AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

12–9–94
Vol. 59 No. 236

federal register

Friday
December 9, 1994

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097–6326)

12–9–94
Vol. 59 No. 236
Pages 63691–63880

federal register

Friday
December 9, 1994

Briefings on How To Use the Federal Register
For information on briefings in New York, NY and Washington, DC, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six-month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet to wais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial-in users should use communications software and modem to call (202) 512–1661 and login as wais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the **Federal Register** Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $494, or $544 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $433. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 59 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–512–1800
Assistance with public subscriptions	512–1806

Online:

Telnet wais.access.gpo.gov, login as newuser <enter>, no password <enter>; or use a modem to call (202) 512–1661, login as wais, no password <enter>, at the second login as newuser <enter>, no password <enter>.

Assistance with online subscriptions	202–512–1530

Single copies/back copies:

Paper or fiche	512–1800
Assistance with public single copies	512–1803

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5243
Assistance with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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

WASHINGTON, DC

WHEN: December 15, at 9:00 a.m.
WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

NEW YORK, NY

WHEN: December 13, 9:30 a.m.–12:30 p.m.
WHERE: National Archives—Northeast Region, 201 Varick Street, 12th Floor, New York, NY
RESERVATIONS: 1–800–347–1997

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 59, No. 236

Friday, December 9, 1994

Agricultural Marketing Service
RULES
Almonds grown in California, 63693–63696
Oranges and grapefruit grown in Texas, 63691–63693
Potato research and promotion plan, 63696–63697
PROPOSED RULES
Kiwifruit grown in California, 63731–63733
Milk marketing orders:
Chicago Regional et al., 63733

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Farmers Home Administration
See Grain Inspection, Packers and Stockyards Administration

Animal and Plant Health Inspection Service
RULES
Exportation and importation of animals and animal products:
Horses from contagious equine metritis-affected countries; States authorized to receive, 63698

Army Department
NOTICES
Environmental statements; availability, etc.:
Camp Shelby, MS; National Forest land use, 63769

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Census Bureau
NOTICES
Surveys, determinations, etc.:
Communications services; annual, 63761–63762

Children and Families Administration
NOTICES
Agency information collection activities under OMB review, 63807–63808

Civil Rights Commission
NOTICES
Meetings; Sunshine Act, 63856

Commerce Department
See Census Bureau
See International Trade Administration
NOTICES
Agency information collection activities under OMB review, 63761

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 63764–63765

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Colombia, 63762–63763
Dominican Republic, 63763–63764

Consumer Product Safety Commission
NOTICES
Settlement agreements:
Bethany Sales Co., Inc., 63765–63767
Golden Gate Fireworks, Inc., 63767–63769

Corporation for National and Community Service
NOTICES
Grants and cooperative agreements; availability, etc.:
AmeriCorps State and direct, learn and serve America K–12, and learn and serve America higher education programs, 63770

Defense Department
See Army Department
NOTICES
Meetings:
Defense Partnership Council, 63769
Military installations inside United States; selection criteria for closure and realignment, 63769–63770

Drug Enforcement Administration
PROPOSED RULES
Domestic Chemical Diversion Control Act of 1993; implementation:
List 1 chemicals; manufacturers, distributors, importers and exporters; registration
Partially withdrawn, 63738

Education Department
PROPOSED RULES
Direct grant programs, 63878–63879
NOTICES
Agency information collection activities under OMB review, 63770–63772
Grants and cooperative agreements; availability, etc.:
Individuals with disabilities—
Projects with industry program, 63863
Vocational and transitional rehabilitation services, special projects and demonstrations; and projects with industry, 63860–63863
Vocational rehabilitation services; special projects and demonstrations, 63864–63865
Vocational rehabilitation service projects for American Indians with disabilities; correction, 63772–63773
Youth with disabilities—
Transitional rehabilitation services; special projects and demonstrations, 63864
Professional development; mission statement and principles; comment request, 63773–63774

Employment and Training Administration
NOTICES
Adjustment assistance:
Baker Performance Chemicals, Inc., 63822
Elf Atochem North America, Inc., 63825

London Fog Industries, 63824
Pacer Industries, Inc., 63824–63825
Adjustment assistance and NAFTA transitional adjustment assistance:
Ball Glass Container Corp. et al., 63822–63824
NAFTA transitional adjustment assistance:
National Medical Care, Inc., 63825

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 63821–63822

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Natural gas exportation and importation:
American Hunter Exploration Ltd., 63776
Anadarko Trading Co., 63776
Bring Gas Services Corp., 63776
Channel Gas Marketing Co., 63774
Interenergy Corp., 63776
Phillips Alaska Natural Gas Corp. et al., 63774–63775
Power City Partners, L.P., 63775
Sunalta Energy Marketing Inc., 63776–63777
Tarpon Gas Marketing Ltd., 63776

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
California, 63721–63725
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
California, 63740–63742
NOTICES
Clean Air Act:
Acid rain provisions—
State permits, 63789–63790
Confidential business information and data transfer to contractors, 63790
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 63790–63791
Weekly receipts, 63791–63792
Meetings:
Biotechnology Science Advisory Committee, 63792
Water pollution control:
National pollutant discharge elimination system; State programs—
Maine et al., 63792–63803

Farmers Home Administration
RULES
Program regulations:
Servicing and collections—
Graduation of FmHA borrowers to other sources of credit; CFR correction, 63698

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 63716–63718
Jet routes, 63718
PROPOSED RULES
Air carrier certification and operations:
Autopilot use; minimum altitudes revision, 63868–63875
Airworthiness directives:
Fokker, 63734–63736

Federal Communications Commission
RULES
Television stations; table of assignments:
Hawaii, 63726
PROPOSED RULES
Common carrier services:
Multipoint distribution service and instructional television fixed service, including electronic filing and competitive bidding; filing procedures, 63743–63750
Unauthorized changes of consumers' long distance carriers; policies and rules, 63750–63754
NOTICES
Agency information collection activities under OMB review, 63803

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 63856

Federal Emergency Management Agency
RULES
Flood insurance program:
Flood control restoration zones; insurance coverage and rates, land management criteria, etc.:
Meeting, etc., 63726
NOTICES
Disaster and emergency areas:
California, 63803
Florida, 63803–63804

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Catex Vitol Electric Inc. et al., 63784–63786
Environmental statements; availability, etc.:
Wisconsin Public Service Corp. et al., 63783–63784
Hydroelectric applications, 63786
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 63777
ANR Pipeline Co. et al., 63786
Colorado Interstate Gas Co., 63777, 63786–63787
Columbia Gas Transmission Corp., 63778
El Paso Natural Gas Co., 63778–63779
Florida Gas Transmission Co., 63787
Iroquois Gas Transmission System, L.P., 63779
KN Interstate Gas Transmission Co., 63779
Midwestern Gas Transmission Co., 63779
Moss Bluff Gas Storage Systems, 63779–63780
Northern Natural Gas Co., 63780
Otter Tail Power Co., 63787
Questar Pipeline Co. et al., 63777
Sinclair Oil Corp. et al., 63781
Southern Company Services, Inc., 63781–63782
Southern Natural Gas Co., 63780–63782
Stingray Pipeline Co., 63782
Texas Eastern Transmission Corp., 63787–63789
Texas Gas Transmission Corp., 63782–63783
Transcontinental Gas Pipe Line Corp., 63788–63789
West Texas Gas, Inc., 63783
Williams Natural Gas Co., 63783

Federal Maritime Commission
NOTICES
Agreements filed, etc., 63804

Federal Reserve System
RULES
Bank holding companies and change in bank control (Regulation Y):
Community development activities and welfare investments; interpretation, 63712–63714
Home mortgage disclosure (Regulation C):
Annual reporting requirements; instructions and forms, 63698–63706
Membership of State banking institutions (Regulation H):
Public welfare investments with and without Board approval, 63706–63712
Truth in lending (Regulation Z):
Depository institutions disaster relief; temporary exceptions due to—
Texas flooding, 63714–63715
NOTICES
Meetings; Sunshine Act, 63856–63857
Applications, hearings, determinations, etc.:
American National Corp. et al., 63804–63805
Irving National Bancshares, Inc., 63805
Mercantile Bancorporation Inc., 63805

Federal Trade Commission
NOTICES
Prohibited trade practices:
Haagen-Dazs Co., Inc., 63806–63807
Trauma Associates of North Broward, Inc., et al., 63805–63806

Food and Consumer Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Food stamp program; asset accumulation demonstration projects, 63755–63761

Food and Drug Administration
NOTICES
Prescription Drug User Fee Act:
Prescription drug user fee revenues and rates, 1995 FY; establishment, 63808–63809

Grain Inspection, Packers and Stockyards Administration
NOTICES
Agency designation actions:
Arizona, 63755
Iowa, 63755

Health and Human Services Department
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
See Public Health Service
NOTICES
Scientific misconduct findings; administrative actions:
Ninnemann, John L., Ph.D., 63811–63812

Health Resources and Services Administration
See Public Health Service

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 63812–63819

Interior Department
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

International Trade Administration
NOTICES
Applications, hearings, determinations, etc.
University of—
California et al., 63762

Interstate Commerce Commission
RULES
Practice and procedure:
Nonrail licensing procedures—
Application procedures and corresponding regulations; revisions, 63726–63730
NOTICES
Motor carriers:
Compensated intercorporate hauling operations, 63820

Justice Assistance Bureau
RULES
State criminal alien assistance program; implementation, 63718–63719

Justice Department
See Drug Enforcement Administration
See Justice Assistance Bureau
NOTICES
Pollution control; consent judgments:
Hollingsworth Solderless Terminal Co., 63820–63821

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

Land Management Bureau
NOTICES
Survey plat filings:
Idaho, 63819

Mine Safety and Health Administration
NOTICES
Mining products; testing, evaluation, and approval fees, 63825–63830

National Archives and Records Administration
NOTICES
Organization, functions, and authority delegations:
Move to Archives II, College Park, MD—
Reference service on certain textual records; temporary closure, 63830–63832

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 63857

National Institutes of Health
NOTICES
Meetings:
National Institute of Neurological Disorders and Stroke, 63810
Research Grants Division Behavioral and Neurosciences Special Emphasis Panel, 63810

National Park Service
NOTICES
Realty actions; sales, leases, etc.:
Arizona, 63819–63820

California, 63819

National Transportation Safety Board
NOTICES
Aircraft accidents; hearings, etc.:
Aliquippa, PA; USAir flight 427, Boeing 737-300, accident, 63833

Nuclear Regulatory Commission
PROPOSED RULES
Radiation protection standards:
NRC-licensed facilities; radiological criteria for decommissioning—
Lands and structures, 63733–63734
NOTICES
Environmental statements; availability, etc.:
Watts Bar Nuclear Power Plants (Units 1 and 2), 63832
Petitions; Director's decisions:
Southern California Edison Co. et al., 63832–63833

Public Health Service
See Food and Drug Administration
See National Institutes of Health
NOTICES
Agency information collection activities under OMB review, 63810–63811

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 63857
Options price reporting authority, 63843–63844
Self-regulatory organizations; proposed rule changes:
Chicago Stock Exchange, Inc., 63844
New York Stock Exchange, Inc., 63844–63847
Participants Trust Co., 63847–63849
Applications, hearings, determinations, etc.:
East Coast Venture Capital, Inc., 63839
First Investors Corp. et al., 63836–63838
Maverick Tube Corp., 63842
Ply Gem Industries, Inc., 63842–63843
Public utility holding company filings, 63839–63842
RBB Fund, Inc., et al., 63833–63836

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program and abandoned mine land reclamation plan submissions:
Maryland, 63719–63721
PROPOSED RULES
Permanent program and abandoned mine land reclamation plan submissions:
North Dakota, 63738–63740

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Federal Aviation Administration
PROPOSED RULES
Rulemaking petitions:
Alaska Airlines; computer reservation systems, 63736–63738

Treasury Department
NOTICES
Agency information collection activities under OMB review, 63849–63850

United States Information Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
International creative arts exchanges for public and private non-profit organizations, 63850–63853
Summer Institute for English language educators from South Africa and Namibia, 63853–63855

Separate Parts In This Issue

Part II
Department of Education, 63860–63865

Part III
Department of Transportation, Federal Aviation Administration, 63868–63875

Part IV
Department of Education, 63878–63879

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
906.....63691
981.....63693
1207.....63696
1951.....63698
Proposed Rules:
920.....63731
1030.....63733
1065.....63733
1068.....63733
1076.....63733
1079.....63733

9 CFR
92.....63698

10 CFR
Proposed Rules:
20.....63733
30.....63733
40.....63733
50.....63733
51.....63733
70.....63733
72.....63733

12 CFR
203.....63698
208.....63706
225.....63712
226.....63714

14 CFR
39.....63716
71.....63718
Proposed Rules:
39.....63734
121.....63868
125.....63868
135.....63868
255.....63736

21 CFR
Proposed Rules:
1307.....63738
1309.....63738
1310.....63738
1313.....63738
1316.....63738

28 CFR
82.....63718

30 CFR
920.....63719
Proposed Rules:
934.....63738

34 CFR
Proposed Rules:
75.....63878

40 CFR
52 (3 documents).....63721, 63723, 63724
Proposed Rules:
52 (2 documents).....63740, 63742

44 CFR
59.....63726
60.....63726
64.....63726
65.....63726
70.....63726
75.....63726

47 CFR
73.....63726
Proposed Rules:
21.....63743
64.....63750
74.....63743

49 CFR
1002.....63726
1160.....63726
1161.....63726
1162.....63726
1163.....63726
1166.....63726

Rules and Regulations

Federal Register
Vol. 59, No. 236
Friday, December 9, 1994

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

[Docket No. FV94–906–4IFR]

Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Revision of Container and Container Pack Requirements and Rules and Regulations for Special Purpose Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule revises container requirements and adds a new container to those authorized for use by handlers of Texas citrus. This interim final rule also relaxes pack requirements by requiring containers to have at least one-third by volume, rather than 50 percent citrus by count. This rule allows for more efficient use of containers and provides handlers with more flexibility in packing mixed packs.

DATES: This interim final rule becomes effective December 9, 1994. Comments received by January 9, 1995 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, D.C. 20090–6456, or by facsimile at (202) 720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles L. Rush, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523-S, Washington, D.C. 20090-6456, telephone: (202) 720-2431; or Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1313 East Hackberry, McAllen, Texas 78501; telephone: (210) 682-2833.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 906 [7 CFR Part 906] regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, hereinafter referred to as the order. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

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

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

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

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

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

There are approximately 15 handlers of oranges and grapefruit regulated under the marketing order each season and approximately 750 orange and grapefruit producers in South Texas. Small agricultural producers have been defined by the Small Business Administration [13 CFR § 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of these handlers and producers may be classified as small entities.

Section 906.40(d) of the order authorizes the Secretary to fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of Texas oranges or grapefruit. Consistent with this authority, § 906.340 of the order's rules and regulations specifies the containers that may be used by Texas citrus handlers. These containers include cardboard cartons; mesh, poly, and vexar bags; and a number of master or bulk containers. Additionally, experimental containers may be approved by the Texas Valley Citrus Committee (committee), the agency responsible for local administration of the order. The handling of each lot of fruit in such test containers is subject to prior committee approval and is under the supervision of the committee.

The committee met on August 18, 1994, and unanimously recommended that the current container requirements be revised. The recommended changes are to: (1) Revise the inside dimension specifications of two authorized master containers; (2) eliminate certain restrictions on the packing of mesh or poly bags; and (3) add a new fiberboard display bin to the list of approved containers.

Two of the containers currently authorized for use are: (1) Closed

fiberboard cartons with inside dimensions of 20 inches in length by 13¼ inches in width by 9¾ to 10¾ inches in depth, and (2) fiberboard cribs with dimensions of 46 inches in length by 38 inches width by 24 inches high. These containers are authorized, respectively, in subparagraphs (iii) and (viii) of § 906.340(a)(1). They are used as master containers for shipping bags of fruit or for shipping fruit in bulk.

In recent seasons, handlers have used experimental containers with different dimensions than those currently authorized under § 906.340(a). The use of these containers has been successful, and, thus, the committee recommended that the dimensions specified for these two containers be revised to provide for more flexibility in packing Texas citrus. Specifically, subparagraph (iii) of § 906.340 (a)(1) is revised to specify inside dimensions for closed fiberboard containers of 20 inches in length by 13¼ inches in width by 9¾ to 13 inches in depth. The revised dimensions for the fiberboard crib authorized by § 906.340(a)(1)(viii) are 46 to 47½ inches in length by 37 to 38 inches in width by 24 inches in depth. These revisions will enable handlers to use a wider variety of containers without having to receive prior committee approval or to use such containers under the committee's supervision.

Section 906.340 authorizes a number of mesh, poly, and vexar bags that may be used in packing Texas citrus, and specifies the master containers that can be used to ship these bags of fruit. For example, mesh type bags having a capacity of 10 pounds of fruit may only be packed in closed fiberboard cartons with inside dimensions of 20 inches by 13¼ inches by 9¾ to 10¾ inches. The committee recommended that such restrictions be eliminated to permit the industry to pack any authorized bag in any approved master container. This revision is intended to provide handlers with additional flexibility in packing oranges and grapefruit without having to follow the procedures governing the use of experimental containers. To effectuate this change, this interim final rule revises subparagraphs (iii), (iv), (vii), (viii), (ix), and (x) of § 906.340(a)(1). Since the recommended changes to the master containers were utilized experimentally during the past few seasons, the committee recommends that they be made permanent.

Finally, the committee recommended that a new fiberboard display bin be added to the list of approved containers. The new fiberboard display bin is being successfully used by the Florida citrus industry. The high-graphic bulk bin works as an in-store advertisement, increasing traffic and volume movement in the produce department. Because the bin is vented, the fruit holds up better during shipping. The bin can be shipped on pallets or "slip" boards. Adding containers which have been previously approved for experimental use to the permanent list of containers will remove the requirement that each lot of fruit shipped in such containers receive prior approval from the committee.

This interim final rule adds a new subparagraph (xi) to § 906.340(a)(1) to authorize the use of this container. Subparagraphs (ix), (x) and (xi) of § 906.340 (a)(1) are redesignated, respectively, as subparagraphs (x), (xi) and (xii).

Section 906.42 authorizes the Secretary to modify, suspend, or terminate regulations based upon recommendations and information submitted by the committee, or other available information pursuant to §§ 906.34, 906.40, 906.45, or any combination thereof, in order to facilitate the handling of fruit.

Consistent with § 906.42, § 906.120 of the order's rules and regulations provides that oranges and/or grapefruit mixed with other types of fruit may be handled exempt from container and pack regulations, subject to certain conditions. One of those conditions is that the oranges and/or grapefruit constitute at least 50 percent by count of the contents of any container. The committee recommended revising § 906.120(c)(4)(ii) to allow handlers to pack ⅓ Texas citrus by volume rather than 50 percent by count. This change provides handlers with the flexibility to pack a variety of products (e.g., pecans, jalapeno jelly, Washington apples, avocadoes, etc.) in the mixed packs The committee recognized the need to specify that mixed packs contain at least ⅓ Texas citrus by volume. The committee believes that the recommended change will allow the Texas citrus industry to improve producer returns.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

The information collection requirements contained in the referenced sections have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB number 0581–0068 for Texas oranges and grapefruit.

There is no reporting burden on handlers of oranges and grapefruit who have been using experimental containers because no application is required.

After consideration of all relevant matter presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The committee needs to have this amendment in effect as soon as possible because shipments of Texas oranges and grapefruit for the 1994–95 season have begun; (2) handlers are aware of this action which was unanimously recommended by the committee at a public meeting; (3) this rule is a relaxation; and (3) this rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 906

Grapefruit, Marketing agreements and orders and Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 906 is amended as follows:

1. The authority citation for 7 CFR Part 906 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

2. In Section 906.340, paragraphs (a)(1)(iii), (a)(1)(iv), (a)(1)(vii) and (a)(1)(viii) are revised, paragraphs (a)(1)(ix) through (a)(1)(xi) are redesignated as paragraphs (a)(1)(x) through (a)(1)(xii) respectively and revised, and a new paragraph (a)(1)(ix) is added to read as follows:

§ 906.340 Container, pack, and container marking regulations.

* * * * *

(1) * * *

(iii) Closed fiberboard carton with inside dimensions of 20×13¼ inches and a depth from 9¾ to 13 inches: *Provided*, That the container has a Mullen or Cady test of at least 250

pounds: *Provided further,* That the container may be used to pack any poly or mesh bags authorized in this section.

(iv) Bags having a capacity of five or eight pounds of fruit.

(vii) Rectangular or octagonal bulk fiberboard crib with approximate dimensions of 46 to 47½ inches in length, 37 to 38 inches in width by 36 inches in height: *Provided,* That this container has a Mullen or Cady test of at least 1,300 pounds, and that it is used only once for the shipment of citrus fruit; *Provided further,* That the container may be used to pack any poly or mesh bags authorized in this section or bulk fruit.

(viii) Rectangular or octagonal ⅔ fiberboard crib with dimensions of 46 to 47½ inches long, 37 to 38 inches wide, by 24 inches high: *Provided,* That the crib has a Mullen or Cady test of at least 1,300 pounds, and that it is used only once for the shipment of citrus fruit; *Provided further,* That the container may be used to pack any poly or mesh bags authorized in this section or bulk fruit.

(ix) Octagonal fiberboard crib with approximate dimensions of 46 to 47½ inches in width by 37 to 38 inches in depth by 26 to 26½ inches in height: *Provided,* That the crib has a Mullen or Cady test of at least 1,300 pounds, and that it is used only once for the shipment of citrus fruit: *Provided further,* That the crib may be used to pack any approved poly or mesh bags authorized in this section or bulk fruit.

(x) Poly or vexar bag having capacity of four pounds of fruit: *Provided,* That only oranges are to be packed in this bag.

(xi) Mesh type bag having a capacity of ten pounds of fruit.

(xii) Such types and sizes of containers as may be approved by the committee for testing in connection with a research project conducted by or in cooperation with the committee: *Provided,* That the handling of each lot of fruit in such test containers shall be subject to prior approval and under the supervision of the committee.

3. Section 906.120 is amended by revising paragraph (c)(4)(ii) to read as follows:

§ 906.120 Fruit exempt from regulations.

* * * * *

(c) * * *

(4) * * *

(ii) Such oranges and/or grapefruit constitute at least one-third by volume of the contents of any container, and any such container is not larger than a 7/10 bushel carton.

* * * * *

Dated: December 6, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–30416 Filed 12–8–94; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 981

[FV94–981–3FR]

Almonds Grown in California; Salable, Reserve, and Export Percentages for the 1994–95 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes salable, reserve, and export percentages for California almonds received by handlers during the 1994–95 almond crop year. Based on the recommendation of the Almond Board of California (Board), the agency which locally administers the almond marketing order, and other available information, this rule establishes salable, reserve, and export percentages of 90 percent, 10 percent, and 0 percent, respectively. This rule is authorized under the marketing order for almonds grown in California and is intended to promote orderly marketing conditions and avoid unreasonable fluctuations in supplies and prices.

EFFECTIVE DATE: This final rule becomes effective January 9, 1995, and will apply to all almonds received by handlers during the 1994–95 crop year, which began on July 1, 1994 and ends on June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2536–S, P.O. Box 96456, Washington, D.C. 20090–6456; telephone: (202) 720–1509, or fax (202) 720–5698; or Martin Engeler, Assistant Officer-in-Charge, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102–B, Fresno, Ca., 93721; telephone: (209) 487–5901, or fax (209) 487–5906.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 981 [7 CFR Part 981], both as amended, hereinafter referred to as the "order," regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the "Act."

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

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California almonds are subject to reserve requirements. It is intended that the salable and reserve percentages as issued herein will be applicable to all almonds handled during the 1994–95 crop year. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 115 handlers of almonds who are subject to regulation under the marketing order and approximately 7,000 producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts less than $5,000,000, and small agricultural producers are defined those whose annual receipts are less than

$500,000. The majority of handlers and producers of California almonds may be classified as small entities.

The National Agricultural Statistics Service estimates 1994 California almond production at 640 million kernelweight pounds, 31 percent larger than last year. If realized, this could be one of the largest crops on record.

In order to lessen the impact of this projected large almond supply facing the industry, the Board, at its July 7, 1994, meeting in Modesto, California, recommended establishing salable, reserve, and export percentages for the 1994–95 crop year by a vote of seven to three. The opposing votes are discussed later in this document. This rule requires handlers of California almonds to withhold, as a reserve, from normal domestic and export markets, 10 percent of the merchantable almonds they receive from growers during the 1994–95 crop year. The remaining 90 percent (the salable percentage) of the crop could be sold by handlers in any market at any time. The last year salable and reserve percentages were established was the 1991–92 crop year.

Almond production, like that of many agricultural commodities, can vary significantly from season-to-season due to a variety of factors. This in turn can cause wide fluctuations in prices. For example, the Board has estimated grower prices increased from $1.26 per pound for 1992 crop almonds to nearly $2.00 per pound for 1993 crop almonds, when the corresponding estimated shipments for those crop years were 535.9 million pounds and 497.7 million pounds, respectively. The large 1994 California almond crop estimate caused early speculation of grower prices in the $1.15 per pound range. Such swings in supplies and price levels can result in market instability and uncertainty for growers, handlers, buyers, and consumers. The long term goal of the almond industry is to increase almond consumption and demand, and the Board believes this can be best achieved in the presence of stable and orderly market conditions. The Board believes that the use of the reserve provisions of the marketing order as a supply management tool, in conjunction with other marketing tools available in the order, can assist in accomplishing the industry's goals.

While this rule may restrict the amount of almonds which handlers could sell in normal domestic and export markets in the short term, the salable and reserve percentages are intended to promote orderly marketing conditions by avoiding unreasonable fluctuations in supplies and prices and improving grower returns. Further, this rule could help provide market stability during the 1995–96 crop year by reserving almonds for shipment during that season in the event 1995 production is below trade demand needs.

Authority to establish salable and reserve percentages is provided in section 981.47 of the order. Section 981.66 authorizes disposition of reserve almonds to certain outlets, including export. Pursuant to sections 981.47 and 981.49 of the order, the Board based its recommendation for salable, reserve, and export percentages of 90 percent, 10 percent, and 0 percent, respectively, on estimates of marketable supply and combined domestic and export trade demand for the 1994–95 crop year. The Board's 1994 marketable production estimate of 620.8 million kernelweight pounds is based on a 1994 crop estimate issued by the National Agricultural Statistics Service of 640 million kernelweight pounds, minus an estimated loss of 19.2 million kernelweight pounds resulting from the removal of inedible kernels by handlers and losses during manufacturing.

Trade demand is estimated at 556.4 million kernelweight pounds—175 million pounds for domestic needs and 381.4 million pounds for export needs. An inventory adjustment is made to account for supplies of salable almonds carried in from the 1993–94 crop year and for supplies of salable almonds deemed desirable to be carried out on June 30, 1995, for early season shipment during the 1995–96 crop year. After adjusting for inventory, the trade demand is calculated at 556.8 million kernelweight pounds. This is the quantity of almonds from the estimated 1994 marketable production deemed necessary to meet trade demand needs. The salable percentage of 90 percent will meet those needs.

The remaining 10 percent (64 million kernelweight pounds) of the 1994 crop marketable production will be withheld by handlers to meet their reserve obligations.

The percentage of reserve almonds available for export is established at 0 percent. Although the order permits establishment of a percentage of reserve almonds that can be exported, export is currently the largest market for California almonds and is not considered a secondary or noncompetitive outlet. Therefore, exports are included in trade demand and the export market is not an authorized reserve outlet.

All or part of reserve almonds can be released to the salable category if it is found that the supply made available by the salable percentage is insufficient to satisfy 1994–95 trade demand needs, including desirable carryover for use during the 1995–96 crop year. The Board is required to make any recommendations to the Secretary to increase the salable percentage prior to May 15, 1995, pursuant to section 981.48 of the order. Alternatively, all or a portion of reserve almonds can be sold by the Board, or by handlers under agreement with the Board, to governmental agencies or charitable institutions or for diversion into almond oil, almond butter, animal feed, or other outlets which the Board finds are noncompetitive with existing normal markets for almonds.

A tabulation of the estimates and calculations used by the Board in arriving at its recommendations follows.

MARKETING POLICY ESTIMATES—1994 CROP

[Kernelweight basis]

	Million pounds	Percent
Estimated production:		
1. 1994 Production	640.0	
2. Loss and Exempt—3.0%	19.2	
3. Marketable Production	620.8	
Estimated trade demand:		
4. Domestic	175.0	
5. Export	381.4	
6. Total	556.4	
Inventory adjustment:		
7. Carryin 7/1/94	99.6	
8. Desirable Carryover 6/30/95	100.0	
9. Adjustment (Item 8 minus item 7)	0.4	
Salable/reserve:		
10. Adjusted Trade Demand (Item 6 plus item 9)	556.8	
11. Reserve (Item 3 minus item 10)	64.0	
12. Salable % (Item 10 divided by item 3×100)		90
13. Reserve % (100% minus item 12)		10

The "Guidelines for Fruit, Vegetable and Specialty Crop Marketing Orders" (Guidelines) issued by the Department in 1982 specify that 110 percent of recent years' sales be made available to primary markets each season. This rule provides an estimated 656.4 million kernelweight pounds of California almonds for unrestricted sales (1994 crop salable production plus carryin from the 1993 crop) to meet increasing domestic and world almond consumption demands. This amount exceeds the actual 1991–92 record for delivered sales of California almonds by

18 percent. Thus, the Guidelines' goals are met.

The members of the Board that opposed the establishment of salable and reserve percentages believe that free competition is best for the industry and that the industry should concentrate on building demand for almonds rather than imposing a reserve. One member was also concerned that enforcement procedures will be difficult as many handlers are reluctant to cooperate with a mandated reserve.

The general consensus of the Board is that the establishment of salable and reserve percentages will reduce market volatility and enhance returns to growers, while stabilizing supplies to customers and encouraging customer confidence in the industry.

A proposed rule concerning this action was published in the September 7, 1994, **Federal Register** [59 FR 46203], with a 15-day comment period. Three comments were received, one in favor and two opposed to the proposed rule.

One comment in opposition to the proposed rule was submitted by Mr. Ross Blackburn, President and CEO of Panoche Creek Packing, an almond handler. Mr. Blackburn contends that a reserve will not benefit the industry and does not protect small entities. He also refers to statistics which indicate that the average price levels were lower in years when reserves were implemented in the past. Mr. Blackburn also states that market prices of almonds have dropped since the Almond Board recommended a reserve, that reserves are controversial and difficult to enforce, and the facts don't support use of reserves.

Statistics referred to in the comment indicate that in past years (1980–1993) when reserves were implemented, average grower returns were $.965 per pound, which is 31 percent less than non-reserve years when the average return was $1.39 per pound. However, in order to make assumptions regarding potential losses (or benefits), it is necessary to also consider the supply side of the equation. In the reserve years referred to in the comment, average salable supplies were about 607 million pounds compared to 539 million pounds in non-reserve years, or approximately 13 percent higher. The greater percentage difference in price than supply illustrates the inelastic market for almonds. Statistics indicate a similar relationship exists between actual shipments and prices.

If there had been no reserves in these years, supplies would have averaged approximately 666 million pounds, or 22 percent more that the 539 million pounds available as a result of reserves. Because of the inelastic demand referenced above, prices would likely have decreased proportionately more, resulting in lower grower returns. In addition, the Department recognizes there are a multitude of factors affecting almond prices, and any potential effects of a reserve must be evaluated over an entire season. It would not be appropriate to evaluate the potential effects of a reserve based on one market occurrence.

Mr. Blackburn further commented that the reserve does not protect small entities. Regulations promulgated under the AMAA and marketing orders are required, under the Regulatory Flexibility Act, to consider, among other things, the impact of regulations on businesses both large and small, and also to consider the benefits and costs of proposed regulations on businesses. The Administrator of AMS has made a determination which is set forth in this final rule.

In regard to enforcement, the Department recognizes that for a regulatory program to function properly, it must be administered in an effective and equitable manner. We are confident that the compliance program developed and administered by the Board and Department will provide for an effective enforcement mechanism.

Another almond grower and handler, Mr. Brent Zehrung of Almond Valley Nut Co., submitted a comment in opposition to the proposed reserve for the 1994–95 crop year. Mr. Zehrung stated that the Almond Board is made up of large businesses and large growers. He also stated that small handlers would be required to rent storage facilities from large handlers if a reserve is implemented, thus imposing an increased cost on small handlers. Furthermore, Almond Board statistics show inventory levels that exceed the 60 million pound reserve being proposed, thus the reserve will have no effect. Also, the commenter claims that recent sales declines are a result of unwarranted restriction of supply and individuals' right to advertise. Inventories have declined from 250 million pounds in 1990 to 100 million pounds in 1994. Mr. Zehrung also objects to restricting sales to export at a time the U.S. is trying to reduce the trade deficit. He also claims that almonds handled by handlers such as Almond Valley that are sold out of inventory should be exempt. This commenter further states that dissenting voters on the Board believe future production increases should cause the industry to focus on marketing, rather than limiting sales. In closing, Mr. Zehrung requests consideration of exempting from reserve requirements handlers with sales under $5,000,000 annually.

The Department recognizes the Almond Board as the legally constituted body under the marketing order charged with administering the provisions of the order. It is elected by growers and handlers in the industry which is comprised of both small and large businesses, and is considered to represent the industry as a whole.

While handlers with no storage facilities may need to rent such facilities in order to hold reserve almonds, the costs of holding almonds in reserve will be borne proportionately throughout the industry. All handlers will be required to store reserve almonds in varying quantities, dependent upon the total amount of almonds handled. Those with existing facilities will also incur storage costs, although those costs may be fixed costs spread over a longer period of time. In any event, costs associated with storing reserve product are expected to be more than offset by the benefits of orderly marketing.

In response to Mr. Zehrung's request for exemption for handlers with sales less than $5,000,000, there currently is no authority in the marketing order to exempt handlers based on the volume of sales. In addition, we reiterate that regulations issued under the Act and order must be applied equitably among all handlers.

Almond Board statistics show that inventory levels in recent years have been above the approximate 60 million pound reserve established. However, statistics provided in justification of implementing a reserve allow for 100 million pounds of carryout at the end of the 1994–95 crop year, in addition to the 64 million pounds of reserve product. The figures also provide for 556 million pounds available to sell with no restriction, which is equal to the highest shipment level experienced by the California almond industry, in the 1991–92 crop year. The 64 million pounds proposed for reserve is above and beyond expected market needs and desirable carryout.

In regard to Mr. Zehrung's comment that restriction of supply (reserves) is in part responsible for a recent decline in sales, statistics do not bear that out. Almond shipments reached an all time high in the 1991–92 crop year, a year in which a reserve was implemented Shipments then declined to 535.9 million in the 1992 crop year and 497 7 million pounds in the 1993 crop year In neither of the latter two years was a reserve recommended or implemented

The imposition of a reserve will not necessarily result in restricting sales to

the export or domestic markets in the long term. Under the rule, some 656 million pounds of almonds will be available for sale and shipment to markets (556 million lbs. trade demand, plus 100 million lbs. available carryout). This is over 100 million pounds greater than the record year of 1991. The purpose of the reserve is not to restrict sales. Rather, it is intended to temporarily remove excess supply from the markets to avoid unnecessary price declines, promote market stability, augment supply in the event of a short crop next season, or if necessary, remove almonds from the normal market channels permanently in the event of continued large supplies.

In response to Mr. Zehrung's request for an exemption for handlers such as Almond Valley that might sell out of almonds, we note that section 981.56 of the order provides that the Board, on written request, may aid any handler in acquiring any almonds to meet any deficiency in their reserve.

In response to the comment that dissenting Board members believe that in view of increased future production, efforts should concentrate on marketing rather than limiting ability to sell, we reiterate that this reserve does not intend to limit handler's sales. Rather, it is a marketing tool to be used as outlined in preceding paragraphs.

For the reasons stated, we are not making any changes to this final rule based on the above comments.

The comment in support of implementing the salable and reserve percentages set forth in the proposed rule was submitted by Mr. Steven W. Easter, Vice President/Secretary of Blue Diamond Growers, a cooperative association of almond growers and a handler regulated under the order. In addition to reiterating arguments in the proposed rule favoring a reserve, Mr. Easter stated that requiring handlers to hold 10% of the crop in reserve will preclude product from falling into the hands of speculative interests that could use it to manipulate the almond market. Also, because of the relatively small 1993 almond crop, some consumption has been lost to the industry. By using the reserve to manage supplies, the industry may gradually build consumption so larger crops in the future may be sold without utilizing reserves.

In addition to the comments received in response to the proposed rule, the Department received three letters prior to issuance of the proposed rule. Two of these letters were from almond growers; one was from a grower/handler. All three were opposed to implementation of a reserve for the 1994–95 season.

Mr. Brent Zehrung of Almond Valley Nut Co. wrote a letter raising essentially the same issues as those in his official comment.

Mr. Ramzi Khachadourian, General Manager of AICO Madera Limited, an almond grower, stated that his company has seen little benefit from reserves in the past and in some instances they have been counterproductive. Mr. Khachadourian also expressed that free trade is the most beneficial trade system, and that efforts in marketing should be improved.

Another letter, from Mr. Joseph P. Silveira, President of Pacific Coast Farms, an almond grower, stated opposition to a reserve. Mr. Silveira expressed support for a free market, and stated that efforts should be concentrated on expanding markets in view of the projected future increased almond production.

The issues raised in Mr. Zehrung's letter have been addressed previously in this rule.

In response to the concerns expressed in the other two letters, the Department concurs with the concepts of free trade and expanding markets. The purpose of implementing a reserve is to promote market stability and orderly market conditions, thus enhancing grower returns. The long term goal of increasing almond consumption can be best achieved with stable market conditions in conjunction with promotional efforts. Imposition of this reserve is not intended to restrict the quantity of product going to market in the long term, but rather to help promote conditions that will result in increased consumption and sales in the future.

Establishment of salable and reserve percentages are often contentious and controversial in the almond industry. Those opposed to reserves generally have philosophical differences with supporters, favoring a market situation not affected by supply controls as reflected in the Board discussion and vote. However, a majority of the Board favored the recommendation, and all Board members (even those opposed) have indicated they will support the majority Board recommendation and work to ensure fair and equitable administration of the reserve, if established.

After thoroughly analyzing the comments received and all other available information, the Department has concluded that issuing this rule is appropriate.

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

After consideration of all relevant material presented, including the Board's recommendation, the comments received, and other available information, it is found that this regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

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

Subpart—Salable, Reserve, and Export Percentages

2. Section 981.239 is added to read as follows:

§ 981.239 Salable, reserve, and export percentages for almonds during the crop year beginning on July 1, 1994.

The salable, reserve, and export percentages during the crop year beginning on July 1, 1994, shall be 90 percent, 10 percent, and 0 percent, respectively.

Dated: December 2, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–30370 Filed 12–8–94; 8:45 am]

BILLING CODE 3410–02–P

---

7 CFR Part 1207

RIN 0581–AB26

[FV–94–703 FR]

Potato Research and Promotion Plan; Amendments of the Rules and Regulations to Permit Changes in the Size of the Administrative Committee

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This final rule adopts without change the interim final rule that provided the National Potato Promotion Board (Board) the flexibility to change the number of producer members on its Administrative Committee through amendment of the Board's bylaws, updated the address of the Board's office, and revised the Harmonized Tariff Schedule code number for

imported potato starch for human consumption.

EFFECTIVE DATE: January 9, 1995.

FOR FURTHER INFORMATION CONTACT: Georgia C. Abraham, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, room 2535-So., P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–5057.

SUPPLEMENTARY INFORMATION: This final rule is issued under the Potato Research and Promotion Plan (Plan) [7 CFR Part 1207]. The Plan is authorized by the Potato Research and Promotion Act, as amended [7 U.S.C. 2611–2627], hereinafter referred to as the Act.

This rule is exempt from Executive Order 12866.

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 311 of the Act, a person subject to a plan may file a petition with the Secretary stating that such plan, any provision of such plan or any obligation imposed in connection with such plan is not in accordance with law; and requesting a modification of the plan or an exemption from the plan. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which such person is an inhabitant, or has principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided that a complaint is filed within 20 days after the date of entry of the ruling.

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

There are an estimated 2,000 handlers, 6,000 producers, 80 importers of potatoes and potato products for human consumption, and 25 importers of seed potatoes who are subject to the provisions of the Plan. The majority of these persons may be classified as small agricultural producers and small agricultural service firms. Small agricultural producers are defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5 million. The majority of potato handlers and producers may be classified as small entities.

The National Potato Promotion Board (Board) administers a national program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position and to maintain and expand domestic and foreign markets for potatoes and potato products. The program is financed by assessments on producers of 5 or more acres of potatoes (collected by the first handler) and on all imported fresh or processed potatoes for human consumption and seed potatoes (collected by the U.S. Customs Service). There are currently 103 members on the Board: 100 producers, 2 importers, and a public member.

Due to the large size of the Board, the Plan authorizes the Board to appoint an Administrative Committee which has the authority to conduct Board business on the Board's behalf. For the purpose of producer member representation on the Administrative Committee, the United States is divided into six regions with each region having a specified number of members on the Administrative Committee based on the amount of potatoes produced within the region. Those regions and the number of members in each region are delineated in the Board's bylaws. The composition and number of Administrative Committee members are also specified in paragraph (a) of § 1207.507 of the rules and regulations issued under the Plan.

Since the six regions were established in 1972, potato production in the U.S. had increased and shifted to the extent that the number of producer members in each region no longer represented the percentage of production in each region. Therefore, to correct this representation imbalance, at its annual meeting on March 18, 1994, the Board amended Article VI, Section 1 of its bylaws, which sets forth the allocation of Administrative Committee members, to reallocate producer members within the regions to more closely reflect potato production within each region. The Board also recommended amending paragraph (a) of § 1207.507 of the Plan's rules and regulations, which sets forth the number of members and composition of the Administrative Committee.

While the Board, with the Secretary's concurrence, may amend its bylaws to reflect changes to the regional boundaries and allocation of the producer members, amending paragraph (a) of § 1207.507 of the rules and regulations issued under the Plan must be done through the informal rulemaking process. Since U.S. potato production and the distribution of that production among the states is subject to future change which would affect producer representation on the Administrative Committee, it is desirable to provide more flexibility to the Board in adjusting the size of its Administrative Committee. Therefore, in an interim final rule published in the August 26, 1994, issue of the **Federal Register** (59 FR 44034), the Department amended paragraph (a) of § 1207.507 to provide that the number of producer members on the Administrative Committee be as set forth in the Board's bylaws. Doing so provided the Board more flexibility to adjust the size of its Administrative Committee based on potato production, with the Secretary's approval, and, at the same time, eliminate unnecessary rulemaking.

The interim final rule also amended two other sections of the rules and regulations as follows: (1) Section 1207.501 to reflect the Board's current place of business; and (2) Paragraph (b)(3) of § 1207.510 to reflect the new Harmonized Tariff Schedule code number identifying potato starch for human consumption.

The interim final rule provided a 30-day period for comments by interested parties. No comments were received by the September 26, 1994, deadline.

After consideration of all relevant material presented, it is found that adopting without change the provisions of the interim final rule will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 1207

Advertising, Agricultural research, Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Accordingly, the interim rule amending 7 CFR Part 1207 which was published at 59 FR 44034 on August 26, 1994, is adopted as a final rule without change.

Dated: December 5, 1994.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–30371 Filed 12–8–94; 8:45 am]

BILLING CODE 3410–02–P

Farmers Home Administration

7 CFR Part 1951

Analyzing Credit Needs and Graduation of Borrowers

CFR Correction

In Title 7 of the Code of Federal Regulations, parts 1951 to 1999, revised as of January 1, 1994, § 1951.261 (b)(1)(i)(A)(*1*) and (*2*) appearing on page 65 should be removed.

BILLING CODE 1505-01-D

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 94-080-2]

Specifically Approved States Authorized to Receive Mares and Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On October 17, 1994, the Animal and Plant Health Inspection Service published a direct final rule. (See 59 FR 52235–52237.) The direct final rule notified the public of our intention to amend the animal importation regulations by adding New Hampshire to the list of States approved to receive certain mares and stallions imported into the United States from countries affected with contagious equine metritis (CEM). We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule.

EFFECTIVE DATE: The effective date of the direct final rule is confirmed as December 16, 1994.

FOR FURTHER INFORMATION CONTACT: Dr. Joyce Bowling, Staff Veterinarian, Import-Export Animals Staff, National Center for Import and Export, Veterinary Services, APHIS, USDA, room 766, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8170.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 30th day of November 1994.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 94–30373 Filed 12–8–94; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R–0839]

Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is publishing a final rule to amend Regulation C (Home Mortgage Disclosure) and to revise the instructions and reporting forms that financial institutions must use in complying with the annual reporting requirements. The amendments respond to the statutory provisions regarding earlier availability of the Home Mortgage Disclosure Act (HMDA) disclosure statements to the public; provide clarifications requested by financial institutions that report under HMDA; and are intended to help improve the quality of the HMDA data. The amendments require reporting in machine-readable format; require institutions to update their loan application registers quarterly during the year as data are being collected; and make a number of other changes.

DATES: *Effective date:* January 1, 1995.

Compliance dates: Compliance is mandatory for paragraphs III.B. and III.C. of Appendix A to Part 203, the amendment regarding the transmittal sheet, for the submission of calendar year 1995 data, which is due no later than March 1, 1996. For all other amendments, compliance is mandatory for the collection of data that begins January 1, 1996, which is to be submitted to supervisory agencies no later than March 1, 1997. Institutions may comply with the amendments beginning January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Jane Jensen Gell, Staff Attorney, or John C. Wood, Senior Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–2412 or (202) 452–3667; for the hearing impaired *only*, contact Dorothea Thompson, Telecommunications Device for the Deaf, at (202) 452–3544.

SUPPLEMENTARY INFORMATION:

I. Background

The Board's Regulation C (12 CFR Part 203) implements the Home Mortgage Disclosure Act of 1975 (HMDA) (12 U.S.C. 2801 *et seq.*). The regulation requires most mortgage lenders located in metropolitan statistical areas (MSAs) to report annually to federal supervisory agencies, and disclose to the public, information about their home mortgage and home improvement lending activity. The reports and disclosures cover loan originations, applications that do not result in originations (for example, applications that are denied or withdrawn), and purchases of loans. Information reported includes the location of the property to which the loan or application relates; the race or national origin, gender, and income of the applicant; and the type of purchaser for loans sold in the secondary market.

Lenders are required to report data about originations, applications, and purchased loans for each calendar year to their supervisory agency by March 1 of the following year. The reports are made on a HMDA Loan/Application Register (HMDA–LAR) in a transaction-by-transaction format. The lender's supervisory agency submits the data to the Federal Reserve Board, which processes the data on behalf of member agencies of the Federal Financial Institutions Examination Council (FFIEC) and the Department of Housing and Urban Development. The Board then prepares public disclosure statements for each reporting lender. The statements are sent to lenders and the lenders are required to make the statements available to the public at their home office and at certain branch offices.

The Board also prepares aggregate disclosure tables covering all lenders in each MSA, and sends them, along with the individual lenders' disclosure statements, to a central data depository in each MSA. The central depositories are usually public libraries, regional planning agencies, or other public offices.

II. Summary of Amendments

In June 1994, the Board proposed amendments to Regulation C (59 FR 30310, June 13, 1994). Approximately 300 comments were received on the proposal. While many commenters supported the proposal, a number raised concerns about some of the specific provisions. After reviewing the comment letters and upon further analysis the Board is adopting amendments to Regulation C.

A principal reason for amending Regulation C is to make HMDA data available to the public earlier than has been the case in the past. Statutory amendments to HMDA enacted in 1992 provide that starting with the HMDA reports for calendar year 1994, the FFIEC should make every effort to ensure that disclosure statements for individual lenders are available to the

public by July 1 of the following year, and that aggregate tables are available at the central depositories by September 1.

Another purpose for the amendments is to improve further the accuracy of the HMDA data. The accuracy of the HMDA reports has been improving from year to year, but concerns continue about data quality. Amendments that require institutions to report in machine-readable format and to update their HMDA/LARs on a quarterly basis are intended to help improve data quality, as well as aid in earlier data availability.

Institutions are expected to accurately compile and check their data before submission. Some of the amendments are intended to clarify and simplify the reporting requirements, thus facilitating institutions' performance of these tasks.

The Board intends to publish by year-end 1994 a proposed staff commentary to Regulation C. The commentary will provide a vehicle for interpretations to help lenders better understand and comply with the regulation's requirements. The commentary will supplement the instructions provided in Appendix A to Regulation C for completion of the HMDA–LAR.

The Board, the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) recently proposed to amend their Community Reinvestment Act (CRA) regulations, and included a proposal that would require some lenders to collect additional mortgage data (59 FR 51232, October 7, 1994). Accordingly, the Board published for comment proposed amendments to Regulation C to implement the CRA changes (59 FR 51323); the final amendments set forth below do not include final action on that HMDA proposal.

Institutions must comply with the new or changed requirements beginning with the collection of data for calendar year 1996, to be reported by March 1, 1997; institutions may choose to comply beginning January 1, 1995. (For the amendments concerning the transmittal sheet, compliance is mandatory beginning with the submission of the 1995 data that are due by March 1, 1996.) In other cases, the amendments merely clarify existing rules already in effect, with no substantive change, and institutions must continue to comply with the existing rule. The amendments setting forth such clarifications are those relating to: the definition of "financial institution" (§ 203.2(e)); reporting of gross annual income (§ 203.4(a)(7)); treatment of counteroffers (Appendix A, paragraphs V.A.8.f. and V.B.2.a. and c.); and reporting of property location (Appendix A, paragraph V.C.5.).

Section 203.2—Definitions

Paragraph (e)—Financial Institution

The Board is amending paragraphs (e)(1) and (e)(2) to clarify that a refinancing of a home purchase loan is itself a home purchase loan for the purposes of this definition. This technical revision (which was not addressed in the proposed rule) conforms the regulatory language to existing language in the HMDA–LAR instructions (see Appendix A, paragraphs I.B., C., and D. of this part).

Paragraph (f)—Home Improvement Loan

The existing definition of "home improvement loan" sets two conditions: The stated purpose of the loan is to repair, rehabilitate, or remodel a dwelling; and the loan is classified by the financial institution as a home improvement loan.

The Board proposed to define a home improvement loan as a loan "stated by the borrower (at the time of the loan application) to be for home improvement purposes," to broaden the coverage to improvements to the real property but not to the "dwelling" itself.

Some commenters expressed concerns that the proposed definition would cover only loans expressly stated by the borrower to be for home improvement purposes, noting that an applicant might not specifically say that a loan is "for a home improvement purpose." Commenters suggested deleting the requirement that the borrower "state" that a loan is for "home improvement."

Based on the comments received and upon further analysis, the Board has revised the definition to provide that a home improvement loan is one for the purpose of repairing, rehabilitating, remodeling, or improving either a dwelling or the real property on which the dwelling is located (even if it is not called a "home improvement" loan by the borrower). For example, a loan that the borrower states is for a driveway, detached garage, or landscaping is a home improvement loan subject to the regulation.

The Board proposed to eliminate the second part of the definition—that the loan be classified in the records of the financial institution as a home improvement loan. This revision would have made the manner in which an institution classifies a loan irrelevant for HMDA purposes. This proposed change was intended to enable an institution to report home improvement loans on its HMDA–LAR even if the institution did not record them as home improvement loans for other purposes. Commenters supporting the proposal noted that loans may be for home improvement purposes but may not be "classified" in the institution's records as home improvement loans.

Many other commenters requested that the Board not change this part of the definition. They said that deleting the classification aspect of the home improvement loan definition could work a hardship on institutions that do not now classify loans in all their product lines, and that would have to adopt procedures to identify which loans are in fact used for home improvement purposes. The Board has retained the current classification provision. The Board believes, however, that institutions wishing to report loans that have a home improvement purpose need not make major modifications to their recording procedures to meet the definition. Classification can mean that a loan is recorded on an institution's books or otherwise identified or coded in some manner as a home improvement loan. For example, loans that are marketed, "booked," or classified on call reports as home improvement loans could be considered "classified" as home improvement loans under the revised definition.

Some commenters requested a change in the treatment of a multiple-purpose loan where a portion is for home improvement. The Board has previously interpreted the definition of home improvement loan to mean that if more than 50 percent of the proceeds of a loan will be used for home improvement purposes, the total loan amount may be reported as a home improvement loan. Commenters suggested that compliance would be made easier if the Board instead provided that regardless of the amount of a multi-purpose loan specified for home improvement purposes, institutions may report the loan as a home improvement loan. After further analysis, the Board has revised the definition of a home improvement loan to provide that if a portion of a loan is for home improvement purposes, it may be reported as such, assuming it is classified by the institution as a home improvement loan. The Board believes that in most instances this revision will not result in institutions having to report multipurpose transactions not previously reportable, because reporting is still limited to those transactions that are classified by an institution as home improvement loans.

Section 203.4—Compilation of Loan Data

Paragraph (a)—Data Format and Itemization

Maintenance of LARs on current basis. The regulation requires covered institutions to report HMDA data for a given calendar year to their supervisory agency by March 1 of the following year. The Board proposed to require institutions to record transactions on the HMDA–LAR within one month after final action is taken (such as origination of a loan, or denial or withdrawal of an application). Comment was requested on whether any burden caused by a periodic maintenance requirement might be reduced if institutions were required to update the HMDA–LAR on a quarterly basis.

Most commenters who addressed the issue stated that it would be costly and burdensome to record all the HMDA–LAR information within one month after final action. On the other hand, commenters generally supported the Board's alternative proposal requiring institutions to maintain the HMDA–LAR on a quarterly basis. These commenters believed that it would be feasible to update the HMDA–LAR quarterly, noting that the OCC requires national banks to update their HMDA–LARs within thirty calendar days after the end of each calendar quarter (12 CFR 27.3(a)(1)(ii)). The FDIC requires institutions it supervises to enter all required information on the HMDA–LAR within thirty calendar days of final action (12 CFR 338.8(c)).

The Board believes that quarterly updating will help in improving the accuracy and timeliness of the HMDA data without imposing an undue compliance burden on institutions. Under the final rule, an institution must record transactions within thirty calendar days after the end of the calendar quarter in which final action is taken (such as origination of a loan, or denial or withdrawal of an application). For example, institutions must record by April 30 all transactions in which final action is taken during the first quarter. Calendar year 1996 is the first year during which quarterly updating will be required.

Under this final rule, current-year registers will be available to examiners so that the supervisory agency can work with the institution to ensure that any errors are promptly corrected. Institutions are expected to make a good faith effort to enter all data concerning transactions completely and accurately. If an examiner finds, on reviewing a quarterly update, that some data are incorrect or incomplete despite such effort, the error or omission will not constitute a violation of Regulation C. The new requirement is intended to facilitate early detection of errors by examiners or by the institution itself, so that errors can be corrected before the annual report is submitted. The Board believes that updating the HMDA–LAR within one month after the end of each quarter is an important step toward improving the accuracy and timeliness of HMDA reports.

Institutions should keep in mind that the new Regulation C rule is only a minimum requirement and does not supersede stricter updating rules that a supervisory agency may impose on institutions under its jurisdiction (such as those that the FDIC and the OCC currently have in place).

Reporting income. The Board proposed to revise the regulation to clarify how institutions report applicant income. Regulation C currently provides that financial institutions shall collect data on the "income relied upon in processing the loan application." The instructions for completing the HMDA–LAR similarly state that an institution must enter the "gross annual income that your institution relied upon in making the credit decision" (Appendix A, paragraph V.D.5.). If no income is "asked for or relied on" in the credit decision, institutions are instructed to enter "NA" (not applicable) in the income field (Appendix A, paragraph V.D.5.c.).

The Board proposed that lenders should report on their HMDA–LAR the income reported on the application, including income of coapplicants, whether or not the lender relied on a particular source of income to qualify the applicant for a certain amount of credit.

Most commenters opposed the proposed change. Many said that reporting all income stated on the application, whether or not relied on in the credit decision, would involve significant procedural and programming modifications. Commenters believed that expanding the income-reporting requirement would increase their burden without a commensurate increase in data quality and accuracy. Some commenters also suggested that income relied upon serves as a better measure of a lender's decision-making process.

Based on the comments received and further analysis, the Board has retained the existing rule. As under the current regulation, the income to be reported for HMDA purposes is the income relied on by the creditor in making the credit decision.

Currently lenders need not report income for streamlined refinancings or other loans in which they do not ask for, or do not rely on, income information. In addition, for privacy reasons, an institution need not record applicants' income on the HMDA–LAR for loans made to the institution's own employees. These rules will remain in place.

Under Regulation B (12 CFR Part 202), creditors may not discount or exclude from consideration the income of an applicant or the spouse of an applicant because of a prohibited basis (such as race, color, religion, national origin, sex, marital status, or age) or because the income is derived from part-time employment or an annuity, pension, or other retirement benefit. However, creditors may consider the amount and probable continuance of any income in evaluating an applicant's creditworthiness. This rule applies in reporting income under Regulation C; if a lender determines that some portion of the income reported by the applicant cannot be verified, is overstated, or is unreliable, the lender need not report that income on the LAR.

In addition, a technical change has been made to § 203.4(a)(7) of Regulation C to reflect the instructions for completing the HMDA–LAR, which specify that lenders must report the *gross annual* income relied upon in making the credit decision.

Section 203.5—Disclosure and Reporting

Paragraph (a)—Reporting to Agency

Proposed change in reporting deadline. Statutory amendments contained in the Housing and Community Development Act of 1992 provide that starting with loan and application data for calendar year 1994, the FFIEC shall make "every effort" to ensure that individual lenders' public disclosure statements are available at the lenders' offices before July 1 of the following year. Similarly, the amendments call for the FFIEC to make both the individual disclosures and the aggregate tables available at the central depositories before September 1.

To facilitate earlier availability, the Board proposed to make February 1 the deadline for HMDA–LAR submission by lenders to their regulatory agencies, instead of March 1. Many commenters expressed objections to this proposal and stated that a February 1 deadline would be extremely difficult or impossible to meet. Commenters pointed out the difficulties already present in the current March 1 deadline, given the time required for institutions

with large branch networks to collect the data in a central location at year-end and review and compile the data prior to submission to their regulator. Other commenters mentioned the many other reports that are already due at the end of January, making it difficult to meet a February 1 deadline for HMDA.

Some commenters questioned whether an earlier deadline was necessary to meet the agencies' earlier timetables given the other changes that the Board was proposing to make (such as the requirements that data be maintained on a current basis and submitted to the agencies in an automated, edited format). Some suggested that this proposed change could result in less accurate data because there would be less time to audit the data and correct any errors.

Based on the comments received and further analysis, the Board has decided *not* to change the reporting deadline from the current March 1 date. With the expectation of further efficiencies in the agencies' internal processing schedules, the Board believes that adoption of the other amendments will assist in meeting the earlier timetables for release of data without the proposed change in deadline.

Reporting in machine-readable format. The Board proposed to require that all institutions report HMDA data in machine-readable form and that they edit the data before submission, either using agency-supplied HMDA software or using the same edits in private vendors' software. The proposed change was intended to help lenders ensure submission of accurate data. The Board also requested comment on whether requiring machine-readable data submission from all institutions would create a hardship for some, and if so, whether supervisory agencies should have discretion to grant waivers on a case-by-case basis.

A significant proportion of lending institutions still report HMDA data in paper form. For example, among institutions reporting to the OCC, 24 percent report in paper form; for institutions reporting to the FDIC, the National Credit Union Administration, and the Board, the figures are 27 percent, 47 percent, and 20 percent, respectively. Some commenters (especially smaller institutions with few transactions to report) stated that it would be burdensome for them to report in automated form. Many others indicated that they would have no difficulty in doing so.

The Board believes that reporting in machine-readable form should not be overly burdensome for most institutions, considering the availability of personal-computer software at no cost from most of the supervisory agencies and the existence of private vendors that sell software for preparing reports or that offer report-preparation services. The Board has therefore adopted the requirement for machine-readable reporting, but is making the requirement applicable to calendar year 1996 data. This delay in effective date will enable institutions to minimize expenses by allowing them to make changes to procedures over a reasonable period of time.

The Board recognizes that for institutions that have only a few lines of data to report, changing over from paper to machine-readable reporting could be expensive on a per-transaction basis. Even if the cost of computer hardware and software and related costs, such as for training, are modest, the costs may outweigh the benefits for a very small amount of data. Accordingly, institutions with 25 or fewer line entries to report will continue to be permitted to submit their data in paper form. (For the 1995 data collection year, the existing rule remains in place; lenders reporting more than 100 line entries are expected to submit data in machine-readable form.)

The Board decided against the granting of waivers from the machine-readable reporting requirement on the grounds that a waiver procedure would likely be cumbersome for both agencies and institutions and that institutions might not know on a timely enough basis whether they had to report in machine-readable form.

Paragraph (e)—Notice of Availability

The Board has adopted the technical change to § 203.5(e) concerning the suggested language for the lenders' notice of availability. As discussed in the proposal, amendments contained in the Housing and Community Development Act of 1992 and incorporated into Regulation C (58 FR 13403, March 11, 1993) require lending institutions to make their loan/application registers available to the public (after deleting certain data fields).

Appendix A—Form and Instructions for Completion of HMDA–LAR

II. Required Format and Reporting Procedures

Paragraph A

As discussed above, the revised regulation requires that HMDA–covered institutions, except those whose HMDA–LARs contain 25 or fewer line entries, submit data in machine-readable form effective with the data due on March 1, 1997.

Paragraph E

A new paragraph II. E. reflects the requirement that the HMDA–LAR be updated within 30 days after the end of the calendar quarter, beginning in calendar year 1996. See the discussion under § 203.4(a), above.

III. Submission of HMDA–LAR and Public Release of Data

Paragraphs B and C

Requirement to Report Total HMDA–LAR Entries on Transmittal Sheet

Regulation C requires that a transmittal sheet accompany an institution's HMDA–LAR data submission, containing general information such as the name, address, and identifying numbers of the institution. The Board proposed to amend the regulation to require financial institutions to report on the transmittal sheet the total number of line entries included in the data submission, and to send a transmittal sheet with the initial and any subsequent submissions of data, rather than only with the initial submission. An institution will sometimes send HMDA data to its supervisory agency in more than one submission when revisions to the initial submission are necessary, for example, or because transactions were found to have been inadvertently omitted. The proposed changes were intended to reduce the likelihood of any data being lost during the collection process.

The Board has adopted the changes as proposed. The final amendment clarifies that the number to be reported on the transmittal sheet is the total number of line entries contained in the accompanying submission. If the submission is not the first submission of data by an institution, the number to be reported is the line-entry count for that particular submission, not a cumulative number for all submissions to date. For submissions that include line entries representing revisions or deletions of previously submitted entries, the number to be reported is the total of line entries in that submission (including revisions, deletions, entries being resubmitted without change, and entries being submitted for the first time).

Paragraph G Posters

The Board has adopted suggested language for the notice of availability that lenders post in their home and branch offices in metropolitan areas, to correspond to the technical change made to § 203.5(e). The final sentence

has been revised to mirror more accurately the requirements of § 203.5(b) and (c), indicating that the data need only be available in one branch office in each MSA.

The poster language is optional. Lenders may continue to use their existing posters without violating the regulation. When they next reprint their poster supplies, they should use language similar to that suggested here.

V. Instructions for Completion of Loan/Application Register

A. Application or Loan Information

5. Explanation of Purpose Codes

Code 2: Home improvement. The HMDA–LAR instructions have been revised to reflect the Board's amendments to the definition of home improvement loans in § 203.2(f), as discussed above. Paragraphs a. and c. under Code 2 have been revised for consistency with this change to the regulation.

Code 3: Refinancings. The regulation requires lenders to report refinancings, which are defined as loans that satisfy an existing obligation and replace it with a new obligation undertaken by the same borrower. The Board sought comment on the exclusion of certain refinancings based on the "predominant purpose" test. Under this test, a refinancing is reported only if the amount outstanding on the loan being refinanced, plus the amount of any new money for home purchase or home improvement purposes, equals more than 50 percent of the total new loan amount. Many commenters suggested that this 50 percent test could be abolished without making the data collected any less useful and that this would greatly ease compliance, thereby promoting greater accuracy in reporting. The Board agrees, and has revised paragraph c. under Code 3; refinancings may be reported regardless of the purpose of, or the amount outstanding on, the original loan and regardless of the amount of new money (if any) that is for home purchase or home improvement purposes. However, if an institution knows that the purpose of the original loan was not home purchase or home improvement, the refinancing need not be reported.

Many commenters noted that to ensure that the collection of data under HMDA is related to the *housing* credit needs of communities (as specified in the act), reportable refinancings should be limited to those secured by a dwelling. In keeping with the revisions to paragraph c. under Code 3, the Board has revised paragraph a. under Code 3 to state that only refinancings of loans secured by a lien on residential dwellings are to be reported. Therefore, refinancings of unsecured home improvement loans will no longer be reported under HMDA.

While these changes in the reporting of refinancings may result in some net increase in the number of refinancings reported, the Board believes that the greater ease in determining whether a given transaction is to be reported outweighs any additional reporting burden.

In its proposed rule the Board sought comment on whether to require the reporting of certain types of loan modifications (sometimes called modification, extension, and consolidation agreements or "MECAs"), which are technically not "refinancings" but which can be their functional equivalent. Some commenters suggested that lenders ought to be allowed to report modifications that are truly the functional equivalent of refinancings. The Board believes, however, that the advantages of a bright-line test for determining whether a transaction is to be reported outweigh the benefits of the additional data on modifications. Accordingly, the final rule limits reporting of refinancings to those that result in the satisfaction of an existing obligation and its replacement by a new obligation undertaken by the same borrower.

The Board has made a technical change to the language in paragraph a. Previously, paragraph a. stated that refinancings would not be reported if, under the loan agreement, a lender was "unconditionally obligated to renew or refinance the obligation," or was "obligated to renew or refinance the obligation subject to conditions within the borrower's control." As the renewal of an existing obligation does not involve the satisfaction of that obligation, the Board has deleted this language to avoid confusion.

8. Loan Amount

Paragraphs b, c, and d. Paragraphs b., c., and d. have been revised for consistency with the changes, discussed above, regarding home improvement loans and refinancings.

Paragraph f. Paragraph f. has been revised to make clear that a counteroffer not accepted by the applicant is to be reported as a denial, consistent with new paragraphs B.2.a. and c., discussed below.

B. Action Taken

2. Explanation of Codes

As was proposed, the final rule clarifies in new paragraphs a. and c. (existing paragraphs a. and c. have been redesignated) that counteroffers are to be reported as loan denials if the applicant does not accept the counteroffer, not as applications withdrawn or approved but not accepted. Commenters generally supported the Board's interpretation. Some commenters stated that this clarification was necessary to conform the treatment of counteroffers in Regulation C with the treatment of counteroffers in Regulation B (12 CFR Part 202, Equal Credit Opportunity).

Other commenters were concerned that classifying unaccepted counteroffers as denials would not reflect an institution's offer of credit, although in a different amount or on different terms from those applied for. Some suggested that unaccepted counteroffers should be reported as applications approved but not accepted or as withdrawn. However, under Regulation C an application that is approved but not accepted is one that the lender has approved in the amount and on the terms applied for, not in a different amount or on different terms as in the case of a counteroffer. A withdrawn application is one that the applicant has withdrawn unilaterally and before the lender has communicated its decision to the applicant. The Board believes that neither of these categories is appropriate for reporting an unaccepted counteroffer for HMDA purposes.

C. Property Location

5. Outside-MSA

Under Regulation C, for loans on property located outside the metropolitan areas in which an institution has a home or branch office (or outside any MSA), the institution has the option to enter on the HMDA–LAR information on the location of the property to which the loan relates, or to enter "NA." The Board proposed to revise this paragraph to clarify that, if a lender chooses to enter data in the property-location fields of the HMDA–LAR for these loans, the data must accurately reflect the location of the property in question. The Board has adopted the proposal in final form, with additional clarification on how the location data are to be entered.

Under the CRA proposal recently issued for comment (59 FR 51323, October 7, 1994), certain depository institutions would have to report property location for all their HMDA loan transactions, whether or not the property to which the loan relates is located in an MSA in which the institution has a home or branch office

Final action is still pending on that proposal; the public comment period closed on November 21.

D. Applicant Information—Race or National Origin, Sex, and Income

5 Income

The Board is making a technical change in paragraph c., which states that if income is not asked for or relied on in a credit decision, the creditor should enter "NA" for income on the HMDA–LAR. The Board has deleted the parenthetical reference to "no income verification" loans as possibly inaccurate; the Board intends to provide guidance on types of loans that would qualify under this paragraph in the staff commentary to Regulation C.

III. Other Matters

In addition to seeking comment on the proposed amendments, the Board solicited comment on other matters related to HMDA reporting: home equity lines, prequalification programs, and the collection of racial or ethnic information. These are discussed below.

Home Equity Lines

The Board solicited comment on ways in which Regulation C might be changed to better address problems of accuracy of the HMDA data. Specifically, the Board asked whether allowing or requiring all home-equity credit lines to be reported—rather than only the portion of a line the borrower intended to use for home improvement or home purchase—would simplify reporting and therefore bring about greater consistency.

