resources—(10 points)*

(a) The application describes the applicant's goals and strategy, including:

- How applicant's goals relate to the Tribal-specific provisions of P.L. 104–193;
- How the applicant intends to achieve these goals;

Applications must clearly explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project. National Indian and Native organizations should define their membership and describe how the organization operates.

(b) Available resources (other than ANA and the non-Federal share) which will assist, and be coordinated with the project are described. These resources should be documented by letters or documents of commitment of resources, not merely letters of support.

- ''Letters of support'' merely express another organization's endorsement of a proposed project. Support letters are not binding commitment letters or do not factually establish the authenticity of other resources.
- ''Letters and other documents of commitment'' are binding when they specifically state the nature, the amount, and conditions under which another individual, agency or organization will support a project funded with ANA funds.

These resources may be human, natural or financial, and may include other Federal and non-Federal resources. (Applicant statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources.)

**Note:** Applicants from the Native American Pacific Islands are not required to provide a 20% match for the non-Federal share if it is under $200,000 and may not have points reduced for this policy. They are, however, expected to coordinate non-ANA resources for the proposed project, as are all ANA applicants.

*(2) Organizational Capabilities and Qualifications—(30 points)*

(a) The management and administrative structure of the applicant is explained. Evidence of the applicant's ability to manage a project of the proposed scope is demonstrated. The application clearly shows the successful management of projects of similar scope by the organization, and/or by the individuals designated to manage the project.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the Approach Page and in the proposed Budget of the application. Position descriptions very clearly describe each position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes demonstrate that the proposed staff are qualified to carry out the project activities. Either the position descriptions or the resumes contain the qualifications and/or specialized skills necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

**Note:** Applicants are strongly encouraged to give preference to Native Americans in hiring staff and subcontracting services under an approved ANA grant.

*(3) Project Objectives, Approach and Activities.—(30 points)*

The application proposes specific project Objective Work Plans with activities related to each specific objective.

The Objective Work Plan(s) in the application includes project objectives and activities for the budget period and demonstrates that each of the objectives and its activities:

- identifies the basic approach to be used in collecting, disseminating and presenting TANF information; includes initial coordination with ACF;
- includes strategies and methods for analyzing options available to federally recognized tribes, the Metlakatla Indian Community and the 12 Alaska Native regional non-profit corporations regarding participating in TANF programs.
- is measurable and/or quantifiable in terms of results or outcomes;
- clearly relates to the applicant's goals and strategies;
- can be accomplished with the available or expected resources during the proposed project period;
- indicates when the objective, and major activities under each objective, will be accomplished;
- specifies who will conduct the activities under each objective;

*(4) Results or Benefits Expected—(15 points)*

Completion of the proposed objectives will result in specific, measurable results. The specific information provided in the narrative and objective work plans on expected results or benefits for each objective is the standard upon which its achievement can be evaluated at the end of the project.

*(5) Budget—(15 points)*

A detailed and fully explained budget is provided for the budget period requested which:

- Justifies each line item, with a well-written justification, in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source;
- Includes and justifies sufficient cost and other necessary details to facilitate the determination of cost allowability and the relevance of these costs to the proposed project; and
- Requests funds which are appropriate and necessary for the scope of the proposed project.

**Note:** (Applicants from the Native American Pacific Islands are exempt from the $200,000 non-Federal share requirement).

*Part III—General Application Information and Guidance*

A. General Considerations

Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

Costs of fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable under a grant award. However, even though these costs are unallowable for purposes of computing charges to Federal awards, they must be treated as direct costs for purposes of determining indirect cost rates and be allocated their share of the organization's indirect costs if they represent activities which (1) include the salaries of personnel, (2) occupy space, and (3) benefit from the organization's indirect costs.

All projects funded by ANA must be completed by the end of the project period. ''Completed'' means that the project ANA funded is finished, and the desired result(s) have been attained.

B. Activities That Cannot Be Funded By ANA

The Administration for Native Americans does not fund projects that operate indefinitely or require ANA funding on a recurring basis. The Administration for Native Americans does not fund objectives or activities for the core administration of an organization. ''Core administration'' is funding for staff salaries for those functions which support the organization as a whole, or for purposes unrelated to the actual management or implementation of work conducted under an ANA approved project.

However, functions and activities that are clearly project related are eligible for grant funding. For example, the 2 management and administrative functions necessary to carry out an ANA approved project are not considered ''core administration'' and are, therefore, eligible costs. Additionally, ANA will fund the salaries of approved staff for time actually and reasonably spent to implement a funded ANA project.