A number of commenters suggested that the Board should allow the entire amount of the home-equity credit line to be reported under HMDA, regardless of the amount earmarked for home improvement or home purchase purposes. They believed that such a change would simplify the reporting process. However, other commenters questioned whether allowing the entire credit line to be reported is consistent with the stated purpose of the act—to determine whether financial institutions are meeting their obligations to serve the housing needs of their communities. Based on the comments and further analysis, the Board is leaving unchanged the reporting rules for home-equity credit lines.

Prequalification Programs

The Board requested comment on the treatment of prequalifications under HMDA. In particular, for denials of prequalification requests that are covered by HMDA, questions have been raised about the reporting of the loan amount, loan type, and property location data fields on the HMDA–LAR. Although "NA" is an acceptable entry for property location (for example, if the prospective homebuyer has not requested financing for a specific property), for loan amount the regulation currently does not provide any acceptable code if the prospective homebuyer has not requested a particular amount of credit.

Based on the comments and upon further analysis, the Board has determined that for 1994 and 1995 data collection, institutions need not report prequalification requests on the HMDA–LAR. The Board expects to address issues related to prequalification requests in the staff commentaries for Regulations B and C.

Collection of Racial or Ethnic Information

Regulation C provides that applicants for mortgage and home improvement loans be requested, but not required, to provide information about their race or national origin, gender, and income. If this information is not provided when the application is taken in person, the loan officer is required to enter the information on the basis of visual observation or surname. The purpose is to gather data that may help supervisory agencies determine whether a lending institution is complying with the fair lending laws.

The categories in Regulation C for data collection on race/national origin of applicants include the category of "other." The categories used by the Office of Management and Budget (OMB) for government statistical purposes do not provide that option. Comment was solicited on whether the Board should consider deleting the "other" category.

Commenters generally believed that the "other" category serves a useful purpose. Several commenters expressed the view that providing this option helps ensure the integrity of the existing categories. These commenters stated that the HMDA data are more useful and accurate when persons who believe they do not fit into a specific category are not forced into one. Commenters also noted that use of this category should not affect HMDA data analysis significantly, because only 45,000 applicants out of 10 million records (less than half of one percent) utilized this option in 1992. The Board has retained the "other" category for the present. OMB is currently exploring changes that may be adopted for use in the decennial census for the year 2000, and is expected to announce changes in categories in the next several years. The Board will reexamine this matter at that time.

IV. Regulatory Flexibility Analysis

The proposed amendments to Regulation C that the Board published for comment in June 1994 were intended to improve the quality of HMDA data and make the data available to the public earlier. Many commenters supported the objectives of the proposal but thought that some of the proposed changes were unnecessarily burdensome. In many cases, commenters suggested alternatives that they believed would help achieve the objectives of the proposed amendments at a lower cost. The revised amendments have been responsive to the advice in the public comments. The revised amendments should disrupt current practices much less and therefore have lower compliance costs than the changes originally proposed. At the same time, the revised amendments would achieve the original objective of more accurate and timely HMDA data.

V. Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 35; 5 CFR 1320.13) these revisions have been reviewed under the authority delegated to the Federal Reserve Board by the Office of Management and Budget, after consideration of the comments received during the comment period. Where appropriate, steps were taken to minimize any increase in burden.

The amended regulation revises the transmittal sheet for the HMDA–LAR by requiring a record count to be included; the Board believes that the paperwork expansion associated with this requirement is de minimis. The amended regulation requires lenders to file submission in machine-readable format, with an exception for institutions whose reports contain 25 or fewer line entries. The burden associated with machine-readable reporting is likely to be minimal, particularly given the lead-time provided for mandatory compliance. The one-time costs for machine-readable reporting will be offset by savings in the ongoing costs of reporting.

The amended regulation requires quarterly updating of the HMDA–LAR. Many institutions already maintain their data on an ongoing basis, rather than entering all data at year-end. Overall, this change does not represent an increase in paperwork burden.

The amended requirements for reporting refinancings and home improvement loans will likely mean that a higher volume of transactions will

be reported. Lenders will find compliance easier, however, as they will have less difficulty in determining whether particular refinancings or home improvement loans are covered by HMDA, offsetting any marginal increase in the cost of reporting additional transactions. Thus, no increased burden should result. The remaining amendments clarify existing rules, make minor technical changes, or make changes that are optional for institutions, and do not represent an increase in paperwork burden.

Based on its analysis of the impact of the amended regulation, the Board believes that there is no net change in the Board's current estimate of paperwork burden associated with Regulation C. The public reporting burden for collection of the HMDA data is estimated to vary from 10 to 10,000 hours per response, with an average of 200 hours per response. This includes the time to gather and maintain the data needed and to review instructions and complete the information collection.

List of Subjects in 12 CFR Part 203

Banks, banking, Consumer protection, Federal Reserve System, Home mortgage disclosure, Mortgages, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board amends 12 CFR Part 203 as set forth below:

PART 203—HOME MORTGAGE DISCLOSURE (REGULATION C)

1. The authority citation for Part 203 continues to read as follows:

Authority: 12 U.S.C. 2801–2810.

2. Section 203.2 is amended by republishing paragraph (e) introductory text, and by revising paragraph (e)(1) introductory text, and paragraphs (e)(2) and (f) to read as follows:

§ 203.2 Definitions.

* * * * *

(e) *Financial institution* means:

(1) A bank, savings association, or credit union that originated in the preceding calendar year a home purchase loan (other than temporary financing such as a construction loan), including a refinancing of a home purchase loan, secured by a first lien on a one- to four-family dwelling if:

* * * * *

(2) A for-profit mortgage lending institution (other than a bank, savings association, or credit union) whose home purchase loan originations (including refinancings of home purchase loans) equaled or exceeded ten percent of its loan origination volume, measured in dollars, in the preceding calendar year.

(f) *Home improvement loan* means any loan that:

(1) Is for the purpose, in whole or in part, of repairing, rehabilitating, remodeling, or improving a dwelling or the real property on which it is located; and

(2) Is classified by the financial institution as a home improvement loan.

* * * * *

3. Section 203.4 is amended by revising the second sentence of the introductory text in paragraph (a), and paragraph (a)(7), to read as follows:

§ 203.4 Compilation of loan data.

(a) *Data format and itemization.* * * * These transactions shall be recorded, within thirty calendar days after the end of each calendar quarter in which final action is taken (such as origination or purchase of a loan, or denial or withdrawal of an application), on a register in the format prescribed in Appendix A of this part and shall include the following items:

* * * * *

(7) The race or national origin and sex of the applicant or borrower, and the gross annual income relied upon in processing the application.

* * * * *

4. Section 203.5 is amended by revising paragraph (a), and by revising paragraph (e), to read as follows:

§ 203.5 Disclosure and reporting.

(a) *Reporting to agency.* By March 1 following the calendar year for which the loan data are compiled, a financial institution shall send its complete loan application register to the agency office specified in Appendix A of this part, and shall retain a copy for its records for a period of not less than three years.

* * * * *

(e) *Notice of availability.* A financial institution shall post a general notice about the availability of its HMDA data in the lobbies of its home office and any physical branch offices located in an MSA. Upon request, it shall promptly provide the location of the institution's offices where the statement is available. At its option, an institution may include the location in its notice.

5. Item II. of Appendix A to Part 203 is amended by revising paragraph A. and by adding a new paragraph E., as follows:

Appendix A to Part 203—Form and Instructions for Completion of HMDA Loan/Application Register

* * * * *

II. Required Format and Reporting Procedures

A. Institutions must submit data to their supervisory agencies in an automated, machine-readable form. The format must conform exactly to that of form FR HMDA-LAR, including the order of columns, column headings, etc. Contact your federal supervisory agency for information regarding procedures and technical specifications for automated data submission; in some cases, agencies also make software for automated data submission available to institutions. The data must be edited before submission, using the edits included in the agency-supplied software or equivalent edits in software available from vendors or developed in-house. (Institutions that report 25 or fewer entries on their HMDA-LAR may collect and report the data in paper form. An institution that submits its register in nonautomated form must send two copies that are typed or computer printed, and must use the format of form FR HMDA-LAR (but need not use the form itself). Each page must be numbered, and the total number of pages must be given (for example, "Page 1 of 3").)

* * * * *

E. Applications and loans must be recorded on your register within thirty calendar days after the end of the calendar quarter in which final action (such as origination or purchase of a loan, or denial or withdrawal of an application) is taken. The type of purchaser for loans sold need not be included in these quarterly updates.

* * * * *

6. Item III. of Appendix A to Part 203 is amended by revising paragraphs B., C., and G., as follows:

* * * * *

III. Submission of HMDA-LAR and Public Release of Data

* * * * *

B. You must submit all required data to your supervisory agency *in one complete package,* with the prescribed transmittal sheet. An officer of your institution must certify to the accuracy of the data. Any additional data submissions that become necessary (for example, because you discover that data were omitted from the initial submission, or because revisions are called for) also must be accompanied by a transmittal sheet.

C. The transmittal sheet must state the total number of line entries contained in the accompanying data submission. If the data submission involves revisions or deletions of previously submitted data, state the total of *all* line entries contained in *that submission,* including both those representing revisions or deletions of previously submitted entries, and those that are being resubmitted unchanged or are being submitted for the first time. If you are a depository institution, you also are asked to provide a list of the MSAs where you have a home or branch office.

* * * * *

G. *Posters.* Some of the agencies provide HMDA posters that you can use to inform the public of the availability of your HMDA data, or you may create your own posters. If you print your own, the following language is suggested but is not required:

Home Mortgage Disclosure Act Notice

The HMDA data about our residential mortgage lending are available for review. The data show geographic distribution of loans and applications; race, gender, and income of applicants and borrowers; and information about loan approvals and denials. Inquire at this office regarding the locations where HMDA data may be inspected.

* * * * *

7. Item V. of Appendix A to Part 203 is amended as follows:

a. Paragraphs A.5.Code 2 a. and c., A.5. Code 3 a. and c., and A.8. b., c., d., and f. are revised;

b. Paragraphs B.2.a., B.2.b., and B.2.c. are redesignated as paragraphs B.2.b., B.2.d., and B.2.e., respectively;

c. New paragraphs B.2.a. and B.2.c. are added;

d. Paragraph C.5. is revised; and

e. Paragraph D.5.c. is revised.

The revisions and additions read as follows:

* * * * *

V. Instructions for Completion of Loan/Application Register

A. Application or Loan Information

* * * * *

5. Explanation of Purpose Codes

* * * * *

Code 2: Home improvement.

a. Code 2 applies to loans and applications for loans if (i) a portion of the proceeds is to be used for repairing, rehabilitating, remodeling, or improving a one- to four-family residential dwelling, or the real property upon which it is located, and (ii) the loan is classified as a home improvement loan.

* * * * *

c. At your option, you may report data about home-equity lines of credit—even if the credit line is not classified as a home improvement loan. If you choose to do so, you may report a home-equity line of credit as a home improvement loan if some portion of the proceeds will be used for home improvement. (See Paragraph 8. "Loan amount.") If you report originations of home-equity lines of credit, you must also report applications for such loans that did not result in originations.

Code 3: Refinancings.

a. Use this code for refinancings (and applications for refinancings) of loans secured by one- to four-family residential dwellings. A refinancing involves the satisfaction of an existing obligation that is replaced by a new obligation undertaken by the same borrower. But do not report a refinancing if, under the loan agreement, you are unconditionally obligated to refinance the obligation, or you are obligated to refinance the obligation subject to conditions within the borrower's control.

* * * * *

c. You may report all refinancings of loans secured by one- to four-family residential dwellings, regardless of the purpose of or amount outstanding on the original loan, and regardless of the amount of new money (if any) that is for home purchase or home improvement purposes.

* * * * *

8. Loan Amount

* * * * *

b. For home improvement loans (both originations and purchases), you may include unpaid finance charges in the loan amount if that is how you record such loans on your books. For a multiple purpose loan classified by you as a home improvement loan because it involves a home improvement purpose, enter the full amount of the loan, not just the amount specified for home improvement.

c. For home-equity lines of credit (if you have chosen to report them), enter as the loan amount only that portion of the line that is for home improvement purposes. Report the loan amount for applications that did not result in originations in the same manner. Report only in the year the line is established.

d. For refinancings of dwelling-secured loans, indicate the total amount of the refinancing, including the amount outstanding on the original loan and the amount of new money (if any).

* * * * *

f. If you make a counteroffer for an amount different from the amount initially applied for, and the counteroffer is accepted by the applicant, report it as an origination for the amount of the loan actually granted. If the applicant turns down the counteroffer or fails to respond, report it as a denial for the amount initially requested.

B. Action Taken

* * * * *

2. Explanation of Codes

a. Use code 1 for a loan that is originated, including one resulting from a counteroffer (your offer to the applicant to make the loan on different terms or in a different amount than initially applied for) that the applicant accepts.

* * * * *

c. Use code 3 when an application is denied. This includes the situation when an applicant turns down or fails to respond to your counteroffer. Do *not* report as a withdrawn application or as an application that was approved but not accepted.

* * * * *

C. Property Location

* * * * *

5. Outside-MSA

For loans on property located outside the MSAs in which you have a home or branch office (or outside any MSA), you have two options. Under option 1, you may enter the MSA, state, and county codes and the census tract number. You may enter "NA" in the MSA or census tract column if no code or number exists for the property. (Codes exist for all states and counties.) If you choose option 1, the codes and tract number must accurately identify the location for the property in question. Under option 2, you may enter "NA" in all four columns, whether or not the codes or number exist for the property.

* * * * *

D. Applicant Information—Race or National Origin, Sex, and Income

* * * * *

5. Income

* * * * *

c. If no income information is asked for or relied on in the credit decision, enter "NA."

* * * * *

8. A Loan/Application Register Transmittal Sheet is added to Appendix A to Part 203 immediately following paragraph VI.G., to read as follows:

* * * * *

BILLING CODE 6210–01–P

Form FR HMDA-LAR
OMB No. 7100-0247 Approval expires March 31 1997
Hours per response. 10 to 10,000 (200 average)
This report is required by law (12 USC 2801-2810 and 12 CFR 203)

LOAN/APPLICATION REGISTER

TRANSMITTAL SHEET

You must complete this transmittal sheet (please type or print) and attach it to the Loan/Application Register, required by the Home Mortgage Disclosure Act, that you submit to your supervisory agency.

Reporter's Identification Number | Agency Code | Reporter's Tax Identification Number | Total line entries contained in attached Loan/Application Register

_____ - __ | ___-_____ | _____

The Loan/Application Register that is attached covers activity during 19_____ and contains a total of _____ pages

Enter the name and address of your institution. The disclosure statement that is produced by the Federal Financial Institutions Examination Council will be mailed to the address you supply below:

_____
Name of institution

_____
Address

_____
City State ZIP

Enter the name and telephone number of a person who may be contacted about questions regarding your register

_____ ( ) _____
Name Telephone Number

If your institution is a subsidiary of another institution or corporation, enter the name of your parent:

_____
Name

_____
Address

_____
City State ZIP

Enter the name and address of your supervisory agency (or your parent's supervisory agency).

_____
Name

_____
Address

_____
City State ZIP

An officer of your institution must complete the following section

I certify to the accuracy of the data contained in this register.

_____ _____ _____
Name of Officer Signature Date

BILLING CODE 6210-01-C

* * * * *

By order of the Board of Governors of the Federal Reserve System, December 5, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94-30271 Filed 12-8-94; 8:45 am]

BILLING CODE 6210-01-P

12 CFR Part 208

[Regulation H; Docket No. R-0838]

Membership of State Banking Institutions in the Federal Reserve System

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its Regulation H to implement a provision of the Depository Institutions Disaster Relief Act of 1992 that authorizes state member banks to make investments designed primarily to promote the public welfare to the extent permissible under state law and subject to regulation

by the Board. The amendment would permit state member banks to make certain public welfare investments without prior approval and other public welfare investments with specific Board approval. The amendment also addresses the procedural aspects of these investments.

EFFECTIVE DATE: January 9, 1995.

FOR FURTHER INFORMATION CONTACT: Stephanie Martin, Senior Attorney (202–452–3198), Legal Division; Sandra Braunstein, Manager for Community Affairs, (202–452–3378), Division of Consumer and Community Affairs; Larry Cunningham, Supervisory Financial Analyst, Division of Banking Supervision and Regulation (202–452–2701); for users of the Telecommunications Device for the Deaf (TDD) only, Dorothea Thompson (202–452–3544); Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Depository Institutions Disaster Relief Act of 1992 [1] amended the Federal Reserve Act [2] to loosen the restriction on the ability of state member banks to purchase, sell, underwrite, and hold investment securities. The amendment allows state member banks to make investments that are designed primarily to promote the public welfare. The investment must not violate state law or expose the bank to unlimited liability. The aggregate of the bank's public welfare investments must not exceed the sum of five percent of the bank's capital stock actually paid in and unimpaired and five percent of its unimpaired surplus fund. The Board may waive this limit by order, on a case-by-case basis, and permit a bank to make investments in an amount not exceeding the sum of ten percent of the capital stock actually paid in and unimpaired and ten percent of the unimpaired surplus fund of the bank. Finally, the Board must limit a bank's investments in any one project.

In the past, the Board has dealt with requests by state member banks to make public welfare investments on a case-by-case basis. To reflect the recent Federal Reserve Act amendment and to facilitate public welfare investments by state member banks, the Board is amending Regulation H (12 CFR Part 208) by adding a new section entitled Community Development and Public Welfare Investments. This amendment will permit state member banks to make certain public welfare investments without prior approval.

[1] Pub. L. 102–485, 106 Stat. 2771, 2774, section 6(b).

[2] Section 9, paragraph 23 (12 U.S.C. 338a).

Summary of Final Rule

The final rule identifies classes of public welfare investments that do not require prior approval, leaving less common investments and investments of more than five percent of a bank's capital stock and surplus subject to case-by-case review. Under the final rule, a state member bank may make an investment, without prior approval, if the investment previously has been determined to be a public welfare investment by the Board or the Comptroller of the Currency or is an investment in a community development financial institution as defined in the Community Development Banking and Financial Institutions Act of 1994.[3] In addition, the rule allows state member banks to invest without prior approval in an entity established solely to engage in one or more of the following activities: low- and moderate-income housing; nonresidential real-estate development in a low- or moderate-income area that is targeted towards low- and moderate-income persons; small business development in a low- or moderate-income area; job training or placement for low- and moderate-income persons; job creation in a low- or moderate-income area for low- and moderate-income persons; and technical assistance and credit counseling to benefit community development.

The final rule uses the Department of Housing and Urban Development's (HUD's) Chapter 69 Community Development definition of low- and moderate-income persons and the Small Business Administration's definition of small business. Low- or moderate-income area is defined as an area in which the median family income is less than eighty percent of the median family income of the Metropolitan Statistical Area, or, for non-metropolitan areas, the state.

Under the final rule, the investment must not violate state law or expose the bank to unlimited liability. The rule limits aggregate public welfare investments without prior approval to up to five percent of the capital stock and surplus of the state member bank and limits any single investment without prior approval to not more than two percent of a bank's capital stock and surplus. In addition, to make public welfare investments without prior approval, a state member bank must be at least adequately capitalized and rated a composite CAMEL "1" or "2" and at least "satisfactory" in its last consumer compliance examination. In addition, the bank must not be subject to any written agreement, cease and desist order, capital directive, or prompt corrective action directive issued by the Board or a Federal Reserve Bank acting under delegated authority. A state member bank must receive Board approval before making an investment that falls outside of the rule's parameters. In no event may aggregate public welfare investments exceed ten percent of the bank's capital stock and surplus.

Within 30 days after making a public welfare investment without prior approval, a state member bank must advise its Reserve Bank of the amount of the investment and the identity of the entity in which the investment is made. If a bank has a preexisting public welfare investment on the rule's effective date that would not require prior approval under the rule, the bank must notify its Reserve Bank of the investment within sixty days after the effective date of the rule. For other preexisting public welfare investments, the bank must apply to the Board for approval of the investment within one year after the rule's effective date.

If a public welfare investment ceases to meet the statutory requirements or any requirements established by the Board in granting approval, the bank must divest itself of the investment to the extent that the investment ceases to meet those requirements. This divestiture is governed by the same requirements as divestitures of interests acquired by a lending subsidiary of a bank holding company or a bank holding company itself in satisfaction of a debt previously contracted. (See 12 CFR § 225.140.) Divestiture is not required if the investment ceases to meet the non-statutory requirements concerning capital, examination ratings, and enforcement actions.

Summary of Comments and Section-by-Section Analysis

The Board proposed amendments to Regulation H regarding public welfare investments by state member banks in May 1994 (59 FR 27247, May 26, 1994). The Board received nine public comments on the proposed rule: four from trade associations, three from community development organizations, and two from bank holding companies. The public comments and the Board's responses to the comments are discussed in the section-by-section analysis below.

Section 208.21(a)(1)

Definition of low- and moderate-income area. The Board proposed to define "low- and moderate-income

[3] Title I of Pub. L. 103–325, 108 Stat. 2160, section 103(5).

area" as an area in which the median family income is less than eighty percent of the median family income of the Metropolitan Statistical Area, or, for non-metropolitan areas, the state. One commenter stated that "low- and moderate-income area" should include disadvantaged areas designated by statute as requiring special government assistance that might not qualify under the proposed definition.

The Board has addressed the concern that the proposed rule's coverage was too narrow by amending § 208.21(b)(1) to broaden the universe of investments that are permissible without prior approval. (This amendment is discussed below.) The Board has adopted the definition as proposed.

Section 208.21(a)(2)

Definition of low- and moderate-income person. The proposed rule's definition of "low- and moderate-income person" incorporated the definition in Chapter 69 of the HUD statute on community development. One commenter supported use of the HUD standard of 80% of median income in defining the upper limit for qualifying investments. The Board has adopted the proposed definition, with a minor citation correction.

Section 208.21(a)(3)

Definition of small business. The Board proposed to incorporate the definition of "small business" as it applies to entities eligible for financial or other assistance under the Small Business Administration's Small Business Investment Company and Development Company programs. The Board received no public comments on this definition and has adopted it as proposed.

Section 208.21(b)(1)(i)–(iii)

Investments not requiring prior approval. The proposed rule provided that state member banks could make an investment without prior approval if the Board has determined the investment is a public welfare investment or if the entity in which the bank invests engages solely in one or more specified community development activities.

One commenter stated that the proposed standards were narrower than the Federal Reserve Act's requirements and could exclude public-purpose projects and mixed use projects where low- and moderate-income residents are only some of the project's beneficiaries, particularly in rural areas where low- and moderate-income families are not concentrated.

In the final rule, the Board has broadened the scope of investments that are permissible without prior approval. Specifically, a state member bank may invest in an entity if the Comptroller of the Currency (OCC) has determined, by order or regulation, that investment in that entity by a national bank is a public welfare investment under section 5136 of the Revised Statutes (12 U.S.C. 24). This provision will provide greater consistency in investments that are permissible for state member banks and national banks and will eliminate the need in many cases for determinations by two regulatory agencies. In addition, under the final rule a state member bank may, without prior approval, invest in a community development financial institution as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994. Congress has found that community development financial institutions play an important role in promoting economic revitalization and development in troubled communities and has established a special fund to invest in and assist these institutions. Therefore, the Board believes that investment in community development financial institutions by state member banks should be considered public welfare investments.

Additionally, under § 208.21(d), the Board could make a general determination for investments in entities engaged in a particular activity. For example, if the Board determined that an investment in an entity engaged in development activities in a federally-specified enterprise zone was a permissible public welfare investment, it might also determine that an investment in any similar entity engaged in similar activities would not require prior approval.

Two commenters argued that the proposed restrictions were too broad. These commenters stated that the prior approval exemption should be provided only for those investments that address the needs of low- and moderate-income persons and communities in ways not readily available through the private market. These commenters suggested that the Board add criteria similar to those in the OCC's rules on public welfare investments. These commenters also suggested that a qualifying public welfare investment should be required to include nonbank community involvement to ensure that low- and moderate-income community residents will benefit from the investment.

Generally, the ability to obtain funds in the private market is a matter of price rather than access. The rate at which funding in the private market would be prohibitive would vary with each project and would be difficult to specify in a rule of general application. In addition, the Board believes that the community development projects described by the rule will usually have some form of community support. The Board believes that any benefit in requiring a showing of non-bank community involvement in a project would be outweighed by the additional regulatory burden involved.

One commenter requested that the Board clarify that investments may be made in either non-profit or for-profit community development projects without prior approval. The final rule does not distinguish between non-profit and for-profit investments. Either type of investment is permissible as long as it meets the rule's requirements.

Section 208.21(b)(1)(iv)

The proposed rule provided that a state member bank could invest without prior approval in an entity that engages solely in one or more specified community development activities.

Engaged solely. Two commenters stated that requiring an entity to engage *solely* in one of the specified activities is too restrictive. The commenters noted that many companies invest in community development but are diverse and multi-functional. One commenter suggested that the Board substitute "primarily" for "solely." The Board believes that the term "primarily," which could be interpreted to mean 51 percent or even lower, is not narrow enough for purposes of investments without prior approval. If a state member bank wishes to invest in an entity that does not engage solely in the listed activities, it may ask for a Board determination that the investment is a public welfare investment. The Board has retained the "solely" language in the final rule.

Where the Board used the term "primarily" in the proposed rule, it intended to cover those projects targeted towards low- and moderate-income persons. The Board has substituted the phrase "targeted towards" for "primarily" in the final rule (§ 208.21(b)(1)(iv) (B) and (D)).

Indirectly engaged. One commenter asked that the Board clarify whether the rule covers investment in a firm that engages in enumerated activities through a wholly-owned subsidiary. The Board believes that investment in an entity that engaged solely in the listed activities through one or more subsidiaries would be permissible. The Board has revised the final rule (§ 208.21(b)(1)(iv)) to clarify this point.

Lending activity. The Board has revised the rule to allow investments without prior approval in entities

engaged solely in public welfare lending activities.

Section 208.21(b)(1)(iv)(A)

Investments in low- and moderate-income housing. The Board proposed to allow investment without prior approval in entities that are engaged in certain activities related to low- and moderate-income housing. The Board specifically requested comment on whether low- and moderate-income housing should be defined as housing where a majority of the units are occupied by low- and moderate-income persons (as proposed) or whether the definition should be based on other federal programs, such as the low-income housing credit in section 42 of the Internal Revenue Code. The Board received six public comments on this issue.

Three commenters supported the test proposed by the Board. One of these commenters stated that section 42 of the Internal Revenue Code should apply only if a corporation makes an investment in a housing project specifically to benefit from a low-income housing tax credit. Another of these commenters suggested that the rule's definition of low- and moderate-income housing reflect the current HUD definition, which stratifies the definition further to include very low income designations.

One commenter stated that requiring a majority of residential units to be occupied by low- and moderate-income persons would tend to segregate the poor from people who could help them prosper. This commenter suggested that the test should be satisfied by any housing "occupied by low- to moderate-income persons," or if necessary, including a low occupation threshold amount such as 15 percent.

Two commenters suggested that a qualifying investment should meet the "majority of units" requirement as well as a requirement that either (1) at least 20 percent of the units be occupied by individuals whose incomes do not exceed 50 percent of area median income, or (2) at least 40 percent of the units be occupied by individuals whose incomes do not exceed 60 percent of the area median income, adjusted for family size. The commenters believed that the additional restriction (which is based on the definition of "low-income housing project" in the Internal Revenue Code) would insure that qualifying investments would provide a minimum level of benefit to low-income persons.

The Board believes that the additional restrictions on the test for low- or moderate-income housing would not provide sufficient flexibility in the final rule. However, the Board believes that tax credits could provide a powerful incentive for banks to invest in low-income housing. Therefore, the Board has adopted a revised version of the low- and moderate-income housing provision that would allow investment in residential property in which a majority of the units are occupied by low- or moderate-income persons *or* that meets the definition of a qualified low-income building under section 42 of the Internal Revenue Code.

Section 208.21(b)(1)(iv)(B)

Investments in nonresidential real property. The Board proposed to allow investment without prior approval in entities that are engaged in certain activities related to nonresidential real property or other assets located in a low- or moderate-income area and to be used primarily by low- and moderate-income persons. Two commenters strongly supported the inclusion of this category. Other than the revision to the term "primarily," the Board has adopted this provision as proposed.

Section 208.21(b)(1)(iv)(C)

Small businesses in low- or moderate-income area. The Board proposed to allow investment without prior approval in entities that invest in small businesses located in a low- or moderate-income area to stimulate economic development. Two commenters suggested that the Board add emphasis on minority small businesses, which are an especially underserved segment of the small business community. The Board believes it would be difficult to determine what criteria to use to identify disadvantaged small businesses and has not adopted this suggestion.

One commenter stated that the Board should permit investments in all small businesses, as such investments would stimulate economic development regardless of whether the businesses are located in low- or moderate-income areas. The expansion of the types of investment permissible without prior approval (§ 208.21(b)(1) (ii) and (iii)) should help address the concerns raised by this commenter. The Board has adopted the provision as proposed.

Section 208.21(b)(1)(iv) (D) and (E)

Job training and employment opportunities. The Board proposed to allow investment without prior approval in an entity that (i) invests in, develops, or otherwise assists job training or placement facilities or programs that will be used primarily by low- and moderate-income persons or (ii) invests in an entity located in a low- or moderate-income area if that entity creates long-term employment opportunities, a majority of which will be held by low- and moderate-income persons. The Board received no public comments on these provisions. Other than the revision to the term "primarily," the Board has adopted these provisions as proposed.

Section 208.21(b)(1)(iv)(F)

Investments in credit counseling. The Board proposed to allow investment without prior approval in entities that provide technical assistance, credit counseling, research, and program development to low- and moderate-income persons, small businesses, or nonprofit corporations to help achieve community development. Two commenters strongly supported the inclusion of this category. The Board has adopted this provision as proposed.

Section 208.21(b)(2)

Permitted by state law. The Board proposed to allow investments without prior approval only if the investment is permitted by state law. The Board received no public comments on this provision and has adopted it as proposed.

Section 208.21(b)(3)

Limited liability. The Board proposed to allow investments without prior approval only if the investment will not expose the bank to liability beyond the amount of the investment. The Board received no public comments on this provision and has adopted it as proposed. This provision would preclude a state member bank from acting as a general partner. A general partner is normally liable for all of the debts of the partnership, which could be greater than the partner's investment.

Section 208.21(b) (4) and (5)

Percentage of capital limitation. The Board proposed to allow investments without prior approval only if the investment does not exceed the sum of two percent of the bank's capital stock and surplus and if the aggregate all such investments of the bank does not exceed the sum of five percent of its capital stock and surplus. The Board received no comments on this provision and has adopted it as proposed.

Definition of capital. The Board proposed to define capital stock and surplus as it is defined in a Board interpretation on state member bank undivided profits (12 CFR § 250.162). One commenter suggested that the Board define capital and surplus as total Tier 1 and Tier 2 capital, plus that balance of a bank's allowance for loans

and lease losses not included in Tier 1 and Tier 2 capital. The commenter stated that this information can be easily gleaned from call report, would ease compliance, and would be consistent with the OCC's proposed definition of capital and surplus for purposes of lending limits. The Board believes that the capital definition suggested by the commenter is broader than anticipated by the "capital and surplus" language of the statute. For many years, rules establishing limitations on the activities of state member banks in terms of a bank's capital structure have used a well-established definition of capital stock and surplus that includes undivided profits plus allowance for loan and lease losses. As these items are readily ascertained from the Schedule RC Balance Sheet report (total equity capital (line 28); allowance for loan and lease losses (line 4b), the Board has adopted the definition of capital and surplus as proposed.

Section 208.21(b) (6)–(8)

Requirements regarding bank condition. The Board proposed to allow investments without prior approval only if the bank is well capitalized or adequately capitalized, received a composite CAMEL rating of "1" or "2" as of its most recent examination, and is not subject to any written agreement, cease and desist order, capital directive, or prompt corrective action directive issued by the Board or a Federal Reserve Bank.

One commenter stated that CAMEL 3-rated institutions do not pose the same risks to safety and soundness as 4- and 5-rated institutions. The commenter suggested that an improving 3-rated institution with adequate capital should be able to request a waiver from the Board to forego the application process for future public welfare projects (consistent with the OCC's public welfare investment rule). The Board believes, however, that it would need to review a 3-rated bank's status upon each public welfare investment request to determine whether the bank was improving and that a blanket application waiver for improving 3-rated banks would not be appropriate.

The Board has made two revisions to the proposed provision. First, the Board has expanded this provision to preclude investment without prior approval by banks operating under a memorandum of understanding. Second, the final rule will require a bank to have overall ratings of at least "satisfactory" from its most recent consumer compliance examination in order to make a public welfare investment without prior approval.

Section 208.21(c)

Notice to Reserve Bank. The Board proposed to require a bank that made an investment without prior approval to notify its Federal Reserve Bank within 30 days of making the investment. The proposed notice would include the amount of the investment and the identity of the entity in which the investment is made. The Board received no public comments on this provision and has adopted it as proposed.

Section 208.21(d)

The Board proposed that a state member bank would be able to make public welfare investments other than those specified in the regulation with prior Board approval.

Scope of public welfare investments. One commenter suggested that the Board provide further guidance as to the boundaries of public welfare investments that are not directly related to low- and moderate-income communities or families. The Board's expansion of investments permissible without prior approval should address this commenter's concerns.

Application procedures. Three commenters suggested that the rule should address application procedures and time limits for public welfare investments. The Board has added provisions to § 208.21(d) to describe the minimum information that a public welfare investment request should contain in order to enable the Board to determine whether the investment would meet the Federal Reserve Act's requirements. The final rule also provides that the Board will normally act on requests within 60 days, unless the Board notifies the bank that a longer period is necessary. Accordingly, a bank should request Board approval of a public welfare investment at least 60 days prior to the day the bank wishes to make the investment.

Section 208.21(e)

Divestiture. The Board proposed that a bank must divest itself of an investment made in accordance with the regulation to the extent that the investment exceeds the scope of, or ceases to meet, the requirements of the regulation. The Board proposed that the divestiture be made in the manner specified in Regulation Y for interests acquired by a lending subsidiary of a bank holding company or the bank holding company itself in satisfaction of a debt previously contracted. The Board received no public comments on this provision and has adopted it as proposed.

Section 208.21(f)

Preexisting investments. Under the Board proposal, if a state member bank has an ongoing public welfare investment that would not require prior approval under the regulation and was made prior to the rule's effective date, the bank must notify its Federal Reserve Bank of the investment within 60 days after the effective date. For other ongoing investments made prior to the rule's effective date, the bank must request Board approval within one year of the effective date. The Board received no public comments on these provisions and has adopted them as proposed.

Other Comments

Community Reinvestment Act

Three commenters requested that the Board address the relationship between the proposed rule and banks' obligations under the Community Reinvestment Act (CRA). One commenter was concerned that the new investment levels would be interpreted as mandatory for state member banks by some community groups and requested that the Board clarify the role such investments should play in bank's overall CRA program. Another commenter believed that public welfare investments should be considered in assessment of a bank's CRA compliance in order to encourage bank participation in lending consortia outside the bank's delineated service area. A third commenter stated that the types of investments envisioned in this rule should not supplant the bank's responsibilities under the CRA.

The Board has determined not to refer to the CRA in this regulation. The requirements of the CRA will continue to apply to state member banks. Public welfare investments that are authorized under this regulation may or may not qualify for CRA "credit," depending on the nature of the investment and the requirements of the CRA.

Regulation Y

Two commenters urged the Board to adopt a corresponding interpretation to Regulation Y (12 CFR Part 225) so that the treatment of bank holding companies and state member banks will be consistent. The Board has adopted an interpretation to Regulation Y, published elsewhere in today's **Federal Register**.

Capital Treatment

One commenter requested that the Board address the capital effects of this proposal. The Board believes that public welfare investments should not receive special accounting, capital, or examination treatment.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Board certifies that the amendments to Regulation H will not have a significant economic impact on a substantial number of small entities, and that any impact on those entities should be positive. The amendments will reduce the regulatory burden for many state member banks by permitting them to make certain investments that had previously required Board approval, and will have no effect in other cases.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection has been reviewed by the Board under the authority delegated to the Board by the Office of Management and Budget (5 CFR Part 1320, Appendix A) after consideration of the comments received during the public comment period.

The collections of information in this regulation are in 12 CFR 208.21. This information is required to allow oversight of state member banks while permitting them to make certain public welfare investments. This information will be used to track public welfare investments and approve or deny certain new investments.

The estimated annual burden per respondent varies from 2 to 10 hours, depending on individual circumstances, with an estimated average of 2.3 hours. There will be an estimated thirty-five respondents filing investment notifications, averaging 2 hours, an estimated fifteen respondents filing applications, averaging 2.5 hours, and an estimated two respondents filing divestiture notifications, averaging 5 hours.

List of Subjects in 12 CFR Part 208

Accounting, Agriculture, Banks, Banking, Confidential business information, Crime, Currency, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the Board is amending 12 CFR Part 208 as set forth below:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for Part 208 continues to read as follows:

Authority: 12 U.S.C. 36, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1823(j), 1828(o), 1831o, 1831p–1, 3105, 3310, 3331–3351, and 3906–3909; 15 U.S.C. 78b, 78l(b), 78l(g), 78l(i), 78o–4(c)(5), 78q, 78q–1, and 78w; 31 U.S.C. 5318.

2. A new § 208.21 is added to Subpart A to read as follows:

§ 208.21 Community development and public welfare investments.

(a) *Definitions*—(1) *Low- or moderate-income area* means:

(i) One or more census tracts in a Metropolitan Statistical Area where the median family income adjusted for family size in each census tract is less than eighty percent of the median family income adjusted for family size of the Metropolitan Statistical Area; or

(ii) If not in a Metropolitan Statistical Area, one or more census tracts or block-numbered areas where the median family income adjusted for family size in each census tract or block-numbered area is less than eighty percent of the median family income adjusted for family size of the State.

(2) *Low- and moderate-income persons* has the same meaning as low- and moderate-income persons as defined in 42 U.S.C. 5302(a)(20)(A).

(3) *Small business* means a business that meets the size eligibility standards of 13 CFR 121.802(a)(2).

(b) *Investments that do not require prior Board approval.* Notwithstanding the provisions of section 5136 of the Revised Statutes (12 U.S.C. 24 (Seventh)) made applicable to State member banks by paragraph 20 of section 9 of the Federal Reserve Act (12 U.S.C. 335), a State member bank may make an investment, without prior Board approval, if the following conditions are met:

(1) The investment is in a corporation, limited partnership, or other entity:

(i) Where the Board has determined that an investment in that entity or class of entities is a public welfare investment under paragraph 23 of section 9 of the Federal Reserve Act (12 U.S.C. 338a), or a community development investment under Regulation Y (12 CFR 225.25(b)(6));

(ii) Where the Comptroller of the Currency has determined, by order or regulation, that an investment in that entity by a national bank is a public welfare investment under section 5136 of the Revised Statutes (12 U.S.C. 24 (Eleventh));

(iii) Where that entity is a community development financial institution as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)); or

(iv) Where that entity, directly or indirectly, engages solely in or makes loans solely for the purposes of one or more of the following community development activities:

(A) Investing in, developing, rehabilitating, managing, selling, or renting residential property if a majority of the units will be occupied by low- and moderate-income persons or if the property is a "qualified low-income building" as defined in section 42(c)(2) of the Internal Revenue Code (26 U.S.C. 42(c)(2));

(B) Investing in, developing, rehabilitating, managing, selling, or renting nonresidential real property or other assets located in a low- or moderate-income area and targeted towards low- and moderate-income persons;

(C) Investing in one or more small businesses located in a low- or moderate-income area to stimulate economic development;

(D) Investing in, developing, or otherwise assisting job training or placement facilities or programs that will be targeted towards low- and moderate-income persons;

(E) Investing in an entity located in a low- or moderate-income area if that entity creates long-term employment opportunities, a majority of which (based on full time equivalent positions) will be held by low- and moderate-income persons; and

(F) Providing technical assistance, credit counseling, research, and program development assistance to low- and moderate-income persons, small businesses, or nonprofit corporations to help achieve community development;

(2) The investment is permitted by State law;

(3) The investment will not expose the State member bank to liability beyond the amount of the investment;

(4) The investment does not exceed the sum of two percent of the State member bank's capital stock and surplus as defined under 12 CFR 250.162;

(5) The aggregate of all such investments of the State member bank does not exceed the sum of five percent of its capital stock and surplus as defined under 12 CFR 250.162;

(6) The State member bank is well capitalized or adequately capitalized under §§ 208.33(b) (1) and (2);

(7) The State member bank received a composite CAMEL rating of "1" or "2" under the Uniform Financial Institutions Rating System as of its most recent examination and an overall rating of at least "satisfactory" as of its most recent consumer compliance examination; and

(8) The State member bank is not subject to any written agreement, cease and desist order, capital directive,

prompt corrective action directive, or memorandum of understanding issued by the Board or a Federal Reserve Bank.

(c) *Notice.* Not more than 30 days after making an investment under paragraph (b) of this section, the State member bank shall advise its Federal Reserve Bank of the investment, including the amount of the investment and the identity of the entity in which the investment is made.

(d) *Investments requiring Board approval.* (1) With prior Board approval, a State member bank may make public welfare investments under paragraph 23 of section 9 of the Federal Reserve Act (12 U.S.C. 338a), other than those specified in paragraph (b) of this section.

(2) Requests for approval under this paragraph should include, at a minimum, the amount of the proposed investment, a description of the entity in which the investment is to be made, an explanation of why the investment is a public welfare investment under paragraph 23 of section 9 of the Federal Reserve Act (12 U.S.C. 338a), a description of the State member bank's potential liability under the proposed investment, the amount of the State member bank's aggregate outstanding public welfare investments under paragraph 23 of section 9 of the Federal Reserve Act, and the amount of the State member bank's capital stock and surplus as defined in 12 CFR 250.162.

(3) The Board will act on a request under this paragraph within 60 calendar days after receipt of a request that meets the requirements of paragraph (d)(2) of this section, unless the Board notifies the requesting State member bank that a longer time period will be required.

(e) *Divestiture of investments.* A State member bank shall divest itself of an investment made under paragraph (b), (d) or (f) of this section to the extent that the investment exceeds the scope of, or ceases to meet, the requirements of paragraphs (b)(1) through (b)(5), or paragraph (d) of this section. The divestiture shall be made in the manner specified in 12 CFR 225.140, Regulation Y, for interests acquired by a lending subsidiary of a bank holding company or the bank holding company itself in satisfaction of a debt previously contracted.

(f) *Preexisting investments.* (1) For ongoing investments made prior to January 9, 1995 that are covered by paragraph (b) of this section, a State member bank shall notify its Federal Reserve Bank of the investment not more than sixty days after January 9, 1995.

(2) For other ongoing investments made prior to January 9, 1995, a State member bank shall request Board approval not more than one year after January 9, 1995.

By order of the Board of Governors of the Federal Reserve System, December 2, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–30160 Filed 12–8–94; 8:45 am]

BILLING CODE 6210–01–P

---

12 CFR Part 225

[Regulation Y; Docket R–0860]

Bank Holding Companies and Changes in Bank Control

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; interpretation.

SUMMARY: The Board has revised its interpretation regarding the scope of community development activities permissible for bank holding companies to incorporate several decisions by the Board and to reflect statutory changes that have broadened the authority of national and state member banks to make certain community welfare investments.

EFFECTIVE DATE: January 9, 1995.

FOR FURTHER INFORMATION CONTACT: Scott G. Alvarez, Associate General Counsel (202/452–3583), or Deborah M. Awai, Senior Attorney (202/452–3594), Legal Division; or Don E. Kline, Associate Director (202/452–3421), or Larry R. Cunningham, Supervisory Financial Analyst (202/452–2701), Division of Banking Supervision and Regulation of the Board of Governors of the Federal Reserve System. For the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION: The Board has previously determined that the making of equity and debt investments in corporations or projects is designed "primarily to promote community welfare" as an activity that "is closely related to banking" under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act). 12 CFR 225.25(b)(6). The Board has also previously adopted an interpretation that provides guidance regarding the types of investments that are considered to be permissible for bank holding companies under this authority.

Section 6(b) of the Depository Institutions Disaster Relief Act of 1992 (12 U.S.C. 338a), enacted on October 23, 1992, amended section 9 of the Federal Reserve Act to permit state member banks to invest in the stock of community development corporations that are designed primarily to promote the public welfare of low- and moderate-income communities and persons in the areas of housing, services and employment. On November 30, 1994, the Board adopted a final rule amending Regulation H, 12 CFR 208, that permits state member banks to make certain investments without specific Board approval.

The Board believes that these revisions are consistent with the Board's interpretation of, and decisions regarding, the scope of community welfare activities permissible for bank holding companies. Accordingly, the Board has revised its interpretation of Regulation Y, 12 CFR 225.127, to reflect that bank holding companies that have received approval under section 4(c)(8) of the BHC Act and § 225.25(b)(6) of the Board's Regulation Y to engage in activities that promote community welfare may make similar investments permissible for state member banks. These community development corporation and project investments by bank holding companies would primarily benefit low- and moderate-income persons or small businesses, and address demonstrated community needs by providing housing, services, and jobs to low- and moderate-income communities. In particular, the revised interpretation provides that a bank holding company may, directly or through a subsidiary:

- Invest in and provide financing to a corporation or project or class of corporations or projects that the Board previously has determined is a public welfare project pursuant to paragraph 23 of section 9 of the Federal Reserve Act (12 U.S.C. 338a);
- Invest in and provide financing to a corporation or project that the Office of the Comptroller of the Currency previously has determined, by order or regulation, is a public welfare investment pursuant to section 5136 of the Revised Statutes (12 U.S.C. 24 (Eleventh));
- Invest in and provide financing to a community development financial institution pursuant to section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5));
- Invest in, provide financing to, develop, rehabilitate, manage, sell, and rent residential property if a majority of the units will be occupied by low- and moderate-income persons, or if the property is a "qualified low-income building" as defined in section 42(c)(2) of the Internal Revenue Code (26 U.S.C. 42(c)(2));
- Invest in, provide financing to, develop, rehabilitate, manage, sell, and rent nonresidential real property or other assets located in a low- or moderate-income area and to be used primarily for low- and moderate-income persons;
- Invest in and provide financing to one or more small businesses located in a low- or

moderate-income area to stimulate economic development;

• Invest in, provide financing to, develop, and otherwise assist job training and placement facilities or programs designed primarily for low- and moderate-income persons;

• Invest in and provide financing to an entity located in a low- or moderate-income area if that entity creates long-term employment opportunities, a majority of which (based on full time equivalent positions) will be held by low- and moderate-income persons; and

• Provide technical assistance, credit counseling, research, and program development assistance to low- and moderate-income persons, small businesses, or nonprofit corporations to help achieve community development.

Community development corporation and project investment proposals by a bank holding company that comply with these requirements and do not exceed five percent of the total consolidated capital stock and surplus of the bank holding company when aggregated with similar types of investments made by depository institutions controlled by the bank holding company, may be made without additional Board or Reserve Bank approval. For purposes of this interpretation, the term total consolidated capital stock and surplus of the bank holding company means total equity capital and the allowance for loan and lease losses. For bank holding companies that file the FR Y–9C (Consolidated Financial Statements for Bank Holding Companies), these items are readily ascertained from Schedule HC—Consolidated Balance Sheet (total equity capital (line 27h) and allowance for loan and lease losses (line 4b)). For bank holding companies filing the FR Y–SP (Parent Company Only Financial Statements for Small Bank Holding Companies), an approximation of these items is ascertained from the Balance Sheet (total equity capital (line 16e) and allowance for loan and lease losses (line 3b)) and from the Report of Condition for Insured Banks (Schedule RC—Balance Sheet (line 4b)).

The revised interpretation does not define the full scope of community welfare projects that may be permissible for bank holding companies, and is intended only to provide guidance regarding the types of projects that, in the Board's experience, have been proposed by bank holding companies. Accordingly, a bank holding company that proposes to invest in a community development corporation or project that is not discussed in the interpretation may, nonetheless, seek Board approval to invest in or conduct such project pursuant to § 225.25(b)(6) of the Board's Regulation Y. Such a proposal must include a detailed description and an explanation of how the project would serve the community welfare.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Board does not believe that these changes will have a significant adverse economic impact on a substantial number of small entities. The revised interpretation will reduce regulatory burdens imposed by the Board's procedures on small bank holding companies, and have no particular adverse effect on other entities.

Paperwork Reduction Act Analysis

In accordance with section 3507 of the Paperwork Reduction Act (44 U.S.C. 3507), the revised interpretation has been reviewed by the Board under the authority delegated to the Board by the Office of Management and Budget. The Board believes there is no impact on the paperwork burden for bank holding companies.

List of Subjects in 12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the Board amends 12 CFR Part 225 as set forth below:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

1. The authority citation for Part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1831i, 1813p-1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331–3351, 3907, and 3909.

2. Section 225.127 is amended as follows:

a. In the first sentence of paragraph (a), the reference "§ 225.4(b)" is revised to read "§ 225.23";

b. In the fifth sentence of paragraph (a), the word "permissable" is revised to read "permissible";

c. In the last sentence of paragraph (d), the reference to "§ 225.4(b)(1)" is revised to read "§ 225.23";

d. In paragraphs (a), (b), (c), and (d), all references "§ 225.4(a)(7)" are revised to read "§ 225.25(b)(6)"; and

(e) New paragraphs (f), (g), and (h) are added.

The additions read as follows:

§ 225.127 Investment in corporations or projects designed primarily to promote community welfare.

* * * * *

(f) Section 6 of the Depository Institutions Disaster Relief Act of 1992 permits state member banks (12 U.S.C. 338a) and national banks (12 U.S.C. 24 (Eleventh)) to invest in the stock of community development corporations that are designed primarily to promote the public welfare of low- and moderate-income communities and persons in the areas of housing, services and employment. The Board and the Office of the Comptroller of the Currency have adopted rules that permit state member banks and national banks to make certain investments without prior approval. The Board believes that these rules are consistent with the Board's interpretation of, and decisions regarding, the scope of community welfare activities permissible for bank holding companies. Accordingly, approval received by a bank holding company to conduct activities designed to promote the community welfare under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.25(b)(6) of the Board's Regulation Y (12 CFR 225.25(b)(6)) includes approval to engage, either directly or through a subsidiary, in the following activities, up to five percent of the bank holding company's total consolidated capital stock and surplus, without additional Board or Reserve Bank approval:

(1) Invest in and provide financing to a corporation or project or class of corporations or projects that the Board previously has determined is a public welfare project pursuant to paragraph 23 of section 9 of the Federal Reserve Act (12 U.S.C. 338a);

(2) Invest in and provide financing to a corporation or project that the Office of the Comptroller of the Currency previously has determined, by order or regulation, is a public welfare investment pursuant to section 5136 of the Revised Statutes (12 U.S.C. 24 (Eleventh));

(3) Invest in and provide financing to a community development financial institution pursuant to section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5));

(4) Invest in, provide financing to, develop, rehabilitate, manage, sell, and rent residential property if a majority of the units will be occupied by low- and moderate-income persons or if the property is a "qualified low-income building" as defined in section 42(c)(2) of the Internal Revenue Code (26 U.S.C. 42(c)(2));

(5) Invest in, provide financing to, develop, rehabilitate, manage, sell, and rent nonresidential real property or other assets located in a low- or moderate-income area provided the property is used primarily for low- and moderate-income persons;

(6) Invest in and provide financing to one or more small businesses located in a low- or moderate-income area to stimulate economic development;

(7) Invest in, provide financing to, develop, and otherwise assist job training or placement facilities or programs designed primarily for low- and moderate-income persons;

(8) Invest in and provide financing to an entity located in a low- or moderate-income area if that entity creates long-term employment opportunities, a majority of which (based on full time equivalent positions) will be held by low- and moderate-income persons; and

(9) Provide technical assistance, credit counseling, research, and program development assistance to low- and moderate-income persons, small businesses, or nonprofit corporations to help achieve community development.

(g) For purposes of paragraph (f) of this section, low- and moderate-income persons or areas means individuals and communities whose incomes do not exceed 80 percent of the median income of the area involved, as determined by the U.S. Department of Housing and Urban Development. Small businesses are businesses that are smaller than the maximum size eligibility standards established by the Small Business Administration (SBA) for the Small Business Investment Company and Development Company Programs or the SBA section 7A loan program; and specifically include those businesses that are majority-owned by members of minority groups or by women.

(h) For purposes of paragraph (f) of this section, five percent of the total consolidated capital stock and surplus of a bank holding company includes its total investment in projects described in paragraph (f) of this section, when aggregated with similar types of investments made by depository institutions controlled by the bank holding company. The term total consolidated capital stock and surplus of the bank holding company means total equity capital and the allowance for loan and lease losses. For bank holding companies that file the FR Y–9C (Consolidated Financial Statements for Bank Holding Companies), these items are readily ascertained from Schedule HC—Consolidated Balance Sheet (total equity capital (line 27h) and allowance for loan and lease losses (line 4b)). For bank holding companies filing the FR Y–SP (Parent Company Only Financial Statements for Small Bank Holding Companies), an approximation of these items is ascertained from the Balance Sheet (total equity capital (line 16e)) and allowance for loan and lease losses (line 3b)) and from the Report of Condition for Insured Banks (Schedule RC—Balance Sheet (line 4b)).

By order of the Board of Governors of the Federal Reserve System, December 2, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–30159 Filed 12–8–94; 8:45 am]

BILLING CODE 6210–01–P

---

12 CFR Part 226

[Regulation Z; Docket No. R–0861]

Truth in Lending

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; temporary exceptions.

SUMMARY: The Board is amending Regulation Z (which implements the Truth in Lending Act) to provide some relief in areas in Texas recently affected by major flooding. The amendments provide a temporary exception to its provisions that prohibit the use of a preprinted form by a creditor to obtain a consumer's waiver of the right to rescind certain home-secured loans when loan proceeds are needed immediately to meet a consumer's bona fide personal financial emergency. Generally, Regulation Z requires a mandatory three day waiting period on rescindable transactions before funds can be disbursed. The relief also provides that a consumer's need to obtain funds immediately shall be regarded as a bona fide personal financial emergency for purposes of Regulation Z for transactions secured by a consumer's principal dwelling located in areas of Texas recently declared to be major disaster areas because of extensive flooding. The exception expires one year from the date the area was declared a major disaster.

EFFECTIVE DATE: December 8, 1994.

FOR FURTHER INFORMATION CONTACT: Jane Jensen Gell or Kyung Cho-Miller, Staff Attorneys, Division of Consumer and Community Affairs, at (202) 452–2412 or (202) 452–3667; for the hearing impaired *only*, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD), at (202) 452–3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Truth in Lending Act (TILA), 15 U.S.C. 1601–1666j, and Regulation Z, 12 CFR Part 226, with some exceptions, a consumer has the right to rescind a credit obligation secured by the consumer's principal dwelling for three days after becoming obligated, due to the risk of loss of the consumer's home in the event of default. There is a mandatory waiting period of three business days before funds can be disbursed in order to give consumers an opportunity to reflect on the loan terms and to elect to cancel the transaction (12 CFR 226.15 and 226.23). A consumer may modify or waive this right of rescission to meet a bona fide personal financial emergency. The consumer must provide the creditor a written, signed and dated waiver statement that describes the emergency. Under Regulation Z, 12 CFR 226.15(e) and 226.23(e), the waiver statement may not be executed on a preprinted form.

The Board has previously adopted an exception to Regulation Z for transactions in areas affected by Hurricanes Andrew and Iniki and the April 1992 Los Angeles civil unrest (57 FR 53545); extensive flooding in the Midwest (58 FR 40582); a major earthquake in California (59 FR 6532); and extensive flooding in Alabama, Florida and Georgia (59 FR 40203). The Board's exception permitted a temporary waiver of the provisions in Regulation Z that prohibited an institution's use of a preprinted form to obtain a consumer's waiver of the right to rescind certain home-secured loans when loan funds were needed immediately to meet a consumer's bona fide personal financial emergency. In addition, a consumer's need to obtain funds immediately was regarded as a bona fide personal financial emergency for purposes of Regulation Z, where the home securing the loan is located in the disaster area.

II. Relief for Flood Affected Communities

During October 1994, extensive flooding occurred in Texas. As a result, the President has determined that major disaster areas exist in and around Houston, Texas. In order to aid consumers in obtaining credit speedily to begin repairs in these areas and to ease the paperwork burden on banks extending credit in these areas, the Board has determined to provide a temporary exception in this situation to the restrictions in §§ 226.15(e) and 23(e) of Regulation Z. This exception will expire one year from the date the

President determined that an area was a major disaster.

Pursuant to authority granted in section 105 of the TILA, the Board is amending Regulation Z to permit a temporary exception to its provisions that prohibit the use of a preprinted form by an institution to obtain a consumer's waiver of the right to rescind certain home-secured loans when the home is located in an area that the President has determined (under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170) is a major disaster area as a result of the extensive flooding in 1994 in Texas. The Board notes, however, that the consumer must still sign and date the waiver statement. The following counties in Texas thus far have been declared major disaster areas: Angelina, Austin, Bastrop, Brazos, Brazoria, Burleson, Chambers, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lee, Liberty, Madison, Matagorda, Montgomery, Nacagdoches, Orange, Polk, San Augustine, San Jacinto, Shelby, Trinity, Victoria, Washington, Waller, Walker, and Wharton.

III. Public Comment and Effective Date

The Administrative Procedures Act (APA), 5 U.S.C. 553, grants specific exemptions from its notice and public comment requirements for rulemakings when these requirements are contrary to the public interest (5 U.S.C. 553(b)(3)(B)). The amendments in the final rule provide a temporary exemption to Regulation Z and remove a restriction that may impair the availability of loans to consumers who have encountered a bona fide personal financial emergency as a result of having a home located in an area where a major disaster has occurred. The Board finds that it is in the public interest to permit this relief immediately and without advance notice and public comment.

As explained above, the amendment to Regulation Z will reduce the paperwork burden on banks extending credit in certain disaster areas and aid in making credit speedily available to consumers in these areas. In addition, consumers continue to have the right to rescind certain loans unless that right is specifically waived. Moreover, the exemption is limited in scope and duration and would provide immediate assistance to consumers' and lenders' ongoing efforts to reconstruct and rehabilitate only in certain areas that have been affected by recent major disasters recognized under the appropriate federal relief statutes.

For reasons explained above, the Board also believes that deferring the effective date of this action is contrary to the public interest in connection with the adoption of the final rule. The APA grants a specific exemption from its requirements relating to this item in these instances (12 U.S.C. 553(d)(3)). Accordingly, the amendments to Regulation Z are effective immediately.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Board does not believe that the adoption of this final rule will have a significant adverse impact on a substantial number of small entities. The amendment imposes no new requirements and temporarily removes a restriction imposed by Regulation Z on entities subject to the regulation.

Paperwork Reduction Act Analysis

No collection of information pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are contained in these changes.

List of Subjects in 12 CFR Part 226

Advertising, Banks, Banking, Consumer protection, Credit, Federal Reserve System, Finance, Penalties, Rate limitations, Reporting and recordkeeping requirements, Truth in Lending.

For the reason set forth in the preamble, the Board is amending 12 CFR Part 226 as set forth below.

PART 226—TRUTH IN LENDING (REGULATION Z)

1. The authority citation for Part 226 continues to read as follows:

Authority: 12 U.S.C. 3806, 15 U.S.C. 1604 and 1637(c)(5).

Subpart B—Open-End Credit

§ 226.16 [Amended]

2. In § 226.16, footnotes 36c and 36d are redesignated as footnotes 36d and 36e, respectively.

3. In § 226.15, a new paragraph (e)(4) and footnote 36c are added to read as follows:

§ 226.15 Right of rescission.

* * * * *

(e) * * *

(4) The consumer's need to obtain funds immediately shall be regarded as a bona fide personal financial emergency provided that the dwelling securing the extension of credit is located in an area declared during October 1994 to be a major disaster area, pursuant to 42 U.S.C. 5170, because of severe storms and flooding in Texas.[36c] In this instance, creditors may use printed forms for the consumer to waive the right to rescind. This exemption to paragraph (e)(1) of this section shall expire one year from the date an area was declared a major disaster.

* * * * *

Subpart C—Closed-End Credit

4. In § 226.23, a new paragraph (e)(4) and footnote 48c are added to read as follows:

§ 226.23 Right of rescission.

* * * * *

(e) * * *

(4) The consumer's need to obtain funds immediately shall be regarded as a bona fide personal financial emergency provided that the dwelling securing the extension of credit is located in an area declared during October 1994 to be a major disaster area, pursuant to 42 U.S.C. 5170, because of severe storms and flooding in Texas.[48c] In this instance, creditors may use printed forms for the consumer to waive the right to rescind. This exemption to paragraph (e)(1) of this section shall expire one year from the date an area was declared a major disaster.

* * * * *

By order of the Board of Governors of the Federal Reserve System, dated December 5, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–30321 Filed 12–8–94; 8:45 am]

BILLING CODE 6210–01–P

[36c] A list of the affected areas will be maintained and published by the Board. Such areas now include the following counties in Texas: Angelina, Austin, Bastrop, Brazos, Brazoria, Burleson, Chambers, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lee, Liberty, Madison, Matagorda, Montgomery, Nacagdoches, Orange, Polk, San Augustine, San Jacinto, Shelby, Trinity, Victoria, Washington, Waller, Walker, and Wharton.

[48c] A list of the affected areas will be maintained and published by the Board. Such areas now include the following counties in Texas: Angelina, Austin, Bastrop, Brazos, Brazoria, Burleson, Chambers, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lee, Liberty, Madison, Matagorda, Montgomery, Nacagdoches, Orange, Polk, San Augustine, San Jacinto, Shelby, Trinity, Victoria, Washington, Waller, Walker, and Wharton.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–205–AD; Amendment 39–9089; AD 94–25–05]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Model 737 series airplanes. This action requires inspections to detect cracking of the lower skin at the lower row of fasteners in the lap joints of the fuselage, and repair of any cracking detected. This amendment is prompted by reports of cracking in the lap joints of the fuselage skin. The actions specified in this AD are intended to prevent sudden decompression of the airplane due to undetected cracking of the fuselage skin.

DATES: Effective December 27, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 27, 1994.

Comments for inclusion in the Rules Docket must be received on or before February 7, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–205–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas Rodriguez, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2779; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: Recently, the FAA has received reports of cracking in the lap joints of the fuselage skin on Boeing Model 737 series airplanes that had accumulated between 52,000 and 77,000 total flight cycles. These cracks were located in the lower skin at the lower row of fasteners in the lap joints of the fuselage at the tear straps locations. Further cracking was found between the tear straps that are installed at the frames and halfway between the frames. The longest crack was 0.52 inch long, but when linked with adjacent cracks, the total length of this crack was 2.0 inches. The cause of this cracking has been attributed to fatigue. Such cracking, if not detected and corrected in a timely manner, could result in sudden decompression of the airplane.

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–53A1177, dated November 8, 1994, which describes procedures for repetitive eddy current inspections to detect cracking of the lower skin at the lower row of fasteners in the lap joints between body stations 259.50 and 1016, and repair of any cracking detected. The alert service bulletin also describes procedures for close visual inspections to detect corrosion and bulging in the lap joints, and repair of any corrosion or bulging detected. [Visual inspections to detect corrosion are required by AD 90–25–01, amendment 39–6789 (55 FR 49263, November 27, 1990), which requires the implementation of a corrosion control program.]

Since an unsafe condition has been identified that is likely to exist or develop on other Model 737 series airplanes of the same type design, this AD is being issued to detect and correct fatigue cracking that could lead to sudden decompression of the airplane. This AD requires repetitive eddy current inspections to detect cracking of the lower skin at the lower row of fasteners in the lap joints of the fuselage between body stations 259.50 and 1016, and repair of any cracking detected. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

The compliance time for accomplishment of the initial action required by this AD is 120 days. That number of days is usually sufficient to allow for prior notice to the public and a brief comment period before adoption of a final rule. In this AD, however, that compliance time was selected because of (1) the large number of aircraft affected by the AD (2,274 airplanes worldwide, of which approximately 815 are U.S.-registered); (2) the large number of work hours (approximately 40) required to accomplish the inspection; (3) the availability of an adequate number of maintenance facilities able to accommodate scheduling the fleet for inspection; and (4) a foreseeable short-term problem with availability of repair parts and procedures if cracks are found. A shorter compliance time might have resulted in the unnecessary removal of airplanes from service pending scheduling and delivery of repair parts. Nevertheless, the FAA has determined that immediate adoption is necessary in this case because of the importance of initiating the required inspections as soon as possible.

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. Under these circumstances, at least one operator appears to have incorrectly assumed that its airplane was not subject to an AD. On the contrary, all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this rule to clarify this requirement.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption ADDRESSES. All communications received on or before

the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94–NM–205–AD." The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

94–25–05 Boeing: Amendment 39–9089. Docket 94–NM–205–AD.

Applicability: Model 737 series airplanes having line numbers 292 through 2565, inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent sudden decompression of the airplane, accomplish the following:

(a) Prior to the accumulation of 60,000 total flight cycles or within the next 120 days after the effective date of this AD, whichever occurs later, unless accomplished previously within the last 120 days prior to the effective date of this AD, perform a low frequency eddy current inspection to detect cracking of the lower skin at the lower row of fasteners in the lap joints of the fuselage between body stations 259.50 and 1016, in accordance with Boeing Alert Service Bulletin 737–53A1177, dated November 8, 1994.

(1) If no cracking is detected, repeat the inspection thereafter at the times specified in paragraph (b) of this AD.

(2) If any cracking is detected, prior to further flight, repair in accordance with the alert service bulletin, or in accordance with a method approved by the Manager, FAA, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(b) Repeat the low frequency eddy current inspection required by paragraph (a) of this AD at the times specified in paragraphs (b)(1) and (b)(2) of this AD.

(1) If, at the time of the most recent inspection required by paragraph (a) of this AD, the airplane had accumulated 60,000 or more total flight cycles, but fewer than 69,999 total flight cycles, perform the next inspection within 3,500 flight cycles. Repeat the inspection thereafter at intervals not to exceed 3,500 flight cycles until the airplane accumulates 70,000 total flight cycles; then perform the inspections required by paragraph (b)(2) of this AD.

(2) If, at the time of the most recent inspection, the airplane had accumulated 70,000 or more total flight cycles, perform the next inspection within 1,500 flight cycles. Repeat the inspection thereafter at intervals not to exceed 1,500 flight cycles.

(c) Within 20 days after the airplane is returned to service subsequent to the completion of the inspection required by paragraph (a) of this AD, submit a report of the findings of that inspection to the FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; or fax the report to (206) 227–1181. The report should include, as a minimum, the information in paragraphs (c)(1), (c)(2), and (c)(3) if this AD.

(1) Aircraft ID (N number, serial number, etc.).

(2) Total number of cracks detected, including size and location of crack(s).

(3) Negative reports must be submitted (findings of no cracking). Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

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

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

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

(f) The inspections shall be done in accordance with Boeing Alert Service Bulletin 737–53A1177, dated November 8, 1994. 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 obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on December 27, 1994.

Issued in Renton, Washington, on December 2, 1994.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–30143 Filed 12–8–94; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 94–ASW–2]

Alteration of Jet Routes; LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule realigns five jet routes located in Louisiana. The New Orleans Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) facility will be decommissioned because the platform on which it is located is deteriorating. As a result, the Harvey, LA, VORTAC will be upgraded to a high class navigational aid and the five jet routes will be realigned to use the Harvey, LA, VORTAC. This action will enhance air traffic procedures and accommodate concerns of airspace users.

EFFECTIVE DATE: 0901 UTC, February 2, 1995.

FOR FURTHER INFORMATION CONTACT: Norman W. Thomas, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9230.

SUPPLEMENTARY INFORMATION:

History

On July 14, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to realign five jet routes located in Louisiana (59 FR 35869). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, and a 1-degree radial change to J–37 from "Harvey, LA, 265°" to "Harvey, LA, 266°" and J–58 from "Grand Isle, LA, 104°" to "Grand Isle, LA, 105°," this amendment is the same as that proposed in the notice. Jet routes are published in paragraph 2004 of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations realigns five jet routes located in Louisiana. The New Orleans VORTAC will be decommissioned because it is located on a platform which is deteriorating. As a result, Harvey VORTAC will be upgraded to a high class navigational aid and the five jet routes will be realigned to use the Harvey, LA, VORTAC. This action will enhance air traffic procedures and accommodate concerns of airspace users.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J–2 [Revised]

From Mission Bay, CA, via Imperial, CA; Bard, AZ; INT of the Bard 089° and Gila Bend, AZ, 261° radials; Gila Bend, Cochise, AZ; El Paso, TX; Fort Stockton, TX; Junction TX; San Antonio, TX; Humble, TX; Lake Charles, LA; Semmes, AL; Crestview, FL; INT of the Crestview 091° and the Tallahassee, FL, 290° radials; Tallahassee, FL; to Taylor FL.

* * * * *

J–31 [Revised]

From Leeville, LA; Harvey, LA; Meridian, MS; to Vulcan.

* * * * *

J–35 [Revised]

From Leeville, LA; McComb, MS; Sidon, MS; Memphis, TN; Farmington, MO; St. Louis, MO; Capital, IL; Pontiac, IL; Joliet, IL, to Northbrook, IL.