Projects or activities that generally will not meet the purposes of this announcement are discussed further in Part III, Section H, General Guidance to Applicants, below.

C. Length of Projects

Awards, on a competitive basis, will be for a one-year project and budget period.

D. Intergovernmental Review of Federal Programs

This program is not covered by Executive Order 12372 or 45 CFR Part 100.

E. The Application Process

*1. Availability of application forms.* In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ANA. The application kits containing the necessary forms and instructions may be obtained from: Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, 370 L'Enfant Promenade, Mail Stop HHH 348F, Washington, D.C.

20447, Attention: 93612–973, Telephone: (202) 690–7776.

*2. Application submission.* One signed original, and two copies, of the grant application, including all attachments, must be mailed on or before the closing date to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447, Attention: William J. McCarron, ANA No. 93612–973.

Hand delivered applications are accepted between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date at: Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024.

The application (Form 424) must be signed by an individual authorized (1) to act for the applicant tribe or organization, and (2) to assume the applicant's obligations under the terms and conditions of the grant award, including Native American Program statutory and regulatory requirements.

Each eligible applicant may compete in all geographic areas. However, it can receive a grant award in only one of the geographic areas under this announcement. The Administration for Native Americans will accept only one application per geographic area from any one applicant. If an eligible applicant sends in two applications for the same geographic area, the one with the earlier postmark will be accepted for review unless the applicant withdraws the earlier application.

Six (6) separate ranking lists, one for each geographic area, will be utitilized in the decision process.

*3. Application consideration.* The ANA Commissioner determines the final action to be taken on each grant application received under this program announcement.

The following points should be taken into consideration by all applicants:

- Incomplete applications and applications that do not conform to this announcement will not be accepted for review. Applicants will be notified in writing of any such determination by ANA.
- Complete applications that conform to all the requirements of this program announcement are subjected to a competitive review and evaluation process (discussed in section F below). Independent review panels consisting of reviewers familiar with American Indian Tribes, Native American communities and organizations, and Pub. L. 104–193, evaluate each application using the published criteria. As a result of the review, a numerical score will be assigned to each application.
- The Commissioner's funding decision is based on the review panel's analysis of the application, recommendation and comments of ANA staff, State and Federal agencies having contract and grant performance related information, and other interested parties.
- The Commissioner makes grant awards consistent with the purpose of the Act, all relevant statutory and regulatory requirements, this program announcement, and the availability of funds.
- After the Commissioner has made decisions on all applications, unsuccessful applicants are notified in writing within approximately 30 days. Successful applicants are notified through an official Financial Assistance Award (FAA) document. ANA staff cannot respond to requests for information regarding funding decisions prior to the official notification to the applicants. The FAA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, the budget period, and the amount of the non-ACF matching share requirement.

F. The Review Process

*1. Initial application review.* Applications submitted by the closing date and verified by the postmark under this program announcement will undergo a pre-review to determine that:

- The applicant is eligible in accordance with the Eligible Applicants Section of this announcement; and
- The application is signed and submitted by the deadline explained in section I, Receipt of Applications, of this announcement.

*2. Competitive review of accepted applications.* Applications which pass the pre-review will be evaluated and rated by an independent review panel on the basis of the specific evaluation criteria listed in Part II. These criteria are used to evaluate the quality of a proposed project, and to determine the likelihood of its success.

*3. Appeal of ineligibility.* Applicants who are initially rejected from competitive evaluation because of ineligibility, may appeal an ANA decision of applicant ineligibility. Likewise, applicants may also appeal an ANA decision that an applicant's proposed activities are ineligible for funding consideration.

G. General Guidance to Applicants

The following information is provided to assist applicants in developing a competitive application.

*1. Program Guidance*

- The Administration for Native Americans funds projects that demonstrate the strongest prospects for addressing the stated purposes of this program announcement. Projects will not be funded on the basis of need alone.
- In discussing the goals, strategy, and problems being addressed in the application, present sufficient background concerning these issues, including TANF requirements. This material will assist the reviewers in determining the appropriateness and potential benefits of the proposed project.
- Applicants must document the community's support for the proposed project and explain the role of the community in the planning process and implementation of the proposed project. For tribes, a current signed resolution from the governing body of the tribe supporting the project proposal stating that there has been community involvement in the planning of this project will suffice as evidence of community support/involvement. For all other eligible applicants, the type of community you serve will determine the type of documentation necessary. For example, a tribal organization may submit resolutions supporting the project proposal from each of its members tribes, as well as a resolution from the applicant organization.
- The project application, including the Objective Work Plans, must clearly identify in measurable terms the expected results, benefits or outcomes of the proposed project, and the positive or continuing impact that the project will have on the community.
- Supporting documentation, including letters of support, if available, or other testimonies from concerned interests other than the applicant should be included to demonstrate support for the feasibility of the project and the commitment of other resources to the proposed project.