* * * * *

J–37 [Revised]

From Hobby, TX, via INT of the Hobby 084° and Harvey, LA, 266° radials; Harvey; Semmes, AL; Montgomery, AL; Spartanburg, SC; Lynchburg, VA; Gordonsville, VA; Brooke, VA; INT Brooke 067° and Coyle, NJ, 226° radials; to Coyle. From Kennedy, NY; Kingston, NY; Albany, NY; Massena, NY, to the INT of the Massena 037° radial and the United States/Canadian Border.

* * * * *

J–58 [Revised]

From Oakland, CA, via Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Farmington, NM; Las Vegas, NM; Amarillo, TX; Wichita Falls, TX; Dallas-Fort Worth, TX; Alexandria, LA; Harvey, LA; INT of Grand Isle, LA, 105° and Crestview, FL, 201° radials; INT of Grand Isle 105° and Sarasota, FL, 286° radials; Sarasota; Lee County, FL; to the INT Lee County 118° and Palm Beach, FL, 184° radials.

* * * * *

Issued in Washington, DC, on November 30, 1994

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 94–30225 Filed 12–8–94; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF JUSTICE

Bureau of Justice Assistance

28 CFR Part 82

[OJP No. 1010R]

State Criminal Alien Assistance Program

AGENCY: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA).

ACTION: Interim Rule; Notice of Reopening of Comment Period.

SUMMARY: On October 6, 1994, the Bureau of Justice Assistance (BJA) published an interim rule setting forth the State Criminal Alien Assistance Program which provides federal assistance to the States for costs incurred in the imprisonment of an illegal alien who is convicted of a felony by the State. This interim rule may be found at 59 FR 50830, October 6, 1994. The original 60 day comment period expired on December 5, 1994. To allow for further comment on this rule we are reopening the comment period for an additional 30 days.

DATES: Comments must be received on or before January 9, 1995.

ADDRESSES: Comments may be mailed to: The Office of Justice Programs, Office of the General Counsel, 633 Indiana Avenue, N.W., Rm. 1245, Washington, D.C. 20531. Applications and all accompanying data should be sent to the Bureau of Justice Assistance Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. All data must be transmitted either electronically or in hard copy.

FOR FURTHER INFORMATION CONTACT: Curtis H. Straub, Bureau of Justice Assistance, State and Local Assistance Division, Office of Justice Programs, 633 Indiana Avenue, N.W., 10th Floor, Washington, D.C. 20531, (202) 514–6638.

Paul F. Kendall,

Associate General Counsel.

[FR Doc. 94–30396 Filed 12–8–94; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Maryland Abandoned Mine Land Reclamation Plan

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Maryland abandoned mine land reclamation plan (hereinafter referred to as the "Maryland Plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Maryland proposed revisions and additions to its Plan pertaining to new abandoned mine lands (AML) program initiatives. One Initiative would allow Maryland to expend up to 30 percent of Title IV grants on facilities related to water supply, including water supplies adversely affected by certain eligible coal mining practices. A second initiative would allow Maryland to use AML funds for reclamation and drainage abatement at certain eligible sites where mining occurred during a specified time period. The amendment is intended to revise the Maryland plan to be consistent with the corresponding Federal regulations and SMCRA and incorporate the additional flexibility afforded by the Abandoned Mine Land Reclamation Act of 1990 and the Energy Policy Act of 1992.

EFFECTIVE DATE: December 9, 1994.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, OSM, Harrisburg Transportation Center, Third Floor, Suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Plan
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Maryland Plan

On June 16, 1982, the Secretary of the Interior approved the Maryland Plan. Background information on the Maryland Plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the June 16, 1982, **Federal Register** (47 FR 25955). Subsequent actions concerning the conditions of approval and amendments to the Plan can be found at 30 CFR 920.20 and 920.25.

II. Submission of the Proposed Amendment

By letter dated August 19, 1993 (Administrative Record No. MD–565.00), Maryland submitted a proposed amendment to its Plan pursuant to SMCRA at its own initiative. Maryland proposed to amend its Plan to allow for two program initiatives. The first program would allow Maryland to expend up to 30 percent of Title IV grants for the purpose of protecting, repairing, replacing, constructuring, or enhancing facilities related to water supply, including water distribution facilities and treatment plants, to replace water supplies adversely affected by certain eligible coal mining practices. The second program would allow Maryland to use AML funds for reclamation and drainage abatement at certain eligible sites where the surface coal mining operation occurred during the period beginning on August 4, 1977 and ending on or before February 18, 1982. OSM announced receipt of the proposed amendment in the September 21, 1993, **Federal Register** (58 FR 48998), and in the same document, opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on October 21, 1993.

During its review of the amendment, OSM identified concerns relating to the extended eligibility dates for interim mine sites and the use and source of funds. OSM notified Maryland of these concerns by letter dated November 2, 1993 (Administrative Record No. MD–565.06).

By letters dated August 3, 1994 (Administrative Record No. MD–565.07), and September 1, 1994 (Administrative Record No. MD–565.08), Maryland responded to OSM's concerns by submitting additional explanatory information. Maryland submitted House Bill 1522 which revised section 7–906 of the Natural Resources Act, Subtitle 9, of the Annotated Code of Maryland to extend the eligibility dates for the reclamation of mine sites by including lands and waters made eligible through amendments to SMCRA, as amended through October 1, 1994. Maryland also revised its Plan to specify that eligible interim sites are those on which mining ended on or before the Secretary's approval of Maryland's regulatory program. OSM approved the Maryland program on December 1, 1980 (45 FR 79449).

OSM announced receipt of the additional information in the November 14, 1994, **Federal Register** (59 FR 56451). The public comment period closed on November 29, 1994.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

1. Interim Program Bond Forfeiture Projects

Maryland is revising its reclamation project ranking and selection procedures for priority 1 and 2 sites to

include interim program bond forfeiture projects. Maryland's interim program bond forfeitures include sites where mining occurred after the enactment of SMCRA and ended on or before the Secretary of the Interior's approval of Maryland's regulatory program. The Secretary approved the Maryland program on December 1, 1980 (45 FR 79449). Eligible interim program sites are those that remain inadequately reclaimed and for which available funds from bonds or other forms of financial guarantees or from any other source are insufficient to adequately reclaim the site. Maryland also revised its statutory language in section 7–906 of the Natural Resources Act, Subtitle 9, of the Annotated Code of Maryland to extend the eligibility dates for the reclamation of mines sites by including lands and waters made eligible through amendments to SMCRA, as amended through October 1, 1994.

Section 402(g)(4)(B)(1) of SMCRA authorizes expenditures from the AML fund for interim sites provided that any funds for reclamation and abatement which are available from any source are not sufficient to provide for adequate reclamation or abatement. The Director finds the proposed State program amendment to be no less stringent than the counterpart provisions in section 402(g)(4)(B) of SMCRA.

2. Water Supply Replacement Projects

Maryland is revising its reclamation project ranking and selection procedures for priority 1 and 2 sites to include water supply replacement projects. Maryland is authorizing the expenditure of up to 30 percent of the State's share of its annual Federal grant allocation for the purpose of protecting, repairing, replacing, constructing, or enhancing facilities related to water supply, including water distribution facilities and treatment plants, to replace water supplies adversely affected by coal mining practices. Title IV grant funds will be used for these projects if the adverse effects on water supplies occurred prior to August 3, 1977. Title IV grant funds may also be used for projects where the adverse effects on water supplies occurred both prior to and after August 3, 1977, where the adverse effects were predominately the result of mining that occurred prior to August 3, 1977.

Section 403(b) of SMCRA authorizes the expenditure for the purposes listed above of up to 30 percent of the funds allocated to the States in any year through grants made available under sections 402(g)(1) and (5) of SMCRA. The Director finds the proposed State regulation no less stringent than the counterpart provisions in section 403(b) of SMCRA provided that Maryland use only those funds allocated through grants made available under sections 402(g)(1) and (5) of SMCRA.

IV. Summary and Disposition of Comments

Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held. The Director also solicited public comments on the additional information submitted by Maryland. No public comments were received.

Federal Agency Comments

Pursuant to 884.14(a)(2) and 884.15(a), the Director solicited comments on the proposed amendment from various other Federal agencies with an actual or potential interest in the Maryland plan. The Department of Labor, Mine Safety and Health Administration, and the Department of the Army, Corps of Engineers, concurred without comment.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), the Director must solicit the written concurrence of the Administrator of the EPA with respect to those provisions of the proposed plan amendment which relate to air or water quality standards promulgated under the authority of the Clean Air Act (42 U.S.C. 7401 *et seq.*) or the Clean Water Act (33 U.S.C. 1251 *et seq.*). The Director has determined that this amendment contains no such provisions and that EPA concurrence is therefore unnecessary.

V. Director's Decision

Based on the above findings, the Director approves the proposed Plan amendment and statutory change as submitted by Maryland on August 19, 1993, August 13, 1994, and September 1, 1994.

The Federal regulations at 30 CFR Part 920, codifying decisions concerning the Maryland plan, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State plan amendment process and to encourage States to bring their plans into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This proposed rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

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 submittal which is the subject of this rule is based upon corresponding 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. In making the

determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 5, 1994.

Richard J. Seibel,

Acting Assistant Director, Eastern Support Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 920—MARYLAND

1. The authority citation for Part 920 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 920.25 is amended by redesignating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

§ 920.25 Approval of Maryland abandoned mine land reclamation plan (AMLR) amendments.

* * * * *

(b) The Maryland AMLR amendment submitted August 19, 1993, and revised on August 3, 1994, and September 1, 1994, is approved effective December 9, 1994.

[FR Doc. 94–30346 Filed 12–8–94; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 102–1–6744a; FRL–5120–1]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the Bay Area Air Quality Management District (BAAQMD). The revised rules control VOC emissions from Metal Container, Closure, and Coil Coating, Solvent Cleaning Operations, and Pressure Relief Valves at Petroleum Refineries and Chemical Plants. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on these rules serves as a final determination that the deficiencies in these rules have been corrected and that on the effective date of this action, any sanctions or Federal Implementation Plan (FIP) obligations are permanently stopped. Thus, EPA is finalizing the approval of these rules into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on February 7, 1995, unless adverse or critical comments are received by January 9, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

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

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

Environmental Protection Agency, Air Docket 6102, 401 "M" Street, SW., Washington, DC 20460.

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

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Daniel A. Meer, Chief, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP are: BAAQMD's Regulation 8, Rule 11, Metal Container, Closure, and Coil Coating; Rule 16, Solvent Cleaning Operations; and Rule 28, Pressure Relief Valves at Petroleum Refineries and Chemical Plants.

These rules were submitted by the California Air Resources Board (CARB) to EPA on September 28, 1994.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the San Francisco Bay Area. 43 FR 8964, 40 CFR 81.305. Because this area was unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987 (40 CFR 52.222). On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2) of the 1977 Act, that the above district's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

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

State of California submitted many revised RACT rules for incorporation into its SIP on September 28, 1994, including the rules being acted on in this notice. This notice addresses EPA's

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

[2] The San Francisco Bay Area retained its designation of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

direct-final action for BAAQMD's Regulation 8, Rule 11, Metal Container, Closure, and Coil Coating; Rule 16, Solvent Cleaning Operations; and Rule 28, Pressure Relief Valves at Petroleum Refineries and Chemical Plants. The BAAQMD adopted Rules 11 and 16 on June 15, 1994 and Rule 28 on June 1, 1994. The submitted rules were found to be complete on November 22, 1994 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V[3] and are being finalized for approval into the SIP.

Regulation 8, Rule 11 controls VOC emissions from metal container, closure, and coil coating operations. Regulation 8, Rule 16 controls VOC emissions from solvent cleaning operations employing Cold Cleaners, Open Top Vapor Degreasers and Conveyorized Degreasers. Regulation 8, Rule 28 controls VOC emissions from pressure relief valves at petroleum refineries and chemical plants. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of BAAQMD's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for these rules.

EPA Evaluation and Action

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

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to Regulation 8, Rule 11 is entitled "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks", EPA–450/2–77–008. The CTG applicable to Regulation 8, Rule 16 is entitled "Control of Volatile Organic Emissions from Solvent Metal Cleaning", EPA–450/2–77–022.

The CTG applicable to Regulation 8, Rule 28 is entitled "Control of Volatile Organic Compound Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Equipment", EPA–450/3–83–006. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

BAAQMD's submitted Rule 11 includes the following significant changes from the current SIP:

- Limits the VOC contents of interior body spray, two-piece can exterior end coating, and the interior of reconditioned drums, pails and lids coatings to limits found in the applicable CTG,
- Mandates that air pollution abatement equipment meet the requirements of Regulation 2, Rule 1,
- Deletes section on the analysis of non-heat-set ink samples, thereby removing a previously identified deficiency,
- Adds EPA methods 25 and 25A as test methods that can be used to determine compliance.

BAAQMD's submitted Rule 16 includes the following significant changes from the current SIP:

- Adds requirement for down-time cover,
- Removes the Air Pollution Control Officer's (APCO) discretion in approving alternate methods to limit solvent carry out,
- Adds EPA methods 25 and 25A as test methods that can be used to determine compliance.

BAAQMD's submitted Rule 28 includes the following significant changes from the current SIP:

- Exempts research and development facilities,
- Adds definitions of inaccessible pressure relief valve and leak minimization,
- Requires inspection of pressure relief valves protected by rupture disks,
- Revises the pressure relief valve repair provisions,
- Includes provisions for identifying leaks and relief valves,
- Adds sections for determining control efficiency, analysis of samples, and portable hydrocarbon detectors.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, BAAQMD's Regulation 8, Rule 11, Metal Container, Closure and Coil Coating, Rule 16, Solvent Cleaning Operations, and Rule 28, Pressure Relief Valves at Petroleum Refineries and Chemical Plants are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

The final action on these rules serves as a final determination that the deficiencies in these rules have been corrected. Therefore, if this direct final action is not withdrawn, on February 7, 1995, any sanction or Federal Implementation Plan Clock is stopped.

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

EPA is publishing this notice without prior proposal because the Agency views these as noncontroversial amendments and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective February 7, 1995, unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective February 7, 1995.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rules will not have a significant

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

impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over population of less than 50,000.

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: December 1, 1994.

Nora L. McGee,

Acting Regional Administrator

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(199)(i)(A)(*1*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(199) New and amended regulations for the following APCDs were submitted on September 28, 1994 by the Governor's designee.

(i) Incorporation by reference.

(A) Bay Area Air Quality Management District.

(*1*) Regulation 8, Rules 11 and 16 adopted on June 15, 1994, and Regulation 8, Rule 28 adopted on June 1, 1994.

* * * * *

[FR Doc. 94–30325 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 52

[CA 102–1–6744c; FRL–5120–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination That State Has Corrected the Deficiency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's **Federal Register** EPA has published a direct final rulemaking fully approving revisions to the California State Implementation Plan. The revisions concern Bay Area Air Quality Management District Regulation 8, Rules 11, 16, and 28. EPA has also published a proposed rulemaking to provide the public with an opportunity to comment on EPA's action. If a person submits adverse comments on EPA's proposed action within 30 days of publication of the proposed and direct final actions, EPA will withdraw its direct final action and will consider any comments received before taking final action on the State's submittal. Based on the proposed full approvals, EPA is making an interim final determination by this action that the State has corrected the deficiencies for which sanctions clocks began on July 12, 1993, May 13, 1993, and June 16, 1993, respectively. The interim final action will defer the application of the offset sanctions and defer the application of the highway sanctions. Although the interim final determination is effective upon publication, EPA will take comment. If no comments are received on EPA's proposed approval of the State's submittal, the direct final action published in today's **Federal Register** will also finalize EPA's determination that the State has corrected the deficiencies that started the sanctions clocks. If comments are received on EPA's proposed approval and this interim final action, EPA will publish a final action taking into consideration any comments received.

DATES: This interim final rule is effective on December 9, 1994.

Comments must be received by January 9, 1995.

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

The state submittal and EPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address and at the following locations:

Environmental Protection Agency, Air Docket 6102, 401 "M" Street SW., Washington DC 20460.

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

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Daniel A. Meer, Chief, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION:

I. Background

On December 31, 1990 the State submitted BAAQMD's Regulation 8, Rule 11, Metal Container, Closure, and Coil Coating; Rule 16, Solvent Cleaning Operations; and Rule 28 Pressure Relief Valves at Petroleum Refineries and Chemical Plants. EPA published limited disapprovals for Rule 11, Rule 16, and Rule 28 in the **Federal Register** on July 12, 1993, May 13, 1993, and June 16, 1993, respectively. 58 FR 37421, 58 FR 28356, 58 FR 33194. EPA's disapproval actions started 18-month clocks for the mandatory application of one sanction (followed by a second sanction 6 months later) under section 179 of the Clean Air Act (Act) and 24-month clocks for promulgation of a Federal Implementation Plan (FIP) under section 110(c) of the Act. The State subsequently submitted revised rules on September 28, 1994. EPA has taken direct final action on this submittal pursuant to its modified direct final policy set forth at 59 FR 24054 (May 10, 1994). In the Rules section of today's **Federal Register**, EPA has issued a direct final full approval of the State of California's submittal of BAAQMD's Regulation 8, Rules 11, 16, and 28. In addition, in the Proposed Rules section of today's **Federal Register**, EPA has proposed full approval of the State's submittal.

Based on the proposed and direct final approval set forth in today's **Federal Register**, EPA believes that it is

more likely than not that the State has corrected the original disapproval deficiencies. Therefore, EPA is taking this final rulemaking action, effective on publication, finding that the State has corrected the deficiencies. However, EPA is also providing the public with an opportunity to comment on this final action. If, based on any comments on the action deferring application of sanctions and any comments on EPA's proposed full approval of the State's submittal, EPA determines that the State's submittal is not fully approvable and this final action was inappropriate, EPA will either propose or take final action finding that the State has not corrected the original disapproval deficiencies. As appropriate, EPA will also issue an interim final determination or a final determination that the deficiencies have not been corrected. Until EPA takes such an action, the application of sanctions will continue to be deferred and or stayed.

This action does not stop the mandatory sanctions clocks that started for this area on July 12, 1993, May 13, 1993, or June 16, 1993. However, this action will defer the application of the offsets sanctions and will defer the application of the highway sanctions. See 59 FR 39832 (Aug. 4, 1994). If EPA's direct final action fully approving the State's submittal becomes effective, such action will permanently stop the mandatory sanctions clocks and will permanently lift any applied, stayed or deferred sanctions. If EPA withdraws the direct final action based on adverse comments and EPA subsequently determines that the State, in fact, did not correct the disapproval deficiencies, the sanctions consequences described in the sanctions rule will apply. See 59 FR 39832, to be codified at 40 CFR 52.31.

II. EPA Action

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

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

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

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

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

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: December 1, 1994.

Nora L. McGee,

Acting Regional Administrator.

[FR Doc. 94–30326 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–W

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

---

40 CFR Part 52

[CA 125–1–6804b; FRL–5119–8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination That State Has Corrected Deficiencies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's Federal Register EPA has published a proposed rulemaking fully approving revisions to the California State Implementation Plan. The revisions concern San Diego County Air Pollution Control District Rule 67.3, Metal Parts and Products Coating Operations. The proposed rulemaking provides the public with an opportunity to comment on EPA's action approving Rule 67.3. Based on the proposed approval, EPA is making an interim final determination by this action that the State has corrected the deficiencies for which a sanctions clock was activated on May 13, 1993. This action will defer the application of the offset sanction and defer the application of the highway sanction. Although this action is effective upon publication, EPA will take comment. If comments are received on EPA's proposed approval and this interim final action, EPA will publish a final document taking into consideration any comments received.

DATES: The effective date is December 9, 1994.

Comments must be received by January 9, 1995.

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

The state submittal and EPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address and at the following locations:

Environmental Protection Agency, Air Docket 6102, 401 "M" Street, SW., Washington 20460.
California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.
San Diego County Air Pollution Control District, 9150 Chesapeake Drive, CA 92313–1095.

FOR FURTHER INFORMATION CONTACT:
Helen Liu, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1199.

SUPPLEMENTARY INFORMATION:

I. Background

On April 5, 1991, the State submitted San Diego County Air Pollution Control District (SDCAPCD) Rule 67.3, Metal Parts and Products Coating Operations, for which EPA published a limited disapproval in the **Federal Register** on May 13, 1993. (58 FR 28357). EPA's limited disapproval action started an 18-month clock for the application of one sanction (followed by a second sanction 6 months later) under section 179 of the Clean Air Act (Act) and a 24-month clock for promulgation of a Federal Implementation Plan (FIP) under section 110(c) of the Act. The State subsequently submitted a revised rule on November 23, 1994. The revised rule was adopted by the SDCAPCD on November 1, 1994. In the Proposed Rules section of today's **Federal Register**, EPA has proposed full approval of the State's submittal of SDCAPCD Rule 67.3, Metal Parts and Products Coating Operations.

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

This action does not stop the sanctions clock that started for this area on May 13, 1993. However, this action will defer the application of the offsets sanction and will defer the application of the highway sanction. See 59 FR 39832 (Aug. 4, 1994). If EPA's proposal fully approving the State's submittal becomes final, such action will permanently stop the sanctions clock and will permanently lift any applied, stayed or deferred sanctions. If EPA receives adverse comments and subsequently determines that the State, in fact, did not correct the disapproval deficiency, the sanctions consequences described in the sanctions rule will apply. See 59 FR 39832, to be codified at 40 CFR 52.31.

II. EPA Action

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

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

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

III. Regulatory Process

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

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

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

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: December 2, 1994.

Nora L. McGee,

Acting Regional Administrator.

[FR Doc. 94–30329 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59, 60, 64, 65, 70, and 75

RIN 3067–AC17

Open Meeting, Extension of Comment Period; Flood Control Restoration Zones

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim final rule; open meeting and extension of comment period.

SUMMARY: The Federal Emergency Management Agency announces the following meeting and extension of comment period on the interim final rule, National Flood Insurance Program; Insurance Coverage and Rates, Criteria for Land Management, Use, Identification, and Mapping of Flood Control Restoration Zone, published October 25, 1994, 59 FR 53592. The meeting will be held on December 19, 1994, at FEMA Headquarters in Washington, DC. The agenda for the meeting is to hear and respond to comments of interested parties on the Interim Final Rule. The period for submitting comments has been extended from December 9, 1994 to December 23, 1994.

DATES: The date of the meeting is Monday, December 19, 1994, from 9:00 am to 12:00 noon. The date for submission of comments is extended to close of business on Friday, December 23, 1994.

ADDRESSES: Please submit any comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472 (facsimile) 202–646–4536.

FOR FURTHER INFORMATION CONTACT: For information on the interim final rule please contact: William R. Locke, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2717. For information on the meeting please contact: Claire Drury, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2884.

SUPPLEMENTARY INFORMATION: The meeting will be held at the Headquarters of FEMA: Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472. Room directions will be posted in the lobby. The meeting will be open to the public with approximately 40 seats available. Individuals who plan to attend the meeting should contact Claire Drury, 202–646–2884, on or before December 16, 1994.

A transcript of the meeting will be prepared and will become part of the rulemaking docket. Copies of the transcript will be available upon request to FEMA 30 days after the meeting, or sooner by special arrangement with the reporter.

Dated: December 5, 1994.

Spence W. Perry,

Acting General Counsel.

[FR Doc. 94–30358 Filed 12–8–94; 8:45 am]

BILLING CODE 6718–03–P–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–30; RM–8457]

Television Broadcasting Services; Kaneohe, Hawaii

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots UHF Television Channel 66+ to Kaneohe, Hawaii, as the community's first local television service, at the request of Collins/West Broadcasting. *See* 59 Fed. Reg. 23043, May 4, 1994. Channel 66+ can be allotted to Kaneohe consistent with the Commission's minimum distance separation requirements of Section 73.610. The coordinates for this allotment are North Latitude 21–25–18 and West Longitude 157–48–06. Although the Commission has imposed a freeze on television allotments in certain areas, Kaneohe is not in one of the affected areas. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 17, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94–30, adopted November 22, 1994, and released November 30, 1994. 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

§ 73.606(b) [Amended]

2. Section 73.606(b), the Television Table of Allotments under Hawaii, is amended by adding Kaneohe, Channel 66+.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 94–30332 Filed 12–8–94; 8:45 am]

BILLING CODE 6712–01–F

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1002, 1160, 1161, 1162, 1163, and 1166

[Ex Parte No. 55 (Sub-No. 94)]

Revision of Application Procedures and Corresponding Regulations

[Ex Parte No. 55 (Sub-No. 86)]

Revision of Licensing Application Forms and Corresponding Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission adopts final rules and revised application forms for licensing proceedings involving motor and water carriers of property and passengers, property brokers, and household goods freight forwarders. The revised forms and procedures implement the Trucking Industry Regulatory Reform Act (TIRRA), Title II of the Hazardous Materials Transportation Act of 1994, Public Law 103–311 (August 26, 1994), which significantly amended licensing standards for non-household goods property carriers effective January 1, 1995.

The revisions adopted here also streamline and simplify licensing procedures for all categories of applicants by replacing the comprehensive licensing application (Form OP–1) presently used with a series of four transportation mode-specific forms.

EFFECTIVE DATE: The rule and application form revisions announced here will become effective January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Suzanne Higgins O'Malley, (202) 927–7597 or Richard B. Felder, (202) 927–6373. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Revised rules and application procedures were proposed in the Commission's notice published at 59 FR 51546 (October 12, 1994). In response to the comments, some procedural and clarifying revisions to the rules have been made. These changes represent a continuation of our efforts to streamline, rationalize, and simplify the licensing process for all applicants as initiated in Ex Parte No. 55 (Sub-No. 84), Revision of Licensing Application forms and Corresponding Regulations, notice of proposed rulemaking, 57 FR 37761 (August 20, 1992), supplemental notice of proposed rulemaking, 58 FR 48628 (September 17, 1993).

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC, 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD service—(202) 927–5721)

Environmental and Energy Considerations

We ratify our preliminary conclusion that the revised application forms and corresponding rules revisions adopted here will not significantly affect either the quality of the human environment or conservation of energy resources.

Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* [RFA], we have examined the impact of this proposed action on small businesses and small organizations. We expect that the revised application form and corresponding regulations will result in significant cost savings to both applicants and the Commission over the long term and will present immediate benefits of simplified administrative processes and expedited licensing procedures. Despite the clear prospects for cost savings and enhanced administrative efficiencies, we do not anticipate that the proposal will have a significant economic impact as contemplated by RFA standards. The projected impact on individual small entities, albeit positive, will be incremental and clearly not substantial within the meaning of RFA.

Under 5 U.S.C. 605(b), we, therefore, conclude that our action will not have a significant economic impact on a substantial number of small entities. No new regulatory requirements are imposed, directly or indirectly, on such entities. The purpose and anticipated effect of the revised application forms and corresponding rule revisions is to reduce regulatory burdens. The economic impact on small entities, if any, will be to reduce licensing costs, but, as noted, is not likely to be significant within the meaning of the RFA. Paperwork Reduction Analysis

We have submitted notice of this proceeding and the revised forms to the Office of Management and Budget (OMB) for review under Section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

We estimate that an average of 2.5 burden hours will be required to complete the proposed forms in the OP–1 series as compared with 4 burden hours for the application form currently used. This expected reduction in response time is attributable not only to elimination of the public need/public interest evidence requirements for non-household goods motor property applicants, as mandated by TIRRA, but also to the simplified response format and instructions. Accordingly, we anticipate that the reduced completion burden will be realized by applicants in all motor carrier industry segments, not merely those directly affected by TIRRA.

The annual reporting burden ascribed to the Form OP–1 in the current OMB inventory is 64,000 hours, based on an estimate of 4 burden hours per filing and 16,000 Form OP–1 filings per year at the time the estimate was submitted. We anticipate that this annual reporting burden will be reduced to approximately 42,500 hours.

This estimate is based on our expectation that licensing application filings will rise slightly over those recorded in fiscal year 1993 (to approximately 18,000). This projection reflects at least a short-term increased interest in obtaining motor common carrier authority due to TIRRA's elimination of individual tariff filing requirements for non-household goods motor property carriers.

The estimated burden hours include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The reduced reporting burden estimated here does not reflect further reductions in the Commission's overall reporting burden occasioned by the elimination of ETA filings and the significant projected reduction in TA filings.

List of Subjects

49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

49 CFR Part 1160

Administrative practice and procedure, Brokers, Buses, Freight forwarders, Maritime carriers, Motor carriers.

49 CFR Part 1161

Administrative practice and procedure, Motor carriers.

49 CFR Part 1162

Administrative practice and procedure, Maritime carriers, Motor carriers.

49 CFR Part 1163

Administrative practice and procedure, Motor carriers.

49 CFR Part 1166

Administrative practice and procedure, Maritime carriers.

Decided: December 1, 1994.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1002, 1160, and 1166 are amended as follows and under the authority of 49 U.S.C. 10321, parts 1161, 1162, and 1163 are removed.

PART 1002—FEES

1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A), 5 U.S.C. 553, 31 U.S.C. 9701, and 49 U.S.C. 10321

2. In § 1002.2, paragraphs (c) and (d)(1) are revised to read as follows:

§ 1002.2 Filing fees.

* * * * *

(c) *Fees not refundable.* Fees will be assessed for every filing in the type of proceeding listed in the schedule of fees contained in paragraph (f) of this section, subject to the exceptions contained in paragraphs (d) and (e) of this section. After the application, petition, notice, tariff, contract, or other document has been accepted for filing by the Commission, the filing fee will not be refunded, regardless of whether the application, petition, notice, tariff, contract, or other document is granted or approved, denied, rejected before docketing, dismissed, or withdrawn. If an individual exemption proceeding

becomes a matter of general applicability and is handled through the rulemaking process, the Commission will refund the filing fee.

(d) * * *

(1) Separate fees need not be paid for related applications filed by the same applicant which would be the subject of one proceeding. (This does not mean requests for multiple types of operating authority filed on forms in the OP-a series. A separate filing fee is required for each type of authority sought in each transportation mode—e.g., common, contract and broker authority for motor property carriers.)

* * * * *

3. Part 1160 is revised to read as follows:

PART 1160—RULES GOVERNING APPLICATIONS FOR OPERATING AUTHORITY

Subpart A—How to Apply for Operating Authority

Sec.

1160.1 Applications governed by these rules.
1160.2 Modified procedure.
1160.3 Starting the application process: Form OP–1.
1160.4 Types of applications.
1160.5 Commission review of the application.
1160.6 Appeals to rejections of the application.
1160.7 Changing the request for authority or filing supplementary evidence after the application is filed.
1160.8 After publication in the ICC Register.
1160.9 Obtaining a copy of the application.
1160.10 Opposed applications.
1160.11 Filing a reply statement.
1160.12 Applicant withdrawal.

Subpart B—How to Oppose Requests for Authority

1160.40 Definitions.
1160.41 Time for filing.
1160.42 Contents of the protest.
1160.43 Withdrawal.

Subpart C—General Rules Governing the Application Process

1160.60 Applicable rules.
1160.61 Contacting another party.
1160.62 Serving copies of pleadings.
1160.63 Replies to motions.
1160.64 FAX filings.

Authority: 5 U.S.C. 553 and 559; 16 U.S.C. 1456; 49 U.S.C. 10101, 10305, 10321, 10921, 10922, 10923, 10924, 10928, and 11102.

Subpart A—How to Apply for Operating Authority

§ 1160.1 Applications governed by these rules.

These rules govern the handling of applications for operating authority of the following type:

(a) Applications for certificates and permits to operate as a motor common or contract carrier of property or passengers.

(b) Applications for permits to operate as a household goods freight forwarder.

(c) Applications for certificates, permits, and exemptions for water carrier transportation of property and passengers.

(d) Applications for licenses to operate as a broker of motor vehicle transportation.

(e) Applications for certificates under 49 U.S.C. 10922(c)(2)(A) to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant holds interstate authority as of November 19, 1982.

(f) Applications for certificates under 49 U.S.C. 10922(c)(2)(B) to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has been granted or will be granted interstate authority after November 19, 1982.

(g) Applications for temporary motor and water carrier authority.

§ 1160.2 Modified procedure.

The Commission will handle licensing application proceedings using the modified procedure, if possible. The applicant and protestants send statements made under oath (verified statements) to each other and to the ICC. There are no personal appearances or formal hearings.

§ 1160.3 Starting the application process: Form OP–1.

(a) All applicants shall file the appropriate form in the OP–1 series, effective January 1, 1995. Form OP–1 for motor property carriers and brokers of general freight and household goods; Form OP–1(P) for motor passenger carriers; Form OP–1 (FF) for freight forwarders of household goods; and Form OP–1(W) for water carriers. A separate filing fee in the amount at 49 CFR 1002.2(f) is required for each type of authority sought in each transportation mode.

(b) Obtain the form at Commission regional and field offices, or call the Commission's automated response number at (202) 927–7600.

§ 1160.4 Types of applications.

(a) Fitness applications. Motor property applications and certain types of motor passenger applications require only the finding that the applicant is fit, willing and able to perform the involved operations and to comply with all applicable statutory and regulatory provisions. These applications can be opposed only on the grounds that applicant is not fit [*e.g.*, is not in compliance with applicable financial responsibility and safety fitness requirements]. These applications are:

(1) Motor common and contract carrier of property (except household goods) and motor contract carrier of passengers transportation.

(2) Motor carrier brokerage of general commodities (except household goods).

(3) Certain types of motor passenger applications as described in Form OP–1 (P).

(b) Motor passenger "public interest" applications as described in Form OP–1 (P).

(c) Intrastate motor passenger applications under 49 U.S.C. 10922(c)(2)(A) as described in Form OP–1, Schedule B.

(d) Motor common carrier of household goods applications. These applications require a finding that:

(1) The applicant is fit, willing, and able to provide the involved transportation and to comply with all applicable statutory and regulatory provisions; and

(2) The service proposed will serve a useful public purpose, responsive to a public demand or need.

(e) Motor contract carrier of household goods, water contract carrier, household goods property broker, and household goods freight forwarder applications. These applications require a finding that:

(1) The applicant is fit, willing, and able to provide the involved transportation and to comply with all applicable statutory and regulatory provisions; and

(2) The transportation to be provided will be consistent with the public interest and the national transportation policy of 49 U.S.C. 10101.

(f) Water common carrier applications. These applications require a finding that:

(1) The applicant is fit, willing, and able to provide the involved transportation and to comply with all applicable statutory and regulatory provisions; and

(2) The transportation to be provided is or will be required by present or future public convenience and necessity.

(g) Temporary authority (TA) for motor and water carriers. These applications require a finding that there is or soon will be an immediate transportation need that cannot be met by existing carrier service.

Note: In view of the expedited time frames established in this part for processing requests for permanent authority, applications for TA will be entertained *only* in exceptional circumstances (*i.e.*, natural

disasters or national emergencies) when evidence of immediate service need can be specifically documented in a narrative supplement appended to Form OP–1 for motor property carriers, Form OP–1(P) for motor passenger carriers, and Form OP–1(W) for water carriers. TA applications must be filed with the Regional Office which has jurisdiction over the area in which applicant's headquarters are located. Initial determinations of TA applications will be made by a Regional Motor Carrier Board.

§ 1160.5 Commission review of the application.

(a) ICC staff will review the application for correctness, completeness, and adequacy of the evidence (the *prima facie* case).

(1) Minor errors will be corrected without notification to the applicant.

(2) Materially incomplete applications will be rejected. Applications that are in substantial compliance with these rules may be accepted.

(3) All motor carrier applications will be reviewed for consistency with the Commission's operational safety fitness policy. Applicants with "Unsatisfactory" safety fitness ratings from DOT will have their applications rejected.

(4) An employee board of the Commission appointed under § 1011.6(g) will review completed applications that conform with the Commission's safety fitness policy and that are accompanied by evidence of adequate financial responsibility.

(5) Financial responsibility is indicated by filing within 20 days from the date an application notice is published in the ICC Register:

(i) *Form BMC–91 or 91X or BMC 82 surety bond*—Bodily injury and property damage (motor property and passenger carriers; household goods freight forwarders that provide pickup or delivery service directly or by using a local delivery service under their control).

(ii) *Form BMC–84*—Surety bond or Form BMC–85—trust fund agreement (property brokers of general commodities and household goods).

(iii) *Form BMC–34 or BMC 83 surety bond*—Cargo liability (motor property common carriers and household goods freight forwarders).

(6) Applicants also must submit Form BOC–3—designation of legal process agents—within 20 days from the date an application notice is published in the *ICC Register.*

(7) Applicants seeking to conduct operations for which tariffs are required may not commence such operations until tariffs are on file with the Commission and in effect.

(b) A summary of the application will be published as a preliminary grant of authority in the *ICC Register* to give notice to the public in case anyone wishes to oppose the application.

§ 1160.6 Appeals to rejections of the application.

(a) An applicant has the right to appeal rejection of the application. The appeal must be filed at the Commission within 10 days of the date of the letter of rejection.

(b) If the appeal is successful and the filing is found to be proper, the application shall be deemed to have been properly filed as of the decision date of the appeal.

§ 1160.7 Changing the request for authority or filing supplementary evidence after the application is filed.

(a) Once the application is filed, the applicant may supplement evidence only with approval of the Commission.

(b) Amendments to the application generally are not permitted, but in appropriate instances may be entertained at the discretion of the Commission.

§ 1160.8 After publication in the ICC Register.

(a) Interested persons have 10 days from the date of *ICC Register* publication to file protests. See Subpart B of this part.

(b) If no one opposes the application, the grant published in the *ICC Register* will become effective by issuance of a certificate, permit, or license.

§ 1160.9 Obtaining a copy of the application.

After publication, interested persons may request a copy of the application by contacting the Commission-designated contract agent (as identified in the *ICC Register*), Room 2229, Interstate Commerce Commission Building.

§ 1160.10 Opposed applications.

If the application is opposed, opposing parties are required to send a copy of their protest to the applicant.

§ 1160.11 Filing a reply statement.

(a) If the application is opposed, applicant may file a reply statement. This statement is due within 20 days after *ICC Register* publication.

(b) The reply statement may not contain new evidence. It shall only rebut or further explain matters previously raised.

(c) The reply statement need not be notarized or verified. Applicant understands that the oath in the application form applies to all evidence submitted in the application. Separate legal arguments by counsel need not be notarized or verified.

§ 1160.12 Applicant withdrawal.

If the applicant wishes to withdraw an application, it shall request dismissal in writing.

Subpart B—How to Oppose Requests For Authority

§ 1160.40 Definitions.

A person wishing to oppose a request for permanent authority files a *protest.* A person filing a valid protest becomes a *protestant.*

§ 1160.41 Time for filing.

A protest shall be filed (received at the Commission) within 10 days after notice of the application appears in the *ICC Register.* A copy of the protest shall be sent to applicant's representative at the same time. Failure timely to file a protest waives further participation in the proceeding.

§ 1160.42 Contents of the protest.

(a) All information upon which the protestant plans to rely is put into the protest.

(b) A protest must be verified, as follows:

I, _____, verify under penalty of perjury under laws of the United States of America, that the information above is true and correct. Further, I certify that I am qualified and authorized to file this protest. (*See* 18 U.S.C. 1001 and 18 U.S.C. 1621 for penalties.)

(Signature and Date)

(c) A protest not in substantial compliance with applicable statutory standards or these rules may be rejected.

(d) Protests must respond directly to the statutory standards for Commission review of the application. As these standards vary for particular types of applications, potential protestants should refer to the general criteria addressed at § 1160.4 of this part and may consult the Commission at (202) 927–7600 for further assistance in developing their evidence.

§ 1160.43 Withdrawal.

A protestant wishing to withdraw from a proceeding shall inform the Commission and applicant in writing.

Subpart C—General Rules Governing the Application Process

§ 1160.60 Applicable rules.

Generally, all application proceedings are governed by the Commission's Rules of Practice at 49 CFR parts 1100–1105 and 1112–1117, except as designated below.

§ 1160.61 Contacting another party.

When a person wishes to contact a party or serve a pleading or letter on

that party, it shall do so through its representative. The phone and FAX numbers and address of applicant's representative shall be listed in the *ICC Register*.

§ 1160.62 Serving copies of pleadings.

(a) An applicant must serve all pleadings and letters on the Commission and all known participants in the proceeding, except that a reply to a motion need only be served on the moving party.

(b) A protestant need serve only the Commission and applicant with pleadings or letters.

§ 1160.63 Replies to motions.

Replies to motions filed under this part are due within 5 days of the date the motion is filed at the Commission.

§ 1160.64 FAX filings.

FAX filings of applications and supporting evidence are not permitted. To assist parties in meeting the expedited time frames established for protesting an application, however, the Commission will accept FAX filings of protests and any reply or rebuttal evidence. FAX filings of these pleadings must be followed by the original document, plus one copy for Commission recordkeeping purposes.

Parts 1161, 1162, and 1163 [Removed]

4. Parts 1161, 1162, and 1163 are removed.

PART 1166—EXTENSION OF OPERATIONS BY WATER COMMON CARRIER

5. The authority citation for part 1166 continues to read as follows:

Authority: 49 U.S.C. 10321 and 10922; 5 U.S.C. 559.

§ 1166.3 [Amended].

6. In § 1166.3(c) remove the words "form OP–1" and add in their place the words "Form OP–1(W)".

[FR Doc. 94–30335 Filed 12–8–94; 8:45 am]
BILLING CODE 7035–01–P

Proposed Rules

Federal Register
Vol. 59, No. 236
Friday, December 9, 1994

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV94–920–4PR]

Kiwifruit Grown in California; Proposed Changes in District Boundaries

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would redefine the eight district boundaries under the Federal marketing order for kiwifruit grown in California to make the districts more equitable in terms of kiwifruit production. Kiwifruit growers in each of these districts elect members to represent their districts on the Kiwifruit Administrative Committee (committee), which locally administers the order. Production shifts have occurred within the California production area that have made the districts inequitable in terms of kiwifruit production.

DATES: Comments must be received by January 9, 1995.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be submitted in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P. O. Box 96456, Room 2523–S, Washington, DC 20090–6456, or by facsimile at (202) 720–5698. Comments should reference this docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Rose Aguayo, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone (209) 487–5901; or Mark A. Hessel, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2526–S, Washington, DC 20090–6456, telephone (202) 720–5127.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Order No. 920 [7 CFR Part 920], as amended, regulating the handling of kiwifruit grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the "Act."

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

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

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

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

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

There are approximately 65 handlers of California kiwifruit subject to regulation under the order and approximately 600 kiwifruit producers in the production area. Small agricultural service firms are defined by the Small Business Administration [13 CFR 121.601] as those whose annual receipts are less than $5,000,000, and small agricultural producers have been defined as those having annual receipts of less than $500,000. A majority of handlers and producers of California kiwifruit may be classified as small entities.

The committee met on September 27, 1994, and recommended by a vote of 8 to 1 to change the producer district boundaries.

The 12-member committee consists of one public member (and alternate), one member (and alternate) from each of the eight California districts, and three additional committee members and their alternates to be selected from the three districts with the three highest volumes of fresh shipments in the prior fiscal period. No more than a total of two members and their alternates shall represent any one district. With the exception of the public member and alternate, all members and their respective alternates are growers or employees of growers. The public member and alternate are nominated by the grower members and are selected with the approval of the Secretary.

Under § 920.31 of the marketing order, the committee may, with the approval of the Secretary, redefine the districts into which the production area is divided. Any such changes shall reflect, insofar as practicable, shifts in kiwifruit production within the districts and the production area.

Pursuant to § 920.12, the production area, which includes all counties in California, is divided into eight districts. District 1 includes Siskiyou, Modoc, Shasta, Lassen, Tehama, Plumas, and Butte counties with the exception of that area set aside as "District 2." District 2 includes the 95948 postal zip code area known as Gridley (and surrounding area), incorporating the area located within the following boundaries: The area west of the Feather

River; north of the Butte/Sutter County line; east of Pennington and Riley Roads; and south of Farris Road, Ord Ranch Road and Gridley Avenue. District 3 includes Yuba, Sutter, Sierra, Nevada, and Placer Counties. District 4 includes Del Norte, Humboldt, Trinity, Mendocino, Lake, Sonoma, Marin, Napa, Solano, Yolo, Colusa, and Glenn Counties. District 5 includes San Joaquin, Calaveras, Tuolumne, Merced, Stanislaus, Contra Costa, El Dorado, Amador, Sacramento, Alpine, San Francisco, Alameda, San Mateo, Santa Clara, Santa Cruz, San Benito, and Monterey Counties. District 6 includes Mono, Mariposa, Madera, Fresno, and Kings Counties. District 7 includes Tulare and Inyo Counties. District 8 includes San Luis Obispo, Santa Barbara, San Bernardino, Kern, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties.

Over the past ten years, production shifts have occurred within the California production area that have made the districts unequitable in terms of kiwifruit production. At the time the current districts were established, the production per district was fairly equal, but a greater percentage of the California kiwifruit crop was produced in Southern California (District 8) and Central California (District 5). However, kiwifruit production has shifted so that a larger percentage of the crop is concentrated in the Gridley area in Northern California (District 2) and Tulare County in Central California (District 7).

The percentage of production for each of the eight current districts is shown in the table below based on the 1993/94 crop year. The percentage of production for the proposed districts based on the 1993/94 crop year is shown as a basis for comparison. The table outlines the inequity that currently exists among the districts and how the proposed districts would rectify these inequities.

District	Current district (percent)	Proposed district (percent)
1	11.02	13.54
2	13.24	13.24
3	15.57	15.00
4	1.79	12.20
5	4.52	12.03
6	12.19	8.59
7	34.25	14.65
8	7.41	10.75

Under the proposed new boundaries, county lines would be kept intact as boundaries except in Tulare and Butte Counties. This proposed rule would remove Glenn, Lake, Colusa, Sonoma, Yolo, Solano, Del Norte, Humboldt, Trinity, Mendocino, Napa, and Marin Counties from District 4 and add them to District 1. Sacramento, El Dorado and Amador Counties would be removed from District 5 and added to District 1. Nevada and Placer Counties would be removed from District 2 and added to District 1. Sierra County would be removed from District 3 and added to District 1. In Butte County, the town of Gridley would remain as a whole district—District 2. Calaveras, Tuolumne, Contra Costa, Alpine, San Francisco, and Alameda Counties would be removed from District 5 and added to District 4. Mono and Mariposa Counties would be removed from District 6 and added to District 4. Kings County would be removed from District 6 and added to District 5. Inyo County would be removed from District 7 and added to District 6. Tulare County would be divided into four districts. District 5 would include Tulare County north of Highway 198 to the Kings County boundary. District 6 would include Tulare County south of Highway 198 to Avenue 56, excluding the west side of Highway 65 between Highway 137 and Avenue 56. District 7 would include Tulare County west of Highway 65 between Highway 137 and Avenue 56, and District 8 would include Tulare County south of Avenue 56.

Committee members serve 2-year terms of office beginning August 1, with about one-half of the membership selected each year. Of the current members, seven members are serving terms of office that expire on July 31, 1995, and five members are serving terms of office that expire on July 31, 1996. The committee recommended that all of the present committee members continue to serve through July 31, 1995, and that this redistricting be effective for nominations for all members to serve for terms beginning August 1, 1995. One-half of the committee members selected for terms of office beginning August 1, 1995, will serve one-year terms and the other half will serve two-year terms, with the determination of the terms for each member to be decided by lot.

The one voter in opposition to the recommendation wanted to allocate the additional three committee members and their alternates to the three districts with the highest number of growers rather to the three districts with the highest production. However, the marketing order requires that the three additional members and alternates be allocated to the highest producing districts.

Based on the above, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 920 be amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 920.131 is added to read as follows:

§ 920.131 Redistricting of kiwifruit districts.

Pursuant to § 920.31 (l) the districts are redefined as follows:

(a) *District 1* shall include the counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Plumas, Glenn, Lake, Colusa, Sonoma, Yolo, Solano, Napa, Marin, Sacramento, Sierra, Nevada, Placer, El Dorado, Amador, and Butte (with the exception of that area set aside as "District 2").

(b) *District 2* shall include the 95948 postal zip code area known as Gridley in Butte County, and the area surrounding Gridley, incorporating the area located within the following boundaries: The area west of the Feather River; north of the Butte/Sutter County line; east of Pennington and Riley Roads; and south of Farris Road, Ord Ranch Road and Gridley Avenue.

(c) *District 3* shall include the counties of Sutter and Yuba.

(d) *District 4* shall include the counties of San Francisco, San Mateo, Santa Cruz, Contra Costa, Alameda, Santa Clara, Monterey, San Benito, San Joaquin, Calaveras, Alpine, Mono, Tuolumne, Stanislaus, Merced, Mariposa, Madera, and Fresno.

(e) *District 5* shall include Kings county and that portion of Tulare County north of Highway 198.

(f) *District 6* shall include Inyo County and that portion of Tulare County south of Highway 198 to Avenue 56, excluding the west side of Highway 65 between Highway 137 and Avenue 56.

(g) *District 7* shall include that portion of Tulare County of Tulare west of Highway 65 and between Highway 137 and Avenue 56.

(h) *District 8* shall include of Kern, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, San Diego, Los Angeles, Orange, Riverside, San Diego, Imperial Counties and that portion of Tulare County south of Avenue 56.

Dated: December 5, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–30372 Filed 12–8–94; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Parts 1030, 1065, 1068, 1076, and 1079

[Docket No. AO–361–A31, etc; DA–92–27]

Milk in the Chicago Regional and Other Marketing Areas; Extension of Time for Filing Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Marketing area	AO Nos.
1030	Chicago Regional	AO–361–A31
1065	Nebraska-Western Iowa.	AO–86–A50
1068	Upper Midwest	AO–178–A48
1076	Eastern South Dakota.	AO–260–A32
1079	Iowa	AO–295–A44

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rules.

SUMMARY: This notice extends the time for filing exceptions to the October 25, 1994, recommended decision on multiple component pricing for 5 Federal orders. The time has been extended 45 days to January 16, 1995, at the request of interested persons.

DATES: Exceptions now are due on or before January 16, 1995.

ADDRESSES: Exceptions (six copies) should be filed with the Hearing Clerk, Room 1083, South Building, United States Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–2357.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued December 22, 1993; published January 4, 1994 (59 FR 260).

Extension of Time for Filing Briefs: Issued April 22, 1994; published April 24, 1994 (59 FR 22138).

Recommended Decision: Issued October 25, 1994; published November 2, 1994 (59 FR 54952).

Notice is hereby given that the time for filing exceptions to the October 25, 1994, recommended decision with respect to proposed amendments to the tentative marketing agreements and the orders regulating the handling of milk in the Chicago Regional, Nebraska-Western Iowa, Upper Midwest, Eastern South Dakota, and Iowa milk marketing areas is hereby extended from December 2, 1994, to January 16, 1995.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Dated: December 2, 1994.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 94–30369 Filed 12–8–94; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 30, 40, 50, 51, 70, and 72

RIN 3150–AD65

Radiological Criteria for Decommissioning

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of Comment Period for Proposed rule.

SUMMARY: On August 22, 1994, the Nuclear Regulatory Commission published for comment a proposed rule on Radiological Criteria for Decommissioning (59 FR 43200). The period for submitting comments on the proposed rule ends on December 20, 1994. The Commission is extending the comment period for the proposed rule until January 20, 1995 for the following reasons: the proposed rule did not explicitly seek comments on the appropriateness of the proposed 15 mrem/yr distinguishable from background radiation standard; the complexity of the issues involved; the broad interest in the rulemaking; the solicitation of comments on supporting documents (e.g., NUREG–1500); and the short time available for submitting written comments after the Site Characterization Workshop held November 29–30, 1994, and the SSAB Workshop held from December 6–8, 1994.

DATES: Submit comments by January 20, 1995. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays.

Comments may be submitted electronically, in either ASCII text or Wordperfect format, by calling the NRC Enhanced Participatory Rulemaking on Radiological Criteria for Decommissioning Electronic Bulletin Board, 1–800–880–6091 (58 FR 37760; July 13, 1993). The bulletin board may be accessed using a personal computer, a modem, and most commonly available communications software packages. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Use ANSI or VT–100 terminal emulation. Background documents on the rulemaking are also available for downloading and viewing on the bulletin board. For more information about this bulletin board, call Ms. Christine Daily, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Phone (301) 415–6026; FAX (301) 415–5385, e-mail CXD@NRC.GOV.

In addition, comments may be submitted electronically by calling the NRC Online subsystem on FedWorld. This bulletin board can be accessed directly by dialing the toll free number: 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC rulemaking subsystems can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." For further information about options available for NRC at FedWorld consult the "Help/Information Center" from the "NRC Main Menu."

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS: 703–321–8020; Telnet via Internet: fedworld.gov (192.239.93.3); File Transfer Protocol (FTP) via Internet: ftp.fedworld.gov (192.239.92.205); and World Wide Web using: http://www.fedworld.gov (this is the Uniform Resource Locator (URL)).

If using a method other than the toll free number to contact FedWorld, then the NRC subsystem will be accessed from the main FedWorld menu by selecting the "F—Regulatory, Government Administration and State Systems", then selecting "A—Regulatory Information Mall". At that point, a menu will be displayed that has an option "A—U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. You can also go directly to the NRC Online area by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, then you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, then you will have full access to all NRC systems, but you will not have access to the main FedWorld system. For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Charleen T. Raddatz, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6215.

SUPPLEMENTARY INFORMATION: On August 22, 1994, the Nuclear Regulatory Commission published for comment a proposed rule on Radiological Criteria for Decommissioning (59 FR 43200). The period for submitting comments on the proposed rule ends on December 20, 1994. The Commission is extending the comment period for the proposed rule until January 20, 1995, for the following reasons: the original **Federal Register** Notice did not explicitly seek comments on the appropriateness of the proposed 15 mrem/yr distinguishable from background radiation standard; the complexity of the issues involved; the broad interest in the rulemaking; the solicitation of comments on supporting documents (e.g., NUREG–1500); and the short time available for submitting written comments after the Site Characterization Workshop held November 29–30, 1994, and the SSAB Workshop held from December 6–8, 1994.

During a review of the August 22, 1994, notice of proposed rulemaking, a concern was expressed that sufficient emphasis had not been placed on the Commission's desire to receive comment on the appropriateness of the proposed 15 mrem/y distinguishable from background standard. Since the 15 mrem/yr distinguishable from background proposed standard is central to the proposed rule, the Commission is particularly interested in comments concerning the appropriateness of this standard. Comments received during the enhanced participatory workshop process expressed a range of viewpoints and recommendations concerning an appropriate dose or risk level. For example, some commenters recommended that NRC decommissioning standards be based on, and be consistent with, the scientific information and advice of such organizations as NCRP and ICRP; that NRC consider adopting a risk limit standard equating to a radiation dose of 25 to 100 mrem/y; and that the NRC establish a risk or dose limit on the order of the variability of natural background radiation occurring across the United States. Other commenters recommended using the NCRP recommendation of a "Negligible Individual Risk Level" of 1 mrem/y as the limit; using values consistent with the EPA standards of one in 10,000 to 1 in 1,000,000 lifetime risk of fatal cancer promulgated under superfund; and that NRC use a zero increment above background in establishing its standard. A more complete discussion of the comments received is contained in the supplemental information for the proposed rule (59 FR 43200).

Commenters are also invited to comment on each of the other issues presented in the original Notice of Proposed Rulemaking (59 FR 43200).

Dated at Rockville, Maryland, this 2nd day of December 1994.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 94–30336 Filed 12–8–94; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–122–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 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 Fokker Model F28 Mark 0100 series airplanes. This proposal would require modification of a certain galley; repetitive inspections to detect damage and determine the clearance of generator wires in the auxiliary power unit (APU); and repair or replacement of the damaged wires. This proposal would also require an additional modification of a certain galley, which would terminate the repetitive inspection requirements. This proposal is prompted by reports that, during an unscheduled removal of a certain galley from the production line, the insulation of one of the generator wires of the APU was found damaged due to inadequate clearance with the adjacent structure. The actions specified by the proposed AD are intended to prevent such damage, which could result in a short in the electrical wiring of the APU and, thus, pose a potential fire hazard.

DATES: Comments must be received by February 7, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–122–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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94–NM–122–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–122–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0100 series airplanes. The RLD advises that, during an unscheduled removal of a Nordskog Galley Model No. 1–871 from the production line, the insulation of one of the generator wires of the auxiliary power unit (APU) was found to be damaged. The cause of such damage has been attributed to inadequate clearance between the generator wires and adjacent structure. This condition, if not corrected, could result in a short in the electrical wiring of the APU and, thus, pose a potential fire hazard.

Fokker has issued Service Bulletin SBF100–24–029, dated June 28, 1993, which describes procedures for modification of Nordskog Galley Model 1–871 to replace a bolt; repetitive inspections to detect damage and determine the adequacy of clearance between the generator wires, having part numbers (P/N) AJC0001A, AJ0001B, and AJC0001C, of the APU and the adjacent structure; and repair or replacement of the damaged wires. This service bulletin also contains an attachment (Nordskog Engineering Change Order 43589, dated May 20, 1993) that describes procedures for modification of the Nordskog Galley Model 1–871. This modification involves removing existing screws and "T" nuts and installing new screws, washers, and nuts inside the cart compartment of the rear galley. This modification would eliminate the need for the repetitive inspections. The RLD issued Netherlands airworthiness directive BLA 93–117 (A), dated September 10, 1993, in order to assure the continued airworthiness of these airplanes in the Netherlands.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require modification of Nordskog Galley Model 1–871 to replace a specific bolt; repetitive inspections to detect damage and determine the adequacy of clearance of certain generator wires of the APU; and repair or replacement of the damaged wires. This proposed AD would also require an additional modification of the Nordskog Galley Model 1–871, which, when accomplished, would constitute terminating action for the repetitive inspection requirements. The actions would be required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 52 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1,000 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $58,240, or $1,120 per airplane.

The total 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.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

Fokker: Docket 94–NM–122–AD.

Applicability: Model F28 Mark 0100 series airplanes; as listed in Fokker Service Bulletin SBF100–24–029, dated June 28, 1993; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent a short in the electrical wiring of the auxiliary power unit (APU) and a potential fire hazard, accomplish the following:

(a) Within 250 flight hours after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify Nordskog Galley Model 1–871, in accordance with paragraphs 2.A., 2.B., and 2.C. of the Accomplishment Instructions of Fokker Service Bulletin SBF100–24–029, dated June 28, 1993.

(2) Perform an inspection to detect damage and determine the adequacy of clearance of the generator wires, having part numbers (P/N) AJC0001A, AJ0001B, and AJC0001C, of the auxiliary power unit (APU), in accordance with Fokker Service Bulletin SBF100–24–029, dated June 28, 1993.

(i) If no wires are found damaged and they adequately clear the adjacent structure (positive clearance), repeat the inspection thereafter at intervals not to exceed 3,000 flight hours.

(ii) If no wires are found damaged and they do not adequately clear the adjacent structure, repeat the inspection thereafter at intervals not to exceed 250 flight hours.

(iii) If any wire is found damaged, prior to further flight, modify the Nordskog Galley Model 1–871 in accordance with paragraph (b) of this AD, and repair or replace the damaged wire in accordance with the service bulletin. However, the modification and repair/replacement actions may be postponed for a maximum of 10 days after detection of the damage, provided that the APU generator is rendered inoperative in accordance with the Master Minimum Equipment List (MMEL), and that modification and repair/replacement actions are accomplished prior to reactivation of the APU generator.

(b) At the next removal of the Nordskog Galley Model 1–871, or within 9,000 flight hours after the effective date of this AD, whichever occurs first, modify the Nordskog Galley in accordance with Fokker Service Bulletin SBF100–24–029 (reference Nordskog Engineering Change Order 43589 Attachment), dated June 28, 1993. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of this AD.

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

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

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

Issued in Renton, Washington, on December 5, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–30399 Filed 12–8–94; 8:45 am]

BILLING CODE 4910–13–U

Office of the Secretary

14 CFR Part 255

[Docket No. 49812]

Computer Reservations System (CRS) Regulations

AGENCY: Office of the Secretary, DOT.

ACTION: Request for Comments, petition for rulemaking.

SUMMARY: The Department is inviting interested persons to comment on a petition for rulemaking filed by Alaska Airlines (Alaska) that asks the Department to amend its rules on computer reservations systems (CRSs). Alaska asks the Department to amend those rules to include a prohibition against CRS vendor contract clauses that bar a non-vendor carrier from choosing a level of participation in a vendor's system that would be lower than the carrier's level of participation in any other system.

DATES: Comments must be submitted on or before January 9, 1995. Reply comments must be submitted on or before January 23, 1995.

ADDRESSES: Comments must be filed in Room 4107, Docket 49812, U.S. Department of Transportation, 400 7th St., SW., Washington, DC 20590. Late filed comments will be considered to the extent possible. To facilitate consideration of comments, each commentor should file twelve copies of its comments.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 7th St., SW., Washington, DC 20590, (202) 366–4731.

SUPPLEMENTARY INFORMATION: Travel agencies, who sell the great majority of all airline tickets in the United States, largely rely on computer reservations systems to learn what airline services and fares are available for their customers, to make bookings, and to issue tickets. Each of the CRSs operating in the United States is owned by one or more airlines or airline holding companies. Those owners of the CRSs ("the vendors") have some ability to distort airline competition and to deny travel agency customers accurate information on airline services because most travellers buy airline tickets from travel agencies and because travel agencies rely heavily on CRSs in selling airline transportation to travellers. The Civil Aeronautics Board, the agency that formerly administered the economic regulatory provisions of the Federal Aviation Act ("the Act"), now Subtitle VII of Title 49 of the U.S. Code, therefore adopted rules regulating CRS operations under section 411 of the Act, now 49 U.S.C. 41712. We reexamined and readopted those rules with changes designed to further protect airline competition. 14 CFR part 255 (57 FR 43780 (September 22, 1992)).

One of our goals in that rulemaking was to give carriers (and travel agencies) a greater ability to choose alternative means of electronically transmitting information and making airline booking transactions. For example, we adopted a rule that gave travel agency subscribers the right to use CRS terminals not owned by a vendor to access other systems and databases with airline service information. We expected that this rule would make it practicable for carriers to create direct links between the carriers' internal reservations systems and CRS terminals at travel agencies, which would enable carriers to bypass CRSs for some transactions. 57 FR 43796–43798.

Each CRS offers carriers several levels of participation in its system. For example, a carrier can participate at the "call direct" level, in which case the

system displays the carrier's schedules but does not show whether seats are available and does not enable the agent to make a booking on the carrier. If a carrier participates at the "full availability" level, travel agents can use the system to learn whether seats are available on the carrier and make a booking. Almost all major carriers have participated in each system at the full availability level or at an even higher level involving some form of direct access. The vendors obtain payment from participating carriers for CRS services by charging them a fee for each booking made through the system. The booking fee increases as the carrier's level of participation increases.

Alaska's Petition

Alaska has filed a petition for rulemaking that asks us to amend the rules to add a provision which would prohibit each vendor from requiring a non-vendor carrier participating in its system to participate at a level based on the carrier's participation in another system. Alaska's proposed rule reads as follows:

> No system may claim discrimination or require participating carriers which are not system owners to maintain any particular level of participation in its system on the basis of participation levels selected by participating carriers in any other system.

Alaska's petition stems from the efforts of American Airlines, whose affiliate operates the largest U.S. CRS, Sabre, to keep Alaska from lowering its level of participation in Sabre. To keep Alaska from reducing its level of participation, American is relying on a contractual clause of the kind that would be barred if we adopted Alaska's proposed rule.

Alaska has been considering reducing its level of participation in Sabre from the full availability level to the call direct level in order to reduce its costs. One of Alaska's major competitors, Southwest Airlines, participates in Sabre at the call direct level and thus incurs lower CRS costs than Alaska for Sabre bookings. Like other systems, Sabre charges higher booking fees when a carrier participates in the system at a higher level. Sabre's booking fee for carriers at the full availability level is $2.43, while the booking fee for carriers at the call direct level is only $1.25. To enable Sabre subscribers to continue booking Alaska electronically, Alaska was considering creating direct links between many of those agencies and Alaska's internal reservations system.

When American learned that Alaska was considering reducing its level of participation in Sabre, American told Alaska that Alaska's contract with Sabre barred Alaska from reducing its level of participation in Sabre if Alaska would then be participating at a higher level in any other system. Alaska would continue to participate in other systems at the full-availability level (Alaska alleges that it cannot afford to reduce its level of participation in other systems to the call direct level, since Alaska has been relying heavily on CRSs in distributing its services through travel agencies). As a result, Alaska's Sabre contract requires Alaska to continue participating in Sabre at the full availability level. The mandatory participation clause cited by Alaska is apparently a standard clause in Sabre's contracts with participating carriers. American, moreover, has filed suit against Alaska to enforce the mandatory participation clause in Alaska's contract with Sabre. *American Airlines* v. *Alaska Airlines*, N.D. Texas Civ. Action No. 4–94CV–595–Y. Although American is attempting to use the Sabre contract to block Alaska's possible switch to call direct participation, Southwest can participate in Sabre at the call direct level since Southwest does not participate at all in other systems.

Alaska's petition argues that the mandatory participation clause imposed by Sabre is contrary to the public interest and should be proscribed by our regulations. Alaska suggests that we act by rulemaking since two other systems—Worldspan and System One—allegedly have similar clauses in their contracts with participating carriers.

To support its petition, Alaska first notes that we adopted a rule, section 255.9, in our last CRS rulemaking which gives travel agencies the right to use their CRS terminals, if not owned by the vendor, to access other systems and databases. We intended that this rule would give a non-vendor airline some ability to avoid CRS fees by creating direct links between travel agencies and the carrier's internal reservations system. Alaska argues that the vendors' mandatory participation clauses will discourage carriers from creating direct links, since the clauses would keep them from reducing their level of participation in one system unless they reduced it in all systems, which would be too risky for most carriers. According to Alaska, if a carrier cannot reduce its booking fee costs by reducing its participation level, the carrier will have little incentive to incur the costs of creating direct links between the agencies using that system and the carrier's own internal reservations system.

Secondly, Alaska contends that the mandatory participation clauses limit a non-vendor carrier's ability to respond to unacceptable CRS service or pricing. If a carrier decides to reduce its level of participation in one system because the system's service was poor or overly expensive, the carrier could not do so unless it simultaneously reduced its level of participation in other systems, even if the other systems' service and pricing were superior.

Request for Comments

We have decided that we wish to consider further the issues raised by Alaska's rulemaking petition. We invite interested persons to comment on Alaska's contention that the mandatory participation clauses are inconsistent with our goals of enabling carriers to create alternative methods of providing information on schedules, fares, and availability to travel agents and of enabling travel agents to book carriers electronically. Parties should also comment on whether the clauses unreasonably restrict a carrier from responding to unsatisfactory CRS services and fees, as Alaska claims.

In addition, 49 U.S.C. 41712, formerly section 411 of the Federal Aviation Act, 49 U.S.C. 1381, authorizes us to prevent unfair methods of competition, which includes practices that violate the letter or the spirit of the antitrust laws. *See, e.g.*, 57 FR 43789. We ask interested persons to comment on whether the mandatory participation clauses violate antitrust principles.

We have decided to request comments on Alaska's petition without waiting for the completion of our current study of the effects of our 1992 revision of the CRS rules, a study begun by Order 94–9–35 (September 26, 1994). Our tentative view is that we should not delay our consideration of Alaska's petition pending the study's completion.

We also note that one of our new rules, 14 CFR 255.7(a), requires carriers with a significant ownership interest in a U.S. CRS to participate in each other system and each of its enhancements (to the extent that such carrier participates in those features in its own system). Alaska's petition covers mandatory participation clauses applicable to carriers having no significant ownership interest in a U.S. CRS and thus does not appear to be contrary to the purposes of section 255.7(a).

The Department accordingly invites other persons to file comments on Alaska's petition. After reviewing the comments the Department will consider whether any amendment to our rules should be proposed.

Issued in Washington, DC on December 6, 1994.

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 94–30359 Filed 12–8–94; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1307, 1309, 1310, 1313 and 1316

[DEA No. 112M]

RIN 1117–AA23

Implementation of the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200)

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Proposed rule, partial withdrawal.

SUMMARY: DEA is withdrawing selected portions of its notice of proposed rulemaking (NPRM) to implement the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200) (DCDCA) which deal with the exemption process for chemical mixtures and the manufacturer reporting requirements. The current proposed requirements regarding chemical mixtures and manufacturer reporting may result in a larger volume of submissions than originally anticipated, or possible duplicative reporting. Therefore, they are being withdrawn for reassessment and redrafting.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION: On October 13, 1994, DEA published a notice of proposed rulemaking (NPRM) regarding implementation of the DCDCA in the **Federal Register** (59 FR 51887). Included as part of that NPRM are proposed regulations regarding the exemption of chemical mixtures, set forth in the proposed §§ 1310.12 and 1310.13; and manufacturer reports, set forth in §§ 1310.05(d) and 1310.06(h). Following publication of the NPRM, DEA has determined that the requirements set forth in the noted sections may result in a significantly greater volume of submissions than originally anticipated. Specifically, the number of affected chemical mixtures currently manufactured is much larger than originally anticipated, and the requirement for manufacturer reporting may duplicate existing reports made by chemical manufacturers. It is in the best interests of the affected industry and DEA that the requirements be withdrawn at this time and further study of the subject be conducted. DEA will solicit further input and advice from representatives of the affected chemical industry prior to re-proposing the requirements. As noted in the NPRM, chemical mixtures that met the definition of "chemical mixture" set forth in § 1310.01(g) prior to the effective date of the DCDCA shall remain exempted from the definition of regulated transaction until DEA has promulgated final regulations regarding the procedures by which manufacturers may request exemption of chemical mixtures.

Accordingly, in DEA's notice of proposed rulemaking entitled Implementation of the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200), as published in the **Federal Register** on October 13, 1994 (59 FR 51887) it is ordered that:

On page 51902, in the second column, in § 1310.05, paragraph (d) is withdrawn;

On page 51903, at the beginning of the first column, in § 1310.06, paragraph (h) is withdrawn;

On page 51904, beginning in the second column, § 1310.12 is withdrawn; and

On page 51905, in the first column, § 1310.13 is withdrawn.

Dated: December 2, 1994.

Stephen H. Greene,

Deputy Administrator, Drug Enforcement Administration.

[FR Doc. 94–30313 Filed 12–8–94; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

[ND–031; Amendment XXI]

North Dakota Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed program amendment.

SUMMARY: OSM is announcing receipt of a proposed amendment to the North Dakota regulatory program (hereinafter, the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to and additions of rules pertaining to: Areas unsuitable for mining; permit applications (environmental monitoring plans); permit application approval procedures; permit revisions, renewals, and transfer or sale; performance bond; resoiling performance standards; sediment pond performance standards; contemporaneous reclamation performance standards; and enforcement actions. The amendment is intended to revise the North Dakota program to be consistent with the corresponding Federal regulations, clarify ambiguities, correct cross-references, and improve program efficiency.

This document sets forth the times and locations that the North Dakota program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., m.s.t. January 9, 1995. If requested, a public hearing on the proposed amendment will be held on January 3, 1995. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.s.t. on December 27, 1994.

ADDRESSES: Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

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

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 2128, Casper, WY 82601–1918, Telephone: (307) 261–5776

Edward J. Englerth, Director, Reclamation Division, North Dakota Public Service Commission, Capitol Building, Bismarck, ND 58505–0165, Telephone: (701) 224–4092

FOR FURTHER INFORMATION CONTACT:
Guy Padgett, Telephone: (307) 261–5776.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program. General background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the North Dakota program can be found in the December 15, 1980, **Federal Register** (45 FR 82214). Subsequent actions concerning North Dakota's program and program amendments can be found at 30 CFR 934.12, 934.13, 934.15, 934.16, and 934.30.

II. Proposed Amendment

By letter dated November 10, 1994, North Dakota submitted a proposed amendment to its program pursuant to SMCRA (Amendment number XXI, Administrative Record No. ND–V–1). North Dakota submitted the proposed amendment in response to the required program amendments at 30 CFR 934.16(u) and at its own initiative. The provisions of the North Dakota Administrative Code (NDAC) that North Dakota proposes to revise or add are: NDAC 69–05.2–04–07(3), lands unsuitable for mining; NDAC 69–05.2–05–09, permit applications (environmental monitoring plans); NDAC 69–05.2–06–01(2), permit applications (identification of interests); NDAC 69–05.2–06–02, permit applications (compliance information); NDAC 69–05.2–10–03(5), criteria for permit approval; NDAC 69–05.2–11–02, permit revisions; NDAC 69–05.2–11–03, permit renewals; NDAC 69–05.2–11–06, transfer, sale, or assignment of permit rights: NDAC 69–05.2–12–09(2), performance bond (period of liability); NDAC 69–05.2–15–02(2a), performance standards (suitable plant growth material, removal); NDAC 69–05.2–16–09(7) and (20), performance standards (sediment ponds); NDAC 69–05.2–21–01(2) performance standards (backfilling and grading, timing requirements); and NDAC 69–05.2–28–03, inspection and enforcement (cessation orders). The specific changes and additions proposed by North Dakota are described below.

1. NDAC 69–05.2–04–07(3a) [lands unsuitable for mining].

North Dakota proposes to revise a cross-reference from NDAC 69–05.2–04–05(3) to North Dakota Century Code (NDCC) 38–14.1–05(3).

2. NDAC 69–05.2–05–09 [permit applications (environmental monitoring plans)].

North Dakota proposes to add this new rule, which would allow the consolidation of monitoring plans for several permits authorizing a single mining operation into a single consolidated monitoring plan. Such consolidated monitoring plans would be subject to the approval procedures for permit revisions; each individual permit would have to be revised to describe its individual monitoring plans proposed to be subject to review at midterm or renewal of each individual permit; and a permittee would be allowed to propose modifications to the consolidated monitoring plan by applying for a permit revision to the most recently issued of the individual permits included in the plan. The monitoring plans proposed for consolidation would be those required by NDAC article 69–05.2 and NDCC Chapter 38–14.1.

North Dakota also appends to its proposed amendment a narrative statement further describing how much consolidated monitoring plans would be administered and enforced. Among other things, the narrative states that the intent of the rule is directed toward ground water monitoring, surface water monitoring, alluvial valley floor monitoring, and fish and wildlife monitoring.

3. NDAC 69–05.2–06–01(2) [permit applications (identification of interests)].

North Dakota proposes to revise this rule to change the point during the approval process at which the applicant must update ownership and control information; currently, the rule requires this after the application is approved but before the permit is issued; the proposed revision would require this when the application is deemed ready for approval but before the permit is issued.

4. NDAC 69–05.2–06–02(6) [permit applications (compliance information)].

Similar to the rule discussed above, North Dakota's proposed revision would change the point at which a permit applicant must update compliance information, to after the application is deemed ready for approval but before the permit is issued.

5. NDAC 69–05.2–10–03(5) [criteria for permit approval].

Similar to the two rules discussed above, North Dakota's proposed revision would change the point at which the commission would make its decision on application approval or disapproval in light of updated ownership and control and compliance information.

6. NDAC 69–05.2–11–02(1)(d) [permit revisions].

North Dakota proposes to revise this rule to correct a cross-reference from NDAC 69–05.2–11–02(5) to subsection (2).

7. NDAC 69–05.2–11–03(5c) [permit renewals].

North Dakota proposes to revise this rule to correct a cross-reference from NDAC 69–05.2–11–03(3) to subsection (6).

8. NDAC 69–05.2–11–06(1c) [transfer, sale, or assignment of permit rights].

North Dakota proposes to revise this rule to correct a cross-reference from NDAC 69–05.2–11–06(2) to subsection (4).

9. NDAC 69–05.2–12–09(2) [performance bond (period of liability)].

North Dakota proposes to revise this rule to correct a cross-reference from NDAC 69–05.2–22–07(5) to subsection (4j).

10. NDAC 69–05.2–15–02(2a) [performance standards (suitable plant growth material, removal)].

North Dakota proposes to revise this rule by deleting the requirement that the topsoil removal operation for an area be approved by the commission prior to any other disturbances.

11. NDAC 69–05.2–16–09(7) [performance standards (sediment ponds)].

North Dakota proposes to revise this rule to require that for sediment ponds designed to contain the ten-year, twenty-four-hour storm, there must be no spillway outflow from the design event or lesser event, unless multiple runoff events occur before the pond can be dewatered in accordance with the permit.

12. NDAC 69–05.2–16–09(20) [performance standards (sediment ponds)].

North Dakota proposes to revise this rule to require that impoundments not meeting the criteria of subsection (17) must be examined at least quarterly.

13. NDAC 69–05.2–21–01(2) [performance standards (backfilling and grading, timing requirements)].

North Dakota proposes to revise this rule to allow the commission to approve additional time, as well as additional distance, for rough backfilling and grading.

14. NDAC 69–05.2–28–03(6) [inspection and enforcement (cessation orders)].

North Dakota proposes to revise this rule by deleting reclamation operations from those operations that, conducted without a valid permit, under some circumstances constitute significant imminent environmental harm.

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 North Dakota program.

1 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 Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.s.t. on December 27, 1994. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

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.** 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 testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

3. Public Meeting

If only one person requests an opportunity to testify 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

1. 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).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive order 12778 (Civil Justice Reform) and has determined that 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 12550) and the Federal regulations at 30 CFR 730.11, 731.15, 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.

3. 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)).

4. 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.*).

5. 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 that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 1, 1994.

Charles E. Sandberg,

Acting Assistant Director, Western Support Center.

[FR Doc. 94–30347 Filed 12–8–94; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 125–1–6804a; FRL–5119–7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: EPA is proposing to approve a revision to the California State Implementation Plan (SIP). The revision concerns the control of volatile organic compound (VOC) emissions from metal parts and products coating operations.

The intended effect of proposing approval of this rule is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this NPRM will incorporate this rule into the federally approved SIP. In addition, final action on this rule will serve as a final determination that deficiencies in the rule identified by EPA in a limited approval/limited disapproval action on May 13, 1993 have been corrected and that any sanctions or Federal Implementation Plan (FIP) obligations are permanently stopped. An Interim Final Determination published in today's **Federal Register** will defer the imposition of sanctions until EPA takes final rulemaking action. EPA has evaluated this rule and is proposing to

approve it pursuant to the provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: Comments must be received on or before January 9, 1995.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Rulemaking Section [A–5–3], Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revision and EPA's evaluation report of the rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revision are also available for inspection at the following locations:

Environmental Protection Agency, Air Docket 6102, 401 "M" Street, SW., Washington, DC 20460.
California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.
San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1095.

FOR FURTHER INFORMATION CONTACT: Helen Liu, Rulemaking Section [A–5–3], Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, (415) 744–1199.

SUPPLEMENTARY INFORMATION:

Applicability

The rule being proposed for approval into the California SIP is San Diego County Air Pollution Control District (APCD) Rule 67.3, Metal Parts and Products Coating Operations. This rule was submitted by the California Air Resources Board to EPA on November 23, 1994.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included San Diego County. 43 FR 8964; 40 CFR 81.305. Because this area was unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. (40 CFR 52.222.) On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that San Diego County's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies. Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. San Diego is currently classified as a severe ozone nonattainment area;[2] therefore, this area was subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted San Diego County APCD Rule 67.3, Metal Parts and Products Coating Operations, for incorporation into its SIP on November 23, 1994. This document addresses EPA's proposed action for Rule 67.3, which the district adopted on November 1, 1994. The submitted rule was found to be complete on December 1, 1994 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V[3] and is being proposed for approval into the SIP.

Rule 67.3 controls VOC emissions from operations that involve the coating of miscellaneous metal parts and products. VOCs contribute to the production of ground-level ozone and smog. The rule was adopted as part of the district's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for these rules.

EPA Evaluation and Proposed Action

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

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to this rule is entitled, "Control of Volatile Organic Emissions from Existing Stationary Sources - Volume VI: Surface Coating of Miscellaneous Metal Parts and Products" [EPA–450/2–78–015]. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP. On May 13, 1993 [58 FR 28357], EPA gave a limited approval/limited disapproval to an earlier version of San Diego County APCD Rule 67.3. The latest version of Rule 67.3, adopted on November 1, 1994, includes the following significant changes from the current SIP rule:

- The applicability of this rule to certain coatings has been clarified.
- A variety of recordkeeping requirements have been added.
- Exemptions have been added for certain coatings.[4]

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

[2] San Diego County retained its designation of nonattainment and classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

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

[4] EPA has determined that emissions resulting from the exemptions do not represent a significant difference from the allowable emissions under the

Continued

• Definitions have been added or adjusted to clarify the rule.

• Future effective dates for pretreatment wash primer and high performance architectural coatings were removed, and CTG standards for these two coatings are now included with other specialty coatings.

• The usage requirements for VOC-containing materials for surface preparation or cleanup were clarified.

• The Air Pollution Control Officer's discretion to approve an alternative recordkeeping plan has been removed.

• Many new test methods have been added to the rule.

EPA has evaluated the submitted rule and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, San Diego County APCD Rule 67.3, Metal Parts and Products Coating Operations, is being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

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

Regulatory Process

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

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

The OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 1, 1994.

Nora L. McGee,

Acting Regional Administrator.

[FR Doc. 94–30328 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–W

applicable CTG standards and that they fall within the "5% Rule" in the Blue Book. The "5% Rule" allows states to depart from a CTG standard upon a demonstration that the departure results in "no significant difference" in emissions (i.e. less than 5% from the CTG allowable). EPA has further determined that this change will not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of the Act), or any other applicable requirement of the Act pursuant to section 110(1).

---

40 CFR Part 52

[CA 102–1–6744b; FRL–5120–2]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from Metal Container, Closure, and Coil Coating, Solvent Cleaning Operations, and Pressure Relief Valves at Petroleum Refineries and Chemical Plants.

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP revisions as direct final rules without prior proposal because the Agency views these as noncontroversial revision amendments and anticipates no adverse comments. Detailed rationale for these approvals are set forth in the direct final rules. If no adverse comments are received in response to these proposed rules, no further activity is contemplated in relation to these rules. If EPA receives adverse comments, the direct final rules will be withdrawn and all public comments received will be addressed in subsequent final rules based on the proposed rules. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on these proposed rules must be received in writing by January 9, 1995.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

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

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

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Daniel A. Meer, Chief, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION: This document concerns Bay Area Air Quality Management District (BAAQMD) Regulation 8, Rule 11, Metal Container, Closure, and Coil Coating; Rule 16, Solvent Cleaning Operations; and Rule 28, Pressure Relief Valves at Petroleum Refineries and Chemical Plants submitted to EPA by the California Air Resources Board (CARB) on September 28, 1994.

For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 1, 1994.

Nora L. McGee,

Acting Regional Administrator.

[FR Doc. 94–30327 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–W

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21 and 74

[MM Docket No. 94–131 and PP Docket No. 93–253, FFC 94–293]

Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, including Electronic Filing and Competitive Bidding

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes a number of alternative procedures for the filing of new station applications for single channel and multichannel Multipoint Distribution Services (MDS). These procedures are designed to expedite processing and facilitate development of wireless cable, an industry that delivers video programming to subscribers using MDS and Instructional Television Fixed Service (ITFS) channels. This proceeding is intended to expedite more service to the public and enhance opportunities for wireless cable to reach its potential as a competitor to wired cable.

DATES: Comments must be received on or before January 9, 1995, and reply comments must be received on or before January 24, 1995.

ADDRESSES: Comments and reply comments may be mailed to Office of the Secretary, Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sharon Bertelsen at (202) 416–0892 or Jerianne Timmerman at (202) 416–0881, Video Services Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The following collection of information contained in these proposed rules has been submitted to the Office of Management and Budget for review under Section 3504(h) of the Paperwork Reduction Act. Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800. Persons wishing to comment on this information collection should direct their comments to Timothy Fain, (202) 395–3561, Office of Management and Budget, Room 10102 NEOB, Washington, DC 20503. A copy of any comments should also be sent to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554. For further information contact William Cline, Federal Communications Commission, (202) 418–0210. OMB Number: None. An existing collection of information, OMB No. 3060–0402, titled "Application for New or Modified Microwave Radio Station License Under Part 21" proposes changes to FCC Form 494. This Notice proposes to create a separate paper application form to be used for a new MDS facilities, and an electronic form to be used for new MDS and ITFS facilities.

Title: Amendment of Parts 21 and 74 of the Commission's Rules with Respect to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service.

Form: Undetermined.

Action: Proposed New Collection.

Respondents: Businesses or other for-profit, small businesses or organizations.

Frequency of Response: On occasion.

Estimated Annual Response: On occasion.

Estimated Annual Response: 734–17,000, 4 hours per response.

Needs and Uses: This long-form is proposed to be limited to the filing of applications and related amendments for new Multipoint Distribution Service stations. The data would be used to ensure that the respondent is qualified to become a Commission licensee.

The complete text of the Notice of Proposed Rulemaking follows. It is also available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, at the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554, and it may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

1. By this action, the Commission proposes to streamline the procedures by which applications for new facilities in the Multipoint Distribution Service (MDS)[1] are filed and processed. We propose to adopt filing procedures consistent with our competitive bidding procedures. To do this, we propose that applicants file short-form applications for predetermined geographic areas and the successful bidders file long-form applications. We believe that implementation of this process would avoid the lengthy delay associated with licensing stations site-by-site, and therefore would allow operators to enhance their service more rapidly, providing more competition to wired cable. However, we also invite comment on alternative filing procedures, including a national filing window and one limited to existing licensees and system operators. We solicit comment on the technical and practical feasibility of utilizing a mandatory electronic filing approach in conjunction with each of these filing approaches.[2] Finally, we invite any other proposals that would allow the Commission to process MDS applications for new stations more efficiently and result in more MDS service opportunities becoming available to the public. We limit the scope of this proceeding to revisions to our rules and procedures that will improve the MDS application processes.[3]

2. Our goal in instituting this proceeding is to facilitate development of the wireless cable industry[4] and to continue our efforts to coordinate the processing of MDS and ITFS applications. The Commission has consistently maintained that, in providing communications services, the public interest is better served by competition. A competitive industry framework promotes lower prices for services, provides incentives for operators to improve those services and stimulates economic growth. An essential component of competition is choice. As we recognized in our recent report to Congress, consumers in the market for video programming do not have enough choices.[5] Although

[1] In this proceeding, unless otherwise indicated, "MDS" includes single channel and multichannel applications and authorizations collectively.

[2] There is now outstanding an Order and Further Notice of Proposed Rulemaking in MM Docket No. 93–24, 9 FCC Rcd 3348 (1994), 59 FR 35665 (July 13, 1994), in which the Commission is considering further improvements to the Instructional Television Fixed Service (ITFS) licensing process, including adoption of a window filing procedure. The only aspect of this proceeding which we propose to apply to apply to ITFS is the electronic filing proposal.

[3] As noted in footnote 2, *supra*, the electronic filing proposal if implemented would also apply to the ITFS application proceeding. In response to a July 28, 1993 Public Notice, we received several comments on ways the Commission could expedite the processing of MDS applications. We have considered those views in our drafting of this Notice of Proposed Rulemaking and we will incorporate those materials in the public record of this proceeding.

[4] "Wireless cable" is the delivery of video programming to subscribers using MDS and/or ITFS channels. Wireless cable resembles cable television, but instead of coaxial cable, wireless cable uses microwave channels. Our use of the term "wireless cable" does not imply that it constitutes cable television for statutory or regulatory purposes.

[5] Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming (Competition Report), CS Docket No. 94–48, FCC 94–235 (released Sept. 28, 1994). The Commission is required to file such annual reports

Continued

competing technologies have made major strides since the previous report on cable competition in 1990, the cable television market remains largely noncompetitive. With respect to wireless cable, we reported that more systems are being built, the number of subscribers has increased, and program access provisions and changes in other regulations have given wireless cable operators a better foothold in competition with wired cable, including the credibility to gain access to financing. Competition Report at paras. 79, 80 and 90. However, the difficulty of accumulating sufficient channel capacity remains a major obstacle to many wireless cable operators. According to the Competition Report, the combination of administrative improvements in wireless cable licensing and the use of digital compression [6] should help to alleviate this problem in the future. *Id.* at para. 90. This rulemaking is one of several administrative improvements directed toward enhancing the development of wireless cable operators as viable competitors in the video programming marketplace. It will also further the policies set forth by Congress in the 1992 Cable Act to "* * * promote the availability to the public of a diversity of views and information through cable television and other video distribution media." [7]

3. When the Commission reallocated eight channels to MDS in 1983, thereby creating wireless cable as a multichannel video distribution medium, a variety of application procedures existed because wireless cable system operators used a combination of channels accumulated from a variety of Commission services with differing sets of rules, procedures and policies.[8] One of the major obstacles faced by wireless cable operators over the years has been the difficulty involved in accumulating the number of channels necessary to meet subscriber demand and be able to compete with wired cable television systems in the same area. There are a maximum of thirty-three microwave channels available for wireless cable systems. This includes thirteen MDS channels (Channels 1, 2 or 2A, E1–E4, F1–F4 and H1–H3) and the excess capacity in the twenty ITFS channels (Channels A1–A4, B1–B4, C1–C4, D1–D4 and G1–G4).[9] In an effort to consolidate and promote the expeditious processing of applications for licenses that may be used to provide wireless cable services into one organization, the Commission recently transferred responsibility for MDS from the Common Carrier Bureau to the Mass Media Bureau. Amendment of Parts 0 and 1 of the Commission's Rules to Reflect a Reorganization of Multipoint and Multichannel Multipoint Distribution Services, 9 FCC Rcd 3661 (1994), 59 FR 38374 (July 28, 1994).

4. For a number of years, the Commission has been concerned that the volume of MDS applications filed by speculators has caused delays in the licensing process and has overburdened the Commission's limited resources. A rule revision aimed at addressing this problem was adopted in the Report and Order in Gen. Docket Nos. 90–54, 80–113, 5 FCC Rcd 6410, 6424 (1990), 55 FR 46006 (Oct. 31, 1990); Order on Reconsideration, Gen. Docket Nos. 90–54, 80–113, 6 FCC Rcd 6764 (1991), 56 FR 57596 (Nov. 13, 1991), petition for review filed, *United States Independent Microwave Television Association* v. *FCC and United States of America*, No. 91–1637 (D.C. Cir. filed Dec. 20, 1991) (held in abeyance by Court Order of February 21, 1992, pending action on the second set of reconsideration petitions). The rule, commonly referred to as the "same calendar day rule" is found in Section 21.914 of the Commission's rules, 47 CFR 21.914. Under this rule, an MDS application for a new station that is acceptable for filing will be mutually exclusive with any other MDS application which is acceptable for filing for the same service area and frequency if it is received by the Commission on the same calendar day as the first such MDS application received by the Commission. This rule change eliminated the opportunity for speculators simply to copy applications that were previously filed and resubmit them under different names. However, because of our rules authorizing lotteries and settlement groups, the filing of applications for new MDS stations was nevertheless appealing to speculators, who continued to file a large number of applications up to the time the Commission imposed a freeze on the filing of applications for new facilities in the Notice of Proposed Rulemaking, PR Docket No. 92–80, 7 FCC Rcd 3266 (1992), 57 FR 24006 (June 5, 1992).[10] At the time of the freeze, there was a backlog of tens of thousands of applications, the majority believed to be speculative. Id. at 3267

5. The Commission has recently stated that all mutually exclusive MDS applications for new stations filed after the lifting of the freeze will be subject to the competitive bidding process. Implementation of Section 309(j) of the Communications Act—Competitive Bidding, Second Report and Order in PP Docket No. 93–253, 9 FCC Rcd 2348, 2359 (1994), 59 FR 22980 (May 4, 1994) (Second Report and Order), recon. granted in part, Second Memorandum Opinion and Order, FCC No. 94–215 (released Aug. 15, 1994), 59 FR 44272 (Aug. 26, 1994). Therein, the Commission determined that the use of competitive bidding for MDS would further the objectives described in 47 U.S.C. 309(j)(3). The use of competitive bidding would speed the development

---

pursuant to the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act), Pub. L. No. 102–385, Section 628(g), 106 Stat. 1460 (amending the Communications Act of 1934), codified at 47 U.S.C. 548(g).

[6] Digital compression is a technology that employs various techniques to reduce the number of bits required to transmit a program. Therefore, for a given channel bandwidth and digital transmission rate, an operator may, depending on circumstances, transmit a single uncompressed program or multiple compressed programs. For example, a six-to-one compression ratio permits the operator to offer six program channels from one 6 MHz frequency bandwidth.

[7] 1992 Cable Act Section 2(b)(1), 106 Stat. at 1463. An essential element of the 1992 Cable Act is promoting increased competition and diversity by fostering the development of alternative multichannel video programming distributors (MVPD). The term "MVPD" means "a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming." Communications Act Section 602(12), 47 U.S.C. 522(12). In markets where effective competition is present, the government will no longer need to regulate cable rates, as required by the 1992 Cable Act, because cable rates will be regulated by the marketplace. Communications Act Section 623(a)(2), 47 U.S.C. 543(a)(2).

[8] Report and Order in Gen. Docket No. 80–112, 94 FCC 2d 1203 (1983), 48 FR 33873 (July 26, 1983). Therein, the Commission reallocated eight of the ITFS channels for use by MDS nationally, grandfathered interference protection to existing E or F ITFS applicants, permittees or licensees, approved cash payments by MDS entities for vacating ITFS channels, and authorized ITFS licensees to lease the excess capacity on their systems to wireless cable operators.

[9] In some locales, there are twenty-eight ITFS channels due to the 1983 grandfathering of ITFS entities. In 1991, the Commission reallocated the H-group channels from the Operational Fixed Service to MDS and made MDS operators eligible for authorization on vacant ITFS channels with specified restrictions. Second Report and Order in Gen. Docket No. 90–54, 6 FCC Rcd 6792, 6793–94, 6801–06 (1991), 56 FR 57808 (Nov. 14, 1991). In 1992, the frequency spectrum of 2160 MHz to 2162 MHz (of the former frequency allocation of 2156 MHz to 2162 MHz, MDS Channel 2) was reallocated to emerging technologies, leaving MDS Channel 2A, a 4 MHz channel. Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies, ET Docket No. 92–9, 7 FCC Rcd 6886, 6889 n.22 (1992), 57 FR 49020 (Oct. 29, 1992).

[10] The Commission adopted a number of rule changes to deter systematic abuse by speculators in Report and Order in PR Docket No. 92–80, 8 FCC Rcd 1444 (1993), 58 FR 11795 (Mar. 1, 1993).

and further deployment of MDS for the benefit of the public, with minimal administrative or judicial delays. The proposals set forth for consideration in this proceeding are designed to avoid the backlogged applications and legal protests that have delayed and stifled the deployment of MDS in the past. We believe that accelerated processing permitted by electronic filing and data collection, along with competitive bidding procedures, will reduce the likelihood of speculative filings and generally expedite the initiation of new service.

6. In the discussion that follows, we invite comment on several alternatives for acceptance of MDS applications after the processing freeze is lifted next year. The Commission favors a filing approach which is based upon specific predetermined geographic area, such as Metropolitan Statistical Areas (MSA) and Rural Service Areas (RSA) or Areas of Dominant Influence (ADI). This filing approach would utilize short-form applications to identify mutually exclusive applicants for competitive bidding purposes. Second Report and Order in PP Docket No. 93–253, 9 FCC Rcd 2348, 2376 (1994), 59 FR 22980 (May 4, 1994). Another filing approach would restrict applications to Commission-identified vacant E, F and H channels. Here, the Commission would also identify mutually exclusive situations through the use of short-form applications. Under another alternative, the Commission would periodically open national filing windows, and there would be no geographic restrictions on filing for available MDS channels. One option to the national filing window approach would be to limit eligibility to file in the first window to existing system operators and licensees. These two national window proposals would require long-form applications, containing the applicant's complete technical proposal, to determine mutual exclusivity before competitive bidding procedures are implemented.

7. MSA/RSA/ADI Approach. As our preferred filing approach, we invite comment on whether we should adopt a procedure under which applications for new MDS stations would be filed for predetermined, discrete areas, similar to Cellular Radio's Metropolitan Statistical Areas (MSA) and Rural Service Areas (RSA), or the television Areas of Dominant Influence (ADI).[11] The Commission would release a public notice announcing auctions by MSA/RSA/ADI, and the time, place and method of competitive bidding to be used, including the applicable bidding procedures. Applicants would file for all usable E, F and H channels. They would be allowed to operate facilities on these channels anywhere throughout the service area provided the specific engineering design of their wireless cable facility meets the Commission's interference protection standards to any previously proposed or authorized MDS facilities. The public notice would also specify the filing period for short-form applications (FCC Form 175)[12] and deadlines for submitting the applicable filing fee and the upfront payment, and the amounts. Applicants would file a short-form application for all usable channels in a particular MSA, RSA or ADI and those applications would be treated as mutually exclusive and subject to the competitive bidding process. Mutually exclusive applicants would bid for all usable channels in a particular area as a package, enabling operators to amass large channel groups.

8. We seek comment on whether our current 15 mile radius definition of an MDS licensee's protected service area would be appropriate for licenses granted on an MSA/RSA/ADI basis. In particular, we request comment on whether the MSA/RSA/ADI boundary should become the protected service area of the wireless cable system. If this definition of protected service area were adopted, how would our current interference protection standards, defined by desired-to-undesired signal strength ratios, be applied? Would these standards permit service to the areas adjacent to the borders between geographic license areas? If not, are there modifications to the rules that might serve the public interest, for example, permitting parties to negotiate interference rights to enable interference-free service in the border areas? We also request comment on the impact of our protected service area decision on the ordering in which service areas should be auctioned. For example, depending on the definition of protected service areas, service areas auctioned earlier may be able to secure border area interference protection rights. In this case, should service areas be auctioned in descending order of population?

9. The auction winner would have several responsibilities and rights. For instance, an auction winner would be required to submit a down payment within five business days after the close of the auction. The auction winner would be required, by a specified date, to file a long-form MDS application which includes a complete engineering proposal. This long-form would include a demonstration that the proposed MDS stations would not cause harmful interference to any previously proposed or authorized MDS stations, and applicants would have the opportunity to cure any such defects in their engineering. Long-form applications found to be acceptable would be proposed for grant by a Commission public notice. This public notice would trigger a thirty-day period for the filing of petitions to deny. *See* 47 U.S.C. Section 309(b). If there are no petitions filed, or upon resolution of petitions that have been filed, and if the applicant is otherwise qualified under 47 CFR 21.32 (e.g., FAA clearance), the conditional license would be granted. If the conditional license was granted following an auction, the grant would be conditioned upon the winner making full payment of the balance of the winning bid within five business days following the grant (except for small businesses allowed to make installment payments).[13] Since applicants would receive conditional licenses for all usable channels in a particular area as a package, we seek comment as to the appropriateness of allowing mergers and other transfers prior to the completion of construction.

10. The Commission believes that this framework provides the most manageable and efficient system to disseminate MDS licenses. The use of short-form applications prior to the auction reduces the administrative burdens on applicants and the Commission, and minimizes the potential for delay. In addition, this type of filing approach, coupled with competitive bidding procedures, would encourage universal coverage and afford the greatest likelihood of rapidly promoting the development of MDS as a viable competitive service. This

[11] MSAs and RSAs are standard geographic areas used by the Commission for administrative convenience in the licensing of cellular radio systems. All of the 306 MSAs and 428 RSAs and the counties they comprise are listed in Public Notice Report No. CL–92–40 "Common Carrier Public Mobile Services Information, Cellular MSA/RSA Markets and Counties," DA 92–109, 7 FCC Rcd 742 (1992). See also 47 CFR 22.909 (effective Jan. 1, 1995). ADIs are standard geographic areas developed by Arbitron Ratings Company. Under this market definition, each county in the continental United States is placed within one of 210 ADIs, the lowest numbered ADI having the highest population.

[12] Form 175 contains the applicant's name, the licenses on which the applicant wishes to bid, the persons authorized to make or withdraw a bid, whether the applicant is qualified as a designated entity under 47 CFR 1.2110, certifications that the applicant is legally, technically, financially and otherwise qualified, and identification of all parties involved in agreements, or certification that no agreements exist, relating to the conditional licenses being auctioned or the bidding process.

[13] The definition of "small business" is discussed in paragraph 24, infra.

approach is also likely to deter speculation because auction methodologies are designed to ensure that the party who most highly values the spectrum obtains the license, not a speculator. We solicit comment on whether we should adopt this proposal, and if so, which geographic areas are most suitable for MDS to utilize.

11. E, F and H Identified Sites. An alternative filing approach, which is somewhat more restrictive than our preferred approach, would limit applications to predetermined sites. We invite comment on a procedure pursuant to which multiple public notices would identify sites where there are vacant E, F or H channels available. The Commission would identify such sites based upon the location of an already authorized E, F or H channel. Pursuant to this proposal, applicants for the vacant channels at these identified sites would file a short-form application to identify mutually exclusive situations for purposes of competitive bidding. Thereafter, the auction winner would be required to file a long-form MDS application which contains a complete engineering proposal, specifying compatible station design and demonstrating a lack of harmful interference to co-channel and adjacent-channel previously proposed or authorized MDS stations in nearby areas. We request comment on this alternative, which also promotes streamlined application processing and works well with competitive bidding procedures.

12. National Filing Window Proposal. Under this proposal, windows would be opened periodically in order to provide opportunities for filing applications for new MDS stations.[14] The Commission would issue a public notice announcing the filing window for available channels which would remain open for a specified period of time, and applications for new MDS stations would be filed within that stated window. Under this approach, there would be no geographic restrictions upon filing for available MDS channels. Accordingly, the applicant would initially be required to file a long-form MDS application, with the applicant's complete engineering proposal, to enable the Commission to determine mutual exclusivity. After the close of the window, each application would undergo an acceptability review, which includes an engineering interference analysis. To be acceptable for filing, the application would have to contain all of the data and other information necessary to allow processing of the application. See Appendix, Items 1–20. An application would be considered unacceptable for filing and returned if, inter alia, its proposed facilities are predicted to cause harmful interference to any part of the protected service area of an authorized station or a facility proposed in an application filed prior to the opening of a particular filing window. See 47 CFR 21.31, 21.902 and 21.914. Applications found to be acceptable and not mutually exclusive with any other acceptable application would be proposed for grant by a Commission public notice. This public notice would trigger a thirty-day period for the filing of petitions to deny. See 47 U.S.C. 309(b). If there are no petitions filed and if the applicant is otherwise qualified, the conditional license would be granted. Applications found acceptable for filing and mutually exclusive with another would be subject to competitive bidding. Under the national window approach, applications may be amended while the window is open. After the close of the window and up until the close of the auction, no amendment may be filed which corrects any defect in an application that is unacceptable for filing on the last day of a filing window. We propose that the Commission only accept the following two types of amendments after the close of the window and up until the close of the auction: (1) Amendments filed pursuant to 47 CFR 1.65 to furnish updated information, and (2) minor amendments as defined by 47 CFR 21.23, including pro forma changes in ownership or control. Following the auction, the Commission would provide the auction winner the opportunity to cure any defects in its engineering proposal.

13. We believe that since this approach would likely result in a larger number of mutually exclusive applications, implementation would require significant resources and take a substantial amount of time to conduct the competitive bidding process. We request comment on how to resolve the "daisy-chains" (interlinking application proposals at different locations) that might arise under this proposal. We invite commenters favoring a national window approach to discuss these concerns, how far in advance we should announce the opening of a window and the appropriate length of the window.

14. First Window: Accumulation of "Critical Mass" of Channels. As an option to the national filing window, the first window could be limited to existing system operators and licensees. Under this approach, we would require that applications be filed by a licensee or system operator who, at the time the application is filed, is operating a minimum number of channels, such as four, six, eight or ten. Where the existing system operator is not a licensee, we would require a certification that lease agreements have been executed between the operator and the licensee. We would require such applicants to keep copies of lease agreements and make them available upon the request of the Commission. This "critical mass" approach would encourage enhancement of existing wireless cable operations, and thus accelerate opportunities for competition with wired cable systems in various locales. Such an approach is well within our legal authority. See, e.g., *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192, 202 (1956); *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327, 333 n.9 (1945); *Hispanic Information & Telecommunications Network* v. *FCC*, 865 F.2d 1289, 1294 (D.C. Cir. 1989). We solicit comment on whether we should adopt this proposal, and if so, who should be eligible to file applications in this window.

15. Interference Criteria and Mutual Exclusivity. As a complement to the various filing proposals and electronic procedures, infra, we propose to adopt a technical equation as the basis for the "free space" interference protection calculations. The following formula is currently used by the Commission's MDS engineers and is recognized by engineering consulting firms that represent the wireless cable industry:

The received signal power level $(RSL)_{dBW}$ at the output of the FCC reference receiving antenna is obtained from the following:[15]

$$(RSL)_{dBW}=(EIRP)_{dBW}-(L_{FS})_{dB}+(G_{AR})_{dB}$$

where the free space loss $(L_{FS})_{dB}$ is

$$(L_{FS})_{dB}=20 \log (4\pi d/\lambda) \text{ dB}$$

In these equations, $(RSL)_{dBW}$ is received power in decibels referenced to one watt, $(EIRP)_{dBW}$ is equivalent isotropically radiated power in decibels above one watt, d is the distance of the signal path in meters, λ is the wavelength of the signal in meters, and G_{AR} is the gain of the reference receiving antenna, as obtained in 47 CFR 21.902(f)(3), Figure 1. We propose to formalize the above equations by adopting them as a rule provision, much like the equation at 47 CFR 21.902(d)(2). In so doing, we are not proposing significant changes in the substantive requirements regarding interference

[14] A similar procedure is currently being used by the low power television service. Report and Order in MM Docket No. 83–1350, 102 FCC 2d 295 (1984), 49 FR 47837 (Dec. 7, 1984).

[15] Leon W. Couch II, Digital and Analog Communication Systems, p. 384 (3rd ed. 1990).

showings. To facilitate our plans for computerized interference studies, we will require proposed facilities to meet the 45 dB and 0 dB co-channel desired to undesired signal strength ratios at points along the service contours of protected facilities which were authorized under the current interference standards. With regard to long-form applications, we propose to retain the rules requiring that the applicant perform analyses of the potential for harmful interference and serve the interference studies upon the previously proposed or authorized station applicants, conditional licensees or licensees required to be studied. 47 CFR 21.902. On the electronic application form, the applicant would supply certain crucial data elements describing the station parameters, such as antenna polarization and the station equivalent isotropically radiated power (EIRP), while the Commission staff would perform the interference analysis using a computer program. In this service, there are two rules that currently defined mutual exclusivity: Section 21.31 and Section 22.901(d)(5). See 47 CFR 21.902. In light of the proposed computer-assisted interference studies that will readily determine whether an application is mutually exclusive with another, under our national window proposals, the second rule, Section 21.901(d)(5), is no longer necessary. We would not require the submission of any types of interference or other engineering analyses to the Commission at the time the application is filed. Nor would we require the submission of a list of each applicant, conditional licensee or licensee served at the time the application is filed. We propose to require the applicant to make the records available for Commission inspection upon request. We invite comment on whether we should adopt this formula as a rule. We also seek comment on whether we should eliminate signal contour maps as a required part of interference studies.

16. We are also proposing to improve the current application form used for new MDS stations, FCC Form 494,[16] by excluding certain data elements which have yielded information that is no longer necessary or of only marginal utility. Further, such modifications should serve to facilitate the proposed computer-assisted process. For instance, we propose to eliminate queries regarding the antenna vertical sketch and the narrative description of why grant of the application would be in the public interest. We also generally propose to exclude the following parameters of the transmission system: transmitter manufacturer and model number, transmitter output power, transmitting antenna gain and the specification of transmission line and other transmission losses. With regard to transmitters, we are only concerned that MDS licensees operate transmitters that are "type-accepted" by the Commission for use in this service. Although we propose to eliminate the requirement that the applicant identify the transmitter make and model, we intend to require conditional licensees to certify the use of a type-accepted transmitter in their certification of construction, currently FCC Form 494A Transmitter output power, system loss, and antenna gain are the parameters used to calculate a station's maximum EIRP. The MDS rules were recently changed to provide for a maximum EIRP, rather than a maximum value for transmitter output power. *See* 47 CFR 21.904. The critical parameter in free space signal propagation analysis is EIRP. Applicants, therefore, would be permitted to use any transmitter output power necessary to achieve the desired EIRP, provided the EIRP remained within the limits given in the Commission's rules. Thus, we believe that it is not necessary to require applicants to specify the equipment parameters used to calculate the EIRP, i.e., transmitter power, antenna gain and transmission losses. We also propose to allow changes to these transmission parameters without notification to the Commission, provided the resulting EIRP would not change. The station power to be specified on the form would be the maximum EIRP in the horizontal plane, i.e., the EIRP at an angle of zero degrees in the vertical plane. Electrical beam tilting of antennas will be permitted; however, in all cases, applicants would be required to specify the EIRP in the horizontal plane. In most instances, this value of EIRP closely approximates the power radiated to the radio horizon which is most relevant to interference analysis. Also, by proceeding in this manner, it would not be necessary for us to collect data on antenna vertical radiation patterns. We invite commenters to discuss these and other possible changes to an application form for MDS facilities and the related issues introduced in this proceeding.

17. An Electronic Application Form. We propose to modify further the long-form MDS application in an effort to make the form compatible with an electronic filing system. The proposed electronic version of the long-form application for news MDS stations would consolidate information from FCC Form 494 and FCC Form 430, the License Qualification Report, and be formatted in a manner appropriate for electronic data capture. For example, we would retain engineering data elements necessary for analysis of interference or possible air safety hazards, and we would retain applicant responses which demonstrate compliance with a particular statutory requirement, such as an environmental assessment. In terms of specific items, the Appendix lists proposed data elements and other informational items for our new electronic application form. These include general, engineering and legal elements. The engineering parameters of proposed stations are generally limited to variables used in our interference analysis or air safety determinations, such as transmitting antenna site coordinates, EIRP, antenna polarization, site elevation and antenna structure height above ground. Other data may be used to verify an applicant's compliance with a particular Commission rule. For example, antenna beam width is used to calculate the maximum allowable EIRP of a station using a directional transmitting antenna. Applicants proposing to locate stations in areas where notification or coordination with Canada or Mexico is required by international agreement would be required to submit the following additional technical data, which is not proposed as standard data elements in the electronic application form: transmitter output power transmitting antenna gain and transmission line loss. It may be possible to specify this data in a textual exhibit in the electronic long-form application. If not, a paper supplement to the application would be submitted as directed by the Commission staff. We seek comment on our proposed elements for the electronic filing process.

18. Electronic Filing Process. In 1992, Congress amended the Communications Act of 1934 to permit the electronic filing of license and construction permit applications. Telecommunications Authorization Act of 1992, Pub. L. No. 102–538, Section 204, 106 Stat. 3533, 3543, codified at 47 U.S.C. 308(b) and 319(a). Such applications may be signed "in any manner or form, including by electronic means, as the Commission may prescribe by regulation." Id. The Commission currently accepts license applications electronically in the private land mobile radio service (FCC Form 574) and we are here considering a

[16] Since Form 494 is a multi-purpose form that is used for other services, to the extent that we are proposing changes, we intend to create a different form to be used for MDS.

proposal to accept electronically applications for new MDS stations.[17] We would modify our handwritten signature requirement, 47 CFR 1.743 and 21.6(d), and other rules as necessary to implement such an electronic filing system.

19. We envision the use of communication links, such as a Value Added Network (VAN), that would allow the exchange of data between applicants and the Commission. VANs as offered by private entities and may require an applicant to establish an account. The use of a VAN is particularly attractive as a method of electronically filing applications because of its high degree of efficiency and security in transferring information. Although our intent is to implement an electronic filing system without creating additional burdens, we recognize that VANs may impose an added cost to filing an application. For example, to establish an electronic mailbox from a VAN may cost as much as $300 with added monthly and per use fees. To minimize the costs to individuals, an electronic mailbox could be established by a representative group, such as a law firm or engineering consulting firm, as a service to its customers.

20. In designing an electronic filing system that will work efficiently, we believe that it will be necessary to eliminate the filing of paper to the maximum extent possible. Such a system would consist of data on a series of computer screens, translated into a transaction format, together with electronically prepared exhibits. We envision an electronic form designed for personal computers using a windows-based environment. Essentially, the data would be uploaded from a personal computer to a VAN or other type of electronic mailbox, then downloaded to a Commission mailbox in the correct format. Although it appears that VANs may have the capability to transfer text electronically, a possible limitation concerns the difficulty or expense associated with electronic maps or other graphics representations. For routine applications, we hope to eliminate the need for paper submissions completely, at least during the initial application acceptance stage of processing. Implementing such a system would expedite the application process in several ways. First and foremost, it would eliminate the need for manual entry of application data into the Commission's several databases, resulting in instant databases that are current and accurate. Our intent is for the public to have on-line viewing access to MDS databases through a third-party vendor and the Commission's public reference room. Second, an electronic filing system, coupled with the proposed computer-assisted processing program, would eliminate the need for manual review by the Commission's engineering staff of engineering analyses currently submitted by applicants under 47 CFR 21.902 and 21.904. This manual review is very time-consuming. Finally, the staff would be able to handle, with reasonable speed, the anticipated increase in the number of applications to be processed. In balancing these multiple factors, we believe that the benefits of implementing an electronic filing system outweigh the associated costs. We invite comment on the feasibility of using a mandatory electronic filing system for new MDS station applications in connection with the application filing procedures discussed above. We also solicit comment on whether ITFS applicants should be required to file applications for new stations electronically on a combined application form, and whether there should be a paper exception for those educators that are not financially supported by a wireless cable operator.

21. Electronic Fee Payments. Regarding payments of application fees, we will use the current methods of payment for application fees under 47 CFR 1.1109. The methods include check, bank draft, money order, wire transfer, electronic customer-initiated payments and Visa or Master Card credit card. The Commission recently amended 47 CFR 1.1108 and 1.1109 to permit the electronic filing of fee payments, initially on an experimental basis. Implementation of Section 9 of the Communications Act, Report and Order in MD Docket No. 94–19, FCC No. 94–140 (released June 8, 1994), 59 FR 30984 (June 16, 1994) at para. 50–51. In addition to the existing payment methods available, we propose to accept electronic payments under Section 1.1109. Pursuant to subsection (a)(1) of that section, procedures for the electronic payment of fees will be announced by Public Notice. We request comment on a fee system where applicants use a unique fee payor number, such as a federal employer identification number together with an appropriate service code, and a suffix in cases where applicants file multiple applications. This would link the fee payment with the electronically filed application. Applicants would be permitted to prepay their application fee after public notice of any national filing window until the close of the filing window, using any currently acceptable form of payment. When the applicant makes the fee payment to the Commission's lockbox bank, the applicant's unique identification number is supplied with the fee payment, and the applicant uses the same number on the electronic application for a new station. We seek comment on this proposal.

22. Competitive Bidding Procedures. In light of the proposals set forth above, we invite further comment on the Notice of Proposed Rulemaking in PP Docket No. 93–253, 8 FCC Rcd 7635 (1993), 58 FR 53489 (Oct. 15, 1993), and the Second Report and Order, 9 FCC Rcd 2348 (1994), 59 FR 22980 (May 4, 1994), recon. granted in part, Second Memorandum Opinion and Order, FCC No. 94–215 (released August 15, 1994), 59 FR 44272 (Aug. 26, 1994), regarding competitive bidding procedures with respect to MDS. Specifically, we invite comment on which of the alternative competitive bidding procedures adopted in the Second Report and Order is best suited to MDS.

23. The Second Report and Order in the competitive bidding proceeding sets forth three primary auction methods from which the Commission may choose in selecting an appropriate competitive bidding design:

(1) Simultaneous multiple round auctions;

(2) Sequential oral auctions (open outcry); or

(3) Sealed bid auctions (either sequential or simultaneous). 9 FCC Rcd at 2366–67. We seek comment on the suitability of these methods for the auctioning of MDS licenses. There appears to be some geographic interdependence due to coordination of interference at the borders.[18] However, as the value of and interdependence between MDS licenses in different geographic areas may not be sufficiently high to justify the use of simultaneous multiple round bidding, we tentatively conclude that this type of bidding

[17] Amendment of the Commission's Rules to Modify Signature Requirement for License Applications in the Private Radio Services, 8 FCC Rcd 2662 (1993), 58 FR 21405 (Apr. 21, 1993). Until we have gained some experience with electronic filing procedures, we propose to limit its use to the filing of applications and related amendments for new MDS stations. Certifications of completion of construction, applications for assignment or transfer of control of licenses, license renewals, signal boosters, extensions and modifications pursuant to 47 CFR 21.40, 21.41, 21.42 and 21.910, would continue to be filed in paper format according to existing procedures.

[18] Licenses are interdependent when the value of a license to the bidder depends on the degree to which licenses are substitutes or complements. Second Report and Order at 2364.

design is less appropriate for MDS than either sequential oral or sealed bid auctions. In commenting on this tentative conclusion, commenters should consider the relative value of MDS licenses, the importance for wireless cable operators of aggregating as many channels as possible within particular geographic areas, and the significance for operators of accumulating channels across diverse geographic areas. We additionally request comment on the relative advantages and disadvantages of utilizing either oral bidding or sealed bidding to auction MDS licenses. In commenting on the suitability of oral or sealed bidding for MDS, commenters should focus their discussion on the following factors:

(a) The value and interdependence of MDS licenses;

(b) The number of MDS channels that remain available for auction;

(c) The expense to the Commission and to bidders;

(d) The administrative ease of implementing the auction design selected; and

(e) The expected number of bidders for each area. As explained in paragraph 7, *supra*, our preferred approach will utilize predetermined geographic service areas and contemplates auctioning all usable channels in each area together. We seek comment on this approach.

24. Section 309(j) of the Communications Act, which gave the Commission express authority to employ competitive bidding, also mandated that the Commission "ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services." 47 U.S.C. 309(j)(4)(D). To implement this statutory mandate, the Commission established a menu of preferences, including installment payments, tax certificates, bidding credits and spectrum set-asides, to choose from in selecting preferences that will be applicable to particular services. *Second Report and Order* at 2389–92. We request comment on these various preferences, which entities should be eligible to receive them, and their appropriateness in light of the characteristics of MDS. In particular, with regard to determining eligibility for installment payments, we invite comment on the appropriate definition of "small business" to be employed, taking into account the capital requirements for MDS. Commenters may want to address the standard definition of "small business" utilized by the Small Business Administration is appropriate for MDS,[19] or whether we should establish a different standard based on a business' gross revenues.[20] We additionally seek comment on whether spectrum set-asides are appropriate for MDS. We also request comment on how to implement to bidding credit or payment discount program for MDS. In connection with preferences for designated entities, commenters may also wish to address measures designed to prevent unjust enrichment by trafficking licenses acquired through the use of preferences.

25. In addition to commenting on auction methods and preferences, commenters should address other issues related to competitive bidding for MDS. Commenters may want to comment on payment issues, particularly the appropriate amount of the upfront payment submitted prior to an auction, and the amount of the default penalty on winning bidders who fail to make their required down payments on licenses, fail to make final payments for licenses, or are disqualified after the close of an auction. Commenters may also wish to address the advisability of setting a reservation price, below which a license subject to auction will not be awarded. Provisions designed to prohibit collusive conduct in the context of competitive bidding may additionally be addressed, as should any other issues related to competitive bidding for MDS.

26. As required by Section 603 of the Regulatory Flexibility Act of 1980, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, the Commission has prepared the following Initial Regulatory Flexibility Analysis of the expected impact on small entities of the proposals suggested in this document:

Reason for Action: The Commission is initiating this rulemaking to review and streamline the procedures which govern the filing of applications for new MDS facilities.

Objective: The objective of this proceeding is to improve the Commission's application processes for wireless cable and thereby expedite more service to the public.

Legal Basis: Authority for the action proposed in this proceeding may be found in Sections 4(i) and (j), 301, 303(g) and (r), 309(j) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 154(j), 301, 303(g), 303(r), 309(j) and 403.

Reporting, Recordkeeping and Other Compliance Requirements: The Commission seeks comment on a number of alternative proposals to streamline the procedures for filing new applications for MDS facilities. Generally, the proposed rule changes would reduce the reporting burden on applicants and impose a few new recordkeeping obligations. There may be an additional cost burden to implement the electronic filing proposal.

Federal Rules that Overlap, Duplicate or Conflict With the Proposed Rules: None.

Description, Potential Impact and Number of Small Entities Affected by the Proposed Rules: The Commission believes that the proposals set forth in this proceeding would affect the estimated 500 existing wireless cable operators, many of which are small entities. Adoption of the proposals would benefit small entities interested in acquiring new MDS stations. The proposals would also provide opportunities for equipment manufacturers and video programming providers, many of which may be small businesses. The cost associated with initiating the electronic filing proposal may affect small entities. We are unable to quantify further the potential impact on small entities, and thus, we invite specific comments on this point by interested parties.

Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives: The *Notice of Proposed Rulemaking* solicits comment on alternatives. We request written public comment on the analysis. Such comments must be filed in accordance with the same filing deadlines as comments filed in this rulemaking proceeding, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of the *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance

[19] The Small Business Administration standard definition permits an applicant to qualify for financial assistance based on a net worth in excess of six million dollars with average net income after federal income taxes for the two preceding years not in excess of two million dollars. 13 CFR 121.802.

[20] For the broadband and narrowband Personal Communications Services, small businesses are defined as those with average gross revenues for the three preceding years of less than $40 million. It may be that this $40 million gross revenue standard is too high for MDS, given the more modest capital requirements of MDS operators. *Third Memorandum Opinion and Order and Further Notice of Proposed Rulemaking* in PP Docket No. 93–253, FCC No. 94–219 (released Aug. 17, 1994), 59 FR 44058 (Aug. 26, 1994) at para. 46; *Fifth Report and Order* in PP Docket No. 93–253, FCC No. 94–178 (released July 15, 1994), 59 FR 37566 (July 22, 1994) at para. 13.

with Section 603(a) of the Regulatory Flexibility Act.

27. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed under the Commission's rules. See generally, 47 CFR 1.1202, 1.1203 and 1.1260(a).

28. The collection of information contained in this Notice of Proposed Rulemaking will be submitted to the Office of Management and Budget for review under Section 3504(h) of the Paperwork Reduction Act. 44 U.S.C. 3504(h). Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800. Persons wishing to comment on this collection of information should file their comments with the Federal Communications Commission, Office of Managing Director, Paperwork Reduction Project, Washington, DC 20554, and the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503. This Notice proposes further revisions to an existing collection of information, OMB No. 3060–0402, titled "Application for New or Modified Microwave Radio Station License Under Part 21" to create a separate paper application form to be used for new MDS facilities, and an electronic form to be used for new MDS and ITFS facilities. For further information regarding this collection of information, contact William Cline at (202) 418–0210, Records Management Branch, Office of Managing Director.

29. Pursuant to applicable procedures set forth in 47 CFR 1.415 and 1.419, interested parties may file comments on or before January 9, 1995, and reply comments on or before January 24, 1995. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, at the Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554.

List of Subjects

47 CFR Part 21

Communications common carriers, Reporting and recordkeeping requirements, Television.

47 CFR Part 74

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Appendix

Proposed Long-Form MDS Data Elements for Electronic Filing

1. Applicant Name
   Mailing Address
   City, State and Zip Code
   (Area Code) and Telephone Number
2. Fee Payor Identification Number
   Payment Type Code
   Amount Paid
3. Service Area
4. Channel(s) Requested
   Frequency Offset, if Applicable
5. Proposed Transmitting Antenna Location
   City, County, State
   Address of Location
   Latitude and Longitude
6. Antenna Type (omni or directional)
   Antenna Make and Model
   Antenna Beam Tilt
   Antenna Beam Width
   Antenna Polarization
   For Directional Antennas, Antenna Orientation of Main Horizontal Lobe in Degree of Azimuth with Respect to True North
   For Directional Antennas, Tabulation of Horizontal Plane Relative Field Strengths
   Antenna Radiation Center Height Above Ground
   Overall Antenna Structure Height Above Ground
   Height of Structure Only
   Equivalent Isotropically Radiated Power (EIRP)
   Site Elevation Above Mean Sea Level
   Type of Supporting Structure (e.g., building or tower)
   Emission Designator
7. Site Availability Certification
8. Certification of Lack of Environmental Impact (or date of environmental assessment filing with FCC)
9. Service of MDS Application and Interference Study on ITFS Station Licensees with Transmitters within Fifty Miles
10. Carrier Status
11. Legal Entity of Applicant, such as Individual, Partnership, Corporation or Association
12. Preference for Designated Entities under 47 CFR 1.2110
13. Ownership and Control of Facilities: Owner, Lessee or Other (identification of any real party in interest, including indirect, future and option interests)
14. Ownership in, Control by, Affiliation with or Lease Arrangement with a Cable Television System and Description of Overlap Between MDS Protected Service Area and Cable Franchise Area; All Communication Interests of the Applicant
15. Financial Ability to Construct and Operate for Twelve Months
16. Description of Any FCC Licenses or Permits Revoked or Applications Denied
17. Issues Relating to Character Qualifications, Including Conviction of a Felony
18. Compliance with Alien Ownership Restrictions of 47 CFR 21.4
19. Identification of All Parties Involved in Agreements, or Certification that None Exist, Relating to Any Auction or the Bidding Process
20. Certification of Applicant, Includes Drug Certification

[FR Doc. 94–30323 Filed 12–8–94; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 64

[CC Docket No. 94–129; FCC 94–292]

Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted this Notice of Proposed Rule Making to propose rules that prescribe the form and content of the letter of agency for changing long distance carriers and prohibit offers or inducements of any kind from being part of the letter of agency document. This action was taken to seek comment on whether to make the letter of agency a separate document, thus freeing consumers from certain deceptive or confusing marketing practices of some interexchange carriers.

DATES: Comments must be submitted on or before January 9, 1995. Reply comments must be submitted on or before February 8, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Wilbert E. Nixon, Jr., Enforcement Division, Common Carrier Bureau, (202) 418–0960.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making in CC Docket No 94–129 [FCC 94–292], adopted November 10, 1994 and released November 10, 1994. The full text of the Notice of Proposed Rule Making is available for inspection and copying

during normal business hours in the FCC Reference Center, Room 239, 1919 M Street NW., Washington, DC 20554. The full text of this Notice of Proposed Rule Making may also be purchased from the Commission's duplicating contractor, International Transcription Services, 2100 M Street NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Summary of Notice of Proposed Rule Making

1. On November 10, 1994, the Commission adopted a Notice of Proposed Rule Making (NPRM) in CC Docket No. 94–129 (released November 10, 1994; FCC 94–292) proposing rules to prescribe the form and content of letters of agency for changing long distance carriers. The proposed rules are intended to protect consumers from unauthorized changes of their long distance carriers through the use of deceptive and misleading letters of agency.

2. The Commission, on its own motion, initiates this rule making proceeding to review its policies and propose rules regarding unauthorized changes of consumers' long distance carriers, a practice commonly known as "slamming." The Commission received over four thousand complaints during the past two fiscal years alone (Fiscal Years 1993 and 1994) alleging unauthorized or unknowingly authorized changes of consumers' long distance carriers, a substantial number of which involve the use of potentially misleading or confusing letters of agency (LOAs) by interexchange carriers (IXCs). An LOA is a document, signed by the customer, which states that a particular carrier has been selected as that customer's primary interexchange carrier (PIC). IXCs present change orders, including LOAs, to local exchange carriers (LECs), on behalf of potential IXC customers.

Background

3. Despite the adoption of consumer safeguards set forth in earlier orders, the Commission continues to receive complaints from consumers who allege that their PIC selections have been changed without their permission. Many of these complaints describe apparently deceptive marketing practices in which consumers are induced to sign a form document that does not clearly advise the consumers that they are authorizing a change in the PIC. Consumers, for example, have complained that the "LOA" forms were "disguised" as contest entry forms, prize claim forms, solicitations for charitable contributions, or checks made payable to the consumer. Such inducement checks, which consumers must sign in order to cash, typically contain a statement near the signature line purporting to authorize a PIC change. Consumers may cash the checks without intending to change their long distance carriers. The Commission has also received complaints against IXCs because of "negative option LOA" forms. These forms typically offer prizes to consumers if they return the forms and may "require" consumers to check a box at the end of the form if they do *not* want to change their long distance service. The characteristic common to all of these marketing practices is that the inducement is combined with the LOA and the inducement language is prominently displayed on the inducement/LOA form while the PIC change language is not, thus leading to consumer confusion. Consumers assert that when they enter the contests, claim the prizes, respond to the charity solicitations, or endorse the checks, they did not intend to switch their long distance carriers.

Discussion

A. Proposed Rule

4. The Commission continues to believe that the LOA is a useful and important consumer protection mechanism. The Commission believes it necessary to consider amending the rules to ensure that when consumers sign an LOA, they are aware that they are authorizing a change in their long distance telephone service. The requirement that IXCs must obtain LOAs for resolving disputes regarding changes in customer service was "designed to ensure that end users were afforded protection both from mistakes made by the LECs during the conversion process and from [IXC] marketing abuses." Although the Commission has prescribed the minimum information that must be included in the LOA form, the numerous consumer complaints concerning LOAs indicate that some carriers have abused the flexibility granted by the current requirements to create LOAs that mislead consumers with respect to the nature and propose of the documents. Such IXCs, among other things, have combined inducements with LOAs in the same document in such a way as to mislead or confuse consumers. Accordingly, the Commission finds it necessary to propose rules clearly delineating what must be included in an LOA document and, equally important, what may not be included in an LOA document. The proposed rules are intended to limit the contents of an LOA document so that its sole purpose and effect are to authorize a PIC change. The proposed restrictions should eliminate consumer confusion about the intent of the form.

5. The Commission's previous orders on this subject permit all IXCs to seek customer commitments to use their services and designate the IXC as the potential customer's primary IXC. Under those requirements, written commitments must be in the form of a statement signed by the customer and at a minimum must contain the following provisions: (1) The customer designates the IXC to act as the customer's agent for the presubscription process; (2) the customer understands that only one IXC may be designated as the customer's primary IXC for any one telephone number and that selection of multiple carriers will invalidate all such selections; (3) the customer understands that any primary IXC selection after the initial balloting will involve a charge to the customer; and (4) the specific telephone number(s) for which the primary IXC is being designated must be listed. The Commission issued a simplified restatement of the minimum requirements for an LOA. In summary, any LOA obtained by an IXC must be signed by the customer, explain what occurs when a PIC is changed, and confirm: (1) The customer's billing name and address and each telephone number to be covered by the PIC change order; (2) the customer's decision to make the IXC his or her PIC; and (3) the customer's understanding of the PIC change fee.

6. Paragraph (d) of the proposed rule restates and organizes the earlier LOA requirements into one standard rule. The Commission proposes that the LOA contain clear and unambiguous language that confirms: (1) The customer's billing name and address and each telephone number covered by the PIC change order; (2) the customer's decision to replace his or her current PIC with the IXC soliciting the LOA; (3) the customer's designation of the IXC to act as the customer's agent for the PIC change; (4) the customer's understanding that only one IXC may be designated as the customer's PIC; and (5) the customer's understanding that any PIC selection he or she makes may lead to a PIC change charge for the customer. In addition, the Commission seeks comment on whether it should require the phone number to be preprinted on the LOA. Although it seeks comment on whether it should prescribe specific language for the LOA, the Commission believes that IXCs acting in good faith can implement these minimum guidelines without difficulty.

7. Based on its investigation of hundreds of consumer complaints concerning LOAs, the Commission finds that much of the abuse, misrepresentation, and consumer confusion occur when an inducement and an LOA are combined in the same document, often on the same piece of paper. Therefore, the Commission proposes to require the LOA to consist of a separate document—that is, a separate piece of paper that contains no inducements. The Commission believes that these restrictions will prohibit certain current deceptive marketing practices. The Commission's proposed rule would, for example, prohibit the use of forms that combine LOAs with contest entry forms, checks, or other negotiable instruments. The proposed rule would also prohibit "negative option" LOAs, which require consumers to take some action to avoid having their long distance service changed.

8. The Commission does not propose to prohibit inducements altogether because they may be proper and effective marketing devices for attracting customers to an IXC's service. The Commission believes, however, that physically separating the LOA document from the inducement material within the same envelope will significantly reduce consumer confusion over the LOA. As long as the inducement and the formal LOA are separate, clear, and unambiguous, it appears that there should be little chance of consumer confusion. Although it is not proposing changes in this regard, the Commission seeks comment on whether inducements of any kind should be prohibited altogether and, if not, whether the Commission should prohibit inducements from being mailed in the same envelope as the LOA.

9. Further, the Commission proposes to require the text of the LOA to be clear and unambiguous and to be printed in type that is sufficiently large and of such a style to be clearly legible. The Commission seeks comment on whether it should prescribe the text of the LOA, the font, and its point size. The Commission invites parties that support such requirements to submit specific suggestions.

B. Other Unauthorized Conversion Issues

10. The Commission has also received many complaints describing other consumer problems arising from misleading LOAs.

In light of those complaints, it seeks comment on several other issues pertaining to LOAs, including whether LOAs should contain only the name of the carrier that directly provides the interexchange service to the customer. The Commission recognizes that there may be more than one carrier technically involved in the provision of long distance service to a consumer. For example, there may be an underlying carrier whose facilities provide the long distance capacity and a resale carrier that actually sets the rates charged to the end user consumer. In some cases, there also may be a carrier that acts as a billing and collection or marketing agent. One possible approach to this problem would be to allow an LOA to name only the IXC that is actually setting the rates, and to prohibit the inclusion of the name of any carrier providing the underlying interexchange capacity to the reseller. The Commission seeks comment on whether it should restrict the LOA so that only the IXC that actually sets the rates for the customer is identified in the LOA. Alternatively, the Commission also seeks comment on whether other carriers' names can be included in the LOA without misleading or confusing consumers, if their roles are clearly described.

11. The Commission also seeks comment on whether business and residential customers should be treated differently with respect to our LOA requirements. Unlike the situation with residential customers, LOA forms sent to businesses might not be received and processed by the person authorized to order long distance presubscription for the business. Thus, even an LOA that is properly executed may result in an unauthorized change insofar as the person who executed the LOA had no authority to do so.

12. The Commission also seeks comment on the effect that unauthorized PIC conversions have on optional calling plans and the consumers enrolled in them. In cases of unauthorized PIC conversions, the consumer may not be aware of the change for at least one billing cycle. Often, these consumers continue to pay a flat, minimum monthly charge to their previous carrier for a discount calling plan despite the fact that they are no longer presubscribed to that carrier. The Commission seeks comment on whether it should absolve these consumers of liability for any payments to optional calling plans after unauthorized conversions. Alternatively, it seeks comment on the means or procedures, if any, that might be used to help consumers recoup their losses in this situation.

13. The Commission also seeks comment on whether any adjustments to long distance telephone charges should be made for consumers who are the victims of unauthorized PIC conversions. Specifically, it seeks comment on whether consumers should be liable for the long distance telephone charges billed to them by the unauthorized IXC and if so, to what extent. Should consumers be liable for: (a) The total billed amount from the unauthorized IXC; (b) the amount consumers would have paid if their PIC were never changed; (c) or nothing at all?

14. The Commission has received complaints alleging that some IXCs target non-English speaking consumers with bilingual and non-English inducements and LOAs. These consumers allege that the non-English versions of the LOA do not contain all of the text of the English versions of the LOA. As a result, material portions of the LOA are in only one language, typically English, which the non-English speaking consumers may not fully understand. The Commission seeks comment on whether it should adopt rules to govern bilingual or non-English language LOAs. For example, should the Commission require *all* parts of the LOA to be translated if *any* parts are translated? It also seeks comment on whether all LOAs should be required to be captioned "An Order to Change My Long Distance Telephone Service Provider" or given some other title that is more descriptive and less technical.

15. Finally, the Commission seeks comment on how consumers have been affected by the IXC marketing practice of "encouraging" consumers who call an IXC's 800 number to switch to the IXC, even when the consumers' calls are not initiated for the purpose of changing PICs. Typically, the consumers respond to an advertisement and are just requesting information about the IXC.

It may be argued that because the IXC does not initiate the call, the PIC order is not generated by telemarketing and thus the order verification protections in Section 64.1100 of our rules do not apply. The Commission seeks comment on whether an 800 number should be used only for verification purposes or whether it could be used, with proper safeguards, for verification purposes and placing initial orders. Finally, the Commission seeks comment on what those safeguards might be.

Regulatory Flexibility Act Initial Analysis

16. Reason for Action

The Commission is issuing this Notice of Proposed Rule Making to protect consumers from unauthorized switching of their long distance carriers and to

ensure that consumers are fully in control of their long distance service choices.

17. Objectives

The objective of this Notice of Proposed Rule Making is to initiate a proceeding to propose requirements and seek comments regarding unauthorized changes of consumers' long distance carriers.

18. Legal Basis

Sections 1, 4(i), 4(j), 201–205, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i); 154(j), 201–205, 303(r).

19. Description, Potential Impact, and Number of Small Entities Affected

The proposed rules will require that interexchange carriers separate their LOA forms from any promotional inducements. Small entities may feel some economic impact in additional printing costs due to the proposed letter of agency requirements. However, all IXCs who submit orders to LECs on behalf of customers now are required to institute steps to obtain signed LOAs from customers. Therefore, all IXCs should be incurring printing costs for LOAs with sufficient advance notice, IXCs could revise and print new LOAs when their old inventory of LOAs is exhausted.

20. Reporting, Recordkeeping, and Other Compliance Requirements

The proposed rules impose no reporting requirements and no new recordkeeping requirements. Carriers are currently required to obtain and retain records of customer orders.

21. Federal Rules Which Overlap, Duplicate, or Conflict With the Commission's Proposal

None.

22. Any Significant Alteratives Minimizing Impact on Small Entities and Consistent With Stated Objectives

None.

23. Comments Are Solicited

The Commission requests written comments on this Initial Regulatory Flexibility Analysis.

These comments must be filed in accordance with the same filing deadlines set for comments on the other issues in this Notice of Proposed Rule Making, but they must have a separate and distinct heading designating them as responses to this Regulatory Flexibility Analysis. The Secretary shall send a copy of the Notice to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act. *See* 5 U.S.C. 601, *et seq.*

Ex Parte Requirements

24. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules.

Ordering Clauses

25. Accordingly, It is ordered, pursuant to Sections 1, 4(i), 4(j), 201–205, 218, 226, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 218, 226, 303(r), that a Notice of proposed rule making is issued, proposing the amendment of 47 CFR Part 64 as set forth below.