*2. Technical Guidance*

- Applicants are encouraged to have someone other than the author apply the evaluation criteria in the program announcement and score the application prior to its submission, in order to gain a better sense of the application's quality and potential competitiveness in the ANA review process.

• For purposes of developing an application, applicants should plan for a project start date approximately 90 days after the closing date under which the application is submitted.

• For purposes of this announcement, ANA is using the Bureau of Indian Affairs' list of Federally recognized Indian tribes which includes nonprofit Alaska Native community entities or tribal governing bodies (IRA or traditional councils). Other Federally recognized Indian tribes which may not yet be included on this list (e.g., those Tribes which have been recently recognized or restored by the United States Congress) are also eligible to apply for ANA funds.

• Eligible applicants may submit one application per geographic area. If an eligible applicant sends in two applications for the same geographic area, the one with the earlier postmark will be accepted for review unless the applicant withdraws the earlier application.

• An application from a tribe, Alaska Native Village or Native American organization must be from the governing body of the Tribe or organization. ANA will not accept applications from tribal components which are tribally-authorized divisions of a larger tribe, unless the application includes a Tribal resolution which clearly demonstrates the Tribe's support of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application for the duration of the approved grant period.

• The application's Form 424 must be signed by the applicant's representative authorized to act with full authority on behalf of the applicant.

• The Administration for Native Americans recommends that the pages of the application be numbered sequentially and that a table of contents be provided. Simple tabbing of the sections of the application is also helpful to the reviewers.

• An application with an original signature and two additional copies are required.

• The Cover Page (included in the Kit) should be the first page of an application, followed by the one-page abstract.

• The Approach page (Section B of the ANA Program Narrative) for each Objective Work Plan proposed should be of sufficient detail to become a monthly staff guide for project responsibilities if the applicant is funded.

• Line 15a of the Form 424 must specify the Federal funds requested for the Budget Period.

• The Administration for Native Americans will critically evaluate applications in which the acquisition of equipment is a major component of the Federal share of the budget. ''Equipment is tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit.'' During negotiation, such expenditures may be deleted from the budget of an otherwise approved application, if not fully justified by the applicant and not deemed appropriate to the needs of the project by ANA.

• Applicants are encouraged to request a legibly dated receipt from a commercial carrier or U.S. Postal Service as proof of timely mailing.

*3. Projects or Activities That Generally Will Not Meet the Purposes of This Announcement*

• The support of on-going social service delivery programs or the expansion, or continuation, of existing social service delivery programs.

• Core administration functions, or other activities, which essentially support only the applicant's on-going administrative functions.

• Project goals which are not responsive to this program announcement.

• Proposals from consortia of tribes that are not specific with regard to support from, and roles of, member tribes.

• Projects that will not be completed by the end of the project period.

• ANA will not fund the purchase of real estate (see 45 CFR 1336.50 (e)) or construction (see ACF Grants Administration Manual § 3.12).

• Projects originated and designed by consultants who provide a major role for themselves in the proposed project and are not members of the applicant organization, tribe or village.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, Pub. L. 104–13, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record keeping requirements in regulations including program announcements. Information collection through this Program Announcement, including the program narrative statement, are approved by the OMB under control number 0980–0204, which expires August 31, 1999.

I. Receipt of Applications

The closing date for the submission of applications is May 27, 1997. Applications postmarked after the closing date will be classified as late.

*1. Deadline*

• Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to: U.S. Department of Health and Human Services Administration for Children and Families Division of Discretionary Grants, 370 L'Enfant Promenade, SW., Mail Stop 6C–462 Washington, D.C. 20447.

• Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

• Applications handcarried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, Monday through Friday (excluding Federal holidays), between the hours of 8:00 am and 4:30 pm, at: U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

• ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

*2. Late Applications*

Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

*3. Extension of Deadlines*

The Administration for Children and Families may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., widespread disruption of the mails, or when it is anticipated that many of the applications will come from rural or remote areas. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

(Catalog of Federal Domestic Assistance Program Number: 93.612 Native American Programs)

Dated: March 18, 1997.

**Gary N. Kimble,**

*Commissioner, Administration for Native Americans.*

[FR Doc. 97–7522 Filed 3–24–97; 8:45 am]

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