26. It is further ordered, that pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR §§ 1.415, 1.419, comments SHALL BE FILED with the Secretary, Federal Communications Commission, Washington, D.C. 20554 on or before January 9, 1995. Reply comments should be filed no later than February 8, 1995. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. if participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. In addition, parties should file two copies of any such pleadings with the Formal Complaints Branch, Enforcement Division, Common Carrier Bureau, Plaza Level, 1250 23rd Street NW., Washington, DC 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Room 140, 2100 M Street NW., Washington, DC 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

27. It is further ordered, that the Chief of the Common Carrier Bureau is delegated authority to require the submission of additional information, make further inquiries, and modify the dates and procedures if necessary to provide for a fuller record and a more efficient proceeding.

28. It is further ordered, that the Secretary shall mail a copy of this Notice of Proposed Rule Making to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 603(a). The secretary shall also cause a summary of this Notice to appear in the **Federal Register**.

List of Subjects in 47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Proposed Rules

Part 64 of Chapter I of Title 47 of the Code of Federal Regulations, is proposed to be amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 226, 228, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201, 218, 226, 228, unless otherwise noted.

2. Section 64.1150 is added to Subpart K to read as follows:

§ 64.1150 Letter of agency form and content.

(a) An interexchange carrier shall obtain any necessary written authorization from a subscriber for a primary interexchange carrier change by using a letter of agency as specified in this section. Any letter of agency that does not conform with this section is invalid.

(b) The letter of agency shall be a separate document whose sole purpose is to authorize an interexchange carrier to initiate a primary interexchange carrier change. The letter of agency must be signed and dated by the subscriber to the telephone line(s) requesting the primary interexchange carrier change.

(c) The letter of agency shall not be combined with inducements of any kind on the same document.

(d) At a minimum, the letter of agency must be printed with a type of sufficient size and readable type to be clearly legible and must contain clear and unambiguous language that confirms:

(1) The subscriber's billing name and address and each telephone number to be covered by the primary interexchange carrier change order; and

(2) The decision to change the primary interexchange carrier from the current interexchange carrier to the prospective interexchange carrier; and

(3) That the subscriber designates the interexchange carrier to act as the

subscriber's agent for the primary interexchange carrier change; and,

(4) That the subscriber understands that only one interexchange carrier may be designated as the subscriber's primary interexchange carrier for any one telephone number and that selection of multiple carriers will invalidate all such selections; and

(5) That the subscriber understands that any primary interexchange carrier selection they choose may involve a charge to the subscriber for changing the subscriber's primary interexchange carrier.

(e) Letters of agency shall not purport to instruct the subscriber to take some action in order to retain the subscriber's current interexchange carrier.

[FR Doc. 94–30330 Filed 12–8–94; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 59, No. 236
Friday, December 9, 1994

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

Grain Inspection, Packers and Stockyards Administration

Designation of Mid-Iowa (IA) to provide Class X or Class Y Weighing Services

AGENCY: Grain Inspection, Packers and Stockyard Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces the designation of Mid-Iowa Grain Inspection, Inc. (Mid-Iowa), to provide Class X or Class Y weighing services under the United States Grain Standards Act, as amended (Act), in the Mid-Iowa geographic area.

EFFECTIVE DATE: November 15, 1994.

ADDRESSES: Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the September 1, 1993, **Federal Register** (58 FR 46157), GIPSA announced the designation of Mid-Iowa to provide official inspection services under the Act, effective October 1, 1993, and ending September 30, 1996. Subsequently, Mid-Iowa asked GIPSA to amend their designation to include official weighing services. Section 7A(c)(2) of the Act authorizes GIPSA's Administrator to designate authority to perform official weighing to an agency providing official inspection services within a specified geographic area, if such agency is qualified under Section 7(f)(1)(A) of the Act. GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act, and determined that Mid-Iowa is qualified to provide official weighing services in their currently assigned geographic area.

Effective November 16, 1994, and terminating September 30, 1996 (the end of Mid-Iowa's designation to provide official inspection services), Mid-Iowa's present designation is amended to include Class X or Class Y weighing within their assigned geographic area, as specified in the March 31, 1993, **Federal Register** (58 FR 16810). Official services may be obtained by contacting Mid-Iowa at 319–363–0239.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: December 1, 1994.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 94–30375 Filed 12–8–94; 8:45 am]

BILLING CODE 3410–EN–F

Designation of Farwell for Maricopa, Pinal, and Yuma Counties Arizona

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces the designation of Farwell Grain Inspection, Inc., to provide official inspection services under the United States Grain Standards Act, as amended (Act).

EFFECTIVE DATE: January 1, 1995.

ADDRESSES: Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the July 1, 1994, **Federal Register** (59 FR 33949), FGIS asked persons interested in providing official services in Maricopa, Pinal, and Yuma Counties Arizona to submit an application for designation. Applications were due by August 1, 1994. There were two applicants: The California Department of Food and Agriculture (California) applied for Yuma County and Farwell Grain Inspection, Inc., applied for Maricopa, Pinal, and Yuma Counties.

GIPSA requested comments on the applicants in the September 1, 1994, **Federal Register** (59 FR 45259). Comments were due by September 30, 1994. GIPSA received 6 comments by the deadline. One commentor supported designation of California for Yuma County because the grain handlers in Yuma trade wheat in both California and Arizona and California is familiar with the specially developed "Desert Durham" wheat grown in the area. Five comments supported designation of Farwell for the three Counties based on lower cost and good service.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act; and according to Section 7(f)(1)(B), determined that Farwell is better able to provide official services in Yuma County and that Farwell is able to provide service in Maricopa and Pinal Counties.

Effective January 1, 1995, and ending January 31, 1996, Farwell is designated to provide official inspection services in the geographic area specified in the July 1, 1994, **Federal Register**.

Interested persons may obtain official services by contacting Farwell at 806–481–9052.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: December 1, 1994.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 94–30374 Filed 12–8–94; 8:45 am]

BILLING CODE 3410–EN–F

Food and Consumer Service

RIN 0584–AB80

Food Stamp Program: Asset Accumulation Demonstration Projects

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: The Food and Consumer Service is announcing its support for demonstration projects to test the effects of allowing Food Stamp Program participants to accumulate assets for specific purposes related to self-sufficiency. These demonstration

projects will operate in accordance with Section 17(k) of the Food Stamp Act of 1977, as amended. The intent of this Notice is to solicit proposals from State and/or local agencies wishing to conduct demonstration projects during the demonstration project period.

DATES: Requests for application packages must be received by January 9, 1995. Public comments concerning the terms and conditions of the demonstration projects are welcome but must be received by December 27, 1994. Any changes made as a result of comments received shall be incorporated in the application package, which will be mailed to applicants no later than January 13, 1995. Completed applications must be received by C.O.B. February 7, 1995, to ensure consideration for award under this solicitation.

ADDRESSES: Interested agencies should submit a written request for an application package (and include four self- addressed labels) to the address listed below: USDA, Food and Consumer Service, Program Development Division, FSP, Attn: Carol Stobaugh, 3101 Park Center Drive, room 717, Alexandria, Virginia 22302–1594.

FOR FURTHER INFORMATION AND COMMENTS CONTACT: Gary Batko, Supervisor, Legislation and Court Suits Section, Food and Consumer Service, at the address listed above or telephone (703) 305–2790.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12866

This Notice has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

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 and related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This Notice has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). William Ludwig, Administrator of the Food and Consumer Service (FCS), has certified that the demonstration projects described in this Notice will not have a significant economic impact on a substantial number of small entities because the demonstration projects will be conducted in limited areas. State and local welfare agencies will be affected to the extent that they administer demonstration projects. Those food stamp recipients participating in the demonstration projects will be affected by this action in that the provisions of the Food Stamp Act affecting the recertification eligibility criteria for receipt of benefits may be waived to the extent necessary to permit the implementation of the special eligibility criteria established for these demonstration projects.

Paperwork Reduction Act

This Notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Background

Section 5(g)(1) of the Food Stamp Act of 1977, as amended (Act) (7 U.S.C. 2014(g)(1)), and current food stamp regulations at 7 CFR 273.8(b) require that eligible households have no more than $2,000 in countable assets, including both liquid and non-liquid assets, or $3,000 if at least one household member is age 60 or older. Current program provisions, therefore, do not encourage asset accumulation by individuals in food stamp households.

There is growing interest in ways to promote asset accumulation by public assistance recipients as a way of promoting their long term self-sufficiency. It is presumed that current limits on assets may discourage recipients from investing in their education, job training, and/or improved housing conditions. Several welfare reform projects are currently underway which incorporate some form of increased asset accumulation into their program design. However, these efforts focus on the Department of Health and Human Services' Aid to Families with Dependent Children Program. Congress has mandated the demonstration projects described in this Notice to enable a careful examination of the impact of increasing the asset accumulation threshold in the Food Stamp Program (Program) independent of other reform measures. Section 13925 of the Mickey Leland Childhood Hunger Relief Act, Chapter 3, Title XIII of the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103–66, amends Section 17 of the Act (7 U.S.C. 2026) to authorize asset accumulation demonstration projects in which a maximum of 11,000 food stamp eligible households are offered the opportunity to accumulate assets up to $10,000 for later expenditure for specified purposes determined to increase potential for self-sufficiency. More specifically, these assets can be used for expenditures directly related to improving the education, training, or employability (including self-employment) of household members, for the purchase of a home for the household, for a change of the household's residence, or for making major repairs to the household's home. Money set aside for these purposes will be excluded from consideration as assets in calculating food stamp eligibility.

Households participating in the demonstration projects would have to establish separate accounts for assets designated for these specific intentions. Assets not exempted in their entirety under the demonstration projects are subject to the limits as specified in food stamp regulations at 7 CFR 273.8(b). The elevated threshold would not be used when determining initial eligibility for the Program. (That is, new applicant households will still be subject to the existing limit of $2,000, or $3,000 if a household member is elderly).

This Notice establishes the terms and conditions for the demonstration projects and institutes uniform criteria for evaluating proposals and selecting demonstration project areas. State/local agencies interested in participating in these demonstration projects are invited to request a Demonstration Project Application Package, which contains detailed information and instructions on preparing and submitting demonstration proposals. Local agency proposals must be submitted through and approved by the State agency, which will be responsible for overall control of the demonstration(s) conducted within its boundaries and for coordination with the Department ("Department" includes the Secretary and the Food and Consumer Service, as may be appropriate). Each proposal must contain signed agreements from the appropriate State officials authorizing the demonstration project in that State. The Department will not negotiate or enter into any agreements with agencies below the State level.

The demonstration described in this Notice offers the opportunity to test the effects of raising the maximum asset threshold for food stamp households already participating in the Program. Research questions that are of principal interest to the Department include:

1. How do recipients respond to the assets accumulation provision?

2. What is the impact of asset accumulation on Food Stamp Program costs?

3. What is the relationship between asset accumulation and self-sufficiency?

The Department will select an independent contractor to conduct an evaluation that addresses these and other research questions. Demonstration sites are expected to cooperate with the evaluation contractor.

The Food Stamp Program Asset Accumulation Demonstration Projects

Using the authority to operate demonstration projects provided by section 17 of the Act (7 U.S.C. 2026), the Department will authorize asset accumulation demonstration projects totaling no more than 11,000 households, for a period not to exceed four years. A county, city, welfare district, or any other political jurisdiction with clearly defined boundaries, or combinations of such entities, may be designated as a demonstration project site.

In order to obtain demonstration results that represent the different Food Stamp Program populations, the Department will, in the proposal selection process, place special emphasis on choosing sites that are broadly representative of the Program. At a minimum, the Department intends to include one urban and one nonurban or rural site in these demonstration projects. The Department will assess how the applicant's proposed site fits in with this goal in conjunction with the size constraints placed on the demonstration. The Department is also interested in proposals which represent a variety of outreach activity levels. Intervention strategies could vary significantly in terms of intensity, ranging from letters announcing the opportunity to establish self-sufficiency accounts to a more active approach in which households are actively solicited to participate in the demonstration project. Finally, the estimated costs associated with administrative and evaluation responsibilities of the demonstration will also influence site selection.

To conduct these demonstration projects, the Department is authorized to waive the maximum allowable assets requirements found in subsection 5(g) of the Act (7 U.S.C. 2014(g)). This waiver will permit a participating demonstration project site, with the approval of the State agency, to operate the Program as it normally would except for application of the demonstration project criteria in place of standard Program regulations regarding maximum asset accumulation criteria for recertification purposes. In support of these demonstration projects, the Department of Health and Human Services' Administration for Children and Families has committed to similar asset threshold waivers involving Food Stamp Program households who also receive Aid to Families with Dependent Children benefits.

Corresponding requirements under the current food stamp regulations at 7 CFR 273.8(b) shall also be waived to the extent necessary to permit participating sites to apply asset accumulation criteria when determining a household's recertification. Current Program regulations for assets which are not modified or otherwise addressed by this Notice, will continue to apply to participating demonstration project sites.

A. Basic Operational Requirements

For purposes of these demonstration projects, participating sites shall observe the following steps in determining the treatment of assets for Food Stamp Program eligibility purposes.

Step 1. Continue to determine Program initial eligibility in accordance with current eligibility criteria.

Step 2. Once eligibility is determined, households will be randomly assigned to demonstration project and control groups. Those assigned to the demonstration project group have the opportunity to accumulate assets for self-sufficiency purposes, as defined in the demonstration project rules.

Step 3. Upon redetermination of eligibility, assets which have accumulated in specially designated accounts for self-sufficiency purposes will be excluded in their entirety as assets up to $10,000 for the length of the demonstration project, not to exceed four years.

Step 4. Assets not excluded in their entirety under Step 3 will be held to the limits as set forth in 7 CFR 273.8(b).

Step 5. Accounts must be monitored to ensure that assets are used for specially designated purposes.

Some households that are part of the test will leave the Program and then reapply for food stamps within the demonstration project period. We believe that these applicants should not be penalized because of their participation in these demonstration projects. Accordingly, any savings previously excluded from the asset test under the demonstration projects would continue to be excluded in determining eligibility. There are various reasons why participants leave and subsequently return to the Food Stamp Program. Some may lose eligibility for failing to meet reporting or recertification requirements; others may obtain temporary employment. About one-third of all persons leave the Program and resume participation within one year. The Department is seeking to learn as much as possible about the costs and impacts of this asset exclusion. Therefore, we are proposing to exclude assets in the special accounts for the life of the demonstration projects to enhance our evaluation of various possible time limits on the exclusion.

B. Demonstration Project Sponsors

To participate in these demonstration projects, potential demonstration project sponsors must meet the following requirements:

1. Be a political subdivision or grouping thereof (i.e., a State or a unit of local government or a combination of local governments). A county, city, welfare district, any other political jurisdiction, subdivision thereof, or combination of such entities with clearly defined boundaries, may be designated as a demonstration project site.

2. Have the capability for effectively operating and administering a demonstration project under the terms and conditions established in this Notice, the Food Stamp Act, and Program regulations.

3. Designate a demonstration project site that is representative of the Program nationally in terms of public assistance/non-public assistance caseload. At a minimum, the Department will be selecting two demonstration project areas, one urban and one non-urban or rural site. The total number of recipients invited to participate in the treatment group, including recipients who do not receive food stamps throughout the project, cannot exceed 11,000 for the entire demonstration. Sponsors should specify the size of their site and the underlying assumptions used to determine this selection. Sites can consist of a portion of the jurisdiction (such as an office) or an area defined by grouping smaller project areas together.

Proposals for these demonstration projects are specifically limited to an asset accumulation initiative. The Department is currently conducting several other demonstration projects which allow households to accumulate substantial assets for self-sufficiency purposes in conjunction with other welfare reform initiatives. Demonstration project areas currently involved in such studies are not eligible to participate in the asset accumulation demonstration project because we believe such participation will affect the results of those studies, and/or, that the studies will affect the outcome of this

demonstration project. Asset accumulation demonstration project sites will also be ineligible for welfare reform waivers throughout the course of the demonstration project, unless it can be demonstrated that the waiver(s) would not impact the results of these demonstration projects. States or localities which have approval to operate cash-out or Electronic Benefit Transfer systems in place of traditional food coupon systems are eligible for these demonstration projects.

The Department is also considering the selection of a site or sites with varying levels of outreach activity designed to encourage households to take advantage of the demonstration project provisions. This would allow the Department to assess the impact of outreach on the overall effects of these demonstration projects.

C. Responsibilities

The Department shall be responsible for:

1. Providing funding, as specified in Section D of this Notice.

2. Providing training and technical assistance, as necessary and as agreed to by the Department.

3. Monitoring demonstration project operations through normal Food Stamp Program review activities, and special reviews and audits.

4. Securing an independent evaluator to evaluate these demonstration projects using evaluation criteria identified under this Notice.

5. Approving requests from the evaluation contractor for data from the State.

6. Approving changes to the demonstration projects. The State and/or local agency shall be responsible for:

(1) Establishing a procedure within the Food Stamp Program and the eligibility redetermination process for applying demonstration project procedures outlined in this Notice.

(2) Calculating participation using both current law and demonstration project rules regarding maximum asset accumulation (in order to determine whether participants would be disqualified without the demonstration project changes).

(3) Training caseworkers and other staff concerning all aspects of the demonstration project and demonstration project procedures.

(4) Reporting to the Department as required under Section E of this Notice, including preparing and submitting a Status Report.

(5) Reporting to the evaluation contractor as required under Section E of this Notice.

(6) Cooperating with all evaluation activities connected with the demonstration project under the sponsorship of the Department. This includes establishing and maintaining a procedure to randomly assign households to demonstration project and control groups. The proportion of households assigned to the demonstration project group may be larger than 50 percent.

(7) Maintaining an accessible database of participant characteristics and demonstration project participation for evaluation purposes. For each household in the demonstration project group, this information shall be linked to data on savings.

(8) Notifying recipients of the termination of the demonstration project, if appropriate, in accordance with 7 CFR 273.13.

(9) Obtaining approval from the Department prior to the release of information related to the results of these demonstration projects.

D. Funding

The Department will make available funds to support these demonstration projects. As part of the application process, sponsors will submit a budget which estimates their administrative costs for participation and implementation of demonstration project rules. To the extent that funds are available, costs attributed to participation in these demonstration projects will be covered 100%. Funds are also available to help defray the costs of implementing these demonstration projects on a 50/50 match basis. Benefit/coupon costs will be paid under current program funding procedures. The Department is not obligated to award the entire amount of funds made available. The amount awarded under any one agreement shall be determined by the Department based on the scope and size of the demonstration project sites proposed.

Specific procedures for reimbursement of eligible demonstration project-related costs will be detailed in the application packages.

E. Recordkeeping and Reporting

The data collection effort is designed to answer research questions in a manner that balances methodological rigor and operational feasibility. An overview of the kinds of information needed from States is described below. A more specific implementation plan will be developed under the evaluation contract in consultation with State agencies.

Special Demonstration Project Reporting Requirements: The Department will require that reports be submitted for demonstration project activity as follows:

1. Describe the implementation of assets accumulation:

a. Provide copies of all written materials that pertain to the plans, implementation, and operation of the demonstration project. Such materials will include, at a minimum: meeting minutes, written planning and implementation documents, any new reporting forms, notices to recipients, and other public communications. These documents shall be provided as an attachment to each monthly demonstration project progress report.

b. Participate in periodic interviews conducted by the evaluation contractor. These are likely to be a combination of in-person and telephone contacts that occur 3–4 times over the length of the demonstration project. Contacts with key State and local agency staff will be included in each round of interviews.

c. Allow the evaluation contractor and Department staff to observe key planning or implementation meetings conducted by State and/or local agency staff.

2. Assess recipient response to assets accumulation: Provide hard copy or automated data that identifies relevant characteristics and behavior of each household. Since the evaluation is looking at behavior over time either a longitudinal file will need to be set up for each household or a common household identifier used to link different data sources.

a. Relevant characteristics data for households in both the demonstration project and control groups include:

—Demographic characteristics
—Household composition
—Income amount and sources
—Benefit allotment size by program by month
—Value of assets at the time the asset accumulation option is made available
—Start date for current Food Stamp Program certification period
—Program participation status by month and reason for termination during the course of the demonstration project
—Value of assets at the time of the most recent certification/recertification

b. Relevant household behavior/knowledge data for households in the demonstration project group include:

—Initial response to the demonstration project
—Knowledge of the demonstration project at the time of the most recent Food Stamp Program application
—Influence of the demonstration project on the most recent decision to apply for Food Stamp Program benefits

—Date the earmarked savings account was established

—Value of savings by month

—Stated purpose of the savings account

3. Estimate impacts on Program costs:

a. Track administrative costs associated with assets accumulation. At a minimum, these will include labor and other direct costs of informing households about the demonstration project and monitoring household savings.

b. Note that the site information needed to estimate benefit costs, Program participation, and Program applications is already described as part of Objective 2 reporting requirements.

4. Examine the impact on household self-sufficiency:

a. Provide a hard copy or automated file with identification (including addresses and phone numbers) of current Program participants and indicators of whether or not they are part of the demonstration project population, as well as whether or not they have established earmarked savings accounts. This information will be used to generate sampling frames for the evaluation contractor's recipient interviews.

F. Site Selection Criteria

Criteria for Evaluating Demonstration Proposals: The Department will evaluate each proposal using a two-step process. First, the technical aspects will be evaluated by a technical review panel (panel). The panel will evaluate the technical merit of each proposal according to the evaluation criteria listed below (with relative weights shown in parentheses). Panel members will evaluate each proposal independently and assign it a numerical score for each evaluation criterion. The panel will average the scores assigned to each proposal and rank the proposals on their technical merit according to their mean scores. Based on this technical review, the panel will recommend a competitive range for proposals. That is the range in which proposals have a reasonable chance of being selected for negotiation of an agreement under the terms of this Notice. The Department may conduct negotiations with applicants in the competitive range, and after negotiations, may ask for "best and final offers." The Department does, however, reserve the right to enter into an agreement with the applicant based on the original proposal and its evaluation.

Second, the Department will consider the proposed administrative costs associated with each proposal in the competitive range. The cost will be reviewed independently from the technical evaluation.

The Department will give the technical merit of proposals primary consideration. However, cost (both administrative and benefit), geographic characteristics, and outreach activity levels may serve as tiebreakers when decisions must be made among proposals that are similar or equal in technical merit. Awards will be made in such situations to those applicants whose offers are most financially advantageous to the Department and whose proposals provide the most diversity to the overall demonstration project, such as urban, rural or suburban demographic characteristics and the level of proposed outreach activity (or lack thereof). Therefore, proposals submitted in response to this Notice should be on the most favorable terms from both technical and cost standpoints.

Technical Evaluation Criteria

The following criteria will be used in the evaluation of technical proposals submitted in response to this Notice. The numbers assigned indicate the maximum score available for each factor and its relative importance.

Criteria Assigned	Weight
1. Understanding of the purpose and objectives of the demonstration project	50
2. The demonstration project's scope, proposed procedures for implementing asset accumulation policies and complying with demonstration project requirements, and its evaluation	350
3. Adequacy of the demonstration project work plan, including dates, tasks/activities, reporting interface, etc	250
4. Plans for demonstration project management including staff responsibilities, monitoring, problem resolution, ongoing involvement of key management personnel, and an organizational chart for the demonstration project	175
5. Organizational and staff capabilities and resources committed to the demonstration project, including time commitment of individual staff members	175

G. Applications

Applications shall be submitted in an original and four copies to the Deputy Administrator, Food Stamp Program, Food and Consumer Service, USDA, Room 710, Park Office Center Building, 3101 Park Center Drive, Alexandria, Virginia 22302. Applications must be signed by the representative of the State agency having the authority to commit the proposed political subdivision to the demonstration project.

Prospective demonstration project sponsors shall submit a demonstration project proposal containing specific information regarding their planned demonstration project. Applicants should include in their proposals any additional information which they feel would enhance their prospects for approval. Complete instructions for preparing and submitting demonstration project proposals will be made available through the application packages described above. Applications will be submitted via completion of a Form AD–424, available in each application package. It is anticipated that, at a minimum, each demonstration project proposal will be required to include the following:

1. A complete description of the site in which the demonstration project shall be carried out. This description shall include an estimate of the total number of households currently participating in the Food Stamp Program (by Public Assistance (PA) and Nonpublic Assistance (NPA) category) and any other information useful for understanding the nature of the jurisdiction in which the demonstration project would be conducted, including complete geographic information relevant to the demographic situation of the area proposed (unemployment rate, distance to shopping, welfare offices, industrial areas, urban/rural/suburban category, etc.). Participation/caseload data submitted with proposals should be for the most recent available month. States combining rural and urban areas into one proposed demonstration project site should provide estimates of the proportion of the demonstration project site PA and NPA caseloads living in rural areas.

2. A complete description of how the State agency will meet the basic requirements for demonstration project operations (as outlined in this Notice). This description should include a discussion of the mechanics of establishing self-sufficiency accounts and how account use will be monitored. Any access restrictions on the accounts

or penalties for misuse should be detailed as well.

3. Demonstration project proposals must incorporate a detailed work plan for the demonstration project, including a timetable for implementation, the length of operation, and demonstration project termination activities. The workplan must incorporate task statements, milestones, and methodology to be used in completing the tasks within prescribed timeframes.

4. A proposed budget for both demonstration project administrative costs and evaluation costs.

5. A description of the number and qualifications of key staff, including a demonstration project director, key demonstration project staff, support staff and management staff, which will be used in carrying out the demonstration project, plus the percentage of time to be allotted by the staff.

6. The State agency's methodology for cooperating with the Department's evaluator and meeting the random assignment procedures and the data collection requirements described earlier in this Notice. This description should identify person(s) responsible for evaluation activities and the amount of time set aside.

7. A plan for terminating the demonstration project procedures and returning to the use of existing food stamp eligibility criteria.

Any changes made as a result of comments received in response to this Notice will be reflected in the application packages. In the event of inconsistencies, information and instructions in the application packages shall take precedence over this Notice.

H. Monitoring and Evaluation

The Department shall monitor the operation of demonstration projects implemented under this Notice. This monitoring activity does not, in any way, decrease the State agency's responsibility for oversight of the demonstration project's operation. At a minimum, monitoring shall include assessment of the demonstration project sponsor's compliance with the provisions of this Notice, the governing agreement between the State and the Department, and any other applicable rules and procedural requirements.

A comprehensive evaluation of the effects of these demonstration projects will be carried out for the Department by an independent contractor. State and local welfare agency staff involved in these demonstration projects are required to work closely with and supply information to the evaluation contractor and cooperate fully in the evaluation. The evaluation shall be structured to assess the extent to which the establishment of an asset accumulation account affects household self-sufficiency. To achieve this objective, it will be necessary for demonstration project sponsors to calculate measures of self-sufficiency both under the demonstration project rules and under current Program rules. Specific evaluation specifications will be finalized and a contract awarded prior to implementation of these demonstration projects. At a minimum, the evaluation is expected to address the following questions:

1. How is the demonstration project implemented? What are the characteristics and size of the Program population that is targeted? How is the opportunity to participate in the demonstration project communicated? What requirements or constraints are imposed on recipients?

2. How do recipients respond to the demonstration project? Among those who are eligible to accumulate assets, what percentage initially respond, actually set up accounts, and establish savings? What are the distinguishing characteristics of those who respond compared to the targeted population and general Program population, with respect to:

—Demographic characteristics
—Household composition
—Income amount and sources (including EITC)
—Food stamp allotment size
—Assets at time of last certification

How much is saved over what period of time? How much variation in savings patterns is observed? What are the budget strategies used by those who are successful and unsuccessful at saving? What are the sources of savings? Do new sources of income affect savings success? What are recipients' goals with respect to amount and purpose of savings? How much is actually used and for what purpose? Is the actual purpose the same or different from original intentions?

3. What is the impact of asset accumulation on Food Stamp Program costs? How do administrative costs change with the introduction of assets accumulation with respect to recipient instructions and reporting requirements? How much does asset accumulation increase benefits? That is, what is the incremental allotment value for every month households have more than $2000 accumulated? How does the pattern of Program participation for households who accumulate assets compare to the pattern for similar households who do not save? Does the introduction of an asset accumulation provision for Program participants affect the number or characteristics of general applicants/applicants who get certified? What are the likely administrative and benefit costs if asset accumulation is implemented nationwide? How sensitive are these estimates to variations in asset accumulation requirements?

4. What is the relationship between asset accumulation and self-sufficiency? (Questions here overlap with those identified for Objectives 2 and 3). To what extent are households able to save the amount intended and to what degree are savings used for the purpose planned? Does the opportunity to accumulate assets affect households' sense of well-being or empowerment? Do households who accumulate assets participate in public assistance programs for shorter periods of time than households with comparable characteristics who do not have the opportunity to save/who have the opportunity but do not save? Are there unintended consequences associated with accumulating assets?

Scope of Demonstration Projects

This Notice will result in the negotiation of agreements between the Department and participating State agencies for the design, development, implementation, and operation of these demonstration projects. Such agreements shall be incorporated into each participating State's Food Stamp Plan of Operation. The Department envisions working closely with the participating State agencies in the development and oversight of these demonstration projects. Participating State agencies must contribute funds (as detailed in the Funding section of this Notice), manpower, facilities, and/or other resources to these demonstration projects.

After selecting the demonstration project participants, the Department will provide technical assistance to each demonstration project area through existing Program staff and/or through an independent contractor. Demonstration project operators will have access to the technical assistance on an as needed basis to obtain assistance in developing and implementing their demonstration projects. The purpose of this technical assistance is to ensure the continuity, consistency, and reliability of evaluation information collected from all demonstration project participants.

Public Notification

Those sites selected to participate in these demonstration projects must make their proposals available to the general public in order to provide adequate

notice of potential changes in Food Stamp Program procedures.

Dated: November 29, 1994.

Ellen Haas,

Under Secretary for Food, Nutrition, and Consumer Services.

[FR Doc. 94–30324 Filed 12–8–94; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Capital Construction Fund Agreement and Certificate.

Agency Form Number: NOAA 88–14.

OMB Approval Number: 0648–0090.

Type of Request: Revision of a currently approved collection.

Burden: 2,250.

Number of Respondents: ,000.

Avg Hours Per Response: 2.25 hours.

Needs and Uses: The Merchant Marine Act provides for the administration of the Capital Construction Fund by NOAA. This program enables fishermen to construct, reconstruct, or (under limited circumstances), acquire fishing vessels with before–tax, rather than after–tax dollars. NOAA collects information from fishermen to determine their eligibility to participate in the program.

Affected Public: Businesses or other for–profit institutions, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395–7340.

National Oceanic and Atmospheric Administration (NOAA).

Title: Certificate of Eligibility for Atlantic Billfishes.

Agency Form Number: None Assigned — Requirements are found at 50 CFR 644–24(B).

OMB Approval Number: 0648–0216.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 117 recordkeeping hours.

Number of Respondents: 260 recordkeepers.

Avg Hours Per Response: Ranges between 2 and 20 minutes depending on the recordkeeping requirement.

Needs and Uses: Billfishes are managed under the Atlantic Billfish Fishery Management Plan (FMP). Under the FMP, the sale of billfish caught in the management area is prohibited. The required documentation allows enforcement agents to track the route of the shipment and, thus, helps enforce the prohibition of the commercial sale of certain billfish coming from the management area.

Affected Public: Individuals, businesses or other for–profit institutions, small businesses or organizations.

Frequency: Recordkeeping.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Don Arbuckle, (202) 395–7340.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title of Survey: South Pacific Tuna Act Requirements.

Agency Form Number: None assigned.

OMB Approval Number: 0648–0218.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 302 hours.

Number of Respondents: 45, with an average 12 responses per respondent.

Avg Hours Per Response: Ranges between 15 minutes and one hour depending on the requirement.

Needs and Uses: In 1987, the U.S. signed a Treaty with a number of Pacific Island States for the purpose of managing tuna resources in the South Pacific. The information requirements (license, registration, catch and unloading data) contained in the implementing regulations are specific to the Treaty. The consequences of not collecting the data would result in the U.S. not meeting its obligations.

Affected Public: Businesses or other for–profit institutions, small businesses or organizations.

Frequency: Annually and upon completion of each trip.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Don Arbuckle, (202) 395–7340.

Copies of the above information collection proposals can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Don Arbuckle, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: December 5, 1994

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 94–30392 Filed 12–8–94; 8:45 am]

BILLING CODE 3510–CW–F

Bureau of the Census

[Docket Number 941124–4324]

Annual Survey of Communication Services

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of Determination.

SUMMARY: In accordance with Title 13, United States Code, Sections 131, 182, 224, and 225, I have determined that 1994 operating revenue and expenses are needed for the telephone, radio and television broadcasting, cable and pay television, and other communication services industries to provide a sound statistical basis for the formation of policy by various governmental agencies, and that these data also apply to a variety of public and business needs. These data are not publicly available from nongovernment or other governmental sources.

FOR FURTHER INFORMATION CONTACT: Thomas E. Zabelsky, Chief, Current Services Branch, Services Division, on (301) 763–5528.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to conduct surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code. This survey will provide continuing and timely national statistical data on communication services for the period between economic censuses. The next economic census is in 1997. The data collected in this survey will be within the general scope and nature of those inquiries covered in the economic censuses.

The Bureau of the Census needs reports only from a limited sample of communication firms in the United States. The probability of a firm's selection is based on revenue size (estimated from payroll). The sample will provide, with measurable reliability, national level statistics on operating revenue and expenses for these industries. We will mail report forms to the firms covered by this survey and require their submission within thirty days after receipt.

This survey has been submitted to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act, Public

Law 96–511, as amended, and was approved under OMB Control Number 0607–0706. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, D.C. 20233.

Based upon the foregoing, I have directed that an annual survey be conducted for the purpose of collecting these data.

Dated: November 22, 1994.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 94–30342 Filed 12–8–94; 8:45 am]

BILLING CODE 3510–07–P

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 94–132. *Applicant:* The Regents of the University of California, Riverside, Material Management, Riverside, CA 92521. *Instrument:* Microvolume Stopped-Flow Spectroflourimeter, Model SX-17MV. *Manufacturer:* Applied Photophysics, Ltd., United Kingdom. *Intended Use:* The instrument will be used for research which involves several projects centered around the localization of the sites of binding of noncompetitive inhibitors and nicotinic agonists on the nicotinic acetylcholine receptor. These projects include: (a) an effort to determine where agonists bind and rapidly inhibit the acetylcholine receptor, (b) measuring the effects of various noncompetitive inhibitors on the time course of the changes in florescence of a set of novel fluorescent nicotinic agonists that have been synthesized, (c) measuring the distance between the surface of the lipid membrane and the sites of binding of the noncompetitive inhibitors as the lumen of the receptor opens. *Application Accepted by Commissioner of Customs:* November 8, 1994.

Docket Number: 94–133. *Applicant:* Woods Hole Oceanographic Institution, Water Street, Woods Hole, MA 02543. *Instrument:* Multi Sensor Core Logger. *Manufacturer:* GEOTEK, United Kingdom. *Intended Use:* The instrument will be used as a research tool for studying the physical properties of intact ocean floor sediment samples. The instrument will allow investigators to quickly produce down core stratigraphies that will closely reflect traditional but much more consuming geochemical measurements. *Application Accepted by Commissioner of Customs:* November 8, 1994.

Docket Number: 94–071R. *Applicant:* University of Arkansas for Medical Sciences, College of Pharmacy, 4301 W. Markham, Little Rock, AR 72205-7122. *Instrument:* Rapid Kinetics Accessory, Model SFA-20. *Manufacturer:* Hi Tech Ltd., United Kingdom. *Intended Use:* Original notice of this resubmitted application was published in the FEDERAL REGISTER of June 17, 1994.

Docket Number: 94–134. *Applicant:* University of Wisconsin-Madison, 750 University Avenue, Madison, WI 53706. *Instrument:* Heating and Cooling Stage for Petrographic Microscope, Model THMSG 600. *Manufacturer:* Linkam Scientific Instruments Ltd., United Kingdom. *Intended Use:* The instrument will be used to enable researchers to observe dynamic changes through a microscope in imperfections in natural materials (minerals, rocks) over a wide range of temperatures. *Application Accepted by Commissioner of Customs:* November 11, 1994.

Docket Number: 94–135. *Applicant:* University of Chicago, 920 E. 58th Street, Chicago, IL 60637. *Instrument:* Electron Microscope, Model CM120. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* The instrument will be used for studies conducted to understand the assemble process in red blood cells in order to better understand pathological processes associated with malfunctions of red blood cell proteins. The instrument will also used in Electron Microscopy in Biology, a lab course which provides with an opportunity to learn how to operate the electron microscope. *Application Accepted by Commissioner of Customs:* November 15, 1994.

Docket Number: 94–136. *Applicant:* Iowa State University of Science and Technology, Purchasing Department, 2nd Floor General Services Building, Ames, Iowa 50011-4050. *Instrument:* Servo Systems Experiments, Model SRV-02. *Manufacturer:* Quanser Consulting, Canada. *Intended Use:* The instrument will be used for educational purposes in various Mechanical Engineering courses which will prepare the senior level student in mechanical engineering for the modeling analysis and control of dynamic systems. *Application Accepted by Commissioner of Customs:* November 15, 1994.

Docket Number: 94–137. *Applicant:* University of Vermont, Physics Department, A405 Cook Building, Burlington, VT 05405. *Instrument:* Trough, Model 611M-100. *Manufacturer:* CTC Technologies, United Kingdom. *Intended Use:* The instrument will be used in the course Physics 391 - M.S. Thesis Research to facilitate scientific research and training for graduate students pursuing the M.S. degree in Physics. Specifically, the research will be in the area of studying biophysical behaviors of model membranes, which will be prepared by this instrument. In addition, the instrument will be used to prepare specimens for atomic force microscopy of model membranes in structural studies, and for differential scanning calorimetry in functional studies. *Application Accepted by Commissioner of Customs:* November 16, 1994.

Docket Number: 94–138. *Applicant:* Texas A&M Research Foundation, Box 3578, University Dr. & Wellborn Road, College Station, TX 77843. *Instrument:* 600M Fluorometer and Accessories, Model AquatrackA MKIII. *Manufacturer:* Chelsea Instruments, United Kingdom. *Intended Use:* The instrument will be used to measure chlorophyll-a (produced by phytoplankton) in order to distinguish the percentage of water turbidity caused by phytoplankton from turbidity caused by inorganic suspended sediment. *Application Accepted by Commissioner of Customs:* November 18, 1994.

Pamela Woods

Acting Director, Statutory Import Programs Staff

[FR Doc. 94–30308 Filed 12–8–94; 8:45 am]

BILLING CODE 3510–DS–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment and Adjustment of Import Limits for Certain Cotton and Wool Textile Products Produced or Manufactured in Colombia

December 6, 1994.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing and adjusting limits.

EFFECTIVE DATE: December 13, 1994.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated November 18, 1994, the Governments of the United States and Colombia agreed to extend and amend their bilateral for two consecutive one-year periods, beginning on January 1, 1994 and extending through December 31, 1995.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish a limit for Category 315 and to amend the current limit for Category 443. The limits include adjustments for swing, carryover, special carryover and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 58 FR 62645, published on November 29, 1993). Also see 58 FR 65579, published on December 15, 1993.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Memorandum of Understanding dated November 18, 1994, but are designed to assist only in the implementation of certain of its provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 6, 1994.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 9, 1993, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of wool textile products, produced or manufactured in Colombia and exported during the twelve-month period which began on January 1, 1994 and extends through December 31, 1994.

Effective on December 13, 1994, you are directed to establish and adjust the limits for the following categories, as provided under the terms of the Memorandum of Understanding dated November 18, 1994 between the Governments of the United States and the Republic of Colombia:

Category	Twelve-month limit [1]
315	19,299,638 square meters
443	144,893 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1993.

Imports charged to the category limit for Category 315 for the period January 1, 1993 through December 31, 1993, shall be charged against that level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 94–30390 Filed 12–8–94; 8:45 am]

BILLING CODE 3510–DR–F

Establishment and Adjustment of Import Limits, Elimination of a Sublimit and Announcement of Guaranteed Access Levels for Certain Wool Textile Products Produced or Manufactured in the Dominican Republic

December 6, 1994.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing and adjusting limits, eliminating a sublimit and announcing guaranteed access levels.

EFFECTIVE DATE: December 13, 1994.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated November 16, 1994, the Governments of the United States and the Dominican Republic agreed to extend their bilateral agreement through December 31, 1995. Also, the two governments agreed to eliminate the current sublevel for Categories 347/348 and establish limits for Categories 442 and 444 for the periods December 1, 1994 through December 31, 1994 and January 1, 1995 through December 31, 1995. Guaranteed access levels were provided for Categories 442 and 444 for the period January 1, 1995 through December 31, 1995.

Beginning on December 13, 1994, the U.S. Customs will start signing the first section of the form ITA–370P for shipments of U.S. formed and cut parts in Categories 442 and 444 that are destined for the Dominican Republic and subject to the GALs established for Categories 442 and 444 for the period beginning on January 1, 1995 and extending through December 31, 1995. These products are governed by Harmonized Tariff item number 9802.00.8015 and Chapter 61 Statistical Note 5 and Chapter 62 Statistical Note 3 of the Harmonized Tariff Schedule. Interested parties should be aware that shipments of cut parts in Categories 442 and 444 must be accompanied by a form ITA–370P, signed by a U.S. Customs officer, prior to export from the United States for assembly in the Dominican Republic in order to qualify for entry under the Special Access Program.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for Categories 442 and 444 for the period beginning on December 1, 1994 and extending through December 31, 1994. The current limit for Category 448 is being adjusted for carryforward, special carryforward and special shift. The limit established in this directive for Category 442 has been reduced to account for the special shift applied to Category 448. U.S. Customs is being directed to begin signing the first section of form ITA–370P.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 58 FR 62645,

published on November 29, 1993). Also see 58 FR 67397, published on December 21, 1993.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 6594, published on March 4, 1987; 52 FR 26057, published on July 10, 1987; and 54 FR 50425, published on December 6, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 6, 1994.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 15, 1993, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1994 and extends through December 31, 1994.

Effective on December 13, 1994, you are directed, pursuant to a Memorandum of Understanding dated November 16, 1994 between the Governments of the United States and the Dominican Republic, to eliminate the current sublevel for Categories 347/348. Also, you are directed to increase the current limit for Category 448 to 44,715 dozen [1]. Limits shall be established for Categories 442 and 444 for the period beginning on December 1, 1994 and extending through December 31, 1994, as follows:

Category	New limit
442	18,197 dozen.
444	15,000 numbers.

Textile products in Categories 442 and 444 which have been exported to the United States prior to December 1, 1994 shall not be subject to this directive.

Textile products in Categories 442 and 444 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

Beginning on December 13, 1994, the U.S. Customs Service is directed to start signing the first section of the form ITA–370P for shipments of U.S. formed and cut parts in Categories 442 and 444 that are destined for the Dominican Republic and re-exported to the United States on and after January 1, 1995.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 94–30391 Filed 12–8–94; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1993.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: January 9, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51–2–3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodity

Curtain, Smoke, Portable
4210–01–306–7827
NPA: BOST Human Development Services, Inc., Fort Smith, Arkansas

Services

Administrative Services, U.S. Army Engineer District, Clock Tower Building, Annex and Adjacent Buildings, Rock Island, Illinois
NPA: Association for Retarded Citizens of Rock Island County, Rock Island, Illinois

Commissary Shelf Stocking and Custodial, Redstone Arsenal, Huntsville, Alabama
NPA: Huntsville Rehabilitation Foundation, Huntsville, Alabama

Commissary Shelf Stocking and Custodial, Fort Polk, Louisiana
NPA: Vernon Sheltered Workshop, Inc., Leesville, Louisiana

Janitorial/Custodial, Naval Postgraduate School, Annex, La Mesa Village, Golf Course Areas and Fort Ord Hospital, Monterey, California
NPA: Hope Rehabilitation Services, Santa Clara, California

Janitorial/Custodial, U.S. Army Corps of Engineers, Walla Walla District, Headquarters Building, Walla Walla, Washington
NPA: Lillie Rice Center, Walla Walla, Washington

Switchboard Operation, Department of Veterans Affairs Medical Center, 718 Smyth Road, Manchester, New Hampshire
NPA: Easter Seal Society of New Hampshire, Manchester, New Hampshire

Beverly L. Milkman,

Executive Director.

[FR Doc. 94–30340 Filed 12–8–94; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: January 9, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On April 22, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (59 FR 19164) of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity.

3. The action will result in authorizing small entities to furnish the commodity to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity proposed for addition to the Procurement List.

Accordingly, the following commodity is hereby added to the Procurement List:

Insert, Foam, Laminated
8135–00–NSH–0002
(Requirements of the U.S. Mint, Washington, DC)

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 94–30341 Filed 12–8–94; 8:45 am]

BILLING CODE 6820–33–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 95–C0004]

Bethany Sales Co., Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of a Settlement Agreement under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e)–(h). Published below is a provisionally-accepted Settlement Agreement with Bethany Sales Company, Inc., a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by December 27, 1994.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 95–C0004, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207

FOR FURTHER INFORMATION CONTACT:

Dennis C. Kacoyanis, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0626.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: December 5, 1994.

Sadye E. Dunn,

Secretary.

Settlement Agreement and Order

1. Bethany Sales Company, Inc. (hereinafter, "Bethany"), a corporation, enters into this Settlement Agreement and Order (hereinafter, "Settlement Agreement") with the staff of the Consumer Product Safety Commission, and agrees to the entry of the Order attached. The purpose of the Settlement Agreement is to settle the staff's allegations that Bethany knowingly violated sections 4 (a) and (c) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1263 (a) and (c).

I. The Parties

2. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory Commission of the United States established pursuant to section 4 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2053.

3. Bethany is a corporation organized and existing under the laws of the State of Illinois, since 1956. The firm's principal place of business is located at 131 West Main Street, Bethany, IL 61914.

II. Allegations of the Staff

4. On seven occasions between May 8, 1991, and April 1, 1994, Bethany introduced or caused the introduction into interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise eight different kinds of non-complying fireworks (5,833,574 retail units) which are identified and described below:

Sample No.	Product	Entry date, collec date*	Expt/Mfg
M–830–0434	Dragon Trill 37 Shots	05/08/91	Kwongyuen Hangkee Co.
P–830–5087	Jumping Jacks	03/13/92	United Fireworks.
R–830–4091	General Custer's Last Stand	05/07/93	Kwongyuen Hangkee Co.
S–830–4123	Warhead Launcher	12/10/93	Panda Fireworks.
S–830–4131	Small Festival Balls	*01/13/94	Panda Fireworks.
S–830–4143	Warhead Launcher	03/01/94	Panda Fireworks.

Sample No.	Product	Entry date, collec date*	Expt/Mfg
S–830–4144	News Transmitter	03/01/94	Panda Fireworks.
S–830–4152	Kaleidoscope	04/01/94	Panda Fireworks.

5. The firework device identified as Dragon Trill 37 Shots, No. Y03–021, Sample No. M–830–0434 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it failed to comply with the fuse burn time and fuse attachment requirements in 16 CFR 1507.3(a)(2) and 1507.3(b).

6. The firework device identified as Jumping Jack Fireworks, No. T3500, Sample No. P–830–5087 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it failed to comply with the fuse burn time requirement in 16 CFR 1507.3(a)(2).

7. The firework device identified as General Custer's Last Stand, No. K7783E, Sample No. R–830–4091 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507 and 16 CFR 1500.17(a)(3), in that when tested, it failed to comply with the fuse attachment and excessive pyrotechnic composition requirements in 16 CFR 1507.3(b) and 16 CFR 1500.17(a)(3).

8. The firework device identified as Warhead Launcher, No. K4426, Sample No. S–830–4123 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it failed to comply with the base to height ratio and pyrotechnic leakage requirements contained in 16 CFR 1507.4 and 1507.5.

9. The firework device identified as Small Festival Balls, No. 0008, Sample No. S–830–4131 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it failed to comply with the fuse burn time and fuse attachment requirements contained in 16 CFR 1507.3(a)(2) and 1507.3(b).

10. The firework device identified as Warhead Launcher, No. K4426, Sample No. S–830–4143 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it failed to comply with the base to height ratio requirement contained in 16 CFR 1507.4.

11. The firework device identified as News Transmitter, No. T2508, Sample No. S–830–4144 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it failed to comply with the pyrotechnic leakage requirement contained in 16 CFR 1507.5.

12. The firework device identified as Kaleidoscope, No. T2512, Sample No. S–830–4152 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it failed to comply with the pyrotechnic leakage requirement contained in 16 CFR 1507.5.

13. Each of the fireworks identified in paragraph 4 above are "banned hazardous substances" pursuant to section 2(q)(1)(B) of the FHSA, 15 U.S.C. 1261(q)(1)(B), 16 CFR part 1507 and 16 CFR 1500.17(a)(3).

14. Bethany knowingly introduced or caused the introduction into interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the banned hazardous fireworks identified in paragraph 4 above, in violation of sections 4 (a) and (c) of the FHSA, 15 U.S.C. 1263 (a) and (c).

III. Response of Bethany

15. Bethany denies the allegations of the staff set forth in paragraphs 4 through 14 above that it knowingly introduced or caused the introduction into interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise the banned hazardous fireworks identified in paragraph 4 above, in violation of sections 4 (a) and (c) of the FHSA, 15 U.S.C. 1263 (a) and (c).

IV. Agreement of the Parties

16. The Consumer Product Safety Commission has jurisdiction over Bethany and the subject matter of this Settlement Agreement under the following acts: Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*, and the Federal Hazardous Substances Act, 15 U.S.C. 1261 *et seq.*

17. The Commission and Bethany agree that this Agreement is entered into for the purposes of settlement only and does not constitute an admission that Bethany knowingly violated the FHSA.

18. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, Bethany knowingly, voluntarily, and completely waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission as to whether Bethany failed to comply with the FHSA as aforesaid, (4) to a statement of findings of fact and conclusions of law, and (5) to any claims under the Equal Access to Justice Act, 5 U.S.C. 504.

19. For purposes of section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued, and the Commission may publicize the terms of the Settlement Agreement and Order.

20. Upon provisional acceptance of this Settlement Agreement by the Commission, the Commission will place the Settlement Agreement and the Provisional Order on the public record, and publish it in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20 (e)–(h). If the Commission does not receive any written requests not to accept the Settlement Agreement within 15 days, the Settlement Agreement shall be deemed finally accepted and the Final Order shall be deemed issued on the 16th day.

21. This Settlement Agreement may be used in interpreting the Provisional and Final Orders. Agreements, understandings, representations, or interpretations apart from those contained in this Settlement Agreement may not be used to vary or to contradict its terms.

22. The provisions of the Settlement Agreement and Final Order shall apply to Bethany and each of its successors and assigns.

23. Upon final acceptance of this Agreement, the Commission shall issue the attached Order.

Dated: October 28, 1994.

Respondent Bethany Sales Company, Inc.

By:

Jack Scott, Sr.,

Chairman and Chief Executive Officer, Bethany Sales Company, Inc., Box 248, 131 West Main Street, Bethany, IL 61914.

Dated: October 28, 1994.

By:

Jack Scott, Jr.,

President, Bethany Sales Company, Inc., Box 248, 131 West Main Street, Bethany, IL 61914.

Commission Staff.

David Schmeltzer,

Assistant Executive Director, Office of Compliance and Enforcement.

Eric L. Stone,

Acting Director, Division of Administrative Litigation, Office of Compliance and Enforcement.

Dated: October 31, 1994.

By:

Dennis C. Kacoyanis,

Trial Attorney, Division of Administrative Litigation, Office of Compliance and Enforcement.

Order

Upon consideration of the Settlement Agreement entered into between respondent Bethany Sales Company, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Bethany Sales Company, Inc.; and it appearing that the Settlement Agreement and Order is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted; and it is

Further Ordered, that upon final acceptance of the Settlement Agreement and Order, Bethany Sales Company, Inc. shall pay to the Commission a civil penalty in the amount of ten thousand and 00/100 dollars ($10,000) in three (3) payments consisting of two payments of two thousand five hundred dollars and 00/100 (2,500.00) and one (1) payment of five thousand and 00/100 dollars ($5,000.00) each. The first payment of two thousand five hundred and 00/100 dollars ($2,500.00) shall be due within twenty (20) days after service of the Final Order of the Commission accepting the Settlement Agreement, hereinafter, the "anniversary date." The second payment of two thousand five hundred and 00/100 dollars ($2,500.00) shall be made within 180 days of the anniversary date. The third payment of five thousand and 00/100 dollars ($5,000.00) shall be made within 365 days of the anniversary date. Upon the failure by Bethany Sales Company, Inc. to make a payment or upon the making of a late payment by Bethany Sales Company, Inc. (a) the entire amount of the civil penalty shall be due and payable, and (b) interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. 1961 (a) and (b).

Provisionally accepted and Provisional Order issued on the 5th day of December 1994.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 94–30248 Filed 12–8–94; 8:45 am]

BILLING CODE 6355–01–M

[CPSC Docket No. 95–C0005]

Golden Gate Fireworks, Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of a Settlement Agreement Under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e)–(h). Published below is a provisionally-accepted Settlement Agreement with Golden Gate Fireworks, Inc., a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by December 27, 1994.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 95–C0005, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207

FOR FURTHER INFORMATION CONTACT: Dennis C. Kacoyanis, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0626.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: December 5, 1994.

Sadye E. Dunn,

Secretary.

Settlement Agreement and Order

1. Golden Gate Fireworks, Inc. (hereinafter, "Golden Gate"), a corporation, enters into this settlement Agreement and Order (hereinafter, "Settlement Agreement") with the staff of the Consumer Product Safety Commission, and agrees to the entry of the Order described herein. The purpose of the Settlement Agreement is to settle the staff's allegations that Golden Gate knowingly violated sections 4(a) and (c) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1263(a) and (c).

I. The Parties

2. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory Commission of the United States established pursuant to section 4 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2053.

3. Golden Gate is a corporation organized and existing under the laws of the State of California, since 1989. The firm's principal place of business is located at 1355 Market Street, San Francisco, CA 94103. From 1989 through approximately January, 1994, Golden gate was an importer and distributor of fireworks. Since approximately January, 1994, Golden gate has been a marketing representative for Shiu Fung Fireworks Co., Ltd., a Hong Kong distributor of Black Cat brand fireworks.

II. Allegations of the Staff

4. On three occasions between April 23, 1992, and April 21, 1993, Golden Gate introduced or caused the introduction into interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise three different kinds of non-complying fireworks (15,750 retail units) which are identified and described below:

Sample No.	Product	Entry date	Expt/Mfg
P–863–7080	Small Festival Balls	04/23/92	Shiu Fung.
R–863–7038	Artillery Shell	03/23/93	Shiu Fung.
R–863–7295	Twitter Glitter	04/21/93	Shiu Fung.

5. The firework device identified as Small Festival Balls, No. 0008, Sample No. P–863–7080 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it

failed to comply with the fuse burn time requirement in 16 CFR 1507.3(a)(2).

6. The firework device identified as Artillery Shell, No. BC–602, Sample No. R–863–7038 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it failed to comply with the fuse burn time and pyrotechnic leakage requirements in 16 CFR 1507.3(a)(2) and 1507.5.

7. The firework device identified as Twitter Glitter, No. 0530 B, Sample No. R–863–7295 in paragraph 4 above is subject to, but failed to comply with, the Commission's Fireworks Regulations, 16 CFR part 1507, in that when tested, it failed to comply with the fuse burn time and burnout/blowout requirements in 16 CFR 1507.3(a)(2) and 1507.6.

8. Each of the fireworks identified in paragraph 4 above is a "banned hazardous substance" pursuant to section 2(q)(1)(B) of the FHSA, 15 U.S.C. 1261(q)(1)(B); and 16 CFR part 1507.

9. Golden Gate knowingly introduced or caused the introduction into interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the banned hazardous fireworks identified in paragraph 4 above, in violation of sections 4(a) and (c) of the FHSA, 15 U.S.C. 1263(a) and (c).

III. Response of Golden Gate

10. Golden Gate denies the allegations of the staff set forth in paragraphs 4 through 9 above. Golden Gate denies it knowingly, or otherwise, introduced or caused the introduction into interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise the banned hazardous fireworks identified in paragraph 4 above, in violation of sections 4(a) and (c) of the FHSA, 15 U.S.C. 1263(a) and (c) and/or 16 CFR part 1507 *et seq.*

IV. Agreement of the Parties

11. The Consumer Product Safety Commission has jurisdiction over Golden Gate and the subject matter of this Settlement Agreement under the following acts: Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*, and the Federal Hazardous Substances Act, 15 U.S.C. 1261 *et seq.*

12. The Commission and Golden Gate agree that this Agreement is entered into for the purposes of settlement only and does not constitute a determination by the Commission or an admission by Golden Gate that Golden Gate violated the FHSA and/or the Commission's regulations.

13. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, Golden Gate knowingly, voluntarily, and completely waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission as to whether Golden Gate failed to comply with the FHSA as aforesaid, (4) to a statement of findings of fact and conclusions of law, and (5) to any claims under the Equal Access to Justice Act, 5 U.S.C. 504.

14. For purposes of section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued, and the Commission may publicize the terms of the Settlement Agreement and Order.

15. Upon provisional acceptance of this Settlement Agreement by the Commission, the Commission will place the Settlement Agreement and the Provisional Order on the public record, and publish it in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e)–(h). If the Commission does not receive any written requests not to accept the Settlement Agreement within 15 days, the Settlement Agreement shall be deemed finally accepted and the Final Order shall be deemed issued on the 16th day.

16. This Settlement Agreement may be used in interpreting the Provisional and Final Orders. Agreements, understandings, representations, or interpretations apart from those contained in this Settlement Agreement may not be used to vary or to contradict its terms.

17. The provisions of the Settlement Agreement and Final Order shall apply to Golden Gate and each of its successors and assigns.

18. Upon final acceptance of this Agreement, the Commission shall issue the Final Order.

Dated: October 20, 1994.

Respondent Golden Gate Fireworks, Inc.

By:

Ralph J. Apel,

President, Golden Gate Fireworks, Inc., 1355 Market Street, Suite 405, San Francisco, CA 94103.

Commission staff.

David Schmeltzer,

Assistant Executive Director, Office of Compliance and Enforcement.

Eric L. Stone,

Acting Director, Division of Administrative Litigation, Office of Compliance and Enforcement.

Dated: October 24, 1994.

By:

Dennis C. Kacoyanis,

Trial Attorney, Division of Administrative Litigation, Office of Compliance and Enforcement.

Order

Upon consideration of the Settlement Agreement entered into between respondent Golden Gate Fireworks, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Golden Gate Fireworks, Inc; and it appearing that the Settlement Agreement and Order is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted; and it is

Further Ordered, that upon final acceptance of the Settlement Agreement and Order, Golden Gate Fireworks, Inc. shall pay to the Commission a civil penalty in the amount of ten thousand and 00/100 dollars ($10,000.00) in two (2) payments consisting of one (1) payment of two thousand five hundred dollars and 00/100 ($2,500.00) and one (1) payment of seven thousand five hundred and 00/100 dollars ($7,500.00) each. The first payment of two thousand five hundred and 00/100 dollars ($2,500.00) shall be due within twenty (20) days after service of the Final Order of the Commission accepting the Settlement Agreement, hereinafter, the "anniversary date." The second payment of seven thousand five hundred and 00/100 dollars ($7,500.00) shall be made within 365 days of the anniversary date. Upon the failure by Golden Gate Fireworks, Inc. (a) the entire amount of the civil penalty shall be due and payable, and (b) interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under provisions of 28 U.S.C. 1961 (a) and (b).

Provisionally accepted and Provisional Order issued on the 5th day of December, 1994.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 94–30248 Filed 12–8–94; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision (ROD) for the Final Environmental Impact Statement (FEIS) for Continued Military Training Use of National Forest Lands at Camp Shelby, MS

AGENCY: Department of the Army, DOD.

ACTION: Notice of availability.

SUMMARY: It was determined that the FEIS adequately addressed the biological, physical, socioeconomic and cultural impact of the Army's proposal to continue the use, for military training purposes, of the National Forest Lands at Camp Shelby under a Special Use Permit from the Forest Service.

As a result of the Record of Decision, the Army will: seek a Special Use Permit from the Forest Service for continued military training, operation and maintenance activities on the National Forest Lands at Camp Shelby; reconfigure tracked vehicle maneuver areas to avoid use of the Leaf River Wildlife Management Area and to maximize available tracked vehicle training areas evaluated in the FEIS; and design, construct, operate and maintain certain facilities described and evaluated in the FEIS.

In making the decision, consideration was given to the impacts addressed in the FEIS, scoping meeting transcripts, public hearings, all oral and written comments received during the public comment period associated with the preparation of the FEIS; constraints of the framework of the Forest Service Record of Decision; and the mandate for the National Guard and Reserve Components to shoulder more of the Defense burden and to achieve levels of mobilization readiness unprecedented in the history of this country.

The decision described in the ROD is a combination of designated training areas and projects evaluated in the FEIS. This decision best meets the training needs of the Army, while allowing for good stewardship and management of the land. The Army will take measures to ensure that the construction and training activities associated with the military use of Forest Service lands at Camp Shelby are consistent with Federal, State and local environmental laws and regulations.

Copies of the Army's ROD have been mailed to individuals who participated in the public comment process, or who requested a copy of the FEIS or Summary of the FEIS. Copies have also been sent to city, county, state, and federal officials, and civil organizations. In addition, the ROD has been mailed to numerous Mississippi public libraries, including those in Jackson, Hattiesburg, Pascagoula, Gulfport, Biloxi, Bay St. Louis, Wiggins, Beaumont, McLain, New Augusta, and Laurel, as well as to several college libraries including University of Southern Mississippi, Mississippi State University, and University of Mississippi.

ADDRESSES: For more information on the ROD, contact Colonel Woodrow G. Lyon, Training Site Commander, Camp Shelby Training Site, Camp Shelby, Mississippi 39407–5500, commercial telephone (601) 584–2764.

Dated: December 5, 1994.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (IL&E).

[FR Doc. 94–30333 Filed 12–8–94; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

Defense Partnership Council Meeting

AGENCY: Office of the Secretary, Department of Defense.

ACTION: Change in meeting room.

SUMMARY: On November 28, 1994, the Department of Defense published a notice to announce a meeting of the Defense Partnership Council (59 FR 60784). This notice is to announce that the meeting has been changed to room 1E801, Room 4 the Pentagon. All other information remains the same.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Oprisko, Chief, Labor Relations Branch, Field Advisory Services Division, Defense Civilian Personnel Management Service, 2661 Eisenhower Ave., Hoffman Building #1, Suite 152, Alexandria, VA 22331–0900, (703) 325–1380.

Dated: November 5, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–30265 Filed 12–8–94; 8:45 am]

BILLING CODE 5000–04–M

Department of Defense Selection Criteria for Closing and Realigning Military Installations Inside the United States

AGENCY: Department of Defense (DoD).

ACTION: Notice of Final Selection Criteria.

SUMMARY: This notice publishes the final selection criteria that will be used by the Department of Defense to make recommendations that will be reviewed by the 1995 Defense Base Closure and Realignment Commission. The selection criteria remain unchanged from the 1991 and 1993 base closure and realignment rounds that were published in the **Federal Register** on February 15 1991, (56 FR 6374) and December 15, 1992, (FR 59334), respectively.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Solomon, OASD(ES)BCU, (703) 614–5356.

SUPPLEMENTARY INFORMATION:

A. Final Selection Criteria

The Secretary of Defense, in accordance with the Defense Base Closure and Realignment Act of 1990, Section 2903(b), Pub. L. 101–510, as amended, published in the February 15, 1991, (56 FR 6374) **Federal Register** the Final Selection Criteria to be used in making recommendations for the closure and realignment of military installations inside the United States. These final criteria became effective on February 15, 1991. The final criteria published at that time will be used again, unchanged, by the Department of Defense to make recommendations that will be reviewed by the 1995 Defense Base Closure and Realignment Commission. The final selection criteria are as follows:

In selecting military installations for closure or realignment, the Department of Defense, giving priority consideration to military value (the first four criteria below), will consider:

Military Value

1. The current and future mission requirements and the impact on operational readiness of the Department of Defense's total force.

2. The availability and condition of land, facilities and associated airspace at both the existing and potential receiving locations.

3.The ability to accommodate contingency, mobilization, and future total force requirements at both the existing and potential receiving locations.

4. The cost and manpower implications.

Return on Investment

5. The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

Impacts

6. The economic impact on communities.

7. The ability of both the existing and potential receiving communities' infrastructure to support forces, missions and personnel.

8. The environmental impact.

B. Background Information

The February 15, 1991, (56 FR 6374) **Federal Register** Notice contained an analysis of public comments received and a description of the changes DoD made to the proposed criteria published in a November 30, 1990, (55 FR 49678) **Federal Register** Notice. DoD received 169 public comments in response to the proposed criteria and request for comments. The proposed criteria were appropriately amended based on these comments. The final criteria were accepted by Congress in 1991 and were used to make recommendations to the 1991 Defense Base Closure and Realignment Commission. The DoD, in a December 15, 1992, (57 FR 59334) **Federal Register** Notice, announced that it would use the same final criteria to make recommendations to the 1993 Defense Base Closure and Realignment Commission. The final criteria have served the 1991 and 1993 efforts well. They will therefore be used again, unchanged, by the Department of Defense to make recommendations to the 1995 Defense Base Closure and Realignment Commission.

C. Previous Federal Register References

(1) 55 FR 49678, November 30, 1990: Proposed selection criteria and request for comments.

(2) 55 FR 53586, December 31, 1990: Extend comment period on proposed selection criteria.

(3) 56 FR 6374, February 15, 1991: Publish selection criteria and analysis of comments.

(4) 57 FR 59334, December 15, 1992: Publish selection criteria.

Dated: November 5, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 94–30266 Filed 12–8–94; 8:45 am]

BILLING CODE 5000–04–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

AmeriCorps State Grant Program

ACTION: Notice.

SUMMARY: In response to public comments on the proposed 1995 grant timeline previously published in the Notice for Proposed Changes in Policies and Priorities on October 27, 1994 (59 FR 53963), the Corporation for National and Community Service (the Corporation) has established new and final application deadlines for the following grant programs; AmeriCorps *USA, Learn and Serve America Higher Education, and Learn and Serve America K–12.

FOR FURTHER INFORMATION CONTACT: Programs interested in obtaining copies of the final guidelines and applications should contact their respective State Commission or call the Corporation at (202) 606–5000 x. 474 between the hours of 9 a.m. and 6 p.m. Eastern Standard Time. For individuals with disabilities, information will be made available in alternative formats, upon request.

FINAL 1995 GRANT TIMELINE FOR APPLICATION DUE DATES

	AmeriCorps State submission	AmeriCorps direct	Learn & serve higher ed	Learn & serve K–12
Renewals	May 1, 1995	April 4, 1995	February 28, 1995	February 23, 1995.
New applicants	May 1, 1995	April 18, 1995	March 21, 1995	February 23, 1995.

Dated: December 4, 1994.

Catherine Milton,

Director of National Service Programs.

[FR Doc. 94–30270 Filed 12–8–94; 8:45 am]

BILLING CODE 6050–28–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 Group, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by December 31, 1994.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., room 3208, 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, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, (202) 708–9915. 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 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. 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, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7)

Reporting and/or Recordkeeping burden. Because an expedited review is requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: December 5, 1994.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Expedited
Title: Federal Director Stafford Loans/ Federal Direct Unsubsidized Stafford Loans Promissory Note Disclosure
Frequency: Annually
Affected Public: Individuals or households
Reporting Burden:
Responses: 1,172,600
Burden Hours: 195,355
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: Direct Loans were established under Title IV, Part D of HEA by the Student Loan Reform Act of 1993, part of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66). Under Direct Loans, loan capital is provided directly to student and parent borrowers by the Federal Government rather than through private lenders. This program replaces the direct loan demonstration program that was authorized by the Higher Education Amendments of 1992 (Pub. L. 102–325).

The form will be used in the direct loan program for Federal Stafford Loans and Federal Direct Unsubsidized Stafford Loans. The information on this form will be partially pre-printed and used by ED to uniquely identify the loan as well as to service and collect the loan. The information supplied by the borrower will be used to verify eligibility, determine billing procedures, and collect and enforce the loan obligation. If ED did not collect the information its ability to service, and if necessary, enforce the loan would be seriously impaired.

Additional Information: An expedited review is being requested from OMB in order to allow schools the use of the form by January 1995. This is due to the fact that some institutions mail promissory notes with their award letters. ED must allow sufficient time for the copies of the Promissory Note and Disclosure to be printed and then delivered to Direct Loan Schools in January 1995. Schools will then be able to package and certify Direct Subsidized and Direct Unsubsidized Loans in a timely manner for the 1995–1996 year. In view of the aforementioned, ED has requested an OMB approval by December 31, 1994.

Office of Postsecondary Education

Type of Review: Expedited
Title: Federal Direct PLUS Loan Application and Promissory Note
Frequency: Annually
Affected Public: Individuals or households
Reporting Burden:
Responses: 64,375
Burden Hours: 32,188
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: Direct Loans were established under Title IV, Part D of HEA by the Student Loan Reform Act of 1993, part of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66). Under Direct Loans, loan capital is provided directly to student and parent borrowers by the Federal Government rather than through private lenders. This program replaces the direct loan demonstration program that was authorized by the Higher Education Amendments of 1992 (Pub. L. 102–325).

The information on this form will be partially pre-printed and used by ED to uniquely identify the loan as well as to service and collect the loan. The information supplied by the borrower will be used to verify eligibility, determine billing procedures, and collect and enforce the loan obligation. If ED did not collect the information its ability to service, and if necessary, enforce the loan would be seriously impaired.

Additional Information: An expedited review is being requested from OMB in order to allow schools the use of the form by January 1995. This is due to the fact that some institutions mail promissory notes with their award letters. ED must allow sufficient time for the copies of the Application and Promissory Note to be printed and then delivered to Direct Loan Schools in January 1995. Schools will then be able to package and certify Direct Subsidized and Direct Unsubsidized Loans in a timely manner for the 1995–1996 year. In view of the aforementioned, ED has requested an OMB approval by December 31, 1994.

Office of Postsecondary Education

Type of Review: Expedited
Title: Addendum to Federal Direct PLUS Loan Promissory Note Endorser
Frequency: Annually
Affected Public: Individuals or households
Reporting Burden:
Responses: 21,456
Burden Hours: 10,728
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: Direct Loans were established under Title IV, Part D of HEA by the Student Loan Reform Act of 1993, part of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66). Under Direct Loans, loan capital is provided directly to student and parent borrowers by the Federal Government rather than through private lenders.

The Addendum will be printed, distributed, and used in the Direct Loan Program beginning in January 1995. Schools will use this Addendum to package and certify Federal Direct PLUS Loans that will be disbursed during the 1995–96 academic year (July 1, 1995 through June 30, 1996).

Additional Information: An expedited review is being requested from OMB in order to allow schools the use of the form by January 1995. This is due to the fact that some institutions mail promissory notes with their award letters. ED must allow sufficient time for the copies of the Addendum to be printed and available to the Servicer in January 1995. This will enable the Servicer to follow-up on a rejected Direct PLUS Loan application by sending an Addendum to the parent borrower in a timely manner. In view of the aforementioned, ED has requested an OMB approval by December 31, 1994.

[FR Doc. 94–30250 Filed 12–8–94; 8:45 am]
BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by December 31, 1994.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be

addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, (202) 708–9915. 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 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. 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, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, *e.g.*, expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review is requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: December 6, 1994.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Expedited
Title: Cancellation and Deferment Request Forms for the Federal Direct Student Loan Program
Frequency: On occasion
Affected Public: Individuals or households
Reporting Burden:
Responses: 45,000
Burden Hours: 9,000
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: These deferment and cancellation forms will be the means by which a Direct Loan borrower requests and provides certification that he or she meets the eligibility requirements for a specific deferment of repayment or cancellation of a loan obligation.

Additional Information: ED has requested an OMB approval by December 31, 1994. Having the cancellation and deferment request forms approved by December 31 will allow the Direct Loan Servicing Center to print the forms and have them available for borrowers who will enter repayment as early as January 1995. In addition, the number of borrowers immediately entering repayment will increase substantially when ED begins processing Federal Direct Consolidation Loans.

[FR Doc. 94–30389 Filed 12–8–94; 8:45 am]

BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before January 9, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–9915. 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 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. 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 Group, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. 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) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: December 6, 1994.

Gloria Parker,

Director, Information Resources Group.

Office of Educational Research and Improvement

Type of Review: Reinstatement
Title: Star Schools Program
Frequency: Quarterly
Affected Public: State or local governments; Businesses or other for-profit; non-profit institutions; Small businesses or organizations
Reporting Burden:
Responses: 75;
Burden Hours: 7,500
Recordkeeping Burden:
Recordkeepers: 0;
Burden Hours: 0

Abstract: This application will be used by eligible telecommunication partnerships composed of local school agencies, state education agencies, institutions of higher education, television stations, and other telecommunications agencies including educational radio and TV stations. The information will be used to make awards.

[FR Doc. 94–30388 Filed 12–8–94; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No.: 84.250E]

Office of Special Education and Rehabilitative Services Vocational Rehabilitation Service Projects for American Indians With Disabilities

ACTION: Correction notice.

APPLICATIONS AVAILABLE: The date the applications will be available is revised to "January 6, 1995."

APPLICATION DEADLINE

DATES: The date the applications will be due is revised to "June 16, 1995."

ESTIMATED RANGE OF REWARDS: The estimated range of awards is revised to "$250,000 to $375,000."

ESTIMATED AVERAGE SIZE OF AWARDS: The estimated average size of awards is revised to "$300,000."

STATUTORY PRIORITY: Section 130(b)(4) of the Rehabilitation Act provides that in making new awards under this program the Secretary gives priority consideration to applications for the continuation of tribal programs that have been funded under this program. For this competition in fiscal year 1995, the Secretary will implement this priority by giving a competitive preference of 10 bonus points, in accordance with 34 CFR 75.105(c)(2)(i), to applications that meet this priority.

On June 10, 1994, the Secretary published in the **Federal Register** (59 FR 30190, 30201, and 30213) a notice inviting applications for new awards for fiscal year 1995 under Vocational Rehabilitation Service Projects for American Indians With Disabilities. Detailed information concerning that competition was included in that notice.

The purpose of this notice is to correct the date the applications will be available, the date the applications will be due, the estimated range of awards, and the estimated average size of the awards. The purpose of this notice is also to explain how the statutory priority to continue funding for previously funded tribal programs will be implemented in this competition.

FOR APPLICATIONS OR FURTHER INFORMATION CONTACT: Barbara Sweeney, U.S. Department of Education, 600 Independence Avenue, SW., room 3325, Switzer Building, Washington, DC, 20202–2740. Telephone: (202) 205–9544. 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) 260–9550; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 29 U.S.C. 750.

Dated: December 5, 1994.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 94–30257 Filed 12–8–94; 8:45 am]

BILLING CODE 4000–01–P

Draft Mission Statement and Principles of Professional Development

AGENCY: Department of Education.

ACTION: Notice of Request for Public Comment.

SUMMARY: Secretary Riley and Deputy Secretary Kunin request comment on the draft mission statement and principles of professional development produced by the Department's recently created Professional Development Team.

DATES: Comments must be received on or before February 1, 1995.

ADDRESSES: All comments concerning this notice should be addressed to Valerie Rockefeller, Office of the Deputy Secretary, U.S. Department of Education, 600 Independence Avenue, S.W., Room 6236, Washington, D.C. 20202–0500. Comments also may be sent through the internet to "professional1__—development@ed.gov".

FOR FURTHER INFORMATION CONTACT: Valerie Rockefeller. Telephone: (202) 401–1078. 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: As local, State, and Federal partnerships strive to accomplish our National Education Goals and ensure that all students achieve high standards of learning and development, it has become increasingly clear that high-quality professional development strategies for teachers and other educators are imperative. Professional development is essential to developing the talents of educators and supporting them in acquiring and using the additional knowledge and skills necessary to educate an increasingly diverse student population.

After reviewing the best available research and exemplary practice related to professional development and consulting with a wide range of education constituents, the Department has compiled a set of principles intended to be useful in designing, implementing, and evaluating professional development efforts. The Department would appreciate public comments on the principles in terms of their value, appropriateness, comprehensiveness, and clarity. Based on those suggestions received by February 1, the principles will be revised and disseminated as an aid to education practitioners and policymakers nationally. The Department intends to examine and, as needed, revise its legislative initiatives and programmatic emphases related to professional development to reflect the principles.

We also invite submission of information about exemplary professional development initiatives that incorporate the principles. Please send no more than two-page descriptions of each effort, describing the purposes, participants, processes, results, and the address and telephone number of a contact.

The draft mission statement and principles of professional development follow.

Dated: December 6, 1994.

Madeleine M. Kunin,

Deputy Secretary of Education.

Richard W. Riley,

Secretary of Education.

Draft Mission Statement and Principles of Professional Development, U.S. Department of Education—Professional Development Team, October 31, 1994

There is an emerging consensus across the Nation that high-quality professional development of teachers and other educators is essential to successful education reform. Professional development is the bridge between where educators are now and where they will need to be to meet the new challenges of guiding all students in achieving higher standards of learning.

"High-quality professional development" as envisioned here refers to rigorous and relevant strategies and organizational supports that ensure the career-long development of teachers and other educators whose competence, expectations and actions influence the teaching and learning environment. These strategies should be collaboratively designed, implemented, coordinated, and evaluated by schools, higher education institutions, and other appropriate entities and should focus on improving teaching and learning. The strategies should include concern for improving and integrating the recruitment, selection, preparation, initial licensing, induction, ongoing development and support, and advanced certification of educators.

High-quality professional development also promotes "learning

communities" inclusive of everyone who has an impact on students and their learning. Those within and outside schools need to work together to bring to bear the ideas, commitment, and other resources that are necessary to address important and complex educational issues in a variety of settings. High-quality professional development takes a growth rather than a deficit approach and regards educators and other members of the school community as resources rather than problems. Equitable access for all educators to those professional development opportunities is imperative.

It is our firm belief that high quality professional development strategies must incorporate ALL of the principles stated in this document. Inadequately addressing any of the principles creates a weak link in the chain of connections that must be made to realize fully the potential of individuals, school communities, and institutions to improve and excel.

The mission of professional development is to prepare and support educators to help all students achieve high standards of learning and development.

Professional Development—

- Focuses on teachers as central to school reform, yet includes all members of the school community;
- Respects and nurtures the intellectual capacity of teachers and others in the school community;
- Reflects best available research and practice in teaching, learning, and leadership;
- Is planned principally by those who will participate in that development;
- Enables teachers to develop expertise in content, pedagogy, and other essential elements in teaching to high standards;
- Enhances leadership capacity among teachers, principals, and others;
- Requires ample time and other resources that enable educators to develop their individual capacity, and to learn and work together;
- Promotes commitment to continuous inquiry and improvement embedded in the daily life of schools;
- Is driven by a coherent long-term plan that incorporates professional development as essential among a broad set of strategies to improve teaching and learning;
- Is evaluated on the basis of its impact on teacher effectiveness, student learning, leadership, and the school community, and this evaluation guides subsequent professional development efforts.

[FR Doc. 94–30314 Filed 12–8–94; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 94–93–NG]

Channel Gas Marketing Company; Order Granting Blanket Authorization to Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, DOE.
ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Channel Gas Marketing Company blanket authorization to export up to 200 Bcf of natural gas to Mexico. This authorization is for a period of two years beginning on the date of the first delivery.

This order is available for inspection and copying in the Office of Fuels Programs 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 November 22, 1994.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 94–30384 Filed 12–8–94; 8:45 am]
BILLING CODE 6450–01–P

[FE Docket No. 94–81–NG]

Phillips Alaska Natural Gas Corporation and Marathon Oil Company; Application to Amend Authorization to Export Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.
ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on October 5, 1994, as supplemented October 11, 1994, by Phillips Alaska Natural Gas Corporation (PANGC) and Marathon Oil Company (Marathon) requesting that DOE amend a long-standing authorization to export Alaskan liquefied natural gas (LNG). PANGC and Marathon seek permission to modify the existing price formula used for exports to two Japanese customers. The exports originate at their Kenai LNG plant in the Cook Inlet area of Alaska and are delivered to Tokyo Electric Power Company, Inc. (Tokyo Electric) and Tokyo Gas Company, Ltd. (Tokyo Gas).

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, Motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, January 9, 1995.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F–056, FE–50, 1000 Independence Avenue SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION:

Susan K. Gregersen, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F–056, FE–53, 1000 Independence Avenue SW., Washington, D.C. 20585

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy Forrestal Building, Room 6E–042, GC–41, 1000 Independence Avenue SW., Washington, D.C. 20585.

SUPPLEMENTARY INFORMATION:

Background

PANGC, a Delaware corporation with its principal place of business in Bartlesville, Oklahoma, is a wholly owned subsidiary of Phillips Petroleum Company, a Delaware corporation. Marathon, an Ohio corporation with its principal place of business in Houston, Texas, is a wholly owned subsidiary of USX Corporation, also a Delaware corporation. PANGC and Marathon are not affiliated with each other.

The LNG export authorization held by PANGC (successor to Phillips 66 Natural Gas Company) and Marathon was granted originally by the Federal Power Commission on April 19, 1967. It was subsequently amended by DOE's Economic Regulatory Administration in 1982, 1986, 1987, and 1988, and by FE in 1991 and 1992. PANGC and Marathon are currently authorized to export up to 64.4 trillion Btus of LNG through March 31, 2004. See DOE/ERA Opinion and Order No. 261 (1 ERA ¶ 70,130, July 28, 1988); DOE/FE Opinion and Order No. 261–A (1 FE ¶ 70,454, June 18, 1991); DOE/FE Opinion and Order No. 261–B (1 FE ¶ 70,506, December 19, 1991); and DOE/

FE Opinion and Order No. 261–C (1 FE ¶ 70,607, June 15, 1992).

In DOE/FE Opinion and Order No. 261–A, DOE authorized a market-sensitive pricing formula under which the monthly selling price per MMBtu of LNG exported to Japan by PANGC and Marathon is calculated by multiplying a predetermined base price by an adjustment factor composed of the arithmetic average price paid in Japan for a barrel of imported crude oil over three months. The arithmetic average price is based on the weighted average price of all crude oils (including raw oils) imported into Japan each month as reported in *Japan Exports & Imports Monthly* which is edited by the Customs Bureau, Ministry of Finance, and published by the Japan Tariff Association. In the application filed by PANGC and Marathon, the proposed revision to their current price formula is in accordance with an agreement (the "Third Amendatory Agreement") entered into by PANGC, Marathon, Tokyo Electric, and Tokyo Gas on April 19, 1994. The revised formula has fewer components and a different base price. However, the selling price of the exported LNG would continue to be adjusted each month according to changes over three months in the published selling price of all crude oils imported into Japan.

PANGC and Marathon assert that the new formula is similar to the price formulas used by most other LNG projects which sell into the Japanese market. Based on their current modification to the existing price formula, if the arithmetic average price for crude oil imported into Japan is $15.00 per barrel, the price of LNG sold by PANGC and Marathon would be $2.93 per MMBtu. (The heat content of one barrel of crude oil is approximately 5.8 MMBtu's.) Applying the formula, a $1.00 per barrel increase or decrease in the arithmetic average price of crude oil would lead to a $0.15 per MMBtu increase or decrease in the price of LNG.

This export application will be reviewed pursuant to section 3 of the Natural Gas Act, as amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102–486) and the authority contained in DOE Delegation Order Nos. 0204–111 and 0204–127. In reviewing natural gas exports, DOE considers domestic need for the gas and any other issue determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Since DOE previously has determined in DOE/FE Opinion and Order No. 261 that there is no domestic need for the gas involved in this export over the term of the LNG sales contract, the modification proposed by PANGC and Marathon to their existing price formula shall be evaluated based on whether the amendment is in accord with DOE's international gas trade policy. Parties that may oppose this application should comment in their responses on this issue.

NEPA Compliance. The National Environmental Policy Act (NEPA) (42 U.S.C. § 4231 *et seq.*) requires DOE to give appropriate consideration to the environmental effects of its proposed action. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures. In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Anyone who wants to become a party to this proceeding and to have their written comments considered as the basis for the decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements specified by the regulations in 10 CFR Part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR § 590.316.

A copy of PANGC's and Marathon's application is available for inspection and copying in the Office of Fuels Programs docket room, 3F–056, at the above address. 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 November 30, 1994.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 94–30385 Filed 12–8–94; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No 94–94–NG]

Power City Partners, L.P. Order Granting Blanket Authorization to Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Power City Partners, L.P. authorization to import up to 500,000 Mcf of natural gas from Canada over a two-year term beginning on the date of the first import delivery.

This order is available for inspection and copying in the Office of Fuels Programs 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., November 30, 1994.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 94–30386 Filed 12– 8–94; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 94–70–NG]

Interenergy Corp.; Order Granting Blanket Authorization to Import and Export Natural Gas From and to Canada and Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Interenergy Corporation authorization to import up to 73 Bcf and to export up to 73 Bcf of natural gas from and to Canada and Mexico over a two-year term beginning on the date of first import or export after October 31, 1994.

This order is available for inspection and copying in the Office of Fuels Programs 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., November 7, 1994.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 94–30381 Filed 12–8–94; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 94–87–NG]

American Hunter Exploration Ltd.; Order Granting Blanket Authorization to Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting American Hunter Exploration Ltd. (American Hunter) authorization to import up to 300 Bcf of natural gas from Canada over a two-year term, beginning on the date of first delivery.

American Hunter's order is available for inspection and copying in the Office of Fuels Programs 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, DC, November 14, 1994.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 94–30378 Filed 12–8–94; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 94–90–NG]

Anadarko Trading Co.; Order Granting Blanket Authorization to Import Natural Gas From Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Anadarko Trading Company blanket authorization to import up to 108 billion cubic feet of natural gas from Mexico through February 29, 1996.

This order is available for inspection and copying in the Office of Fuels Programs 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, DC, November 9, 1994.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 94–30379 Filed 12–8–94; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 94–92–NG]

Bring Gas Services Corp.; Order Granting Blanket Authorization to Export Natural Gas to Canada and Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting BRING Gas Services Corp. blanket authorization to export up to an aggregate of 150 Bcf of natural gas to Canada and Mexico. This authorization is for a period of two years beginning on the date of the first delivery.

This order is available for inspection and copying in the Office of Fuels Programs 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 November 21, 1994.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 94–30380 Filed 12–8–94; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 94–86–NG]

Tarpon Gas Marketing Ltd.; Order Granting Blanket Authorization to Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Tarpon Gas Marketing Ltd. blanket authorization to export up to 100 Bcf of natural gas to Canada over a period of two years beginning on the date of first delivery after November 30, 1994.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 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., November 7, 1994.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 94–30383 Filed 12–8–94; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 94–72–NG]

Sunalta Energy Marketing Inc.; Order Granting Blanket Authorization to Import and Export Natural Gas From and to Canada and Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Sunalta Energy Marketing Inc. authorization to import and export a combined total of up to 73 Bcf of natural gas from and to Canada and Mexico over a two-year term beginning on the date of first import or export.

This order is available for inspection and copying in the Office of Fuels Programs 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., November 7, 1994.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 94-30382 Filed 12-8-94; 8:45 am]

BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Docket Nos. MG88-11-002, MG88-14-005, MG88-9-009, MG91-1-007, MG91-5-001 (not consolidated)]

Questar Pipeline Company, et al.; Notice of Filings

December 2, 1994.

Take notice that the following companies individually submitted revised standards of conduct under Order Nos. 497 *et seq.*[1] and Order Nos. 566 and 566-A[2] on the dates indicated:

Questar Pipeline Company, Docket No. MG88-11-002, on November 22, 1994;

Black Marlin Pipeline Company, Docket No. MG88-14-005, on November 21, 1994;

Transwestern Pipeline Company, Docket No. MG88-9-009, on November 21, 1994;

National Fuel Gas Supply Corporation, Docket No. MG91-1-007, on November 25, 1994; and

Overthrust Pipeline Company, Docket No. MG91-5-001, on November 22, 1994.

Each company states that it is revising its standards of conduct to incorporate the changes required by Order Nos. 497 *et seq.* and Order Nos. 566 and 566-A. Each company states that copies of its filing have been mailed to all parties on the official service list compiled by the Secretary in this proceeding.

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, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before December 19, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94-30307 Filed 12-8-94; 8:45 am]

BILLING CODE 6717-01-P

[1] Order No. 497, 53 FR 22139 (June 14, 1988), III FERC Stats. & Regs. ¶30,820 (1988); Order No. 497-A, *order on rehearing*, 54 FR 52781 (December 22, 1989), III FERC Stats. & Regs. 30,868 (1989); Order No. 497-B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), III FERC Stats. & Regs. ¶30,908 (1990); Order No. 497-C, *order extending sunset date*, 57 FR 9 (January 2, 1992), III FERC Stats. & Regs. ¶30,934 (1991), rehearing denied, 57 FR 5815 (February 18, 1992), 58 FERC ¶61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F 2d 1187 (D.C. Cir. 1992); Order No. 497-D, *order on remand and extending sunset date*, III FERC Stats. & Regs. ¶30,958 (December 4, 1992), 57 FR 58978 (December 14, 1992); Order No. 497-E, *order on rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), 65 FERC ¶61,381 (December 23, 1993); Order No. 497-F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶61,347 (March 24, 1994); and Order No. 497-G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), III FERC Stats. & Regs. ¶30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. ¶30,997 (June 17, 1994); Order No. 566-A, *order on rehearing*, 59 FR 52896 (October 20, 1994), 69 FERC ¶61,044 (October 14, 1994).

[Docket No. RP95-66-000]

ANR Pipeline Company; Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1994, pursuant to Section 4 of the Natural Gas Act and Part 154 of the Federal Energy Regulatory Commission's Regulations thereunder, ANR Pipeline Company (ANR) tendered for filing with the Commission as part of its FERC Gas Tariff, Original Volume No. 2, Thirteenth Revised Sheet No. 570, with a proposed effective date of January 1, 1995.

ANR states that the purpose of the instant filing is to reflect an increase from $271,658 to $291,769 in the monthly charge paid by the High Island Offshore System ("HIOS") to ANR pursuant to Rate Schedule X-64 under Original Volume No. 2 of ANR's FERC Gas Tariff. Rate Schedule X-64 is a Service Agreement dated August 4, 1977 between ANR and HIOS. Under the terms of this Service Agreement, which was approved by Commission Order issued July 6, 1978 at Docket No. CP78-134, ANR provides certain gas measurement, dehydration and related services for HIOS at its Grand Chenier, Louisiana facility.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94-30300 Filed 12-8-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-68-000]

Colorado Interstate Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1994, Colorado Interstate Gas Company (CIG), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Ninth Revised Sheet No. 11, with a proposed effective date of January 1, 1995.

CIG states that the filing was made pursuant to CIG's FERC Gas Tariff, First Revised Volume No. 1, General Terms and Conditions, Article 21.7 (Account No. 858 Stranded Costs).

CIG states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94-30298 Filed 12-8-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM95–2–21–002 and TM95–3–21–001]

Columbia Gas Transmission Corporation; Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on November 29, 1994, Columbia Gas Transmission Corporation (Columbia), tendered for filing proposed changes to the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

Substitute Eighth Revised Sheet No. 25
Substitute Eighth Revised Sheet No. 26
Substitute Eighth Revised Sheet No. 27
Substitute Eighth Revised Sheet No. 28

The proposed tariff sheets bear an issue date of November 29, 1994 and a proposed effective date of November 1, 1994.

Columbia states that the instant filing is being made to comply with Federal Energy Regulatory Commission (Commission) orders dated September 30, 1994 and November 14, 1994, in Docket Nos. TM95–2–21–000 and TM95–3–21–000, respectively. Columbia further states that (i) no change in TCRA rates effective October 1, 1994, is required to reflect a Tennessee Gas Pipeline Company (Tennessee) settlement, inasmuch as Tennessee did not commence billing the settlement rates until November 1, 1994, and separately, the Tennessee exit fee settlement was implemented on the same date; (ii) the aforesaid tariff sheets are revised to reflect the impact on the TCRA base rates of reducing the Tennessee exit fee settlement by an additional $373,687 to recognize interest accrued after the date Columbia received a refund from Tennessee pursuant to a Commission order issued in Tennessee's Docket No. RP91–203; and, (iii) the filing responds to specific questions raised in the Commission's November 14 order concerning the Tennessee exit fee agreement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of Columbia's filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30284 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–71–000]

El Paso Natural Gas Company; Notice of Tariff Filing

December 5, 1994.

Take notice that on December 1, 1994, El Paso Natural Gas Company (El Paso), tendered for filing and acceptance, pursuant to Part 154 of the Federal Energy Regulatory Commission's Regulations Under the Natural Gas Act and Section 31 of the General Terms and Conditions of its Volume No. 1–A Tariff, certain tariff sheets.

El Paso states that Section 31.4(b) of its tariff provides the mechanism by which El Paso adjusts the interest calculated on the unrecovered balance of its stranded investment cost in Washington Ranch Storage Facility and then adjusts the Monthly Amortized Amount allocated to each Shipper. The tariff further provides that El Paso will adjust its rates for any differences resulting from the use of the estimated interest versus the actual interest and such difference shall be added to or deducted from the estimated interest for the upcoming six (6) month period.

El Paso states that the Monthly Amortized Amount has been adjusted to reflect the projected interest and the difference in the previously estimated interest and actual interest utilizing the appropriate interest rate calculated pursuant to § 154.67(c)(2)(iii) of the Commission's Regulations. El Paso states that the projected interest was calculated on the remaining unrecovered balance of the stranded investment costs. El Paso states that the revised Washington Ranch Reservation Surcharges and resulting Monthly Billed Amounts are shown on the tendered tariff sheets.

El Paso requests that the tendered tariff sheets be accepted for filing and permitted to become effective January 1, 1995.

El Paso states that copies of the filing were served upon all of El Paso's affected interstate pipeline system transportation customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30295 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–70–000]

El Paso Natural Gas Company; Notice of Tariff Filing

December 5, 1994.

Take notice that on December 1, 1994, El Paso Natural Gas Company (El Paso), tendered for filing and acceptance, pursuant to Part 154 of the Federal Energy Regulatory Commission (Commission) Regulations Under the Natural Gas Act, tariff sheets to its Second Revised Volume No. 1–A and Third Revised Volume No. 2 Tariff.

El Paso states that on April 30, 1993, the Commission issued an "Order Accepting Settlement and Compliance Filing Subject to Modifications," at Docket No. RS92–60–000, et al. El Paso states that, among other things, the Settlement provides that all costs of the field transmission facilities being collected through mainline usage rates or reservation charges will be "phased-out" of the mainline rates over a transition period ending December 31, 1995, and that such costs will be included in field transportation rates.

El Paso states that, in accordance with the provisions of the Settlement, El Paso is tendering Statement of Rates tariff sheets which reflect the January 1, 1995, phase-out of field transportation costs from El Paso's mainline transportation rates (i.e., a rate decrease) and an increase in the applicable field transportation rates.

El Paso states that the field transportation rate has increased from $0.1560 to $0.1730 per dth while the mainline transportation rates have decreased by the amounts reflected on a schedule attached to the filing. These rates are to be effective on January 1, 1995.

El Paso requested that the Commission accept the tendered tariff sheets for filing and permit them to

become effective on January 1, 1995, which is not less than thirty (30) days after the date of the filing.

El Paso states that copies of the filing were served upon all of El Paso's interstate pipeline system transportation customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30296 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–72–000 and FA92–59–000]

Iroquois Gas Transmission System, L.P.; Notice of Informal Settlement Conference

December 5, 1994.

Take notice that an informal conference will be convened in this proceeding on Tuesday, December 13, 1994, at 10:00 a.m., for the purpose of exploring the possible settlement of the above-referenced docket. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E. Washington, D.C. 20426.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Hollis J. Alpert at (202) 208–0783 or Arnold H. Meltz at (202) 208–2161.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30287 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–75–000]

K N Interstate Gas Transmission Co.; Notice of Storage Report

December 5, 1994.

Take notice that on December 1, 1995, K N Interstate Gas Transmission Co. (KNI), pursuant to the Commission's May 6, 1993 and August 2, 1993 orders in KNI's restructuring proceeding, Docket Nos. RS92–19–000, *et al.*,[1] submits for filing its study of Storage Facilities and Capabilities.

KNI states that the Commission directed KNI to include in its study all information supporting its peak day and seasonal storage operations and capabilities together with the peak day flow scenarios. The Commission also required KNI to provide data and workpapers to substantiate its levels of cushion gas, working gas capacity, and system deliverability levels.

KNI states that the data provides the Commission with the required information and substantiates KNI's storage levels and the volumes KNI has retained for operational purposes.

KNI states that copies of the filing is being served on all firm storage customers and affected regulatory bodies.

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, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 27, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30291 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–73–000]

Midwestern Gas Transmission Co.; Notice of Tariff Filing

December 5, 1994.

Take notice that on December 1, 1994, Midwestern Gas Transmission Company (Midwestern), filed First Revised Tariff Sheet Nos. 108, 197 and 198 in order to allow for electronic execution of amendments to agreements between Midwestern and its customers without the need for written execution. Midwestern requests that these tariff sheets be accepted and allowed to go into effect on January 1, 1995.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with Sections 211 and 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 December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30293 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR95–3–000]

Moss Bluff Gas Storage Systems; Notice of Petition for Rate Approval

December 2, 1994.

Take notice that on November 30, 1994, Moss Bluff Gas Storage Systems (Moss Bluff) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable market-based rates for firm and interruptible storage and transportation services performed under Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Moss Bluff states that it is a Hinshaw pipeline that operates storage and transportation services that are subject to regulation by the Railroad Commission of Texas. Moss Bluff proposes an effective date of November 30, 1994.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge

[1] 63 FERC ¶ 61,163 (1993) and 64 FERC ¶ 61,154 (1994).

for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before December 16, 1994. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30302 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–65–000]

Northern Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1994, Northern Natural Gas Company (Northern), tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1.

Northern states that the filing revises the current Stranded Account No. 858 and Stranded Account No. 858–R.A. surcharges, both of which are designed to recover costs incurred by Northern related to its contracts with third-party pipelines. Therefore, Northern has filed Twelfth Revised Sheet Nos. 50 and 51, and Seventeenth Revised Sheet No. 53 to revise these surcharges effective January 1, 1995.

Northern states that copies of this filing were served upon the Company's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 12, 1994. All protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30301 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–69–000]

Northern Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1994, Northern Natural Gas Company (Northern), tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1.

Northern states that the filing revises the current GSR surcharge and the GSR-Reverse Auction (R.A.) surcharge, both of which are designed to recover Northern's gas supply realignment costs. Therefore, Northern has filed Thirteenth Revised Sheet Nos. 50 and 51 to revise the GSR and GSR–R.A. surcharges and Eighteenth Revised Sheet No. 53 to revise the GSR component of the GS–T rate, effective January 1, 1995.

Northern also states that copies of this filing were served upon the Company's customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 12, 1994. All protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestant a party to the proceedings. 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 inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30297 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–72–000]

Northern Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1994, Northern Natural Gas Company (Northern), tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1.

Northern states that the filing reflects revisions to Northern's Reconciliation Adjustment to reflect a nine month true-up of its Account No. 191 balances.

Northern states that copies of this filing were served upon the company's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 12, 1994. All protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestant a party to the proceedings. 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 inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30294 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–108–000]

Southern Natural Gas Co.; Notice of Request Under Blanket Authorization

December 5, 1994.

Take notice that on December 1, 1994, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed a prior notice request with the Commission in Docket No. CP95–108–000 pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to install certain measurement facilities to provide for more reliable operations of a delivery point for an existing customer under the blanket certificate issued in Docket No. CP82–406–000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern proposes to install a 4-inch orifice meter run and a 2-inch axial flow regulator at its Dallas No. 2 Point of Delivery (Dallas) to sell and delivery natural gas to an existing customer, Atlanta Gas Light Company (Atlanta). Southern states that the need for the new facilities is due to an increase of demand of natural gas by Atlanta. Southern further states that it does not

propose to abandon any of the existing facilities at the existing station and will use the existing 3-inch meter run as a stand-by meter when lower flow or pressure conditions warrant use of the meter. The estimated cost of the modifications at the station is $15,055. Southern further states that it has sufficient capacity to accomplish deliveries at the station without detriment or disadvantage of its other firm customers and the modifications proposed will not result in customers and the modifications proposed will not result in termination of service, nor will it result in a change to the firm transportation demand of Atlanta at the Dallas No. 2 Delivery Point.

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 pursaunt to § 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.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30290 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. OR95–1–000]

Sinclair Oil Co. v. CITGO Products Pipeline Co., CITGO Petroleum Corp., and Lyondell-CITGO Refining Co., Ltd. Notice of Complaint

December 2, 1994.

Take notice that on November 28, 1994, Sinclair Oil Corporation (Sinclair) filed a complaint against CITGO Products Pipeline Company (CITGO), CITGO's parent corporation, CITGO Petroleum Corporation (CITGO Petroleum), and CITGO's refining affiliate, Lyondell CITGO Refining Company, LTD. (Lyondell). Sinclair asserts that these parties (Respondents) have acted to violate the Interstate Commerce Act (ICA) and manipulate the pipeline in order to obtain a competitive advantage.

Sinclair asserts that in September of 1994, CITGO purchased a petroleum products pipeline that runs from Houston, Texas to Drumright, Oklahoma, where the CITGO pipeline interconnects with several other pipelines, including a pipeline owned by Williams Pipe Line Company (Williams). Sinclair states that the Williams line delivers products in Kansas City and other Northern destinations. Sinclair further asserts that CITGO is presently transporting large quantities of petroleum products produced by Lyondell along the pipeline from Houston, past established terminals in Oklahoma, and through its terminal in Drumright into the Williams system. Despite the fact that Drumright has been an established interconnection point for the past four decades, Sinclair alleges, CITGO refuses to deliver gas and diesel fuel to competitors of the Lyondell affiliate at Drumright. Sinclair also states that CITGO has refused to publish a tariff from Houston to Shawnee, Oklahoma, an intermediate point on its pipeline at which product has been delivered to a Sinclair terminal for the past 46 years; or from Ardmore, Oklahoma to Drumright or Shawnee. Sinclair argues that these actions and Respondents' discriminatory and preferential treatment of shippers violate sections 1(4), 3(1), 3(4), and 6(1) of the ICA.

Sinclair requests that, pursuant to sections 13(1) of the ICA and Rule 206 of the Commission's Rules of Practice and Procedure, that the Commission order CITGO to (i) publish a tariff for the intermediate points on its pipeline, in particular Shawnee, Oklahoma, Ardmore, Oklahoma, and Drumright, Oklahoma, with a provision for the shipment of diesel fuel from Ardmore to Drumright based on the historical transportation of diesel fuel between these two points; (ii) to publish tariffs for interconnection points to other pipelines, in particular the interconnection to the Williams line at Drumright; (iii) to publish fair and reasonable prorationing policies for the shipment of all grades of gasoline and diesel fuel to all intermediate destination points on the CITGO pipeline and to Drumright, the terminus of the pipeline; (iv) to cease and desist its discrimination against Sinclair and other shippers and the preferences it is granting to its own affiliates, which are utilizing the same segment of CITGO's pipeline to which Sinclair is being denied access; and (v) to pay Sinclair and other similarly situated shippers damages and reparations, including the costs of this proceeding, interest, and attorneys fees.

In addition, Sinclair asks the Commission to give expeditious treatment to its complaint in view of the irreparable injury that Sinclair will incur, and asks the Commission to shorten the time for responding to its complaint to seven days. Sinclair also requests that emergency interim relief be provided to mitigate the irreparable injury that Sinclair would otherwise incur and to effectuate the public policy objectives of the ICA.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, 385.214. All such motions or protests should be filed on or before December 19, 1994. Protests will be considered by the commission in determining the 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. Answers to this complaint shall be due on or before December 19, 1994.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30305 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–196–000]

Southern Company Services; Notice of Filing

December 5, 1994.

Take notice that on November 16, 1994, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as "Southern Companies") filed a Service Agreement dated as of October 24, 1994 between Rainbow Energy Marketing Corporation and SCS (as agent for Southern Companies) for service under the Short-Term Non-Firm Transmission Service Tariff of Southern Companies.

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, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before December 13, 1994. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30288 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–67–000]

Southern Natural Gas Co.; Notice of GSR Revised Tariff Sheets

December 5, 1994.

Take notice that on November 30, 1994, Southern Natural Gas Company (Southern), submitted for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets to reflect a slight increase in its December 1, 1994 FT and FT–NN GSR surcharge:

Fourteeenth Revised Sheet No. 15
First Alternate Fourteenth Revised Sheet No. 15
Fourteenth Revised Sheet No. 17
First Alternate Fourteenth Revised Sheet No. 17

Southern submits alternate tariff sheets to comply with the Commission's September 29 Order requiring the removal of certain price differential costs from the period May 1, 1994 through July 31, 1994. Southern notes that the instant filing is made without prejudice to the position taken by Southern in its request for rehearing or clarification of the above mentioned Order.

Southern states that copies of the filing were served upon Southern's intervening customers and interested state commissions.

Any person desiring to be heard or to protect said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Southern's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30299 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–301–002]

Stingray Pipeline Company; Motion To Make Tariff Sheets Effective

December 5, 1994.

Take notice that on December 1, 1994, Stingray Pipeline Company (Stingray), filed with the Federal Energy Regulatory Commission a Motion to Make Suspended Tariff Sheets Effective. Stingray moved to make effective on January 1, 1995, tariff sheets filed on June 30, 1994 in this proceeding. The rates on the tariff sheets to be effective January 1, 1995, reflect the effect of removing from Stingray's rate base facilities which are not in service or anticipated not to be in service by November 30, 1994, the end of the test period.

Stingray requested waiver of any applicable Commission Regulations and orders to the extent necessary to permit the proposed tariff sheets to be effective on January 1, 1995.

Stingray states that copies of the Motion, together with the tariff sheets and workpapers, have been served on all of its jurisdictional customers, interested state commissions, and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the requirements of Rule 211 of the Commission's Rules of Practice and Procedure. All such protests must be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30286 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–3–18–000]

Texas Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1994, Texas Gas Transmission Corporation (Texas Gas), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets, with a proposed effective date of January 1, 1995:

Fourth Revised Seventh Revised Sheet No. 10
Fourth Revised Fourth Revised Sheet No. 11
Second Revised First Revised Sheet No. 11.1
Second Revised Second Revised Sheet No. 13

Texas Gas states that the revised tariff sheets are being filed pursuant to Section 22 of the General Terms and Conditions of Texas Gas's FERC Gas Tariff, First Revised Volume No. 1, to reflect the 1995 General RD&D Funding Units authorized in the "Order on Contested Settlement," issued by the Commission on March 22, 1993, in Docket No,. RP92–133–000, at 62 FERC 61,280 and "Order Denying Stay," issued September 21, 1993, at 64 FERC 61,320, and further applied for and approved in Docket No. RP94–283–000.

Texas Gas states that copies of this filing have been served upon Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30282 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR95–74–000]

Texas Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1994, Texas Gas Transmission Corporation (Texas Gas), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets, with a proposed effective date of January 1, 1995:

Third Revised Sheet No. 2
Second Revised Sheet No. 146
First Revised Sheet No. 186
First Revised Sheet No. 233
First Revised Sheet No. 234
First Revised Sheet No. 346
First Revised Sheet Nos. 383–389
First Revised Sheet No. 396
First Revised Sheet No. 397
First Revised Sheet No. 399
First Revised Sheet No. 401
First Revised Sheet Nos. 402–405
First Revised Sheet Nos. 410–427
Original Sheet Nos. 428–429

Texas Gas states that this filing is being made to update various sections of Texas Gas's FERC Tariff, First Revised Volume No. 1. This filing is in the nature of a "housekeeping" filing, and proposes no changes in rates or services. The revisions include the deletion of Sections 35 and 38 of the General Terms and Conditions, as well as the Transportation Request Form. The other revisions include updates of Section 18 of the General Terms and Conditions and in the Index of Customers, Index of Quantity Entitlements, and reallocations in the Supply Lateral Allocations.

Texas Gas states that copies of the filing have been served upon Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such notions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30292 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–2–43–000]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1995, Williams Natural Gas Company (WNG), tendered for filing as part of its FERC Gas Tariff, the following tariff sheets. The proposed effective date of these tariff sheets is January 1, 1995.

Second Revised Volume No. 1
Sixth Revised Sheet Nos. 6 and 6A
Original Volume No. 2
First Revised Sheet No. 362

WNG states that these tariff sheets are being filed pursuant to Article 13 of the General Terms and Conditions of its FERC Gas Tariff to reflect revised fuel and loss reimbursement percentages. The percentages are based on actuals for the twelve months ended September 30, 1994.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30283 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ95–1–35–000]

West Texas Gas, Inc.; Notice of Filing

December 5, 1994.

Take notice that on December 1, 1994, West Texas Gas, Inc. (WTG), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1 Thirteenth Revised Sheet No. 4, proposed to be effective January 1, 1995.

WIC states that the tariff sheet and the accompanying explanatory schedules constitute WTG's quarterly PGA filing submitted in accordance with the Commission's purchased gas adjustments regulations.

WTG states that copies of the filing were served upon WTG's customers and interested state commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 214 (1992). All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission 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 must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30285 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2433–004; Project No. 2357–003; Project No. 2394–006; Project No. 2536–009]

Wisconsin Public Service Corp.; Wisconsin Electric Power Co.; Wisconsin Electric Power Co.; Niagara of Wisconsin Paper Corp.; Notice of Intent to Prepare an Environmental Impact Statement

December 2, 1994.

The Federal Energy Regulatory Commission (FERC) has received applications for license for the existing Grand Rapids Project No. 2433, the existing White Rapids Project No. 2357, and the existing Chalk Hill Project No. 2394. These projects are located on the Menominee River in Menominee County, Michigan, and Marinette County, Wisconsin. The FERC has also received an application for license for the existing Little Quinnesec Falls Project No. 2536. This project is located on the Menominee River in Marinette County, Wisconsin, and Dickinson County, Michigan.

A Notice of Intent to Prepare an Environmental Assessment for this

group of projects was issued on October 14, 1994. After scoping and site visits, staff determined that an Environmental Impact Statement (EIS) would be appropriate. The FERC staff will prepare the EIS on the hydroelectric projects in accordance with the National Environmental Policy Act.

The staff's EIS will objectively consider both site specific and cumulative environmental impacts on the projects and reasonable alternatives, and will include economic, financial and engineering analyses.

A draft EIS will be issued and circulated for review to all interested parties. All comments filed on the draft EIS will be analyzed by the staff and considered in a final EIS. The staff's conclusions and recommendations will then be presented for the consideration of the Commission in reaching its final licensing decision.

Scoping Meetings and Filing of Comments

A scoping document was issued on October 24, 1994 and was sent to the Commission's mailing list for the projects. A site visit was conducted to the project sites on November 7 and 8, 1994, and scoping meetings were held on Wednesday, November 9, 1994. The comment period for filing comments based on the scoping document expired November 28, 1994.

Interested individuals, organizations, and agencies are invited to comment on this notice. Comments must be filed with the Secretary within 30 days from the date this notice is published in the **Federal Register**. Comments that have been filed previously on these projects are already in the project record and need not be refiled.

Written comments may be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

All written correspondence should clearly show one or more of the following captions on the first page: Grand Rapids Project No. 2433, White Rapids Project No. 2357, Chalk Hill Project No. 2394, or Little Quinnesec Falls Project No. 2536.

Intervenors—those on the Commission's service list for these proceedings (parties)—are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission, to serve a copy of the document on each person whose name appears on the official service list.

Further, if a party or interceder files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

If you have any questions please contact Thomas Camp at (202) 219–2832.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30303 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER94–155–003, et al.]

Catex Vitol Electric Inc., et al.; Electric Rate and Corporate Regulation Filings

December 1, 1994.

Take notice that the following filings have been made with the Commission:

1. Catex Vitol Electric Inc.

[Docket No. ER94–155–003]

Take notice that on November 18, 1994, Catex Vitol Electric Inc. (CVE) tendered for filing copies of its quarterly reports regarding transactions entered into pursuant to CVE's Rate Schedule FERC No. 1.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. Potomac Electric Power Company

[Docket No. ER94–900–000]

Take notice that on November 29, 1994, Potomac Electric Power Company submitted an amended filing responding to requests for information and clarification from the Office of Electric Power Regulation. An effective date of December 1, 1994, with waiver of notice is requested.

Comment date: December 12, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. Acme Power Marketing Inc.

[Docket No. ER94–1530–001]

Take notice that on November 16, 1994, Acme Power Marketing, Inc. tendered for filing copies of its amended rate schedule in the above-referenced docket.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Destec Power Services, Inc.

[Docket No. ER94–1612–000]

Take notice that on November 23, 1994, Destec Power Services, Inc. tendered for filing supplemental information to its August 31, 1994, filing in the above-referenced docket.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

5. Engelhard Power Marketing, Inc.

[Docket No. ER94–1690–000]

Take notice that on November 22, 1994, Engelhard Power Marketing, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

6. AIG Trading Corporation

[Docket No. ER94–1691–000]

Take notice that on November 23, 1994, AIG Trading Corporation tendered for filing an amendment in the above-referenced docket.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

7. New England Power Company

[Docket No. ER95–17–000]

Take notice that on November 25, 1994, New England Power Company tendered for filing an amendment to its October 17, 1994, filing in the above-referenced docket.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

8. Potomac Edison Company

[Docket No. ER95–39–000]

Take notice that on November 25, 1994, The Potomac Edison Company supplemented its original filing in this docket in support of proposed changes in its FERC Electric Tariff, First revised Volume No. 3. The Potomac Edison Company has also requested a waiver of the sixty day notice rule for this supplemental filing. The proposed effective date for the increased rates is January 1, 1995.

Copies of the filing have been provided to all parties of record.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

9. South Carolina Electric & Gas Corporation

[Docket No. ER95–64–000]

Take notice that on November 8, 1994, South Carolina Electric & Gas Corporation tendered for filing an amendment to its October 24, 1994, filing in the above-referenced docket.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

10. The Washington Water Power Company

[Docket No. ER95–77–000]

Take notice that on November 25, 1994, The Washington Water Power Company (WWP), tendered for filing

with the Federal Energy Regulatory Commission an amendment to its transmission wheeling service agreement for the City of Spokane to Puget Sound Power and Light Company to include the First Amendment to the Transmission Service Agreement and a revised Exhibit A.

A copy of this filing was served upon the City of Spokane and Puget Sound Power and Light Company.

Comment date December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

11. New England Power Company

[Docket No. ER95–95–000]

Take notice that New England Power Company, on October 31, 1994, tendered for filing a revised Service Agreement between New England Power Company and Boston Edison Company for transmission service under NEP's FERC Electric Tariff, Original Volume No. 3.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Company (Minnesota); Northern States Power Company (Wisconsin)

[Docket No. ER95–147–000]

Take Notice that on November 2, 1994, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) jointly tendered for filing the existing Exhibit VII and revised Exhibits VII and IX to the Agreement to Coordinate Planning and Operations and Interchange Power and Energy Between Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin).

Exhibit VII sets forth the specification of the rate of return on common equity to determine the overall cost of capital. The return on common equity for calendar year 1995 is the same as that used for 1994.

Exhibit VIII sets forth the specification of average monthly coincident peak demands for calendar year 1995 for each of the Companies. A statement of the impacts off these coincident peak demands on each company has been filed. These coincident peak demands were determined upon three year data consisting of 18 months actual and 18 months projected. The changed from the use of the average of the 12 monthly peak demand allocation method to the use of the 36 months was approved IX sets forth a specification of depreciation rates certified by the Wisconsin Public Service Commission (PSCW) and the depreciation rates currently proposed to and pending before the Minnesota Public Utilities Commission (MPUC). A statement of the impact of the depreciation rates on each company has been filed.

The NSP Companies request an effective date of January 1, 1995, for this filing. Copies of the filing letter and Exhibits VII, VIII, and IX have been served upon the wholesale and wheeling customers of the Companies. Copies of the filing have been mailed to the State Commissions of Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.

In addition, on November 21, 1994, Northern States tendered for filing supplemental information to its November 2, 1994, filing this docket.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

13. KCS Energy Marketing Services, Inc.

[Docket No. ER95–209–000]

Take notice that on November 18, 1994, KCS Energy Marketing Services, Inc. tendered for filing an application for blanket authorizations, of certain waivers, and order approving rate schedule.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

14. Atlantic City Electric Company

[Docket No. ER95–210–000]

Take notice that on November 18, 1994, Atlantic City Electric Company (ACE) tendered for filing an Agreement for Short-Term Energy Transactions between ACE and LG&E Power Marketing, Inc. ACE requests that the Agreement be accepted to become effective November 21, 1994.

Copies of the filing were served on the New Jersey Board of Regulatory Commissioners.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

15. Public Service Company of Oklahoma

[Docket No. ER95–211–000]

Take notice that on November 18, 1994, Public Service Company of Oklahoma (PSO) tendered for filing three Notices of Termination stating that the power sales and service agreements between PSO and the City of New Cordell, Oklahoma (New Cordell), the City of Kaw City, Oklahoma (Kaw City) and the City of Pawhuska, Oklahoma (Pawhuska), respectively, filed with the Commission and designed as PSO Rate Schedule Numbers 170, 171, and 176, were cancelled. The effective dates of cancellation are as follows: (1) January 1, 1991, for New Cordell; (2) September 1, 1990, for Kaw City; and (3) July 1, 1985, for Pawhuska.

Copies of the filing have been sent to the Oklahoma Corporation Commission, Kaw City, New Cordell and Pawhuska.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

16. Wisconsin Electric Power Company

[Docket No. ER95–212–000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) on November 18, 1994, tendered for filing an Electric Service Agreement between itself and Citizen's Power & Light Corporation (Citizens). The Electric Service Agreement provides for service under Wisconsin Electric's Coordination Sales Tariff.

Wisconsin Electric requests an effective date of sixty days from date of filing. Copies of the filing have been served on Citizen's and the Public Service Commission of Wisconsin.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

17. PSI Energy, Inc.

[Docket No. ER95–213–000]

Take notice that PSI Energy, Inc. (PSI) on November 18, 1994, tendered for filing the Transmission and Local Facilities (T&LF) Agreement Calendar Year 1993 Reconciliation between PSI and Wabash Valley Power Association, Inc. (WVPA) and Indiana Municipal Power Agency (IMPA). The T&LF Agreement has been designated as PSI's Rate Schedule FERC No. 253.

Copies of the filing were served on Wabash Valley Power Association, Inc., the Indiana Municipal Power Agency and the Indiana Utility Regulatory Commission.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

18. Southern California Edison Company

[Docket No. ER95–215–000]

Take notice that on November 18, 1994, Southern California Edison Company (Edison) tendered for filing the Western Systems Coordinating Council (WSCC) Unscheduled Flow Mitigation plan (Plan). Montana Power Corporation, Nevada Power Corporation, PacifiCorp, Pacific Gas and Electric Company, and Sierra Pacific Power Company have tendered Certificates of Concurrence supporting the filing.

The Plan, which was adopted by the WSCC, governs a means by which the WSCC will mitigate Unscheduled Flow over WSCC Members' electric systems. The Plan also sets forth the compensation that will be paid to the WSCC Members that own the Controllable Devices that play an integral role in reducing Unscheduled Flow, and the methodology for determining each WSCC Member's contribution to those costs.

Copies of the filing were served upon all of the WSCC Members and all of the state utility commissions that govern states in which the WSCC Members provide retail electric service.

Comment date: December 15, 1994, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

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, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30306 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 2528, et al.]

Notice of Settlement Offer

December 2, 1994.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. Type of Application: New License.

b. Project Nos.: 2528, 2527, 2194, 2531, 2529, 2530.

c. Date Application Filed: December 17 and 18, 1991; Date Offer of Settlement Field: November 28, 1994.

d. Applicant: Central Maine Power Company.

e. Name of Projects: Cataract, Skelton, Bar Mills, West Buxton, Bonny Eagle, and Hiram Projects.

f. Location: On the Saco River; York, Cumberland, and Oxford Counties; Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Gerald C. Poulin, Vice President, Engineering, Central Maine Power Company, Edison Drive, Augusta, ME 04336, (207) 623–3521.

i. FERC Contact: Bob Bell (202) 219–2806.

j. Deadline Dates: Comments due: January 3, 1995; reply comments due: January 17, 1995.

k. A joint Offer of Settlement among Central Maine Power Company; Maine Atlantic Sea Run Salmon Commission; Maine Department of Inland Fisheries and Wildlife; Maine Department of Marine Resources; U.S. Fish and Wildlife Service; Maine State Planning Office; National Marine Fisheries Service; Saco River Salmon Club; Trout Unlimited; Atlantic Salmon Federation; American Rivers, Inc.; Maine Council, Atlantic Salmon Federation; Maine Council, Trout Unlimited; the city of Saco; the city of Biddeford; New Hampshire Department of Fish and Game; and Swans Falls Corporation was filed with the Commission on November 28, 1994. Comments and reply comments concerning the Offer of Settlement are due as listed above. The Draft Environmental Impact Statement which addresses both the licensing actions on the above mentioned Saco River projects and the Offer of Settlement has been issued.

l. Available Location of the Offer of Settlement: A copy of the Offer of Settlement is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., Room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Central Maine Power Company, Edison Drive Augusta, ME 04336.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30304 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–2–48–000; Docket No. TM95–2–33–000; Docket No. TM95–2–29–000]

ANR Pipeline Co., El Paso Natural Gas Company, Transcontinental Gas Pipe Line Corp.; Notice of Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1994, the above-listed companies tendered for filing as part of their FERC Gas Tariff, revised tariff sheets, with a proposed effective date of January 1, 1995.

The companies state the tariff sheets are being filed to reflect the Gas Research Institute's (GRI) 1995 Funding Mechanism, as authorized by the Federal Energy Regulatory Commission Order issued on October 3, 1994, in Docket No. RP94–283–000, Ordering Paragraph (B).

Any person desiring to be heard or to protest a filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of the filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30277 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–2–32–000]

Colorado Interstate Gas Company; Notice of Tariff Filing

December 5, 1994.

Take notice that on December 1, 1994, Colorado Interstate Gas Company (CIG), filed as part of its FERC Gas Tariff, First Revised Volume No. 1, Tenth Revised Sheet No. 11, reflecting a decrease in the fuel reimbursement percentage for Lost, Unaccounted-For and Other Fuel Gas from 0.81% to 0.46% effective January 1, 1995.

CIG states that copies of this filing have been served on CIG's judicictional customers and public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol 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 Sections 385.214 and 385.211). All such petitions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary

[FR Doc. 94–30276 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–3–34–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

December 5, 1994.

Take notice that on December 1, 1994, Florida Gas Transmission Company (FGT), tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, effective January 1, 1995, the following tariff sheets:

1st Revised Eighth Revised Sheet No. 8A
Original Sheet No. 8A.01
Original Sheet No. 8A.02
Seventh Revised Sheet No. 8B
Original Sheet No. 8B.01

FGT states that Section 27 of the General Terms and Conditions (GTC) of its Tariff provides for the recovery by FGT of gas used in the operation of its system and gas lost from the system or otherwise unaccounted for. The Fuel Reimbursement Charge established pursuant to Section 27 consists of the Current Fuel Reimbursement Charge and the Annual Fuel Surcharge.

FGT explains that the Current Fuel Reimbursement Charge is adjusted each April 1 and October 1 and is designed to recover current fuel use and unaccounted for volumes based on historical data from comparable calendar periods in the preceding year. Differences between amounts retained by FGT pursuant to the Fuel Reimbursement Charge and the actual quantities used by FGT and unaccounted for are recorded each month in a Deferred Fuel Account. FGT states that, pursuant to Section 27 of the GTC, the Current Fuel Reimbursement may be adjusted on an out-of-cycle basis if required to more closely match volumes retained with volumes used and unaccounted for in order to minimize the quantities recorded to the Deferred Fuel Account.

FGT further explains that the Annual Fuel Surcharge is computed for each twelve month Recovery Period beginning each January 1 and is designed to refund or collect the balance of the Deferred Fuel Account as of the preceding August 31. The first Annual Fuel Surcharge is to become effective January 1, 1995 and is based on the volumes recorded to FGT's Deferred Fuel Account during the period from November 1, 1993 through August 1, 1994. In accordance with Section 27.E.1 of FGT's GTC, the initial Annual Fuel Surcharge is computed by dividing the Deferred Fuel Account balance as of August 31, 1994 by the projected 1995 deliveries by FGT under its Rate Schedules FTS–1, SFTS, PTS–1, PRS, and ITS–1.

FGT states that since the implementation of Order No. 636 on November 1, 1993, FGT has made numerous refinements to the accounting and data processing systems used to record the activity on FGT's pipeline system in the restructured environment. FGT states that it has undertaken an ongoing reconciliation process to analyze the data captured and reported by the new systems developed to implement Order No. 636, including the fuel tracking mechanism provided for in Section 27 of the GTC. As a result of the ongoing reconciliation process, data used by FGT to establish the Current Fuel Reimbursement Charge Percentage made effective October 1, 1993 has been adjusted.

Accordingly, pursuant to Section 27 of the GTC of its Tariff, FGT states that it is filing to establish the initial Annual Fuel Surcharge of <0.30>% to be effective January 1, 1995 and to make an out-of-cycle adjustment to change the Current Fuel Reimbursement Charge to 2.47%, also to be effective January 1, 1995.

In addition, FGT states that it is revising the format, or presentation, of the data contained on its tariff sheets reflecting the currently effective rates. FGT states that these changes in format are proposed to clarify the applicability of the various surcharges to the various rate schedules and to make it easier for tariff holders, shippers, and potential shippers to use the information contained on these tariff sheets.

FGT states that copies of the filing were mailed to all customers serviced under the rate schedules affected by the filing and the interested state commissions.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 12, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Motion to Intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30281 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER94–1650–000]

Otter Tail Power Company; Notice of Filing

December 5, 1994.

Take notice that on November 3, 1994, Otter Tail Power Company tendered for filing supplemental information to its September 12, 1994, filing in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before December 15, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30289 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–75–000]

Texas Eastern Transmission Corporation; Notice of Application

December 2, 1994.

Take notice that on November 15, 1994, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed an application pursuant to Section 7(c) of the Natural Gas Act (NGA), and § 157.7 of the Commission's regulations for a certificate of public convenience and necessity authorizing Texas Eastern to construct and operate facilities necessary to utilize firm contract storage services and to purchase and recover the cost of 6,000,000 Dekatherms (Dth) of

working gas for system load balancing, operational flexibility, and increased customer support for emergency and non-emergency advance deliver services, all as more fully set forth in the application on file with the Commission and open to public inspection.

More specifically, Texas Eastern seeks authorization to: (i) Utilize firm contract storage service to be rendered by MS–1 Distribution & Storage Corporation (MS–1 Distribution) pursuant to a gas storage contract between MS–1 Distribution and Texas Eastern dated November 1, 1994 (MS–1 Storage Contract); (ii) purchase and recover the cost of 6,000,000 Dth of working gas in storage; (iii) construct, install, own, and operate the necessary facilities for Texas Eastern to deliver to and receive from MS–1 Distribution natural gas stored pursuant to the MS–1 Storage Contract; (iv) make available to Texas Eastern's Rate Schedules FT–1, CDS, and SCT customers Emergency Advance Deliveries and Non-emergency Advance Receipt and Delivery Service; (v) charge Rate Schedule FT–1, CDS, and SCT customers an initial rate, subject to tracking under proposed § 15.8 of the General Terms and Conditions; and (vi) place into effect, without condition, the Pro Forma Tariff Sheets set forth in Exhibit P as part of Texas Eastern's FERC Gas Tariff.

MS–1 Distribution has entered into: a lease for two storage caverns in Copiah County, Mississippi with Copiah County Storage Company; and an agreement with TPC Facilities, Inc. to operate the storage caverns. MS–1 Distribution's storage caverns will be located near Texas Eastern's existing 30-inch pipeline system. Texas Eastern will construct, own and operate a tap and filter separator and 1.96 miles of 24-inch pipeline from Texas Eastern's mainline near M.P. 263 to the storage facility. A related tap and filter separator is also proposed in Copiah County, Mississippi. Texas Eastern estimates the total capital costs for the proposed facilities is $3,822,000 in 1997 dollars.

The MS–1 Storage Contract provides that MS–1 Distribution will furnish Texas Eastern with firm storage service equal to a maximum storage quantity (MSQ) of 6,000,000 Dth. It is currently anticipated that the service will be implemented in two phases: the first phase, with 3,000,000 Dth of firm storage service, available for the winter season commencing November 1, 1997; and the second phase with an additional 3,000,000 Dth (for a MSQ of 6,000,000 Dth) of firm storage service, available approximately twelve months following the implementation of the first phase.

Texas Eastern proposes to recover the cost associated with the MS–1 Storage Contract, the 6,000,000 Dth of working gas required to fill Texas Eastern's storage inventory, and the associated necessary facilities by means of an initial rate comprised of a reservation surcharge, subject to tracking pursuant to proposed § 15.8 of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff, applicable to Rate Schedules FT–1, CDS, and SCT customers.

To the extent Texas Eastern is not utilizing storage services under the MS–1 Storage Contract, Texas Eastern also proposes to offer Rate Schedule FT–1, CDS, and SCT customers Emergency Advance Delivery Service and Non-emergency Advance Receipt and Delivery Service. Emergency Advance Delivery Service will permit Rate Schedules FT–1, CDS, and SCT customers to nominate up to their Advance Delivery Maximum Daily Quantity (MDQ) in emergency situations for advance deliveries utilizing Texas Eastern's MS–1 Storage Contract rights during periods of emergency without being required to tender to Texas Eastern receipts of equivalent quantities on such day. Texas Eastern will also make Non-emergency Advance Receipt and Delivery Service available to FT–1, CDS, and SCT customers.

Any person desiring to be heard or to protest this application should, on or before December 23, 1994, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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 385.211 or 384.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 3, 7, and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If motion for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Texas Eastern to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30278 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–99–000]

Transcontinental Gas Pipe Line Corp.; Notice of Request Under Blanket Authorization

December 2, 1994.

Take notice that on November 23, 1994, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed a prior notice request with the Commission in Docket No. CP95–99–000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to replace existing turbochargers with larger capacity turbochargers and associated equipment at Compressor Station No. 505 in Somerset County, New Jersey, under Transco's blanket certificate issued in Docket No. CP82–426–000 pursuant to Section 7 of the NGA, all as more fully set forth in the request which is open to the public for inspection.

Transco proposes to replace existing turbochargers with larger capacity turbochargers and associated equipment on eight compressor engines in order to reduce No_x emissions at its Compressor Station No. 505 in Somerset County. Transco states that the increased air-to-fuel ratio, higher heat capacity, and other engine adjustments would reduce the No_x emissions.

Transco asserts that because the engines already operate at maximum horsepower and cannot operate at a higher horsepower output, replacement of the existing turbochargers with larger capacity turbochargers would not enable the engines to perform above their current operating horsepower. Thus, the larger capacity turbochargers would not increase capacity on Transco's system in the vicinity of Compressor Station No. 505. Transco estimates that it would cost $9,458,000 to replace the turbochargers.

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 § 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.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30279 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–76–000]

Texas Eastern Transmission Corporation; Notice of Application

December 2, 1994.

Take notice that on November 15, 1994, Texas Eastern Transmission Corporation (Applicant), 5400 Westheimer Court, Houston, Texas 77056–5310 has filed under Section 7(c) of the Natural Gas Act (NGA), and § 157.7 of the Commission's Regulations for a certificate of Public Convenience and Necessity authorizing the following:

(1) Construct, own, and operate .99 miles of 16-inch pipeline loop, including the Schylkill River Crossing on Applicant's 16" line 1–a in Philadelphia County, Pennsylvania;

(2) Upgrade the MOAP for 20" Line 1–H (22.7 miles) from 718 pounds per square inch (psi) to 811 psi between Applicant's existing Phoenixville Compressor Station and Chester Junction in Chester and Delaware Counties, Pennsylvania;

(3) Provide firm, long-term, incremental transportation service of natural gas under Rate Schedule FT–1 for up to the following quantities;

	Dth/d
Trigen-Philadelphia Energy Corporation	15,000
Sun Company Inc.	15,000
	30,000

(4) Charge, as an NGA Section 7 initial rate, a separately stated incremental reservation rate for transportation service under applicant's Part 284 Rate Schedule FT–1.

This application is filed as part of Applicant's Flex-X program. The transportation service is for a term of twenty years and is proposed to begin on November 1, 1996. The estimated cost of the facilities is $7,500,000.

Applicant proposes to transport natural gas on a firm basis for Trigen-Philadelphia Energy Corporation (Trigen) and Sun Company Inc. (Sun) from a point on Applicant's mainline facilities near Eagle in Chester County, Pennsylvania. Volumes will be delivered to Trigen's proposed delivery point near Applicant's 14-inch Line No. 1–A at M.P. 11.8 in Philadelphia County, Pennsylvania and to Sun's proposed delivery point on Applicant's Philadelphia Lateral near Girard Point, Pennsylvania.

Applicant has filed in Docket No. CP95–2–000, an application under the Commission's Part 157 blanket construction regulations to construct the proposed delivery point for Trigen. Until the firm service proposed here is available, Applicant will provide interruptible service to Trigen. Applicant will also file to construct Sun's delivery point under Part 157 blanket construction regulations. Applicant will provide interruptible service to Sun until the firm service is available.

Part 284 service will be rendered to the shippers under Applicant's existing FT–1 Rate Schedule. Using the incremental capacity as proposed, Applicant will charge the shippers an NGA Section 7 initial rate, an incremental Reservation Charge, separately stated under Applicant's Part 284 Rate Schedule FT–1. The reservation charge is designed to reimburse Applicant for the incremental cost of service of the proposed facilities. Based upon the annual cost of service associated with the proposed facility additions, Applicant proposes an initial monthly Reservation Charge of $4.087 Dth/d for the firm transportation services scheduled to commence on November 1, 1996. The shippers will also be charged the ACA and GRI surcharges and other applicable charges under Rate Schedule FT–1. The reservation Charge proposed herein will include a Non-Spot Fuel component.

Any person desiring to be heard or to make any protest with regard to this application should on or before December 23, 1994, file with the Federal Energy Regulatory Commission, Washington, DC 2026, 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 the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 94–30280 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5120–4]

Acid Rain Program: Notice of Draft Written Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft written exemptions.

SUMMARY: The U.S. Environmental Protection Agency is issuing for comment draft written exemptions from Acid Rain permitting and monitoring requirements to 9 utility units at 4 plants in accordance with the Acid Rain Program regulations (40 CFR part 72).

DATES: Comments on the exemptions proposed by this action must be received on or before January 9, 1995 or 30 days after the publication date of a similar notice in local newspapers.

ADDRESSES: Administrative Records. The administrative record for the exemptions, except information protected as confidential, may be viewed during normal operating hours at the following location: EPA Region 5.

Ralph H. Metcalfe Federal Bldg., 77 West Jackson Blvd., Chicago, IL 60604.

Comments. Send comments, requests for public hearings, and requests to receive notice of future actions to EPA Region 5 (A–18J), Air and Radiation Division, Attn: David Kee, Director (address above). Submit comments in duplicate and identify the exemption to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of the unit covered by the exemption. All timely comments will be considered, except those pertaining to standard provisions under 40 CFR 72.9 and issues not relevant to the exemptions.

Hearings. To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting a new unit exemption.

FOR FURTHER INFORMATION CONTACT: Allan Batka, (312) 353–7316, EPA Region 5.

SUPPLEMENTARY INFORMATION: Under the Acid Rain Program regulations (40 CFR 72.7), utilities may petition EPA for an exemption from permitting and monitoring requirements for any new utility unit that serves one or more generators with total nameplate capacity of 25 MW or less and burns only fuels with a sulfur content of 0.05 percent or less by weight. On the earlier of the date a unit exempted under 40 CFR 72.7 burns any fuel with a sulfur content in excess of 0.05 percent by weight or 24 months prior to the date the exempted unit first serves one or more generators with total nameplate capacity in excess of 25 MW, the unit shall no longer be exempted under 40 CFR 72.7 and shall be subject to all permitting and monitoring requirements of the Acid Rain Program.

EPA is issuing written exemptions effective from January 1, 1995 through December 31, 1999, to the following new units:

Alliant Techsystems, unit 1 in Minnesota, owned and operated by Northern States Power. The designated representative for Alliant is Martin F. Dinville.

Blue Earth Water and Light Department, units 7, 8, and 9 in Minnesota, owned and operated by the City of Blue Earth. The designated representative for Blue Earth is Jeffrey Jansen.

United Health Care, units 1 and 2 in Minnesota, owned and operated by Northern States Power. The designated representative for United Health is Martin F. Dinville.

United Hospital, units 5, 6, and 7 in Minnesota, owned and operated by Northern States Power. The designated representative for United Hospital is Martin F. Dinville.

Dated: November 28, 1994.

Brian J. McLean,

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 94–30400 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–140227; FRL–4922–6]

Radian Corporation (RAD) Access to Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Radian Corporation (RAD) of Austin, Texas and Herndon, Virginia for access to information which has been submitted to EPA under sections 4, 5, 6, 8, 9, and 21 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than December 19, 1994.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (7408) Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D4–0092, contractor RAD of 8501 North Mopac Blvd., Austin, TX 78759, will assist the Office of Pollution Prevention and Toxics (OPPT) in assistance in the preparation of exposure and release assessments, and generic and specific technical evaluations for both new and existing chemicals in response to requirements under sections 4, 5, 6, 8, 9, and 21 of TSCA. In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D4–0092, RAD will require access to CBI submitted to EPA under those sections of TSCA to perform successfully the duties specified under the contract. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, 8, 9, and 21 of TSCA that EPA may provide RAD access to these CBI materials on a need-to-know basis only. Access to TSCA CBI will take place at EPA Headquarters and at RAD's site located at 2455 Horsepen Road, Suite 250, Herndon, VA. RAD will be authorized access to TSCA CBI at its facility under the EPA *TSCA Confidential Business Information Security Manual.* Before access to TSCA CBI is authorized at RAD's site, EPA will approve RAD's security certification statement, perform the required inspection of its facility, and ensure that the facility is in compliance with the manual. Upon completing review of the CBI materials, RAD will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1999.

RAD personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Access to confidential business information.

Dated: November 23, 1994.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 94–30403 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–F

[ER–FRL–4718–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared November 21, 1994, through November 25, 1994, pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1994 (59 FR 16807).

Draft EISs

ERP No. D–AFS–J65224–MT Rating EC2

Running Wolf Timber Sales, Implementation, Lewis and Clark National Forest, Judith Ranger District, Stanford, Judith Basin County, MT.

Summary

EPA expressed concerns regarding the assessment of water quality impacts, and the adequacy of the water quality monitoring program. The final EIS needs to fully assess all potential impacts of management actions.

ERP No. D–AFS–K61132–CA Rating LO1

Eight Eastside Rivers, Wild and Scenic River Study, Suitability or Nonsuitability, Tahoe National Forest and Lake Tahoe Management Unit, Land and Resource Management Plans, Alpine, El Dorado El Dorado, Placer, Nevada and Sierra Counties, CA.

Summary

EPA expressed a lack of objections for the proposed action. However, EPA suggests that the final EIS address potential water quality impacts, air pollution sources and visibility.

ERP No. D–BLM–K67026–CA Rating EC2

Briggs Open Pit Heap Leach Gold Mine Project, Construction and Operation, NPDES Permit and COE Section 404 Permit, Inyo County, CA.

Summary

EPA expressed environmental concerns regarding potential impacts to water quality, wildlife, air quality, and visual quality. Additional information was requested for impacts to surface water and wetlands, facilities designs, closure of the heap leach pad, contingency measure, and reclamation/maintenance of the heap leach pad after project completion and the relationship between the proposed mine and the new California Desert Protection Act.

ERP No. D–DOE–L39052–OR Rating EC2

Columbia River System Operation Review (SOR), Multiple Use Management, Long-Term System Planning By Interested Parties Other than Management Agencies, Canadian Entitlement Allocation Agreement Renewal or Modification and Pacific NW Coordination Agreement Renewal or Renegotiation, OR.

Summary

EPA expressed concerns regarding the geographic scope of the draft EIS; degree of integration with related regional studies addressing salmon survival; limited baseline data; predictive accuracy of the salmon passage models; dam operational impacts on anadromous and resident fish, water quality and wetlands. EPA recommended these issues be further discussed including mitigation measures monitoring requirements, and the need to develop a management approach to address future dam operational changes.

ERP No. D–FHA–D85034–WV Rating EO2

Spring Hills Subdivision Housing Project, Construction, Funding, Charlestown, WV.

Summary

EPA expressed environmental objections with the preferred alternative due to potential significant impacts to on-site wetlands and the adjacent Altona Marsh. EPA also expressed concerns regarding wetland delineation and stormwater management systems. EPA recommended that another alternative be selected.

FINAL EISs

ERP No. F–JUS–G11010–00

Joint Task Force (JTF)—Six Support Services Continuation Program, Implementation, Programmatic EIS, TX, NM, AZ, CA, U.S./Mexico Border and Texas Gulf Coast.

Summary

EPA had no objections to the proposed action.

ERP No. F–USN–E11033–FL

Pensacola Naval Air Station Realignment, Relocation of Memphis Naval Air Station and Closure of San Diego Naval Training Center, Implementation, Pensacola Bay, FL.

Summary

EPA had no objection with the project as proposed.

ERP No. FB–FHW–D40010–MD

Boston Street Corridor (a part of the former I–83 Corridor Project) Transportation Improvements, Chester Street to Conlking Street, Additional Information concerning New Alternatives Under Consideration, Approval and Funding, East Baltimore, Baltimore County, MD.

Summary

The final EIS adequately addresses our concerns on this project.

Dated: December 6, 1994.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 94–30376 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–4718–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075. Weekly receipt of Environmental Impact Statements Filed November 28, 1994 Through December 02, 1994 Pursuant to 40 CFR 1506.9.

EIS No. 940489, FINAL SUPPLEMENT, SFW

Programmatic EIS, Federal Aid in Sports Fish and Wildlife Restoration Programs Operation and Management, Updated Information, Implementation and Funding, Due: January 09, 1995, Contact: Columbus H. Brown (703) 358–2156.

EIS No. 940490, DRAFT EIS, NPS, PA

White-Tailed Deer Management Plan, Implementation, Gettysburg National Military Park and Eisenhower Historic Site, Adams County, PA, Due: February 10, 1995, Contact: Hal Greenlee (717) 334–0909.

EIS No. 940491, DRAFT EIS, AFS, MT

Crane Mountain Salvage Project, Resource Management, Implementation, Flathead National Forest, Swan Lake Ranger District, Flathead County, MT, Due: January 23, 1995, Contact: Cathy Calloway (406) 837–5081.

EIS No. 940492, DRAFT EIS, NOA

Atlantic Mackerel, Squid and Butterfish Fisheries, Fishery Management Plan, Amendment No. 5, Implementation, Exclusive Economic Zone (EEZ) off the US Atlantic Coast, Due: January 23, 1995, Contact: David R. Keifer (302) 674–2331.

EIS No. 940493, DRAFT EIS, FRC, ME

Penobscot River Basin Hydroelectric Project, Ripogenus (FERC No. 2572) and Penobscot Mills (FERC No. 2458) Operation Changes and Minor Construction, Licenses Renewal, Piscataquis and Penobscot Counties, ME, Due: January 23, 1995, Contact: Ed Meyer (202) 219–7998.

EIS No. 940494, DRAFT SUPPLEMENT, NRC, TN

Watts Bar Nuclear Plant, Unit 1 and 2, Updated Information, Related to the Operations, Approval for Application for a Facility Operating License and NPDES Permit, Rhea County, TN, Due: January 30, 1995, Contact: Scott Flanders (301) 504–1172.

EIS No. 940495, FINAL EIS, USN, MD

Naval Air Warfare Center Aircraft Division, Base Realignment and Construction, Patuxent River, St. Mary's, Calvert and Charles Counties, MD, Due: January 09, 1995, Contact: Mike Bryan (202) 685–3061.

EIS No. 940496, DRAFT EIS, FRC, ME, NH

Saco River Basin Hydropower Development, (FERC Project Nos. 2528, 2527, 2194, 2531, 2529, 2530, and 11365, Licenses and Relicenses, ME and NH, Due: January 23, 1995, Contact: Rich McGuire (202) 219–3094.

EIS No. 940497, DRAFT EIS, COE, GA, SC

Savannah Harbor Navigation Project, Operation and Maintenance, Long Term Management Strategy Study, Chatham County, GA and Jasper County, SC, Due: January 23, 1995, Contact: William Bailey (912) 652–5781.

EIS No. 940498, DRAFT SUPPLEMENT, FRC, NB

Kingsley Dam Project (FERC. No. 1417) and North Platte/Keystone Diversion Dam (FERC. No. 1835) Hydroelectric Project, Additional Information, Application for Licenses, Near the Confluence of the North/South Plattes, Keith, Lincoln, Garden, Dawson and Grasper Counties, NB, Due: January 23, 1995, Contact: Lois D. Cashell (202) (202) 501–7704.

Dated: December 6, 1994.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 94–30377 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–U

[OPPTS–00163; FRL–4925–2]

Biotechnology Science Advisory Committee; Subcommittee on Premanufacture Notification; Review of Nitrogen Fixing Rhizobium Meliloti

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a 1-day meeting open to the public of the Biotechnology Science Advisory Committee's Subcommittee on Commercial Use of Genetically-Engineered Microorganisms to review Research Seeds' application for commercial introduction of a *Rhizobium meliloti* strain RMBPC–2 (PMN P–92–403). The committee will discuss the risk assessment prepared by the Agency for the commercialization of this product. The public will be given an opportunity to comment. Members of the public are requested to contact the Agency in advance concerning their desire to comment at the meeting.

DATES: The meeting will be held on Wednesday, January 4, 1995, starting at 9 a.m. and ending at 5 p.m.

ADDRESSES: The meeting will be held at the Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Ms. Creavery Lloyd, Biotechnology Science Advisory Committee (MC–7101), Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Rm. E–627, Washington, DC 20460, Telephone: (202) 260–6900. For copies of the risk assessment and related materials contact: James Willis, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–643, 401 M St., SW., Washington, DC 20460, Telephone: 202–554–1404, TDD: 202–554–0551. These documents also may be accessed through the Internet at: gopher.epa.gov.

SUPPLEMENTARY INFORMATION: Research Seeds is the successor in interest to certain genetically modified strains of *Rhizobium* which were originally submitted to EPA for review by BioTechnica Agriculture International in 1987. These premanufacture notices (PMNs) were submitted pursuant to section 5(a)(1) of the Toxic Substances Control Act (TSCA). *Rhizobium* species form symbiotic relationships with certain legumes by causing the legumes to form root nodules within which the *Rhizobium* species fix atmospheric nitrogen. RMBPC-2, symbiotic with alfalfa, has been modified for enhanced nitrogen fixation. The PMN strain also contains a gene for resistance to the antibiotics streptomycin and spectinomycin for purposes of identifying RMBPC-2 in the environment. Attendance by the public will be limited to available space. Persons interested in making public comment or interested in attending should contact Creavery Lloyd at 202–260–6900, or by FAX to 202–260–0949, or by Internet to lloyd.creavery@epamail.epa.gov, no later than Wednesday, December 28, 1994. A copy of any public comments should be forwarded to Creavery Lloyd no later than December 28, 1994.

Dated: December 5, 1994.

Susan H. Wayland,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 94–30484 Filed 12–8–94; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5119–5]

National Pollutant Discharge Elimination System (NPDES); Final General Permit for the States of Maine, Massachusetts, and New Hampshire

AGENCY: Environmental Protection Agency.

ACTION: Notices of Final NPDES General Permits—MAG640000, MEG640000, and NHG640000.

SUMMARY: The Regional Administrator of Region I is issuing Final National Pollutant Discharge Elimination System (NPDES) General Permit for water treatment facilities in certain waters of the States of Maine, Massachusetts, and New Hampshire. This general NPDES Permit establishes notice of intent (NOI) requirements, effluent limitations, standards, prohibitions and management practices for facilities with discharges authorized by the permit.

Owners and/or operators of facilities discharging effluent from water treatment facilities will be required to submit to EPA, Region I, a notice of intent (NOI) to be covered by the appropriate general permit within 180 days of the effective date of this permit and will receive a written notification from EPA of permit coverage and authorization to discharge under the general permit.

DATES: This general permit shall be effective on January 9, 1995 and will expire five years from the effective date. The authorization to discharge shall become effective upon notification by EPA that the operator is covered by this permit.

ADDRESSES: Notices of intent to be authorized to discharge under these permits should be sent to: U.S. Environmental Protection Agency, NPDES Program Operations Section, P.O. Box 8127, Boston, Massachusetts 02114.

The submittal of other information required under these permits or individual permit applications should be sent to the above address.

FOR FURTHER INFORMATION CONTACT: Suprokash Sarker, Wastewater Management Branch, Water Management Division, WMM, Environmental Protection Agency, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 565–3573.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Regional Administrator of Region I is issuing final general permit for effluent discharges from water treatment facilities to certain waters of the States

of Maine, Massachusetts, and New Hampshire. This notice contains two sets of appendices. Appendix A summarizes EPA's response to major comments received on the draft general permits published on July 28, 1994 (59 FR 38465). Appendix B contains the final general NPDES permits including Part II, Standard Conditions.

II. Coverage of General Permits

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits to date have generally been issued to individual discharges, EPA's regulations authorize the issuance of "general permits" to categories of discharges. See 40 CFR 122.28 (48 FR 14146, April 1, 1983). EPA may issue a single, general permit to a category of point sources located within the same geographic area whose permits warrant similar pollutant control measures.

The Director of an NPDES permit program is authorized to issue a general permit if there are a number of point sources operating in a geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. In the opinion of the Regional Administrator, are more appropriately controlled under a general permit than under individual permits.

Violations of a condition of a general permit constitutes a violation of the Clean Water Act and subjects the discharger to the penalties in Section 309 of the Act.

Any owner or operator authorized by a general permit may be excluded from coverage of a general permit by applying for an individual permit. This request may be made by submitting a NPDES permit application together with reasons supporting the request no later than 90 days after publication by EPA of the final general permit in the **Federal Register**. The Director may require any person authorized by a general permit to apply for and obtain an individual permit. Any interested person may petition the Director to take this action. However, individual permits will not be issued for sources discharging effluent from water treatment facility covered by this general permit unless it can be clearly demonstrated that inclusion under the general permit is inappropriate.

The Director may consider the issuance of individual permits when:

1. The discharge is a significant contributor of pollution;
2. The discharge is not in compliance with the terms and conditions of the general permit;
3. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
4. Effluent limitations guidelines are subsequently promulgated for the point sources covered by the general permit;
5. A Water Quality Management plan containing requirements applicable to such point sources is approved; or
6. Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;

In accordance with 40 CFR 122.28(b)(3)(iv), the applicability of the general permit is automatically terminated on the effective date of the individual permit.

Under this general permit, owners and operators of potable water treatment plants in Massachusetts, Maine and New Hampshire may be granted authorization to discharge process generated wastewaters into waters of the respective States as follows:

a. treated presedimentation underflow;
b. treated underflow from the coagulation/settling processes using aluminum compounds or polymers as coagulants; and
c. treated filter backwash water from filters.

This permit shall apply specifically to operators that have a discharge from a point source such as a sludge settling lagoon or other device whereby comparable control of suspended solids is possible.

Authorization under the permit shall require prior submittal of certain facility information. Upon receipt of all required information, the permit issuing authority may allow or disallow coverage under the general permit.

The following list shows the criteria which will be used in evaluating whether or not an individual permit may be required instead of a general permit.

1. Evidence on non-compliance under previous permit for the operation;
2. Preservation of high quality waters and fisheries;
3. Facilities with an effluent discharge flow of over 1.00 MGD maximum daily for the states of Massachusetts and New Hampshire and 0.15 MGD maximum daily for the state of Maine;
4. Production of effluent at the facility other than using aluminum compound or polymer as coagulant; and
5. Use of land application as a means of discharge;
6. For the state of Maine, a minimum dilution of effluent of 100:1 in the receiving water at 7Q10 should be stipulated.

The similarity of the discharges has prompted EPA to prepare this draft general permit for public review and comment. When issued, this permit will enable facilities to maintain compliance with the Act and will extend environmental and regulatory controls to a large number of discharges and reduce some permit backlog. The issuance of this general permit for the geographic areas described below is warranted by this similarity of (a) environmental conditions, (b) State regulatory requirements applicable to the discharges and receiving waters, and (c) technology employed.

In the State of Maine, there are 271 industrial applicants or permittees. It is estimated that 13 of the industries that have direct discharges to the waters of the State are strictly water treatment facilities.

In the State of New Hampshire, there are 171 estimated industrial applications or permittees. It is estimated that 2 or more of the industries that have the direct discharges to the waters of the State are strictly water treatment facilities.

In the Commonwealth of Massachusetts, there are 651 industrial applicants or permittees. It is estimated that 33 of the industries that have direct discharges to the waters of the State are strictly water treatment facilities.

III. Conditions of the General NPDES Permit

A. Geographic Areas

Maine (Permit No. MEG640000)—All of the discharges to be authorized by the general NPDES permit for the State of Maine from dischargers are limited to Class B,C,SB and SC waters of the State, except lakes. The drainage areas must be more than 10 square miles.

Massachusetts (Permit No. MAG640000)—All of the discharges to be authorized by the general NPDES permit for the Commonwealth of Massachusetts dischargers are limited to Class B, ans SB waters as designated in Massachusetts Water Quality Standards, 314 CMR 4.00 *et seq.* Discharges into Class A water needs review and approval by MADEP.

New Hampshire (Permit No. NHG640000)—All of the discharges to

be authorized by the general NPDES permit for the State of New Hampshire dischargers are into all waters of the State of New Hampshire unless otherwise restricted by the State Water Quality Standards, New Hampshire RSA 485–A:8. (or as revised).

B. Notification by Permittees

Operators of facilities whose discharge, or discharges, are described in Part II and whose facilities are located in the geographic areas described in Part III. A. above may submit to the Regional Administrator, Region I, a notice of intent to be covered by the appropriate general permit within 180 days of the effective date of the general permit. This written notification must include the owner's or operator's legal name and address; the facility name and address; the number and type of facilities to be covered, the facility locations; a topographic map (or other map if a topographic map is not available) indicating its facility locations; the names of the receiving waters into which discharge will occur; a determination as to whether or not the facility discharge will adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat (see Part E).

The facilities authorized to discharge under a final general permit will receive written notification from EPA, Region I, with State concurrence. Failure to submit to EPA, Region I, a notice of intent to be covered or failure to receive from EPA written notification of permit coverage means that the facility is not authorized to discharge under this general permit.

C. Effluent Limitations

1. *Statutory Requirements*

The Clean Water Act (the Act) prohibits the discharge of pollutants to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit unless such a discharge is otherwise authorized by the Act. The NPDES Permit is the mechanism used to implement technology and water quality based effluent limitations and other requirements including monitoring and reporting. The NPDES permit was developed in accordance with various statutory and regulatory authorities established pursuant to the Act. The regulations governing the EPA NPDES Permit program are generally found at 40 CFR parts 122, 124, 125 and 136.

EPA is required to consider technology and water quality requirements when developing permit limits. 40 CFR part 125 Subpart A sets the criteria and standards that EPA must use to determine which technology based requirements, requirement under Section 301(b) of the Act and/or requirements established on a case-by-case basis under section 402(a)(1) of the Act, should be included in the permit.

The Clean Water Act requires that all discharges, at a minimum, must meet effluent limitations based on the technological capability of dischargers to control pollutants in their discharge. Section 301(b)(1)(A) of the Act requires the application of Best Practicable Control Technology Currently Available (BPT) with the statutory deadline for compliance being July 1, 1977, unless otherwise authorized by the Act. Section 301(b)(2) of the Act requires the application of Best Conventional Control Technology (BCT) for conventional pollutants, and Best Available Technology Economically Achievable (BAT) for non-conventional and toxic pollutants. The compliance deadline for BCT and BAT being March 31, 1980.

2. *Technology-Based Effluent Limitations*

EPA has not promulgated National Effluent Guidelines for water treatment facilities. For a category where Guidelines have been promulgated, the issuance of an individual permit for the discharges would be more appropriate (See 40 CFR 122.28(b)(3)(i)(C)). Therefore, as provided in section 402(a)(1) of the Act, EPA has determined to issue this general permit utilizing Best Professional Judgement (BPT) to meet the above stated criteria for BAT/BCT described in section 304(b) of the Act. Accordingly monthly average TSS limitation is established based upon best professional judgement pursuant to Section 402(a)(1) of the CWA.

Water Quality Based Effluent Limitations

Under Section 301(b)(1)(C) of the Act discharges are subject to effluent limitations based on water quality standards and to the conditions of State certification under section 401 of the Act. Receiving stream requirements are established according to numerical and narrative standards adopted under state and/or federal law for each stream use classification. The CWA requires that EPA obtain State certification which states that all water quality standards will be satisfied. Regulations governing State certification are set forth in 40 CFR § 124.53 and 124.55.

Section 101(a)(3) of the Act specifically prohibits the discharge of toxic pollutants in toxic amounts. The States of Maine, Massachusetts, and New Hampshire have similar narrative criteria in their water quality regulations (See Maine Title 38, Article 4–A, section 420 and section 464.4.A.(4); Massachusetts 314 CMR 4.05(5)(e); and New Hampshire Part Env-Ws 432.02(c)(4) that prohibits such discharges. The permit does not allow for the addition of materials or chemicals in amounts which would produce a toxic effect to any aquatic life.

The effluent from the water treatment facility may contain toxic pollutants due to use of chemicals and chlorine. However, they do not contain hazardous pollutants or oil and grease. Therefore, water quality criteria established for oil and grease and hazardous pollutants do not apply to these discharges. Water Quality Standards and State certification requirements applicable to these discharges have been reviewed by EPA and the limits and testing requirements for each State are given below:

Massachusetts: Limits of Max. Daily TSS, Monthly Average and Max Daily Settleable Solids and pH. Testing requirements for Chlorine, Aluminum, LC50 and C–NOEC.

Maine: Limits of Chlorine Aluminum and pH. Testing requirements of LC50 and C–NOEC.

New Hampshire: Limit of pH. Testing requirements of Chlorine, Aluminum, LC50 and C–NOEC.

D. Antidegradation Provisions

The conditions of the permit reflect the goal of the CWA and EPA to achieve and maintain water quality standards. The environmental regulations pertaining to the State Antidegradation Policies which protect the State's surface waters from falling below State standards for water quality are found in the following provisions: Maine Title 38, Article 4–A, Section 464.4.F.; Massachusetts Water Quality Standards 314 CMR 4.04 Antidegradation Provisions; and New Hampshire policy RSA 485–A;8, VI Part Env-Ws 437.01 and Env-Ws 437.02.

This general permit will not apply to any new or increased discharge unless it can be determined that such discharges will result in insignificant effects to the receiving waters. This determination shall be made in accordance with the appropriate State Antidegradation Policies.

E. Monitoring and Reporting Requirements

Effluent limitations and monitoring requirements are included in the general permit describing requirements to be imposed on facilities to be covered.

Facilities covered by the final general permits will be required to submit to EPA, Region I, and the appropriate State a Discharge Monitoring Report containing effluent data on a semi-annual basis.

The monitoring requirements have been established to yield data representative of the discharge under authority of Section 308(a) of the Act and 40 CFR 122.41(j), 122.44(i) and 122.48, and as certified by the State.

F. Endangered Species

Discharges that may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat are not authorized under this general permit without the written approval of the Fish and Wildlife Service and/or the National Marine Fisheries Service.

The Fish and Wildlife Service has indicated that the dwarf wedge mussel (Alsmidonta heterodon), a Federally listed endangered species, occurs in a stretch of the Connecticut River from Lebanon, New Hampshire to Weathersfield Bow, Vermont, in the Ashuelot River in Keene, New Hampshire and historically from a number of rivers in Massachusetts, Any facility whose discharge may adversely effect the mussel or any other threatened or endangered species or its habitat is required to contact the Fish and Wildlife Service at the following address in order to make a formal determination: United States Department of the Interior, Fish and Wildlife Service, 400 Ralph Pill Marketplace, 22 Bridge Street, Concord, New Hampshire 03301–4901.

The National Marine Fisheries Service has indicated that the endangered shortnose sturgeon (Acipenser breviirostrum) inhabits certain sections of the Penobscot, Kennebec and Androscoggin Rivers in Maine, and the Merrimack and Connecticut Rivers in Massachusetts. Any facility whose discharge may adversely effect the sturgeon or any other threatened or endangered species or its habitat is required to contact the national Marine Fisheries Service at the following address: United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Habitat and Protected Resources Division, One Blackburn Drive, Gloucester, Massachusetts 01903–2298.

G. Other Requirements

The remaining conditions of the permit are based on the NPDES regulations 40 CFR Parts 122 through 125 and consist primarily of management requirements common to all permits.

IV. State Certification

Section 401 of the CWA provides that no Federal license or permit, including NPDES permits, to conduct any activity that may result in any discharge into navigable waters shall be granted until the State in which the discharge originates certifies that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the CWA. The section 401 certification process has been completed for all States covered by today's general permit.

V. Administrative Aspects

A. Request To Be Covered

A facility is not covered by any of these general permits until it meets the following requirements. First, it must send a notice of intent to EPA and the appropriate State indicating it meets the requirements of the permit and wants to be covered. And second, it must be notified in writing by EPA that it is covered by this general permit.

Any facility operating under any effective individual NPDES permit may request that the individual permit be revoked and that coverage under the general permit granted, as outlined in 40 CFR 122.28(b)(3)(v). If EPA grants coverage under the general permit, EPA will so notify the facility and revoke the individual permit.

Facilities with expire individual permits that have been administratively continued in accordance with § 122.6 may apply for coverage under this general permit. When coverage is granted the expired individual permit automatically will cease being in effect.

B. The Coastal Zone Management Act

The Coastal Zone Management Act (CZMA), 16 U.S.C. §§ 1451 *et seq.*, and its implementing regulations [15 CFR Part 930] require that any federally licensed activity affecting the coastal zone with an approved Coastal Zone Management Program (CZMP) be determined to be consistent with the CZMP. EPA, Region I, has determined that these general NPDES permits are consistent with the CZMP. EPA has received certification from the Massachusetts, Maine, and New Hampshire coastal zone agencies for a determination that these three permits are consistent with their respective State policies.

C. The Endangered Species Act

EPA Region I has concluded that the discharges to be covered by the general NPDES permits will not affect or jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service concur this conclusion.

D. Environmental Impact Statement Requirements

The general permits do not authorize the construction of any water resources project or the impoundment of any water body or have any effect on historical property, and are not major Federal activities needing preparation of any Environmental Impact Statement. Therefore, the Wild and Scenic Rivers Act, 16 U.S.C. §§ 1273 *et seq.*, the National Historic Preservation Act of 1966, 16 U.S.C §§ 470 *et seq.*, the Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661 *et seq.*, and the National Environmental Policy Act, 33 U.S.C. §§ 4321 *et seq.*, do not apply to the issuance of this general NPDES permit.

VI. Other Legal Requirements

A. Economic Impact (Executive Order 12291)

EPA has reviewed the effect of Executive Order 12291 on this draft general permit and has determined that it is not a major rule under that order. This regulation was submitted previously to the Office of Management and Budget for review as required by Executive Order 12291. The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

B. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities by these draft general NPDES permits under the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et. seq.* The information collection requirements of these draft permits have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under the provisions of the Clean Water Act. No comments from the Office of Management and Budget or the public were received on the information collection requirements in these permits.

C. The Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. § 605(b), that this permit does not have a significant impact on a substantial number of small entities. Moreover, the draft permit will reduce a significant administrative burden on regulated sources.

Dated: November 20, 1994.

John P. DeVillars,

Regional Administrator.

Appendix A—Summary of Responses to Public Comments on the July 28, 1994 Draft General Permit

Based on comments from the States of Maine and New Hampshire the requirement of Footnote No. 1 under Part I 1.a. is limited for the State of Massachusetts only. Based on another comment the note A.1.h. under Part I A.l.h. has been changed. The change is that the Toxicity testing will be performed when requested by EPA or State within 90 days after the date of request.

Appendix B—Final General Permit Under the National Pollutant Discharge Elimination System (NPDES)

Note: The Following general NPDES permit has been combined for purposes of this **Federal Register** notice in order to eliminate duplication of material common to all permits for the individual states.

1. Massachusetts, Maine and New Hampshire General Permit

In *compliance* with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. 1251 et.seq. the "CWA") operators of facilities located in Part III A. which discharge effluent from water treatment facilities as defined in Part II of Supplementary Information to waters as designated in Part III A in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective when issued.

This permit and the authorization to discharge expire at midnight, five years from the effective date of the **Federal Register** Publication.

This permit consists of Part I below including effluent limitations, monitoring requirements etc. and Part II General Requirements.

Operators of facilities within the general permit area who fail to notify the Director of their intent to be covered by this general permit and receive no written notification of permit coverage or those who are denied by the Director are not authorized under this general permit to discharge from those facilities to the receiving waters.

Signed this 18th day of November 1994.

David A. Fierra,

Director, Water Management Division, Environmental Protection Agency, Region I, Boston, Massachusetts.

Andrew Gottlieb,

Director, Office of Watershed Management, Bureau of Resource Protection, Commonwealth of Massachusetts, Boston, MA.

Part I

A. Effluent Limitations and Monitoring Requirements

1. During the period beginning effective date and lasting through expiration, the permittee is authorized to discharge from each outfall effluent from water treatment facilities to receiving waters as designated in Part III A.

a. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent characteristic	Discharge limitations		Monitoring requirements	
	Avg. monthly	Max. daily[1]	Measurement frequency[2]	Sample type
Flow (MGD)	See note A.1. i		1/week	Daily average.
TSS (mg/l)	30	50	1/week	Grab.
Settleable Solids (ml/l)[1],	.1	0.2	1/week	Grab.
pH	See Note A 1.g.			
Aluminum (mg/l)	See note A.1 j		1/month	Grab.
LC50&C–NOEC[2 3]	See note A.1.h Comp			Comp.
Chlorine Residual[4] ug/l	See note A.1.k		1/week	Grab.

Footnotes:
[1] Requirement for the State of Massachusetts only.
[2] Samples shall be taken only when discharging.
[3] LC–50 is the concentration of effluent in a sample that causes mortality to 50% of the test population at a specific time of observation. No Observed Chronic Effect Concentration (C–NOEC) is the highest concentration of effluent to which organisms are exposed in a life-cycle or partial life-cycle test which causes no adverse effect on growth, survival and reproduction.
[4] Test only if chlorination is used in the process.

b. The discharge shall not cause objectionable discoloration of the receiving waters.

c. There shall be no discharge of floating solids or visible foam. The discharge shall be adequately treated to insure that the surface water remains free from pollutants in concentrations or combinations that settle to form harmful deposits, float as foam, debris, scum or other visible pollutants. It shall be adequately treated to insure that the surface waters remain free from pollutants which produce odor, color, taste or turbidity in the receiving water which is not naturally occurring and would render it unsuitable for its designated use.

d. The effluent limitations are based on the state water quality standard and are certified by the states.

e. Samples taken in compliance with the monitoring requirements specified above shall be taken at the point of discharge.

f. All discharges as designated in Part II of Supplementary Information shall pass through a settling pond for 24 hours minimum detention time or other approved treatment system and meet the effluent limitations in Part I.A.1.a. prior to discharge to waters of the states.

g. pH.

Massachusetts

The pH of the effluent shall not be less than nor greater than the range given for the receiving water classifications, unless these values are exceeded due to natural causes. The following table specifies ranges for Massachusetts:

Classification	Range
B	6.5–8.3
C	6.5–9.0
SB	6.5–8.5
SC	6.5–9.0

Maine

The pH range in both freshwater and saltwater is 6.0 to 8.5 su. unless establishes on a case-by-case basis (By State Policy).

New Hampshire

The pH of the effluent shall not be less than 6.5 standard units (su) nor greater than 8.0 su at any time unless these values are exceeded due to natural causes.

h. One chronic and modified acute toxicity screening test shall be performed by the permittee when requested by EPA or State within 90 days after the date of request. One grab sample will be taken during normal facility operation. The Ceriodaphnia dubia for fresh water and sea-urchin for marine water shall be used as test organism in the test. A copy of the test procedure and detailed protocol will be provided upon request from EPA, Region I. The results of the chronic biological test (C–NOEC and LC50) will be forwarded to State and EPA within 30 days after the completion of all tests.

i. The states of Massachusetts and New Hampshire will have a maximum daily limit of 1.0 mgd. The state of Maine will have a maximum daily limit of 0.15 mgd.

j. For the states of Massachusetts and New Hampshire report only. For the state of Maine the maximum daily limit of Aluminum will be 5.0 mg/l.

k. For the states of Massachusetts and New Hampshire report only. For the state of Maine the maximum daily limit of chlorine residual will be 1.0 mg/l.

B. Monitoring and Reporting

Maine, Massachusetts and New Hampshire

Monitoring results obtained during the previous 6 months shall be summarized for each quarter and reported on separate Discharge Monitoring Report Form(s) postmarked no later than the 15th day of the month following the completed reporting period. The reports are due on the 15th days of January and July. The first report may include less than 6 months information.

Signed copies of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses as follows:

a. EPA shall receive copy of all reports required herein: NPDES Program Operations Section, Water Compliance Branch Water Management Division, Environmental Protection Agency, Post Office Box 8127, Boston, MA 02114.

b. Massachusetts Division of Water Pollution Control

(1) The Regional offices wherein the discharge occurs, shall receive a copy of all reports required herein:

Massachusetts Department of Environmental Protection , Massachusetts Division of Water Pollution Control, Western Regional Office, 436 Dwight St., Suite402 Springfield, MA 01101

Massachusetts Department of Environmental Protection, Massachusetts Division of Water Pollution Control, Southeastern Regional Office, 20 Riverside Drive Lakeville, MA 02346

Massachusetts Department of Environmental Protection Massachusetts Division of Water Pollution Control, Northeastern Regional Office, 10 Commerce Way, Woburn, MA 01801

Massachusetts Department of Environmental Protection, Massachusetts Division of Water Pollution Control, Central Regional Office, 75 Grove Street, Worcester, Massachusetts 01605

(2) All notifications and reports required by this permit shall be submitted to the States at: Massachusetts Department of Environmental Protection, Office of Watershed Management, 40 Institute Road, North Grafton, MA. 01536.

c. Maine Department of Environmental Protection.

Signed copies of all reports required by this permit shall be sent to the State of Maine Department of Environmental Protection, Operation and Maintenance Division, State House, Station 17. Augusta, ME 04333.

d. New Hampshire Department of Environmental Services.

Signed copies of all reports required by this permit shall be sent to the State at: New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division, Permits and Compliance Section; P.O. Box 95, Concord, New Hampshire 03302–0095.

C. Additional General Permit Conditions

1. Notification Requirements

a. Written notification of commencement of operations including the legal names and addresses of the owners and operator and the locations, number and type of facilities and/or operations covered shall be submitted.

(1) For existing discharges within 180 days after the effective date of this permit, by operators whose facilities and/or operations are discharging into the general permit area on the effective date of the permit; or

(2) For new or substantially increased discharges 30 days prior to commencement of the discharge by operators whose facilities and/or operations commence discharge subsequent to the effective date of this permit.

b. Operators of facilities and/or operations within the general permits area who fail to notify the Director of their intent to be covered by this general permit and do not obtain written authorization of coverage are not authorized under this general permit to discharge from those facilities into the named receiving waters.

2. Termination of Operations

Operators of facilities and/or operators authorized under this permit shall notify the Director upon the termination of discharges. The notice must contain the name, mailing address, and location of the facility for which the notification is submitted, the NPDES permit number for the water treatment facility discharge identified by the notice, and an indication of whether the operator of the discharge has changed. The notice must be signed in accordance with the signatory requirements of 40 CFR § 122.22.

3. Renotification

Upon reissuance of a new general permit, the permittee is required to notify the Director of the intent to be covered by the new general permit.

4. When the Director May Require Application for an Individual NPDES Permit

a. The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take such action. Instances where an individual permit may be required include the following:

(1) The discharge(s) is a significant contributor of pollution:

(2) The discharger is not in compliance with the conditions of this permit;

(3) A change has occurred in the availability of the demonstrated technology of practices for the control or abatement of pollutants applicable to the point source;

(4) Effluent limitation guidelines are promulgated for point sources covered by this permit;

(5) A Water Quality Management Plan containing requirements applicable to such point source is approved; or

(6) The point source(s) covered by this permit no longer:

(a) Involves the same volume or substantially similar types of operations

(b) Discharges the same type of wastes;

(c) Requires the same effluent limitations or operating conditions;

(d) Requires the same or similar monitoring and

(e) In the opinion of the Director is more appropriately controlled under a

general permit than under an individual NPDES permit.

b. The Director may require an individual permit only if the permittee authorized by the general permit has been notified in writing that an individual permit is required, and has been given a brief explanation of the reasons for this decision.

5. When an Individual NPDES Permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.

Part II, Standard Conditions

Section A. General Requirements

1. Duty To Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

a. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

b. The CWA provides that any person who violates Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any of such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Sections 402(a)(3) or 402(b)(8) of the CWA is subject to a civil penalty not to exceed $25,000 per day for each violation. Any person who *negligently* violates such requirements is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both. Any person who *knowingly* violates such requirements is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. Note: See 40 CFR 122.41(a)(2) for additional enforcement criteria.

c. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

2. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3. Duty To Provide Information

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

4. Reopener Clause

The Regional Administrator reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA in order to bring all discharges into compliance with the CWA.

5. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA, or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

6. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges.

7. Confidentiality of Information

a. In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, *EPA may make the information available to the public without further notice.* If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

b. Claims of confidentiality for the following information *will* be denied:

(i) The name and address of any permit applicant or permittee;

(ii) Permit applications, permits, and effluent data as defined in 40 CFR 2.302(a)(2).

c. Information required by NPDES application forms provided by the Regional Administrator under § 122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

8. Duty To Reapply

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Regional Administrator. (The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

9. State Authorities

Nothing in Part 122, 123, or 124 precludes more stringent State regulation of any activity covered by these regulations, whether or not under an approved State program.

10. Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

Section B. Operation and Maintenance of Pollution Controls

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all

facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Bypass

a. *Definitions.*

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. *Bypass not exceeding limitations.* The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs B.4.c and 4.d of this section.

c. *Notice.*

(1) *Anticipated bypass.*

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) *Unanticipated bypass.*

The permittee shall submit notice of an unanticipated bypass as required in Paragraph D.1.e (24-hour notice).

d. *Prohibition of bypass.*

(1) Bypass is prohibited, and the Regional Administrator may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) (i) The permittee submitted notices as required under Paragraph 4.c of this section.

(ii) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in Paragraph 4.d of this section.

5. Upset

a. *Definition.* "Upset" means an exceptional incident in which there is unintentional and temporary non-compliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph B.5.c of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. *Conditions necessary for a demonstration of upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Paragraphs D.1.a and 1.e (24-hour notice); and

(4) The permittee complied with any remedial measures required under B.3. above.

d. *Burden of proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

Section C. Monitoring and Records

1. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application *except for the information concerning storm water discharges which must be retained for a total of 6 years.* This retention period may be extended by request of the Regional Administrator at any time.

c. Records of monitoring information shall include:

(1) The date, exact place, and time of sampling or measurements;

(2) The individual(s) who performed the sampling or measurements;

(3) The date(s) analyses were performed;

(4) The individual(s) who performed the analyses;

(5) The analytical techniques or methods used; and

(6) The results of such analyses.

d. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.

e. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years,

or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

2. Inspection and Entry

The permittee shall allow the Regional Administrator, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

Section D. Reporting Requirements

1. Reporting Requirements

a. *Planned changes.* The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject to the effluent limitations in the permit, nor to the notification requirements under 40 CFR § 122.42(a)(1).

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. *Anticipated noncompliance.* The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

c. *Transfers.* This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See § 122.61; in some cases, modification or revocation and reissuance is mandatory.)

d. *Monitoring reports.* Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Regional Administrator for reporting results of monitoring of sludge use or disposal practices.

(2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Administrator.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

e. *Twenty-four hour reporting.*

(1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances.

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(2) The following shall be included as information which must be reported within 24 hours under this paragraph.

(a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See § 122.41(g))

(b) Any upset which exceeds any effluent limitation in the permit.

(c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in the permit to be reported within 24 hours. (See § 122.44(g))

(3) The Regional Administrator may waive the written report on a case-by-case basis for reports under Paragraph D.1.e if the oral report has been received within 24 hours.

f. *Compliance Schedules.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

g. *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under Paragraphs D.1.d, D.1.e and D.1.f of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D.1.e of this section.

h. *Other information.* Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, it shall promptly submit such facts or information.

2. Signatory Requirement

a. All applications, reports, or information submitted to the Regional Administrator shall be signed and certified. (See § 122.22)

b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

3. Availability of Reports

Except for data determined to be confidential under Paragraph A.8. above, all reports prepared in accordance with the terms of this permit shall be available for public inspection

at the offices of the State water pollution control agency and the Regional Administrator. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.

Section E. Other Conditions

1. *Definitions* for purposes of this permit are as follows:

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Applicable standards and limitations means all State, interstate, and Federal standards and limitations to which a "discharge" or a related activity is subject to, including water quality standards, standards of performance, toxic effluent standards or prohibitions, "best management practices," and pretreatment standards under sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of CWA.

Application means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in "approved States," including any approved modifications or revisions.

Average The arithmetic mean of values taken at the frequency required for each parameter over the specified period. For total and/or fecal coliforms, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average weekly discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Best Professional Judgement (BPJ) means a case-by-case determination of Best Practicable Treatment (BPT), Best Available Treatment (BAT) or other appropriate standard based on an evaluation of the available technology to achieve a particular pollutant reduction.

Composite Sample—A sample consisting of a minimum of eight grab samples collected at equal intervals during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportional to flow, or a sample continuously collected proportionally to flow over that same time period.

Continuous Discharge means a "discharge" which occurs without interruption throughout the operating hours of the facility except for infrequent shutdowns for maintenance, process changes, or similar activities.

CWA or "The Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92–500, as amended by Pub. L. 95–217, Pub. L. 95–576, Pub. L. 96–483 and Pub. L. 97–117; 33 U.S.C. §§ 1251 *et seq.*

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the daily discharge is calculated as the average measurement of the pollutant over the day.

Director means the person authorized to sign NPDES permits by EPA and/or the State.

Discharge Monitoring Report Form (DMR) means the EPA standard national form, including any subsequent additions, revisions, or modifications, for the reporting of self-monitoring results by permittees. DMRs must be used by "approved States" as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Discharge of a pollutant means:

(a) Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or

(b) Any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channelled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works.

This term does not include an addition of pollutants by any "indirect discharger."

Effluent limitation means any restriction imposed by the Director on quantities, discharge rates, and concentrations of "pollutants" which are "discharged" from "point sources" into "waters of the United States," the waters of the "contiguous zone," or the ocean.

Effluent limitations guidelines means a regulation published by the Administrator under Section 304(b) of CWA to adopt or revise "effluent limitations."

EPA means the United States "Environmental Protection Agency."

Grab Sample—An individual sample collected in a period of less than 15 minutes.

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of CWA.

Maximum daily discharge limitation means the highest allowable "daily discharge."

Municipality means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal or sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under section 208 of CWA.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an "approved program."

New discharger means any building, structure, facility, or installation:

(a) From which there is or may be a "discharge of pollutants";

(b) That did not commence the "discharge of pollutants" at a particular "site" prior to August 13, 1979;

(c) Which is not a "new source"; and

(d) Which has never received a finally effective NPDES permit for discharges at that "site".

This definition includes an "indirect discharger" which commences discharging into "waters of the United States" after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a "site" for which it does not have a permit; and any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a "site" under EPA's permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the Regional Administrator in the issuance of a final permit to be an area of biological concern. In determining whether an area is an area of biological concern, the Regional Administrator shall consider the factors specified in 40 CFR Sections §§ 125.122.(a)(1) through (10).

An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a "new discharger" only for the duration of its discharge in an area of biological concern.

New source means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

(a) After promulgation of standards of performance under Section 306 of CWA which are applicable to such.

(b) After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

NPDES means "National Pollutant Discharge Elimination System."

Non-Contact Cooling Water is water used to reduce temperature which does not come in direct contact with any raw material, intermediate product, a waste product or finished product.

Owner or operator means the owner or operator of any "facility or activity" subject to regulation under the NPDES programs.

Permit means an authorization, license, or equivalent control document issued by EPA or an "approved State."

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

(a) Sewage from vessels; or

(b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Primary industry category means any industry category listed in the NRDC settlement agreement (*Natural Resources Defense Council et al.* v. *Train*, 8 E.R.C. 2120 (D.D.C. 1976), modified 12 E.R.C. 1833 (D.D.C. 1979)); also listed in Appendix A of 40 CFR Part 122.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Regional Administrator means the Regional Administrator, EPA, Region I, Boston, Massachusetts.

State means any of the 3 States of Maine, Massachusetts and New Hampshire.

Secondary Industry Category means any industry category which is not a "primary industry category."

Toxic pollutant means any pollutant listed as toxic in Appendix D of 40 CFR Part 122, under Section 307(a)(l) of CWA.

Uncontaminated storm water is precipitation to which no pollutants have been added and has not come into direct contact with any raw material, intermediate product, waste product or finished product.

Waters of the United States means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate "wetlands."

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a) (d) of this definition;

(f) The territorial sea; and

(g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)–(f) of this definition.

Whole Effluent Toxicity (WET) means the aggregate toxic effect of an effluent measured directly by a toxicity test.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

2. Abbreviations when used in this permit are defined below:

cu. M/day or M3/day: cubic meters per day
mg/l: milligrams per liter
ug/l: micrograms per liter
lbs/day: pounds per day
kg/day: kilograms per day
Temp. °C: temperature in degrees Centigrade
Temp. °F: temperature in degrees Fahrenheit
Turb.: turbidity measured by the Nephelometric Method (NTU)
pH: a measure of the hydrogen ion concentration

CFS: cubic feet per second
MGD: million gallons per day
Oil & Grease: Freon extractable material
ml/l: milliliter(s) per liter
Cl_2: total residual chlorine

[FR Doc. 94–30315 Filed 12–8–94; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 30, 1994.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW, Suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 418–0214. Persons wishing to comment on this information collection should contact Timothy Fain, Office of Management and Budget, Room 10214 NEOB, Washington, DC 20503, (202) 395–3561.

OMB Number: 3060–0600.

Title: Implementation of Section 309(j) of the Communications Act—Competitive Bidding, Fifth Memorandum Opinion and Order, PP Docket No. 93–253.

Form Number: FCC Form 175/FCC 175–S.

Action: Revision of a currently approved collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Estimated Annual Burden: 1,000 - 3,000 responses, 3 - 7.5 hours average burden per response, 3,000 - 22,500 hours annual burden; 1,000 - 3,000 recordkeepers, 1 hour average burden per recordkeeper, *4,000 - 25,500 hours total annual burden.*

Needs and Uses: The Commission re-examined certain aspects of its rules in the Fifth Memorandum Opinion Order, adopted November 10, 1994. Specifically, the Commission resolved issues associated with our entrepreneur's block rules, as well as other provisions we established to ensure that small businesses, rural telephone companies and businesses owned by minorities and women (collectively termed "designated entities") have a meaningful opportunity to participate in the provision of broadband PCS. Thus, as described below, we relax some aspects of our rules to encourage investment in designated entities, but clarify other provisions to emphasize that broadband PCS participation for women and minorities should be synonymous with a *bona fide* and meaningful presence in this emerging telecommunications industry. In summary, the Commission decided to modify the rules to allow certain noncontrolling investors who do not qualify for the entrepreneurs' block or as small businesses to become investors in an applicant's control group and allow entities that are controlled by minorities and/or women, but that have investors that are neither minorities nor women, to be part of the control group. Retain the requirement that a designated entity's control group own at least 25% of the applicant's total equity, but require that only 15% be held by controlling members of the control group that are minorities, women or small/entrepreneurial business principals. The minimum 15% may be held in the form of options, provided these options are exercisable at any time, solely at the holder's discretion, and at an exercise price less than or equal to the current market valuation of the underlying shares at the time of filing FCC Form 175 (the short form). The remaining 10% of the applicant's equity may be held in the form of either stock options or shares, and the FCC will allow certain investors that may not be women, minorities or small business/entrepreneurial principals to hold interests in such shares or options that are part of the control group's equity. The FCC Form 175 as been revised to require applicants claiming designated entity status to certify that they will consent to audits, as set forth in our rules, to verify such status. See the Fifth Memorandum Opinion and Order, PP Docket No. 93–253, released November 23, 1994, for further modifications to these rules and requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94–30243 Filed 12–08–94; 8:45 am]
BILLING CODE 6712–01–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1008–DR]

California; 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 California (FEMA–1008–DR), dated January 17, 1994, and related determinations.

EFFECTIVE DATE: November 30, 1994.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective November 30, 1994.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 94–30356 Filed 12–8–94; 8:45 am]
BILLING CODE 6718–02–M

[FEMA–1043–DR]

Florida; 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 Florida (FEMA–1043–DR), dated November 28, 1994, and related determinations.

EFFECTIVE DATE: November 28, 1994.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated November 28, 1994, 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 Florida, resulting from Tropical Storm Gordon on November 14, 1994, 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 Florida.

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 assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance 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 Jack Schuback of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following area of the State of Florida to have been affected adversely by this declared major disaster:

Volusia County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Dated: December 2, 1994.

[FR Doc. 94–30357 Filed 12–8–94; 8:45 am]

BILLING CODE 6717–02–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 232–011481

Title: Hanjin/AMA Agreement

Parties: Cho Yang Shipping Co. Ltd. ("CYS") DSR–Senator Lines ("DSL") Hanjin Shipping Co., Ltd. ("Hanjin")

Synopsis: The proposed Agreement authorizes CYS and DSL to charter space to Hanjin, and agree with Hanjin upon sailing schedules in the trade between U.S. Atlantic Coast ports (Bangor, ME./Key West, Fl. range) and Mediterranean ports in Spain, France and Italy.

Agreement No.: 224–200891

Title: Port of Houston Authority/Ryan-Walsh, Inc. Terminal Agreement

Parties: Port of Houston Authority ("Port") Ryan-Walsh, Inc. ("Ryan-Walsh")

Synopsis: The proposed Agreement authorizes Ryan-Walsh to perform freight handling services at the Port's Transit Shed Number A–21

By Order of the Federal Maritime Commission.

Dated: December 6, 1994.

Joseph C. Polking,

Secretary.

[FR Doc. 94–30322 Filed 12–8–94; 8:45 am]

BILLING CODE 6730–01–M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. § 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No: 224–200893.

Title: South Tangipahoa Parish Port Commission/Ramsay, Scarlett & Co., Inc. Terminal Agreement.

Parties: South Tangipahoa Parish Port Commission, Ramsay Scarlett & Co., Inc.

Filing Agent: Mr. Carmack M. Blackmon, Esquire, Carmack M. Blackmon & Associates, 412 N. 4th Street, Suite 210, Baton Rouge, Louisiana 70802.

Synopsis: The proposed Agreement establishes a terminal operations between the parties. The term of the Agreement is for two years, with a renewal option for a period of five years.

By Order of the Federal Maritime Commission.

Dated: December 6, 1994.

Joseph C. Polking,

Secretary

[FR Doc. 94–30334 Filed 12–8–94; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

American National Corporation, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 23, 1994.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. American National Corporation, Chicago, Illinois; to engage *de novo* through its subsidiary ANB Mezzanine Corp., Chicago, Illinois, in making, acquiring and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y

2. Huxley Bancorp, Huxley, Iowa; to engage *de novo* in making, acquiring and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 5, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94–30365 Filed 12–8–94; 8:45 am]

BILLING CODE 6210–01–F

Irving National Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than January 3, 1995.

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Irving National Bancshares, Inc., Dallas, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Irving National Bank, Irving, Texas, and First Continental Bank of Grand Prarie, N.A., Grand Prairie, Texas.

Board of Governors of the Federal Reserve System, December 5, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94–30363 Filed 12–8–94; 8:45 am]

BILLING CODE 6210–01–F

Mercantile Bancorporation Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 23, 1994.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Mercantile Bancorporation Inc., St. Louis, Missouri; to acquire Central Mortgage Bancshares, Inc., Warrenburg, Missouri, and thereby indirectly acquire Cenco Insurance Company, Phoenix, Arizona, and thereby engage in the business of reinsuring credit life, accident and health insurance for the customers of Central's subsidiaries pursuant to Section 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 5, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94–30364 Filed 12–8–94; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

[Dkt. C–3541]

Trauma Associates of North Broward, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, Dr. Johnson, the president of a Florida corporation, to dissolve Trauma Associates within 180 days. Prior to its dissolution, Trauma Associates is required to give copies of the settlement to any entity with whom it has entered into contract negotiations for trauma surgical services since its inception. In addition, the order prohibits the ten surgeons from entering into, organizing, or implementing any agreement to: refuse to provide surgical services in connection with any effort to fix the prices for such services; prevent the offering or delivery of surgical services; deal on collectively determined terms with any provider of health care services; or encourage anyone to engage in an activity prohibited by the settlement.

DATES: Complaint and Order issued November 1, 1994.[1]

FOR FURTHER INFORMATION CONTACT:

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

Mark Horoschak or Markus Meier, FTC/S–3115, Washington, DC 20580. (202) 326–2756 or 326–2781.

SUPPLEMENTARY INFORMATION: On Tuesday, August 16, 1994, there was published in the **Federal Register**, 59 FR 42051, a proposed consent agreement with analysis In the Matter of Trauma Associates of North Broward, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 94–30318 Filed 12–8–94; 8:45 am]

BILLING CODE 6750–01–M

[File No. 942 3028]

Haagen-Dazs Company, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a New Jersey-based ice cream and frozen yogurt corporation from misrepresenting the existence or amount of fat, saturated fat, cholesterol, or calorie content of any of its frozen food products in the future.

DATES: Comments must be received on or before February 10, 1995.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Anne Maher or Michelle Rusk, FTC/S–4002, Washington, DC 20580. (202) 326–2987 or 326–3148.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Häagen-Dazs Company, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It Is Hereby Agreed by and between Häagen-Dazs Company, Inc., by its duly authorized officer and attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Häagen-Dazs Company, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey with its principal office and place of business located at Glenpointe Centre East, Teaneck, NJ 07666–6782.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint.

3. Proposed respondent waives:

(a) Any procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint or that the facts as alleged in the draft complaint, other than jurisdictional facts, are true.

6. The agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent: (1) Issue its complaint corresponding in form and substance with the draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding; and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any rights it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. Proposed respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Haagen-Dazs Company, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing,

labeling, advertising, promotion, offering for sale, or distribution of any frozen food product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, through numerical or descriptive terms or any other means, the existence or amount of fat, saturated fat, cholesterol or calories in any such product. If any representation covered by this Part either directly or by implication conveys any nutrient content defined (for purpose of labeling) by any regulation promulgated by the Food and Drug Administration, compliance with this part shall be governed by the qualifying amount for such defined claim as set forth in that regulation.

II

Nothing in this Order shall prohibit respondent from making any representation that is specifically permitted in labeling for any frozen food product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1960.

III

It is further ordered that for three (3) years after the last date of dissemination of any representation covered by this Order, respondent, or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying copies of:

1. All materials that were relied upon in disseminating such representation; and

2. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession of control that contradict, qualify, or call into question such representation, including complaints from consumers.

IV

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the respondent which may affect compliance obligations arising out of this Order.

V

It is further ordered that respondent shall, within thirty (30) days after service of this Order, distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation or placement of advertisements or other materials covered by this Order.

VI

It is further ordered that respondent shall, within sixty (60) days after service of this Order, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Häagen-Dazs Company, Inc. ("Häagen-Dazs").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter concerns claims made by Häagen-Dazs in its advertising for frozen yogurt products.

The Commission's complaint in this matter charges Häagen-Dazs with engaging in unfair or deceptive practices in connection with its advertising of frozen yogurt products. According to the complaint Häagen-Dazs falsely represented that its frozen yogurt is 98 percent fat free and low fat.

The complaint also alleges that Häagen-Dazs falsely represented that its frozen yogurt bars contain one gram of fat per serving and are low fat.

Finally, the complaint alleges that Häagen-Dazs falsely represented that its frozen yogurt bars contain 100 calories per serving.

The consent order contains provisions designed to remedy the violations charged and to prevent Häagen-Dazs from engaging in similar deceptive and unfair acts and practices in the future.

Part I of the order prohibits Häagen-Dazs from misrepresenting the existence or amount of fat, saturated fat, cholesterol or calories in any frozen food product. Part I also requires that any representation covered by this part that conveys a nutrient content claim defined for labeling by any regulation of the Food and Drug Administration ("FDA"), must comply with the qualifying amount set forth in that regulation.

Part II of the order provides that representations that would be specifically permitted in food labeling, under regulations issued by FDA pursuant to the Nutrition Labeling and Education Act of 1990, are not prohibited by the order.

Part III of the order requires Häagen-Dazs to maintain copies of all materials relied upon in making any representation covered by the order.

Part IV of the order requires Häagen-Dazs to notify the Commission of any changes in corporate structure that might affect compliance with the order.

Part V of the order requires Häagen-Dazs to distribute copies of the order to its operating divisions and to various officers, agents and representatives of Häagen-Dazs.

Part VI of the order requires Häagen-Dazs to file with the Commission one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order, or to modify any of their terms.

Donald S. Clark,

Secretary.

[FR Doc. 94–30319 Filed 12–8–94; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Information Collection Under OMB Review

Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Administration for Children and Families (ACF) has submitted to the Office of Management and Budget (OMB) a request for the continued use of an information collection titled: A Descriptive Study of Head Start Bilingual and Multicultural Program Services (Phase II, Site Visits). The first phase of this information collection was approved by OMB in April of 1994.

Addresses: Copies of the request for approval may be obtained from Robert A. Sargis of the Office of Information Systems Management, ACF, by calling (202) 690–7275.

A request for permission to begin data collection activities by January 20, 1995 is being made from OMB. Written comments and questions regarding this requested approval should be sent by January 13, 1995 directly to: Wendy

Taylor, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503, (202)–395–7316.

Information on Document

Title: Descriptive Study of Head Start Bilingual and Multicultural Program Service

OMB No.: 0980–0264

Description: The descriptive study seeks to describe innovative program services provided to children and families of bilingual and multicultural background. Phase I of the study was a survey of all Head Start grantees and delegates for innovative program services.

Based on results of the survey of Head Start grantees and delegates from Phase I, approximately 30 sites will be selected for in-depth visits during Phase II of the study. These site visits will describe in-depth innovative program services provide to bilingual and multicultural children and their families. Head Start personnel will be interviewed, classrooms will be visited and observed, and parents will be interviewed in focus groups.

Annual Number of Respondents: 30 sites

Number of responses per respondent: 10

Total annual responses: 300 sites

Hours per response: 10.91

Total Burden Hours: 3,273

Dated: December 5, 1994.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 94–30256 Filed 12–8–94; 8:45 am]

BILLING CODE 4184–01–M

Food and Drug Administration

[Docket No. 94N–0434]

Establishment of Prescription Drug User Fee Revenues and Rates for Fiscal Year 1995

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it is establishing user fee revenues and rates for Fiscal Year (FY) 1995. The Prescription Drug User Fee Act of 1992 (the PDUFA) authorizes FDA to collect user fees for certain applications for approval of drug and biological products, on establishments where the products are made, and on such marketed products. Fees for applications, establishments, and products for FY 1993 were established by the PDUFA. Fees for FY 1994 and later years are to be determined by FDA using criteria delineated in the statute.

FOR FURTHER INFORMATION CONTACT: Michael E. Roosevelt, Office of Financial Management (HFA–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4872.

SUPPLEMENTARY INFORMATION:

I. Background

The PDUFA (Pub. L. 102–571) establishes three different kinds of user fees. Fees are assessed on: (1) Certain types of applications and supplements for approval of drug and biologic products, (2) certain establishments where such products are made, and (3) certain marketed products (21 U.S.C. 379h(a)). When certain conditions are met, FDA may waive or reduce fees (21 U.S.C. 379h(d)). Under the PDUFA, one-third of the total user fee revenue for each FY must come from each of the three types of fees.

For FY 1993, the total revenues to be derived from fees and the fee rates for each of the categories were established in the PDUFA (21 U.S.C. 379h(b)(1)). For FY 1994 through 1997, however, the PDUFA establishes only target total fee revenues and fees. For these years, FDA is authorized to increase the total fee revenues and to establish new fee rates for each of the three categories so that the revised total fee revenues are realized (21 U.S.C. 379h(c)).

This notice establishes total fee revenues and sets application, establishment, and product fee rates for FY 1995. These fees are retroactive to October 1, 1994, and will remain in effect through September 30, 1995. Invoices for establishment and product fees for FY 1995 will be issued in December 1994, using the new fee schedules.

II. Revenue Increase and Fee Adjustment Process

The PDUFA provides that total fee revenues for each FY, as set out in the original fee schedule (see 21 U.S.C. 379h(b)(1)), shall be increased by notice in the **Federal Register**. The increase must reflect the greater of: (1) The total percentage increase that occurred during the preceding FY in the Consumer Price Index (all items; U.S. city average) (the CPI), or (2) the total percentage pay increase for that FY for Federal employees, as adjusted for any locality-based payment applicable to employees stationed in the District of Columbia (see 21 U.S.C. 379h(c)(1)). The PDUFA also provides that within 60 days after the end of each FY, FDA shall adjust the user fee rates in each of the three categories of fees (application, establishment, and product) to achieve the revised total fee revenues. The new individual user fees must be adjusted in a manner that maintains the proportions established in the original fee schedules, so that approximately one-third of the revenues will come from each of three categories: Application fees, establishment fees, and product fees (21 U.S.C. 379h(c)(2)).

III. Total Fee Revenue Adjustment

For FY 1994, the total percentage increase in the CPI was 2.96 percent, whereas the increase in applicable Federal salaries was 3.22 percent. Thus, for computing the total fee revenues for FY 1995, the latter percentage applies. The new adjusted total fee revenue is computed by applying the increase as a percentage (103.22 percent), to the FY 1995 target fee revenue amount from the PDUFA schedule ($75,000,000). The FY 1995 total adjusted fee revenue amount then totals $77,415,000.

IV. Fee Calculations for Application, Establishment, and Product Fees

The PDUFA provides that in making adjustments to the user fee rates, the one-third proportionality must be maintained among application, product, and establishment fees. Thus, the amount of revenues to be obtained from each category are $25,805,000 ($77,415,000 divided by 3).

A. Application Fees

Application fees are assessed on each "human drug application," as defined in the PDUFA (see 21 U.S.C. 379g(1)). Application fees are levied for: (1) Approval of certain new drug applications submitted after September 1, 1992, under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(b)(1)); (2) for approval of an application for certain molecular entities or indications for use submitted after September 30, 1992, under section 505(b)(2) of the act (21 U.S.C. 355(b)(2)); (3) for initial certifications or approvals of antibiotic drugs submitted after September 1, 1992, under section 507 of the act (21 U.S.C. 357); and (4) for licensure of certain biological products under section 351 of the Public Health Service Act (42 U.S.C. 262).

Fees are assessed at different rates for qualifying applications depending on whether the applications require for approval clinical data on safety and effectiveness (other than bioavailability or bioequivalence studies) (21 U.S.C. 379h(a)(1)(A) and 379h(b)).

Applications that require clinical data are subject to the full application fee. Applications that do not require clinical data, and supplements that require clinical data, are assessed one-half the fee of applications that require clinical data.

In most cases, a first payment of 50 percent of an application or supplement fee is due at the time the application or supplement is submitted (21 U.S.C. 379h(a)(1)(B)(i)). The final payment is due 30 days from the date FDA issues an invoice after issuance of an action letter for the application, or at the time an application is withdrawn, unless FDA waives this portion of the fee (21 U.S.C. 379h(a)(1)(B)). If FDA refuses to file an application or supplement, one-half of the first payment is refunded to the applicant (21 U.S.C. 379h(a)(1)(D)).

In setting the specific rate for each type of fee, FDA is required to estimate the numbers of applications, supplements, establishments, and products that it expects will qualify for fees in FY 1995. FDA makes this estimate based on the number of products, establishments, or applications subject to fees in FY 1994.

For FY 1994, FDA received and assessed fees for 78 filed applications that required clinical data, 16 applications that did not require clinical data, and 78 supplements that required clinical data, after excluding applications or supplements for which fees were waived. Because applications that do not require clinical data and supplements that require clinical data are assessed only one-half the full fee (that is, one-half the fee due on an application that requires clinical data), the equivalent number of these applications subject to the full fee is determined by summing these categories and dividing by 2. This amount is then added to the number of applications that require clinical data to arrive at the equivalent number of applications subject to full application fees.

In addition, as of September 30, 1994, FDA refused to file, or there were withdrawn before filing, 11 applications that required clinical data, and 5 applications that did not require clinical data. After refunds, each of the former applications paid one-fourth the full application fee and are counted as one-fourth of an application. Similarly, after refunds, each of the latter applications paid one-eighth of the full application fee rate and are counted as one-eighth of an application.

Using this methodology, the approximate equivalent number of applications that required clinical data and were assessed fees in FY 1994 was 129, before any further decisions were made on requests for waivers or reductions. Additional waivers or reductions of FY 1994 fees are expected to account for approximately five equivalents of applications that require clinical data. Therefore, FDA estimates that approximately 124 equivalent applications that require clinical data will qualify for fees in FY 1995, after allowing for possible waivers or reductions. Thus, the FY 1995 application fee rate is determined by dividing the adjusted total fee revenue to be derived from applications ($28,805,000), by the equivalent number of applications projected to qualify for fees in FY 1995 (124), for a fee of $208,000 per application that requires clinical data (rounded to the nearest $1,000). A fee of one-half this amount or $104,000 applies to applications that do not require clinical data and to supplements that require clinical data. The following calculations summarize the determination of FY 1995 application fee rates:

- 78 applications that require clinical data, +(16÷2) applications that do not require clinical data, +(78÷2) supplements that require clinical data, +(12÷4) applications that require clinical data and which FDA refuses to file or the sponsor withdraws before filing, +(5÷8) other applications that FDA refuses to file or the sponsor withdraws before filing, −5 waivers or reductions=124 (the estimated number of "full fee" applications for FY 1995 based on FY 1994 experience).
- $25,805,000 (FY 1995 estimated revenue to be derived from applications)÷ 124 (the estimated number of applications for FY 1995)=$208,000 per application (rounded to nearest $1,000).
- For applications that do not require clinical data and supplements that require clinical data the rate will be one-half the full application fee or $104,000.

B. Establishment Fees

The PDUFA FY 1994 establishment fee revenue was based on an estimate of 200 establishments subject to fees. In FY 1994, 206 establishments qualified for fees, before any decisions on requests for waivers or reductions were made. FDA estimates that approximately 200 establishments will qualify for fees in FY 1995, after allowing for possible waivers or reductions. Thus, the number 200 is used in setting the new establishment fee rate. The fee per establishment is determined by dividing the adjusted total fee revenue to be derived from establishments ($25,805,000), by the estimated 200 establishments, for an establishment fee rate for FY 1995 of $129,000 (rounded to the nearest $100).

C. Product Fees

The FY 1994 product fee was based on an estimate that 2,000 products would be subject to product fees in FY 1994. For FY 1994, 2,156 products qualified for fees, before any decisions on requests for waivers or reductions were made. However, FDA estimates that only 2,116 products will qualify for product fees in FY 1995, after allowing for an estimated 40 waivers or reductions. Accordingly, the FY 1995 product fee rate is determined by dividing the adjusted total fee revenue to be derived from product fees ($25,805,000), by the estimated 2,116 products, for a product fee rate for FY 1995 of $12,200 (rounded to the nearest $100).

V. Adjusted Fee Schedules for FY 1995

The fee rates for FY 1995 are set out in the following table:

Fee Category	Fee rates for FY 1995
Applications:	
Requiring clinical data	$208,000
Not requiring clinical data	104,000
Supplements requiring clinical data	104,000
Establishments	129,000
Products	12,200

VI. Implementation of Adjusted Fee Schedules

A. Application Fees

Application fees in the adjusted fee schedule for FY 1995 are the same as the projected 1995 fees in PDUFA. Any applications or supplements subject to fees under the PDUFA that are submitted in FY 1995 must be accompanied by the appropriate application fee.

B. Establishment and Product Fees

By December 31, 1994, FDA will issue invoices for establishment and product fees for FY 1995 under the new fee schedules. Payment will be due by January 31, 1995. FDA will issue invoices in October 1995 for any products and establishments subject to fees for FY 1995 that qualify for fees after the December 1994 billing.

Dated: December 5, 1994.

William K. Hubbard,

Interim Deputy Commissioner for Policy

[FR Doc. 94–30418 Filed 12–6–94; 5:02 pm]

BILLING CODE 4160–01–P

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting, Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke, Division of Intramural Research, on January 3–5, 1995, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, 20892.

This meeting will be open to the public from 9 a.m. to 12:30 p.m. and from 1:30 p.m. to 5 p.m. on January 4th in the Medical Board Room, Bldg. 10, Rm. 2C116, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public from 8 p.m. to 10 p.m. on January 3rd, and from 9 a.m. until adjournment on January 5th in Bldg. 10, Rm. 5S235, for the review, discussion and evaluation of individual programs and projects conducted by the NINDS. The programs and discussions include consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordinator, Ms. Mary Whitehead, Federal Building, Room 1012, 7550 Wisconsin Avenue, Bethesda, MD 20892, telephone (301) 496–9231 or the Acting Executive Secretary, Dr. Harold Gainer, Acting Director, Division of Intramural Research, NINDS, Building 10, Room 5N214, National Institutes of Health, Bethesda, MD 20892, telephone (301) 496–4297, will furnish a summary of the meeting and a roster of committee members upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Acting Executive Secretary in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No 13.854, Biological Basis Research)

Dated: December 5, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–30274 Filed 12–8–94; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health; Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panels (SEPs) meetings:

Purpose/Agenda. To review individual grant applications.

Name of SEP: Behavioral and Neurosciences.

Date: December 22, 1994.

Time: 12:00 p.m. (NOON).

Place: NIH, Westwood Building, room 325B, Telephone Conference.

Contact Person. Dr. Luigi Giacometti, Scientific Review Administrator, 5333 Westbard Ave., room 325B, Bethesda, MD 20892, (301) 594–7132.

Name of SEP: Behavioral and Neurosciences.

Date: January 4, 1995.

Time: 1:00 p.m.

Place: NIH, Westwood Building, room 319C, Telephone Conference.

Contact Person. Dr. Anita Sostek, Scientific Review Administrator, 5333 Westbard Ave., room 319C, Bethesda, MD 20892, (301) 594–7358.

The meetings will be closed in accordance with the provisions set forth in sec. 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 meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(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: December 5, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–30275 Filed 12–8–94; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, November 25, 1994.

(Call PHS Reports Clearance Officer on 202–690–7100 for copies of request.)

1. Round 1, National Nursing Home Expenditure Survey: National Medical Expenditure Survey—New—This is the pretest of Round 1 of the National Nursing Home Expenditure Survey (NNHES) of the National Medical Expenditure Survey (NMES 3). It will test procedures for collecting facility level data on nursing homes and person level data on a sample of their current residents. Respondents: Businesses or other for-profit, Federal agencies or employees, Small businesses or organizations; Number of Respondents: 196; Number of Responses per Respondent: 1.1; Average Burden per Response: 216 hours; Estimated Annual Burden: 252 hours.

2. Substance Abuse Prevention and Treatment Block Grant—45 CFR Part 96—0930–0163 (Reinstatement)—This Interim Final Rule provides guidance for States regarding the Substance Abuse Prevention and Treatment Block Grant legislation. The rule specifies the content of the States' annual report on and application for Block Grant funds. Associated recordkeeping requirements are also included. The application and annual report are approved separately. Respondents: State or local governments. Number of Respondents: 60; Number of Responses per Respondent: 1; Average Burden per Response: 16 hours; Estimated Annual Burden: 960 hours.

3. Drug and Alcohol Services Information System (DASIS)—0930–0106 (Reinstatement) the DASIS results from the integration of two existing data systems, the National Drug and Alcohol Treatment Unit Survey, and a minimum data set on client admissions to publicly funded drug and alcohol treatment units maintained by States. The DASIS will consist of two related data sets, a Facilities Data Set and a Treatment Episode Data Set. Together, they will provide information on the location, scope and characteristics of all known drug and alcohol treatment and prevention units in the United States, and the characteristics of clients receiving services. This information is needed to assess the nature and extent of these resources, to identify gaps in services, and to provide a database for treatment referrals. Respondents: State or local governments, Businesses or

other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Title	Number of respondents	Number of responses per respondent	Average burden per response (hours)
States	56	591.036	2,386
Providers	19,400	1	.428
Estimated Total Annual Burden: 87,278 hours.			

4. NIOSH Training Grants—42 CFR Part 86—Application and Regulations—0920–0261 (Extension, no change)—The Centers for Disease Control administers health professions' training grants to assist in providing an adequate supply of qualified personnel in the field of Occupational Safety and Health. Both long-term and short-term training projects will be funded. This request is for the information collection requirements in the regulation as well as for Training Grant Application Forms. Respondents: Non-Profit Institutions; Number of Respondents: 53; Number of Responses per Respondent: 1; Average Burden per Response: 76 hours; Estimated Annual Burden: 4030 hours.

5. Pretest of Round 1 for the Household Component (FAMES) of the National Medical Expenditure Survey (NMES–3)—New—This is the pretest of Round 1 of a household survey that will collect medical use, medical expenditures and health insurance coverage in subsequent rounds. Respondents: Individuals or households; Number of Respondents: 222; Number of Responses per Respondent: 1; Average Burden per Response: 2.083 hours; Estimated Annual Burden: 446 hours.

6. Study to Evaluate the Effects of the Use of "Put Prevention into Practice" (PPIP) Materials in Primary Health Care Settings—New—The PPIP program developed materials to improve delivery of clinical preventive services. The proposed study collects data on service delivery and health behavior from providers, patients and medical records to evaluate the program in community health care, HMO and private practice primary care settings. Respondents: Individuals or households, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations; Number of Respondents: 2,800; Number of Responses per Respondent: 1; Average Burden per Response: .85 hour; Estimated Annual Burden: 2,380 hours.

7. Obligated Service for Mental Health Traineeships: Regulations and Forms—0930–0074 (Extension, no change)—The recipients of clinical traineeships are required to submit the SMA 111, which ensures agency receipt of a termination notice prior to the end of support, and the SMA 111–2, which is an annual report on employment status and any changes in name and/or address, to the Grants Management Office of SAMHSA or their representatives. Respondents: Individuals or households, Non-profit institutions; Number of Respondents: 350; Number of Responses Per Respondent: 1; Average Burden per Response: 0.157 hour; Estimate Annual Burden: 55 hours.

Written comments and recommendations concerning the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated below at the following address: Shannah Foss, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: December 5, 1994.

James Scanlon,

Director, Division of Data Policy, Office of Health Planning and Evaluation.

[FR Doc. 94–30176 Filed 12–8–94; 8:45 am]

BILLING CODE 4160–17–M

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has settled misconduct charges in the following case:

John L. Ninnemann, Ph.D. On July 22, 1994, the Office of Research Integrity (ORI) settled scientific misconduct charges against John L. Ninnemann, Ph.D., formerly of the University of Utah and the University of California, San Diego, that will result in his retraction or correction of several articles related to immunosuppression. Although Dr. Ninnemann has not admitted guilt to ORI's allegations that he falsified and misrepresented scientific experiments in grant applications and publications in the 1970s and 1980s, he has agreed to:

1. Be excluded from eligibility for all federal grants, contracts and cooperative agreements for three years.

2. Be excluded from serving on any Public Health Service advisory committees, boards or peer review committees for three years.

3. Submit letters of retraction for five scientific articles.

4. Submit letters of correction for four additional scientific articles.

Following the settlement, Dr. Ninnemann has submitted the required letters of correction and retraction and ORI entered the remaining administrative actions into the PHS ALERT System.

Dr. Ninnemann submitted letters of retraction for the following five articles.

Ninnemann, J.L., "Melanoma-Associated Immunosuppression Through B Cell Activation of Suppressor T Cells," *Journal of Immunology*, 120: 1573–1579 (1978).

Ninnemann, J.L., Stockland, A.E., and Condie, J.T., "Induction of Prostaglandin Synthesis-Dependent Suppressor Cells with Endotoxin: Occurrence in Patients with Thermal Injuries," *Journal of Clincial Immunology*, 3:142–150 (1983).

Ninnemann, J.L., "Immunosuppression Following Thermal Injury through B Cell Activation of Suppressor T Cells," *Journal of Trauma*, Vol. 20, 3:206–213 (1980).

Ninnemann, J.L., Condie, J.T., Davis, S.E., and Crockett, R.A., "Isolation of Immunosuppressive Serum Components Following Thermal Injury," *The Journal of Trauma*, Vol. 22, 10:837–844 (1982).

Ninnemann, J.L. and Stockland, A.E., "Participation of Prostaglandin E Immunosuppression Following Thermal Injury," *The Journal of Trauma*, Vol. 24, 3:201–7 (1984).

Dr. Ninnemann submitted letters of correction for the following four articles:

Ninnemann, J.L. Ozkan, A.N. and Sullivan, J.J., "Hemolysis and Suppression of Neutrophil Chemotaxis by a Low Molecular Weight Component of Human Burn Patient Sera," *Immunology Letters*, 10:63–69 (1985).

Ozkan, A.N., and Ninnemann, J.L., "Reversal of SAP-induced Immunosuppression and SAP Detection by a Monoclonal

Antibody," *The Journal of Trauma*, Vol. 27, 2:123–6 (1987).
Ninnemann, J.L., and Ozkan, A.N., "Definition of a Burn Injury-induced Immunosuppressive Serum Component." *The Journal of Trauma*, Vol. 25, No. 2:113–7 (1985).
Ninnemann, J.L., and Ozkan, A.N., "Immunosuppression Activity of C1Q Degradation Peptides," *Journal of Trauma*, Vol. 27, :119–122 (1987).

FOR FURTHER INFORMATION CONTACT: Director, Division of Research Investigation, Office of Research Integrity, 301–443–5330.

Lyle W. Bivens,

Director, Office of Research Integrity.

[FR Doc. 94–30272 Filed 12–8–94; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–94–1917; FR–3778–N–14]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATES: For further information, contact William Molster, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in National Coalition for the Homeless v. Veterans Administration, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Brietman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to William Molster at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Elaine Sims, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22310–3862; (703) 355–3475; Corps of Engineers: Bob Swieconek, Headquarters, Army Corps of Engineers, Attn: CERE–MC, Room 4224, 20 Massachusetts Ave. NW, Washington, DC 20314–1000; (202) 272–1753; GSA: Leslie Carrington, Federal Property Resources Services, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 208–0619; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW, room 10319, Washington, DC 20590; (202) 366–4246, (These are not toll-free numbers).

Dated: December 2, 1994.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 12/09/94

Suitable/Available Properties

Buildings (by State)

Pennsylvania

Tract No. 224
Grays Landing Lock & Dam Project
Greensboro Co: Green PA 15338–
Landholding Agency: COE
Property Number: 319440001
Status: Unutilized
Comment: 1040 sq. ft., 2 story bldg., needs repair, historic struct., flowage easement, if habitation is desired property will be required to be flood proofed or removed off site

Tract No. 301
Grays Landing Lock & Dam project
Greensboro Co: Green PA 15338–
Landholding Agency: COE
Property Number: 319440002
Status: Excess
Comment: 1330 sq. ft., 2 story brick bldg., needs repair, historic struct., flowage easement, if habitation is desired the property will be required to be flood proofed or removed

Land (by State)

California

Receiver Site
Dixon Relay Station
7514 Radio Station Road
Dixon CA 95620–9653
Location: Approximately .16 miles southeast of Dixon, CA.
Landholding Agency: GSA
Property Number: 549010042
Status: Excess
Comment: 80 acres, 1560 sq. ft. radio receiver bldg. on site, subject to grazing lease, limited utilities.
GSA Number: 9–2–CA–1162–A

Texas

8.83 Acre Tract
Portion, former Fort Wolters
Mineral Wells Co: Parker/Palo Pin TX 76067–
Landholding Agency: GSA
Property Number: 549440004
Status: Excess
Comment: Land w/former recreation bldg., bldg. require repairs, potential utilities, parcel contains friable asbestos.
GSA Number: 7–GR–TX–548AA&BB

10.75 Acre Tract
Portion, former Fort Wolters
Mineral Wells Co: Parker/Palo Pin TX 76067–
Landholding Agency: GSA
Property Number: 549440005
Status: Excess
Comment: Land w/former officer's club bldg., bldg. require repairs, potential utilities, parcel contains friable asbestos.
GSA Number: 7–GR–TX–548AA&BB

120.26 Acre Tract
Portion, former Fort Wolters
Mineral Wells Co: Parker/Palo Pin TX 76067–
Landholding Agency: GSA
Property Number: 549440006
Status: Excess
Comment: Unimproved land containing friable asbestos.
GSA Number: 7–GR–TX–548AA&BB

Washington

Sandpoint Control Tower
Near 7600 Sandpoint Way, NE
Seattle Co: King WA 98115–
Landholding Agency: GSA
Property Number: 549440003
Status: Excess
Comment: 11.3 acres, w/deteriorated bldg. and parking lot
GSA Number: 9–C–WA–1069

Suitable/Unavailable Properties

Buildings (by State)

California

Suppiger Residence
Point Reyes National Seashore
Point Reyes Co: Marin CA 94956–
Landholding Agency: GSA
Property Number: 54941003
Status: Excess
Comment: 850 sq. ft. 2 story frame structure, need repairs, off-site removal only, narrow access road, removal restrictions
GSA Number: 9–I–CA–958B

Nevada

17 Single Family Residences
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430004
Status: Excess
Comment: 1192 to 1378 sq. ft., 1 story wood residences, 3 bedrooms/1 bathroom, (4 of these residences are unavailable for homeless asst. use due to a compelling Federal need)
GSA Number: 9–U–NV–467–C

1 Single Family Residence
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430005
Status: Excess
Comment: 1527 sq. ft., 1 story wood residence, 4 bedrooms/2 bathrooms
GSA Number: 9–U–NV–467–C

Bldg. 111
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number 549430006
Status: Excess
Comment: 2507 sq. ft., most recent use—office
GSA Number: 9–U–NV–467–D

Bldg. 112
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430007
Status: Excess
Comment: 1920 sq. ft., most recent use—storage
GSA Number: 9–U–NV–467–D

Bldg. 120
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430008
Status: Excess
Comment: 1440 sq. ft., most recent use—motor pool
GSA Number: 9–U–NV–467–D

Pennsylvania

Tract No. 408E
Grays Landing Lock & Dam Project
Greensboro Co: Green PA 15338–
Landholding Agency: COE
Property Number: 319440003
Status: Excess
Comment: 1187 sq. ft., 2 story brick bldg., historic structure, flowage easement.

Texas

19 Buildings and Land
Subtropical Agricultural Research Worksite
Brownsville Co: Cameron TX 78520–
Landholding Agency: GSA
Property Number: 549440007
Status: Excess
Comment: 25,000 sq. ft. structures, 1 story, pres. of asbestos, most recent use—housing, 18.76 acres which includes 16 acres of vacant land
GSA Number: 7–A–TX–0451G

Land (by State)

California

Receiver Site
Delano Relay Station
Route 1, Box 1350
Delano Co: Tulare CA 93215–
Location: 5 miles west of Pixley, 17 miles north of Delano.
Landholding Agency: GSA
Property Number: 549010044
Status: Excess
Comment: 81 acres, 1560 sq. ft. radio receiver bldg. on site, subject to grazing lease, potential utilities, environmental restrictions
GSA Number: 9–2–CA–1308

Unsuitable Properties

Buildings (by State)

Alabama

Bldg. 7651
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219440078
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 7658
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219440079
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 7662
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219440080
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 7665
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219440081
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 7676
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219440082
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 120, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440083
Status: Unutilized
Reason: Extensive deterioration

Bldg. 206, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440084

Status: Unutilized
Reason: Extensive deterioration

Bldg. 409, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440085
Status: Unutilized
Reason: Extensive deterioration

Bldg. 209–210, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440086
Status: Unutilized
Reason: Extensive deterioration

Bldg. 603, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440087
Status: Unutilized
Reason: Extensive deterioration

Bldg. 608, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440088
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3402, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440089
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3404–3405, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440090
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3601–3602, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440091
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3711, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440092
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3807, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440093
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3814, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440094
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3909–3910, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440095
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3913, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440096
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6610, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219440097
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–272, Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440098
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–325, Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440099
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–333, Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440100
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–334, Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440101
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–339, Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440102
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 805–809, 811–814
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440103
Status: Unutilized
Reason: Extensive deterioration

Bldgs. T–824, Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440104
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 852–855, 858–859
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440105
Status: Unutilized
Reason: Extensive deterioration

Bldgs. T860–T861, T863–T865
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440106
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 870–873, 877–882
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440107
Status: Unutilized
Reason: Extensive deterioration

Bldg. T983
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440108
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1201–1202, 1205
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440109
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1207–1208, 1210
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440110
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1379–1383
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440111
Status: Unutilized
Reason: Extensive deterioration

Alaska

Bldg. T22
USCG Support Center Kodiak
Kodiak Co: Kodiak AL 99619–
Landholding Agency: DOT
Property Number: 879440019
Status: Unutilized
Reason: Extensive deterioration

Bldg. V01
USCG Support Center Kodiak
Kodiak Co: Kodiak AL 99619–
Landholding Agency: DOT
Property Number: 879440020
Status: Unutilized
Reason: Secured Area

Bldg. 56
USCG Support Center Kodiak
Kodiak Co: Kodiak AL 99619–
Landholding Agency: DOT
Property Number: 879440021
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. S15
USCG Support Center Kodiak
Kodiak Co: Kodiak AL 99619–
Landholding Agency: DOT
Property Number: 879440022
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. CHIN(130)
USCG Support Center Kodiak
Kodiak Co: Kodiak AL 99619–
Landholding Agency: DOT
Property Number: 879440023
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 518
USCG Support Center Kodiak
Kodiak Co: Kodiak AL 99619–
Landholding Agency: DOT
Property Number: 879440024
Status: Unutilized
Reason: Secured Area

Arkansas

Bldg. 16–490
Pine Bluff Arsenal

Pine Bluff Co: Jefferson AR 71602–
Landholding Agency: Army
Property Number: 219440077
Status: Unutilized
Reason: Secured Area, Extensive deterioration

California

10 Bldg.
USCG Station Humboldt Bay
Samoa Co: Humboldt CA 95564–9999
Landholding Agency: DOT
Property Number: 879440027
Status: Excess
Reason: Extensive deterioration
Comment: Land to be relinquished to BLM (Public Domain Land)

Iowa

Bldg. A218
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440112
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 219
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440113
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 220
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440114
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 221
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440115
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 222
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440116
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 223
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440117
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 224
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440118
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 226
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440120
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 227
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 2194401121
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 228
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440122
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 230
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440123
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 231
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440124
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. CO231
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440125
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 232
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440126
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 233
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440127
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 234
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440128
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 235
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440129
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 236
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440130
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 238–256
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440131
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 258
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440132
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 259
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440133
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. A0260
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440134
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 261–263
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440135
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 264–266
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440136
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 267
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440137
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 276
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440138

Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 280
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440139
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 284
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440140
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 285
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440141
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 312
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440142
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 313
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440143
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 317
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440144
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 743
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440145
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 745
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440146
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 973–990
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440147
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 992
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440148
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 994–995
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440149
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 998–1005
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440150
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 1008
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440151
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 1010–1018
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440152
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. A1018
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440153
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 1040
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440154
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 1064
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440155
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 1076–1077
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440156
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 1088
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440157
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 5390
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219440158
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Kentucky

Bldgs. 9671, 9679
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440001
Status: Underutilized
Reason: Other
Comment: Detached latrines

Bldgs. 4124
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440002
Status: Underutilized
Reason: Other
Comment: Detached latrines

Bldgs. 30, 34–36
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440003
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 69, 91
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440004
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 156, 158, 160
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440005
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 161–162, 166
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440006
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 175, 602, 1315
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440007
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 1386, 1524, 1528
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440008
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 1529–1531

Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440009
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 1532–1533, 2417
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440010
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 2650, 3107, 4108
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440011
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 4112, 4120, 4123
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440012
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 4125–4126, 5007
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440013
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 5214, 5216, 6401
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440014
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6602, 6605, 6610
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440015
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6611, 6614–6615
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440016
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6616–6617, 6623
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440017
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6624, 6626–6627
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440018
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6628–6630
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440019
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6631, 6650, 6652
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440020
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6653, 6681, 6682
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440021
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6683, 6685–6686
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440022
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6687, 6690–6691
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440023
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6693–6695
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440024
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6696–6698
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440025
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6699, 6700, 6702
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440026
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6703–6705
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440027
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6706–6708
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440028
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6709, 6711, 6713
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440029
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6714, 6716, 6718
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440030
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6719–6721
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440031
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6722–6724
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440032
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6725–6727
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440033
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6728–6730
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440034
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6731–6733
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440035
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6736–6738
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440036
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6739–6741
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440037
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6742–6744
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440038
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6745–6747
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440039
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 6748–6750
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440040
Status: Unutilized

Reason: Extensive deterioration
Bldgs. 6751–6753
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440041
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 6766, 7003–7004
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440042
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7007–7009
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440043
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7010–7012
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440044
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7013–7015
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440045
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7016–7018
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440046
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7019–7021
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440047
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7022–7024
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440048
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7025–7027
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440049
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7028–7030
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440050
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7031–7033
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440051
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7034–7036
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440052
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7037–7039
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440053
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7040–7044
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440054
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7045–7049
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440055
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7050–7054
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440056
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7055, 7057–7059
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440057
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7061–7062, 7064–7066
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440058
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7067–7068, 7096–7099
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440059
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7232, 7329–7331
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440060
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7339–7342
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440061
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7384–7389
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440062
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7390–7399
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440063
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7400–7401, 7425
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440064
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7704, 7718–7719
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440065
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7723–7724, 7726, 7728
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440066
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7739, 7742, 7950
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440067
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 7951–7952, 9002
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440068
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 9181–9182, 9184
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440069
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 9201, 9252
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440070
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 9625–9629
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440071
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 9630–9639
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army

Property Number: 219440072
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 9641, 9658, 9659
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440073
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 9662–9669
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440074
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 9670, 9672–9673
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440075
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 9707, 9716–9720
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219440076
Status: Unutilized
Reason: Extensive deterioration

Land (by State)

Alaska

Russian Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 879440025
Status: Excess
Reason: Floodway

Sargent Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 879440026
Status: Excess
Reason: Floodway

[FR Doc. 94–30134 Filed 12–8–94; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–942–05–1420–00]

Idaho: Filing of Plats of Survey; Idaho

The plat of survey of the following described land will be officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., on January 24, 1995.

The plat representing the dependent resurvey of a portion of the subdivisional lines and the 1899 meanders of the left bank of the North Fork of the Payette River, and the survey of an island in section 15, Township 11 North, Range 3 East, Boise Meridian, Idaho, Group No. 656, was accepted December 2, 1994.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: December 2, 1994.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 94–30273 Filed 12–8–94; 8:45 am]
BILLING CODE 4310–GG–M

National Park Service

Notice of Realty Action for Proposed Exchanges of Federally-Owned Lands for Privately-Owned Lands all Within Mariposa County, California

I. The following described Federally-owned lands which were acquired by the National Park Service, have been determined to be suitable for disposal by exchange. The authority for this exchange is Section 5(b) of Public Law 90–401, dated July 15, 1968, (82 Stat. 356).

The Federal lands to be selected lie within the boundaries of Yosemite National Park in the Foresta area. The lands have been surveyed for cultural resources and endangered and threatened species. The Environmental Assessment discusses the use of this land for exchange purposes and this report along with the Finding of No Significant Impact are available upon request.

Both the surface and the mineral estates are to be exchanged. There are no leases or permits affecting these lands.

Lot 2 Block 12
Lots 1 & 2 Block 13
Lot 19 & 20 Block 13
Lot 8 Block 24

As set forth on the map of the Townsite of Foresta, filed January 9, 1914 as Map No. 175, Mariposa County Records and containing .68 acres, more or less.

Title to the above lands will be conveyed with a restriction prohibiting the use of these lands for all commercial activities including bed and breakfast facilities.

II. In exchange for the lands identified in Paragraph I, the United States of America will acquire various parcels of land lying within the boundary of Yosemite National Park in the Foresta area. Acquisition of these private lands will assist in consolidating Federal ownership in the Eastern portion of Foresta. Both the surface and mineral estates are to be exchanged and these lands will be administered by the National Park Service as part of Yosemite National Park upon completion of the exchange. The lands are being acquired in fee simple with no reservations subject only to rights of way and easements of record.

The lands to be acquired by the United States of America are described as follows:

Lot 7 Block 20
Lots 9 & 10 Block 34
Lot 6 Block 56
Lots 15 & 16 Block 56

As set forth on the map of the Townsite of Foresta, filed January 9, 1914 as Map Nos. 174 and 175, Mariposa County Records and containing .68 acres more or less.

The value of the properties exchanged has been determined by a current fair market value appraisal and any non equal values between Federal and private lands shall be equalized by payment of cash as circumstances require.

Detailed information concerning this exchange including environmental assessment, cultural reports, and Finding of No Significant Impact are available at the National Park Service, Land Resources Division, Western Regional Office, 600 Harrison St., Suite 600, San Francisco, California 94107–1372.

For a period of 45 calendar days from October 20, 1994, date this notice, was first published, interested parties may submit comments to the above address. Adverse comments will be evaluated and this action may be modified or vacated accordingly. In the absence of any action to modify or vacate, this realty action will become the final determination of the Department of Interior.

Dated: November 16, 1994.

Patricia L. Neubacher,

Acting Regional Director, Western Region.

[FR Doc. 94–30249 Filed 12–8–94; 8:45 am]
BILLING CODE 4310–70–P

Notice of Realty Action for a Proposed Land Exchange of Federal Lands in Maricopa County, Arizona, for Private Lands in Pima County, Arizona

SUMMARY: The following described acquired and reconveyed federal lands, under administration of the Department of Interior, have been determined to be suitable for disposal by exchange under authority of the Land and Water

Conservation Fund Act of 1965, as amended, 16 U.S.C. 460*l*–22(b), and the Saguaro National Monument Expansion Act of June 19, 1991, 16 U.S.C. 431:

Gila and Salt River Meridian

Parcel "A": Consisting of 41.42 acres in a portion of Section 34, Township 4 North, Range 4 East, and a portion of Section 3, Township 3 North, Range 4 East.

Parcel "B": Consisting of 18.02 acres in a portion of Section 35, Township 4 North, Range 4 East, and a portion of Section 2, Township 3 North, Range 4 East.

In exchange for these lands, the United States will acquire the following described private lands within the boundaries of Saguaro National Park:

Gila and Salt River Meridian

A tract of approximately 350 acres, more or less, in portions of Sections 11, 12, and 14, Township 15 South, Range 16 East.

The values of the lands to be exchanged will be equal. The precise acreage of private lands is dependent on completion of an appraisal currently in progress. Successful completion of this exchange is in the public interest for the following reasons:

1. The private lands to be acquired, approximately 350 acres, are all located in the Rincon Mountain District of the Saguaro National Park. These lands will be protected from the threat of future development and managed by the National Park Service as part of Saguaro National Park.

2. Using excess federal lands for exchange purposes maximizes the very limited funds appropriated for land acquisition to protect the greatest amount of park resources from the threat of future development.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. The right to construct ditches and canals across said lands under authority of the Act of August 30, 1890, (43 U.S.C. 945).

2. All valid existing rights (e.g., easements, rights-of-way, and leases of record).

3. The properties will be exchanged in fee title, subject to minerals outstanding in third parties.

With the federal lands being either acquired or reconveyed lands, publication of this notice in the **Federal Register** will not alter the segregation that already exists.

For Further Information Contact: Information relating to the lands involved in the exchange is available for review at the National Park Service, Arizona Group Office, 202 East Earll Drive, Suite 115, Phoenix, Arizona 85012 and at the Office of the Superintendent, Saguaro National Park, 36933 Old Spanish Trail, Tucson, Arizona 85730.

For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the Chief, Division of Land Resources, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87504–0728.

Dated: November 17, 1994.

Stanley T. Albright,

Regional Director, Western Region, National Park Service.

[FR Doc. 94–30255 Filed 12–8–94; 8:45 am]

BILLING CODE 4310–70–P

INTERSTATE COMMERCE COMMISSION

Notice of Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office; The Carylon Corporation, 2500 West Arthington Street, Chicago, IL 60612

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation:

	State of incorporation
Video Industrial Services, Inc	AL
Video Industrial Services, Inc	AL
Ace Pipe Cleaning, Inc	MO
National Plant Services, Inc	IL
Rodding-Cleaning Services, Inc	CA
Transportable Treatment Services, Inc.	DE
National Power Rodding Corp	IL
Odesco Industrial Services, Inc	IL
Sewer System Evaluations, Inc	IL
National Industrial Maintenance, Inc	MI
Mobile Dredging & Pumping Co	PA
National Industrial Maintenance, Inc	IN
Ace Pipe Cleaning, Inc	MO
National Water Main Cleaning Co	NJ
Video Pipe Services, Inc	IL
Bio-nomic Services, Inc	NC
MESI, Inc	OH
Metropolitan Environmental Services, Inc.	OH
Robinson Pipe Services, Inc	OH
Mobile Dredging & Pumping Co	PA
Robinson Pipe Cleaning Co	PA
Specialized Maintenance Services, Inc.	TX
Video Industrial Services	Canada

Vernon A. Williams,

Secretary.

[FR Doc. 94–30331 Filed 12–8–94; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement

Notice is hereby given that a proposed Consent Decree in *In re Hollingsworth Solderless Terminal Company,* was lodged with the United States Bankruptcy Court for the Eastern District of Pennsylvania on November 16, 1994. This action was brought pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607.

Under the proposed Settlement Agreement, Hollingsworth Solderless Terminal Corporation (HSTC) agrees to pay $150,000 to the Hazardous Substance Superfund upon the sale of one of its plants known as Plant 1. In addition, HSTC agrees to pay 55% of the net sales proceeds of Plant 1 to reimburse the United States and the State of Florida for environmental response actions taken and to be undertaken at the HSTC facility in Fort Lauderdale, Florida. The United States will complete the remedial action contemplated by the United States Environmental Protection Agency's Record of Decision concerning the site.

The Department of Justice will receive comments relating to the proposed Settlement Agreement for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *In re Hollingsworth Solderless Terminal Company,* D.J. Ref. 90–11–3–162.

The proposed Settlement Agreement may be examined at the Office of the United States Attorney, 3310 U.S. Courthouse, 601 Market Street, Independence Mall West, Philadelphia, PA 19106. A copy of the proposed Settlement Agreement may also be examined at the Consent Decree Library, 1120 G Street, NW., Washington, DC 20005, (202) 624–0892. A copy of the proposed Settlement Agreement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th floor, Washington, DC 20005. In requesting a copy of the proposed Settlement Agreement please refer to the referenced case and enclose a check in the amount of $7.25 for copying costs

(25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94–29875 Filed 12–8–94; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S–3014, Washington, DC 20210.

Modification to General Wage Determinations Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of Publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut
- CT940001 (Feb. 11, 1994)
- CT940003 (Feb. 11, 1994)
- CT940004 (Feb. 11, 1994)

New Hampshire
- NH940001 (Feb. 11, 1994)

Vermont
- VT940025 (Feb. 11, 1994)

Volume II

Delaware
- DE940002 (Feb. 11, 1994)
- DE940004 (Feb. 11, 1994)
- DE940005 (Feb. 11, 1994)
- DE940009 (Feb. 11, 1994)

Virginia
- VA940015 (Feb. 11, 1994)
- VA940080 (Feb. 11, 1994)
- VA940081 (Feb. 11, 1994)

Volume III

Mississippi
- MS940006 (Feb. 11, 1994)
- MS940066 (Dec. 02, 1994)
- MS940067 (Dec. 02, 1994)

Volume IV

Indiana
- IN940003 (Feb. 11, 1994)
- IN940004 (Feb. 11, 1994)
- IN940005 (Feb. 11, 1994)
- IN940006 (Feb. 11, 1994)
- IN940018 (Feb. 11, 1994)

Ohio
- OH940001 (Feb. 11, 1994)
- OH940002 (Feb. 11, 1994)
- OH940003 (Feb. 11, 1994)
- OH940012 (Feb. 11, 1994)
- OH940026 (Apr. 01, 1994)
- OH940027 (Apr. 01, 1994)
- OH940028 (Feb. 11, 1994)
- OH940029 (Feb. 11, 1994)
- OH940034 (Feb. 11, 1994)
- OH940036 (Feb. 11, 1994)

Volume V

Kansas
- KS940006 (Feb. 11, 1994)
- KS940008 (Feb. 11, 1994)
- KS940009 (Feb. 11, 1994)
- KS940012 (Feb. 11, 1994)
- KS940015 (Feb. 11, 1994)
- KS940016 (Feb. 11, 1994)
- KS940017 (Feb. 11, 1994)
- KS940020 (Feb. 11, 1994)
- KS940025 (Feb. 11, 1994)
- KS940029 (Feb. 11, 1994)
- KS940061 (Feb. 11, 1994)

Oklahoma
- OK940014 (Feb. 11, 1994)

Texas
- TX940007 (Feb. 11, 1994)
- TX940011 (Feb. 11, 1994)
- TX940012 (Feb. 11, 1994)
- TX940061 (Feb. 11, 1994)

Volume VI

Arizona
- AZ940004 (Feb. 11, 1994)

Idaho
- ID940001 (Feb. 11, 1994)
- ID940004 (Feb. 11, 1994)
- ID940005 (Feb. 11, 1994)

Oregon
- OR940001 (Feb. 11, 1994)

Washington
- WA940001 (Feb. 11, 1994)
- WA940002 (Feb. 11, 1994)
- WA940003 (Feb. 11, 1994)
- WA940006 (Feb. 11, 1994)
- WA940007 (Feb. 11, 1994)
- WA940008 (Feb. 11, 1994)
- WA940010 (Feb. 11, 1994)
- WA940013 (Feb. 11, 1994)

Wyoming
- WY940004 (Feb. 11, 1994)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which included all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC This 2nd Day of December 1994.

Alan L. Moss,

Director, Division of Wage Determination.

[FR Doc. 94–30091 Filed 12–8–94; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

[TA–W–30,319]

Baker Performance Chemicals Incorporated Anchorage, Alaska; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 12, 1994 in response to a worker petition which was filed on August 29, 1994 on behalf of workers at Baker Performance Chemicals, Incorporated, Anchorage, Alaska.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 2nd day of December, 1994.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 94–30348 Filed 12–8–94; 8:45 am]

BILLING CODE 4510–30–M

Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of November, 1994.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,461; Ball Glass Container Corp., Okmulgee Plant, Okmulgee, OK

TA–W–30,082; Deran Holding Co., Inc., DBA Great American Brands, Cambridge, MA

TA–W–30,259; Contract Fusing, Duryea, PA

TA–W–30,245; Transportation Manufacturing Corp., RTS Remanufacturing, Schenectady, NY

TA–W–30,113; Philips Lighting, Richmond, KY

TA–W–30,315; Mascotech Industrial Components, Mesick, MI

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–30,383; Aramco Services Co., Houston, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–30,072; Cyprus Bagdad Copper Co., Bagdad, AZ

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,362; Phillips Van Heusen, Warehouse & Distribution Center West Hazelton, PA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–30,448; Alkon Corp., Pine Brook, NJ

Alkon Corp transferred final assembly production of hydraulic valves to another affiliated domestic firm. Layoffs at the subject plant are the result of this domestic transfer & are unrelated to company imports of company sales.

TA–W–30,160; Dyna-Craft, Inc., Miltipas, CA

Corporate decision was made to consolidate its operations transferring production from the Miltipas plant to other domestic company plants.

TA–W–30,306; MASX Energy Services, Inc., Technology Export Co, Houston, TX

US imports of oil and gas field machinery were negligible in 1993 and are projected to be negligible in 1994

TA–W–30,412; Dexter Automotive Materials, West Unity, OH

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,291; General Electric, Schenectadv, NY

The employees were laid off based on decisions made by the company to cut cost by sourcing work to outside vendors, domestic companies.

TA–W–30,343; Kerr McGee Chemical Corp.., Oklahoma City, OK

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,354; Delhi Gas Pipeline Co., Dallas, TX & Operating at Various Locations in the Following States: A; TX, B; OK

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,191; AT & T Network Systems, Phoenix, AZ

The investigation revealed that criterion (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

TA–W–30,266; Hercules, Inc/Aqualon Co., Parlin, NJ

A certification was issued covering all workers separated on or after August 16, 1993.

TA–W–30,423; Penobscot Shoe Co., Old Town, ME

A certification was issued covering all workers separated on or after October 5, 1993.

TA–W–30,317; Exxon Co USA, Southeastern Production, New Orleans, LA

A certification was issued covering all workers separated on or after August 30, 1993.

TA–W–30,323; Suave Shoe Corp, Miami Lakes, FL

A certification was issued covering all workers separated on or after August 31, 1993.

TA–W–30,336; Bo-Mar Manufacturing Co., Inc., Fall River, MA

A certification was issued covering all workers separated on or after August 29, 1993.

TA–W–30,421; CRT's, Inc., DBA SRG Oil Corp., Abilene, TX

A certification was issued covering all workers separated on or after October 11, 1993.

TA–W–30,226; C.R. Bard Urological Div., Wausau, WI

A certification was issued covering all workers separated on or after August 10, 1993.

TA–W–30,310; Niagara Mohawk Power Corp., Syracuse, NY

A certification was issued covering all workers separated on or after September 29, 1993.

TA–W–30,228; Buchman Optical, Inc., Oakland, MD

A certification was issued covering all workers separated on or after August 11, 1993.

TA–W–30,324, TA–W–30,325, TA–W–30,326; Sara Lee Hosiery Products, Lumberton Plant, Lumberton, NC, Marion, SC and Florence, SC

A certification was issued covering all workers separated on or after September 9, 1993.

TA–W–30,428; Kimberly Clark Corp., Memphis, TN

A certification was issued covering all workers separated on or after September 29, 1993.

TA–W–30,465; Range Oil Co., Inc., Winfield, KS

A certification was issued covering all workers separated on or after September 19, 1993.

TA–W–30,320; Amerada Hess Corp., Midland, TX

A certification was issued covering all workers separated on or after September 1, 1993.

TA–W–30,348; Oxford of Lincolnton (Oxford Dress Div), Lincolnton, GA

A certification was issued covering all workers separated on or after September 15, 1993.

TA–W–30,253; Royal Sound Co., Inc., Eatontown, NJ

A certification was issued covering all workers separated on or after August 16, 1993.

TA–W–30,344; Computer Products DBA Power Conversion America, South Boston, MA

A certification was issued covering all workers separated on or after September 19, 1993.

TA–W–30,193; New Colonial Corp., Sevierville, TN

A certification was issued covering all workers separated on or after July 25, 1993.

TA–W–30,272; Western Publishing Co., Inc., Fayetteville, NC

A certification was issued covering all workers separated on or after August 29, 1993.

TA–W–30,403; Noltina Crucible & Refractory Corp., Currently Refra Trade Corp., Philadelphia, PA

A certification was issued covering all workers separated on or after September 30, 1993.

TA–W–30,321; AGH Trimsource, Inc., Advanced Shoulder Pad, New York, NY

A certification was issued covering all workers separated on or after August 1, 1993.

TA–W–30,408; Karen Manufacturing, Sweet Valley, PA

A certification was issued covering all workers separated on or after August 31, 1993.

TA–W–30,280; Savoy Div., of Posso Corp., Woodbury, TN

A certification was issued covering all workers separated on or after August 20, 1993.

TA–W–30,331 and TA–W–30,331A; Kerr-McGee Corp., Oklahoma City, OK and Casper WY

A certification was issued covering all workers separated on or after July 31, 1993.

TA–W–30,331B; Kerr-McGee Corp., El Reno, OK and Operating at The Other Following Locations: C; Kilgore, TX, D; Amarillo, TX, E; Odessa, TX, F; Sunray, TX, G; Canadia, TX

A certification was issued covering all workers separated on or after August 17, 1993.

TA–W–30,364; Coordinated Apparel Group, Inc., Orwigsburg, PA

TA–W–30,364A; Coordinated Apparel Group, Inc., Sewing Facility Schuylkill Haven, PA

TA–W–30,364B; Coordinated Apparel Group, Inc., Swainsboro, PA

A certification was issued covering all workers separated on or after September 20, 1993.

TA–W–30,276; Ampex Recording Media Corp., Opelika, AL

A certification was issued covering all workers separated on or after August 25, 1993.

TA–W–30,126; FMC Corp., Green Bay, WI

A certification was issued covering all workers separated on or after July 11, 1993.

TA–W–30,094; Creative Contractor, Inc., Vineland, NJ

A certification was issued covering all workers separated on or after February 28, 1993.

TA–W–30,349, TA–W–30,350; Aileen, Inc., Flint Hill Plant, Flint Hill, VA and Victoria Plant, Victoria, VA

A certification was issued covering all workers separated on or after September 14, 1993.

TA–W–30,357, TA–W–30,359; Aileen, Inc., Woodstock Plant, Woodstock, VA and Edinburg Plant, Edinburg, VA

A certification was issued covering all workers separated on or after September 14, 1993.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of November, 1994.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(A) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(B) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased.

(c) that the increase in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(2) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

NAFTA–TAA–00253; Goetze Gasket Co., LaGrange, GA

The investigation revealed that criteria (3) and criteria (4) were not met. The investigation revealed that Goetze Gasket Co. made a business decision to shut down its LaGrange, GA facility & transfer the predominant proportion of its production of automotive gaskets to another domestic facility.

NAFTA–TAA–00250; Philips Lighting Co., A Div. of Philips Electronics North America Corp., Richmond, KY

The investigation revealed that criteria (3) and criteria (4) were not met. A survey of major customers of the subject plant revealed that none of the respondents increased their imports of halogen or automotive lamps from Mexico or Canada during the relevant period.

NAFTA–TAA–00251; Leviton Manufacturing Co., Inc., Brooklyn, NY

The investigation revealed that criteria (3) and criteria (4) were not met. The investigation revealed that Leviton Manufacturing Co., Inc. made a corporate decision to shut down its Brooklyn, NY facility & to transfer its production to another existing domestic facility.

NAFTA–TAA–00256; Lockheed Fort Worth Co., Kingsley Field-Air Defense Site, Klamath, OR

The investigation revealed that criteria (3) and criteria (4) were not met. A survey of projects for which Lockheed Fort Worth Co. has submitted unsuccessful bids disclosed that the surveyed projects were awarded to other domestic firms. The survey further revealed that these domestic firms will utilize the terms of the contracts at domestic production facilities.

NAFTA–TAA–00248; Magnetek, Kokomo, IN

The investigation revealed that criteria (3) and criteria (4) were not met. There was no shift in production of AC/DC converters have been increasing, and the company is transferring production from the Kokomo plant to another company plant in Huntington, IN.

NAFTA–TAA–00261; Mahan Western Industries, Inc., Leather & Heel Dept., El Paso, TX

A certification was issued covering all workers of Mahan Western Industries, Inc., El Paso, TX separated on or after December 8, 1993.

NAFTA–TAA–00258; Kimberly-Clark Corp., Memphis Tennessee Tissue Mill, Memphis, TN

A certification was issued covering all workers of Kimberly-Clark Corp, Memphis, Tennessee Tissue Mill, Memphis, TN separated on or after December 8, 1993.

NAFTA–TAA–00259; Timbercraft Products, a Div. of Fulton & Lighty, Inc., Hayden Lake, ID

A certification was issued covering all workers of Timbercraft Products, A Div. of Fulton & Lighty, Inc., Hayden Lake, ID separated on or after December 8, 1993.

NAFTA–TAA–00257; Plantronics, Inc., Santa Cruz, CA

A certification was issued covering all workers of engaged in the production of telephone headsets at Plantronics, Inc., Santa Cruz, CA separated on or after December 8, 1993.

NAFTA–TAA–00255; Zenith Electronics Corp., Parts Sales Div., Chicago, IL

A certification was issued covering all workers engaged in employment related to the Parts Div. of the Chicago, IL facility of Zenith Electronics Corp. separated on or after December 8, 1993.

NAFTA–TAA–00252; Footwear Management Co., Tony Lama Div., El Paso, TX

A certification was issued covering all workers of the Tony Lama Div. of Footwear Management Co., El Paso, TX separated on or after December 8, 1993.

NAFTA–TAA–00254; Zenith Electronics Corp., Plant #19, Springfield, MO

A certification was issued covering all workers of the Zenith Electronics Corp., Plant #19, Springfield, MO & separated on or after December 8, 1993.

I hereby certify that the aforementioned determinations were issued during the month of November, 1994. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: November 29, 1994.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 94–30353 Filed 12–8–94; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,380]

London Fog Industries, Hancock, MD; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 26, 1994 in response to a worker petition which was filed on behalf of workers at London Fog Industries, Hancock, Maryland.

All workers of the subject firm are covered under existing certification (TA–W–29,485). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 30th day of November, 1994.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 94–30349 Filed 12–8–94; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–29,981]

Pacer Industries, Inc., Echlin Engine Systems, Washington, MO; Notice of Revised Determination on Reopening

On November 28, 1994, the Department, at the request of the State Agency, reopened its investigation for the workers and former workers of the subject firm in Washington, Missouri. The initial investigation resulted in a negative determination on September 7, 1994 which was published in the **Federal Register** on October 4, 1994 (59 FR 50624).

Investigation findings show that workers at the subject firm produce automotive fuel system parts for the auto aftermarket. The workers were not separately identifiable by product.

Other investigation findings show that sales and employment both decreased in 1993 compared to 1992 and in the first five months of 1994 compared to the same period in 1993.

Findings on reopening show that a major customer decreased its purchases of fuel system parts from Washington, Missouri and increased its import

purchases in 1993 compared to 1992 and in the first five months of 1994 compared to the same period in 1993.

The subject workers were previously certified on September 13, 1994, under a NAFTA petition, NAFTA—00201.

Conclusion

After careful consideration of the new facts obtained on reopening, it is concluded that increased imports of articles like or directly competitive with automotive fuel system parts contributed importantly to the decline in sales or production and to the total of partial separation of workers at the subject facility. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

"All workers and former workers of Echlin Engine Systems, in Washington, Missouri who became totally or partially separated from employment on or after June 3, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed in Washington, DC, this 30th day of November 1994.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 94–30351 Filed 12–8–94; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,037]

Elf Atochem North America, Inc., Industrial Chemicals Division, Tacoma, WA; Notice of Revised Determination on Reopening

On November 28, 1994, the Department, at the request of the State Agency, reopened its investigation for the workers and former workers of the subject firm in Tacoma, Washington. The initial investigation resulted in a negative determination on August 10, 1994 which was published in the **Federal Register** on August 25, 1994 (59 FR 43866).

Investigation findings show that sodium chlorate accounted for a substantial portion of the Tacoma's production in 1993 and 1994. The workers were not separately identifiable by product.

Findings on reopening show that a major customer ceased purchasing sodium chlorate from Elf Atochem and increased its purchases of imported sodium chlorate in 1994.

Company officials indicated that they decided to close the Tacoma plant because of additional Canadian chlor-alkali capacity coming on-line.

The subject workers were previously certified on September 22, 1994, on reconsiderable under a NAFTA petition, NAFTA—00111.

U.S. imports of sodium chlorate increased absolutely in 1993 compared to 1992 and increased in the latest 12-month period ending in May 1994 compared to the earlier 12-month period ending in May 1993.

Conclusion

After careful consideration of the new facts obtained on reopening, it is concluded that increased imports of articles like or directly competitive with sodium chlorate contributed importantly to the decline in sales or production and to the total or partial separation of workers at the subject facility.

In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

"All former workers of Elf Atochem in Tacoma, Washington who became totally or partially separated from employment on or after May 16, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed in Washington, DC, this 28th day of November 1994.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 94–30350 Filed 12–8–94; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA—00232]

National Medical Care, Inc., Medical Products Division a/k/a Erika of Texas, McAllen, TX; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on October 21, 1994, applicable to all workers of the subject firm in McAllen, Texas.

At the request of the State Agency the Department reviewed the certification for workers of the subject firm. The investigation findings show that some of the claimants' wages were reported under an unemployment insurance (UI) tax account for Erika of Texas.

The intent of the Department's certification is to include all workers who were adversely affected by increased imports. Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to NAFTA—00232 is hereby issued as follows:

"All workers of the Medical Products Division of National Medical Care, a/k/a Erika of Texas, in McAllen, Texas who became totally or partially separated from employment on or after December 8, 1993 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974."

Signed at Washington, DC, this 22d day of November 1994.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 94–30352 Filed 12–8–94; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

Fee Adjustments for Testing, Evaluation, and Approval of Mining Products

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of fee adjustments.

SUMMARY: This notice revises the Mine Safety and Health Administration's (MSHA) user fees for testing, evaluation, and approval of certain products manufactured for use in underground mines. These fees are based on fiscal year 1994 data and reflect changes in approval processing operations as well as costs incurred to process approval actions.

DATES: These fee schedules are effective from January 1, 1995 through December 31, 1995. Approval applications postmarked before January 1, 1995 will be chargeable under the fee schedules as published on December 29, 1993.

FOR FURTHER INFORMATION CONTACT: Peter M. Turcic, Chief, Approval and Certification Center, R.R. 1, Box 251, Triadelphia, West Virginia 26059.

SUPPLEMENTARY INFORMATION: In general, MSHA has computed the revised fees based on the cost to the government to provide testing, evaluation, and approval of products manufactured for use in underground mines. On May 8, 1987 (52 FR 17506), MSHA published a final rule, 30 CFR Part 5—Fees for Testing, Evaluation, and Approval of Mining Products, which established the specific procedures for fee calculation, administration, and revisions. This revised fee schedule is established in accordance with the procedures of that rule.

Dated: December 5, 1994.

J. Davitt McAteer,

Assistant Secretary, Mine Safety and Health.

FEE SCHEDULE EFFECTIVE JANUARY 1, 1995

[Based on fiscal year 1994 data]

	Action title	Hourly rate	Flat rate	Application fee
	30 CFR Part 7—Product Testing by Third Party			
12	Approval Evaluation—Battery Assemblies	43	.....	100
12	Approval Evaluation—Brattice and Ventilation Tubing	50	.....	100
12	Approval Evaluation—Multiple-Shot Blasting Units	43	.....	100
12	Approval Evaluation—Electric Motor Assemblies [1]	43	.....	100
12	Approval Evaluation—Electric Cables and Splice Kits	49	.....	100
14	Approval Extension—Batteries Assemblies	42	.....	100
14	Approval Extension—Brattice and Ventilation Tubing	48	.....	100
14	Approval Extension—Multiple-Shot Blasting Units	42	.....	100
14	Approval Extension—Electric Motor Assemblies [1]	42	.....	100
14	Approval Extension—Electric Cables and Splice Kits	48	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 15—Explosives			
12	Approval Evaluation [2]	47	.....	100
	Permissibility Tests for Explosives:			
	Weigh-in	.....	420	.....
	Physical Exam: First size	.....	295	.....
	Chemical Analysis	.....	1,797	.....
	Air Gap—Minimum Product Firing Temperature	.....	418	.....
	Air Gap—Room Temperature	.....	320	.....
	Pendulum Friction Test	.....	148	.....
	Detonation Rate	.....	320	.....
	Gallery Test 7	.....	6,760	.....
	Gallery Test 8	.....	5,030	.....
	Toxic Gases (Large Chamber)	.....	732	.....
	Permissibility Tests for Sheathed Explosives:			
	Physical Examination	.....	128	.....
	Chemical Analysis	.....	1,044	.....
	Gallery Test 9	.....	1,944	.....
	Gallery Test 10	.....	1,944	.....
	Gallery Test 11	.....	1,944	.....
	Gallery Test 12	.....	1,944	.....
	Drop Test	.....	648	.....
	Temperature Effects/Detonation	.....	672	.....
	Toxic Gases	.....	580	.....
14	Approval Extension	47	.....	100
	30 CFR Part 18—Electric Motor Driven Equipment and Accessories			
12	Approval—Machine Evaluation [2]	49	.....	100
	Approval—Machine Testing:			
	Explosion Test	41	.....	.....
	Surface/Temperature Test	43	.....	.....
	Impact Test	39	.....	.....
	Thermal Shock Test	40	.....	.....
	Product Flame Test	48	.....	.....
12	Approval—Instrument (testing included)	47	.....	100
14	Approval Extension—Machine Evaluation [1]	48	.....	100
	Approval Extension—Machine Testing:			
	Explosion Test	41	.....	.....
	Surface/Temperature Test	43	.....	.....
	Impact Test	39	.....	.....
	Thermal Shock Test	40	.....	.....
	Product Flame Test	48	.....	.....
14	Approval Extension—Instruments (testing included)	47	.....	100
15	Acceptance Evaluation [2]	46	.....	100
	Acceptance Testing:			
	Explosion Test	41	.....	.....
	Wall Thickness Test	51	.....	.....
	Surface/Temperature Test	43	.....	.....
	Impact Test	39	.....	.....
	Thermal Shock Test	40	.....	.....
	Product Flame Test	48	.....	.....
	Compressibility Test (asbestos substitutes)	51	.....	.....
16	Certification Evaluation [2]	41	.....	100
	Certification Testing:			
	Explosion Test	41	.....	.....

FEE SCHEDULE EFFECTIVE JANUARY 1, 1995—Continued

[Based on fiscal year 1994 data]

	Action title	Hourly rate	Flat rate	Application fee
	Surface/Temperature Test	43		
	Impact Test	39		
	Thermal Shock Test	40		
	Product Flame Test	48		
17	Acceptance Extension[2]	46		100
	Product Flame Test	48		
18	Certification Extension[2]	41		100
	Certification Extension Testing:			
	Explosion Test	41		
	Surface/Temperature Test	43		
	Impact Test	39		
	Thermal Shock Test	40		
	Product Flame Test	48		
21	Field Modification[2]	50		100
	Field Modification Testing:			
	Explosion Test	41		
	Impact Test	39		
	Thermal Shock Test	40		
	Product Flame Test	48		
	Arc Ignition Test	51		
23	Field Approval		255	
26	Permit—Machines[2]	47		100
	Permit Testing:			
	Explosion Test	41		
	Surface/Temperature Test	43		
	Impact Test	39		
	Thermal Shock Test	40		
	Product Flame Test	48		
26	Permit—Instruments (testing included)	47		100
30	Instrinsic Safety Determination (testing included)	51		100
31	Instrinsic Safety Determination Extension (testing included)	51		100
32	Simplified Certification[2]	43		100
41	Longwall Approval[2]	49		100
	Longwall Approval Testing:			
	Explosion Test	41		
	Thermal Shock Test	40		
	Impact Test	39		
	Product Flame Test	48		
	Arc Ignition Test	51		
42	Longwall Approval Extension[2]	49		100
	Longwall Approval Extension Testing:			
	Explosion Test	41		
	Thermal Shock Test	40		
	Impact Test	39		
	Product Flame Test	48		
	Arc Ignition Test	51		
45	Shearer Evaluation[2]	50		100
	Shearer Evaluation Testing:			
	Explosion Test	41		
	Thermal Shock Test	40		
	Impact Test	39		
	Product Flame Test	48		
	Arc Ignition Test	51		
46	Shearer Evaluation Extension[2]	50		100
	Shearer Evaluation Extension Testing:			
	Explosion Test	41		
	Thermal Shock Test	40		
	Impact Test	39		
	Product Flame Test	48		
	Arc Ignition Test	51		
47	Permit—Extension of Time		91	
48	Permit—Modification—Machine	47		100
48	Permit—Modification—Instrument (testing included)	47		100
	30 CFR Part 19—Electric Cap Lamps			
12	Approval (testing included)	46		100
14	Approval Extension (testing included)	46		100
40	Stamped Notification Acceptance Program (SNAP)		278	

FEE SCHEDULE EFFECTIVE JANUARY 1, 1995—Continued

[Based on fiscal year 1994 data]

	Action title	Hourly rate	Flat rate	Application fee
	30 CFR Part 20—Electric Mine Lamps			
12	Approval (testing included)	44	.....	100
14	Approval Extension (testing included)	44	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 21—Flame Safety Lamps			
12	Approval (testing included)	47	.....	100
14	Approval Extension (testing included)	47	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 22—Portable Methane Detectors			
12	Approval (testing included)	48	.....	100
14	Approval Extension (testing included)	48	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 23—Telephones and Signaling Devices			
12	Approval (testing included)	50	.....	100
14	Approval Extension (testing included)	50	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
14	Approval Extension (testing included)	44	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 21—Flame Safety Lamps			
12	Approval (testing included)	47	.....	100
14	Approval Extension (testing included)	47	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 22—Portable Methane Detectors			
12	Approval (testing included)	48	.....	100
14	Approval Extension (testing included)	48	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 23—Telephones and Signaling Devices			
12	Approval (testing included)	50	.....	100
14	Approval Extension (testing included)	50	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 24—Single-Shot Blasting Units			
12	Approval (testing included)	51	.....	100
14	Approval Extension (testing included)	51	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 26—Lighting Equipment for Illumination			
12	Approval (testing included)	50	.....	100
14	Approval Extension (testing included)	50	.....	100
40	Stamp Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 27—Methane Monitoring Systems			
16	Certification (testing included)	51	.....	100
18	Certification Extension (testing included)	47	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 28—D.C. Current Fuses			
12	Approval (testing included)	51	.....	100
14	Approval Extension (testing included)	51	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 29—Portable Dust Analyzers and Methane Monitors			
12	Approval (testing included)	47	.....	100
14	Approval Extension (testing included)	47	.....	100
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....

FEE SCHEDULE EFFECTIVE JANUARY 1, 1995—Continued

[Based on fiscal year 1994 data]

	Action title	Hourly rate	Flat rate	Application fee
	30 CFR Part 31—Diesel Mine Locomotives			
12	Approval	46	.....	100
14	Approval Extension	46	.....	100
	30 CFR Part 32—Mobile Diesel-Powered Equipment for Noncoal Mines			
12	Approval	46	.....	100
14	Approval Extension	46	.....	100
16	Certification Evaluation[2]	48	.....	100
	Certification Testing:			
	Emissions Test	51	.....	.....
	Pre/Post Test Preparation	49	.....	.....
18	Certification Extension Evaluation[2]	46	.....	100
	Certification Extension Testing:			
	Emissions Test	51	.....	.....
	Pre/Post Test Preparation	49	.....	.....
	30 CFR Part 33—Dust Collectors			
12	Approval Evaluation without Cert. of Performance[2]	49	.....	100
	Approval Testing:			
	Dust Collector Test	51	.....	.....
14	Approval Extension Evaluation[2]	49	.....	100
	Approval Extension Testing:			
	Dust Collector Test	51	.....	.....
16	Certification Evaluation[2]	49	.....	100
	Certification Testing:			
	Dust Collector Test	51	.....	.....
18	Certification Extension[2]	49	.....	100
	Certification Extension Testing:			
	Dust Collector Test	51	.....	.....
21	Field Modification	49	.....	100
29	Dust Collector Approval with Cert. of Performance	.....	194	.....
40	Stamp Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 35—Fire-Resistant Hydraulic Fluids			
12	Approval (testing included)	46	.....	100
14	Approval Extension (testing included)	45	.....	100
	30 CFR Part 36—Mobile Diesel-Powered Equipment			
12	Approval	51	.....	100
14	Approval Extension	49	.....	100
16	Certification—Engine Evaluation[2]	46	.....	100
	Certification—Engine Testing:			
	Emissions Test	48	.....	.....
	Explosion Test	50	.....	.....
	Surface Temperature/Safety Controls Test	49	.....	.....
	Pre/Post Test Preparation	46	.....	.....
18	Certification Extension—Engine Evaluation[2]	46	.....	100
	Certification Extension—Engine Testing:			
	Emissions Test	48	.....	.....
	Explosion Test	50	.....	.....
	Surface Temperature/Safety Controls Test	49	.....	.....
	Pre/Post Test Preparation	46	.....	.....
21	Field Modification	49	.....	100
27	Certification—Diesel Components Evaluation[2]	47	.....	100
	Certification—Diesel Components Testing:			
	Emission Test	48	.....	.....
	Explosion Test	50	.....	.....
	Water Consumption/Cooling Efficiency Test	52	.....	.....
	Surface Temperature	49	.....	.....
	Safety Control Test	49	.....	.....
	Pre/Post Test Preparation	46	.....	.....
28	Certification Extension—Diesel Components Evaluation[2]	47	.....	100
	Certification Extension—Diesel Components Testing:			
	Emission Test	48	.....	.....
	Explosion Test	50	.....	.....
	Water Consumption/Cooling Efficiency Test	52	.....	.....

FEE SCHEDULE EFFECTIVE JANUARY 1, 1995—Continued

[Based on fiscal year 1994 data]

	Action title	Hourly rate	Flat rate	Application fee
	Surface Temperature	49	.....	.....
	Safety Control Test	49	.....	.....
	Pre/Post Test Preparation	46	.....	.....
40	Stamped Notification Acceptance Program (SNAP)	.....	278	.....
	30 CFR Part 74—Coal Mine Dust Personal Sampler Units			
12	Approval	47	.....	100
	00 Other A&CC Services			
15	Acceptance—Overcurrent Relays (testing included)	46	.....	100
15	Statement of Test and Evaluation (ST&E)	.....	38	.....
15	Material Acceptance (testing included)	46	.....	100
15	Monitor and Power System (MAPS) (testing included)	48	.....	100
15	Acceptance—Ground Check Monitor/Ground Wire Devices (testing included)	46	.....	100
17	Acceptance Extension—Overcurrent Relays	46	.....	100
17	Acceptance Extension—Interim Criteria	46	.....	100
17	Statement of Test and Evaluation (ST&E) Extension	.....	23	.....
17	Material Acceptance Extension (testing included)	46	.....	100
17	Acceptence Extension—Ground Check Monitor/Ground Wire Devices	46	.....	100
20	Stamped Revision Acceptance (SRA)[3]	.....	260	.....
24	Acceptance—Panic Bar	46	.....	100
33	Generic Statement of Test and Evaluation (ST&E)	47	.....	100
35	Administration Records Update	15	.....	None
37	Acceptance—Interim Criteria[2]	46	.....	100
	Interim Criteria Testing:			
	Product Flame Test	48	.....	.....
40	Stamped Notification Acceptance Program (SNAP)—Ground Check Monitor/Ground Wire Device/Overcurrent Relay	.....	278	.....
40	Stamped Notification Acceptance Program (SNAP) ST&E	.....	23	.....
41	Approval—Longwall Area Lighting	48	.....	100
42	Approval Extension—Longwall Area Lighting	46	.....	100
50	Mine Wide Monitoring System (MWMS) Evaluation	49	.....	100
50	Mine Wide Monitoring System (MWMS) Barrier Classification	.....	179	.....
54	Mine Wide Monitoring System (MWMS) Sensor Classification	.....	261	.....
00	Retesting for Approval as a Result of Post-Approval Product Audit[4]	.....	.....	.....

[1] Electric motor assemblies final rule was issued February 22, 1993. The phase-in period for this program is 3 years.
[2] Full approval fee consists of evaluation cost plus applicable test costs.
[3] Fee covers SRA application accompanied by up to five documents.
[4] Fee based upon the approval schedule in effect at the time of retest.

Note: When testing and evaluation are required at locations other than MSHA's premises, the applicant shall reimburse MSHA for traveling, subsistence, and incidental expenses of MSHA's representation in accordance with standardized government travel regulations. This reimbursement is in addition to the fees charged for evaluation and testing.

[FR Doc. 94–30316 Filed 12–8–94; 8:45 am]
BILLING CODE 4510–43–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Temporary Closing of Reference Service on Certain Textual Records

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of closure and reopening of reference services for certain textual records holdings in the National Archives related to the move to the National Archives at College Park (Archives II) and the relocation of some records to the National Archives Building.

SUMMARY: This notice provides information about the period of time that reference service on certain textual records holdings of the National Archives will be unavailable due to the move of those holdings from their current locations in the National Archives Building in Washington, DC, and the Washington National Records Center in Suitland, Maryland, to new locations in either the new Archives II facility in College Park, Maryland, or the National Archives Building in Washington, DC. Additional notices will be published by NARA relating to the move of other holdings to Archives II.

During the periods shown for the record groups listed on the schedule at the end of this notice, the National Archives will be unable to provide records for research, or process requests for reproductions (fee orders) or requests for information from these records. Requests received during the periods of suspended service will be returned for resubmission after the date indicated for reopening the records for reference service. Changes in the overall move schedule may require changes in these dates.

For schedule updates and information on the new location of the records, call the User Services Division at (202) 501–5400.

Dated: December 5, 1994.

Trudy Huskamp Peterson,

Acting Archivist of the United States

RECORD GROUPS CLOSING JANUARY–JUNE, 1995

Cluster title	RG No.	Record group short title	Close date	Reopen date
Air Force	018	Army Air Force	03/14/95	05/17/95
Air Force	243	U.S. Strategic Bombing Survey	04/04/95	05/19/95
Air Force	340	Office of the Secretary of the Air Force	04/10/95	05/25/95
Air Force	341	Headquarters U.S. Air Force (Air Staff)	04/18/95	06/27/95
Air Force	342	U.S. Air Force Commands, Activities, and Organizations	05/16/95	07/18/95
Defense and Related Activities	218	U.S. Joint Chiefs of Staff	02/01/95	04/13/95
Defense and Related Activities	225	Joint Army and Navy Boards and Commissions	02/17/95	04/19/95
Defense and Related Activities	226	Office of Strategic Services	02/21/95	05/05/95
Defense and Related Activities	238	National Archives Collection of World War II War Crimes Records.	03/13/95	05/15/95
Defense and Related Activities	242	National Archives Collection of Foreign Records Seized	03/20/95	05/30/95
Defense and Related Activities	262	Foreign Broadcast Intelligence Service	04/03/95	06/01/95
Defense and Related Activities	263	Central Intelligence Agency	04/04/95	06/05/95
Defense and Related Activities	330	Office of the Secretary of Defense	04/10/95	06/21/95
Defense and Related Activities	333	International Military Agencies	05/08/95	07/06/95
Defense and Related Activities	334	Interservice Agencies	05/15/95	08/01/95
Defense and Related Activities	349	Joint Commands	06/12/95	08/11/95
Defense and Related Activities	361	Defense Logistics Agency	06/19/95	01/15/95
Defense and Related Activities	373	Defense Intelligence Agency	06/30/95	08/29/95
Education/Culture	012	Office of Education	02/10/95	04/11/95
Education/Culture	106	Smithsonian Institution	02/13/95	04/13/95
Education/Culture	288	National Foundation on the Arts and the Humanities	02/15/95	04/13/95
Education/Culture	441	Department of Education	01/21/95	04/19/95
EOP/Presidential Agencies	130	White House Office	01/24/95	03/22/95
EOP/Presidential Agencies	212	Committee for Congested Production Areas	01/24/95	03/22/95
EOP/Presidential Agencies	273	National Security Council	01/30/95	03/24/95
EOP/Presidential Agencies	303	National Council on Marine Resources and Engineering Development.	01/30/95	03/24/95
EOP/Presidential Agencies	359	Office of Science and Technology	01/30/95	03/28/95
EOP/Presidential Agencies	364	Office of U.S. Trade Representative	02/01/95	03/30/95
EOP/Presidential Agencies	429	Organizations in the Executive Office of the President	02/06/95	04/03/95
General Government	488	U.S. Postal Service	01/03/95	02/22/95
Health and Human Services	047	Social Security Administration	01/06/95	02/24/95
Health and Human Services	088	Food and Drug Administration	01/09/95	03/06/95
Health and Human Services	090	Public Health Service, 1912–1968	01/30/95	03/24/95
Health and Human Services	215	Office of Community War Services	02/10/95	03/28/95
Health and Human Services	235	Department of Health, Education, and Welfare	02/10/95	03/30/95
Health and Human Services	381	Community Services Administration	02/21/95	04/07/95
Health and Human Services	443	National Institutes of Health	03/01/95	04/17/95
Health and Human Services	468	Department of Health and Human Services	03/06/95	04/21/95
Health and Human Services	511	Alcohol, Drug Abuse, and Mental Health Administration	03/13/95	04/25/95
Health and Human Services	514	Office of the Assistant Secretary for Health	03/13/95	04/27/95
Judicial Branch	021	District Courts of the United States	04/24/95	06/05/95
Judicial Branch	123	U.S. Court of Claims	05/02/95	06/21/95
Judicial Branch	276	U.S. Courts of Appeals	05/19/95	07/03/95
Judicial Branch	482	Judicial Panel on Multidistrict Litigation	06/05/95	07/12/95
Justice/Law Enforcement	170	Drug Enforcement Administration	01/24/95	02/24/95
Justice/Law Enforcement	204	Office of the Pardon Attorney	01/30/95	03/03/95
Justice/Law Enforcement	205	Court of Claims Section (Justice)	01/31/95	03/13/95
Justice/Law Enforcement	206	Solicitor of the Treasury	02/10/95	03/15/95
Justice/Law Enforcement	209	Prison Industries Reorganization Administration	02/13/95	03/17/95
Justice/Law Enforcement	299	Foreign Claims Settlement Commission of the United States	02/14/95	03/21/95
Justice/Law Enforcement	325	Committee on Government Contract Compliance	02/21/95	03/27/95
Justice/Law Enforcement	379	Community Relations Service	02/27/95	03/29/95
Justice/Law Enforcement	403	Equal Employment Opportunity Commission	02/27/95	03/31/95
Justice/Law Enforcement	423	Law Enforcement Assistance Administration	03/06/95	04/06/95
Justice/Law Enforcement	449	Independent Counsels	03/13/95	04/12/95
Justice/Law Enforcement	453	Commission on Civil Rights	03/13/95	04/14/95
Justice/Law Enforcement	460	Watergate Special Prosecution Force	03/20/95	04/20/95
Justice/Law Enforcement	477	U.S. Foreign Intelligence Surveillance Court	03/20/95	04/24/95
Legislative Branch	411	General Accounting Office	01/09/95	03/02/95
Modern Army	107	Office of the Secretary of War	01/13/95	02/22/95
Modern Army	111	Office of the Chief Signal Officer	01/23/95	03/08/95
Modern Army	112	Office of the Surgeon General (Army)	02/10/95	03/24/95
Modern Army	153	Office of the Judge Advocate General (Army)	03/06/95	04/07/95
Modern Army	156	Office of the Chief of Ordnance	03/13/95	04/21/95
Modern Army	159	Office of the Inspector General (Army)	03/08/95	04/17/95
Modern Army	160	Headquarters Army Service Forces	03/20/95	04/27/95
Modern Army	165	War Department General and Special Staffs	03/28/95	05/19/95
Modern Army	168	National Guard Bureau	04/18/95	05/25/95
Modern Army	175	Chemical Warfare Service	04/25/95	05/30/95

RECORD GROUPS CLOSING JANUARY–JUNE, 1995—Continued

Cluster title	RG No.	Record group short title	Close date	Reopen date
Modern Army	247	Office of the Chief of Chaplains	05/01/95	06/09/95
Modern Army	260	U.S. Occupation Headquarters, World War II	05/08/95	07/10/95
Modern Army	319	Army Staff	06/06/95	10/05/95
State/Foreign Relations	076	Boundary and Claims Commissions	03/20/95	04/24/95
State/Foreign Relations	084	Foreign Service Posts	04/04/95	09/26/95
Treasury/Revenue/Finance	034	Federal Deposit Insurance Corporation	02/27/95	04/25/95
Treasury/Revenue/Finance	039	Bureau of Accounts (Treasury)	02/27/95	05/03/95
Treasury/Revenue/Finance	050	Tresurer of the United States	03/08/95	05/17/95
Treasury/Revenue/Finance	053	Bureau of the Public Debt	03/21/95	05/25/95
Treasury/Revenue/Finance	056	Department of the Treasury	03/29/95	06/01/95
Treasury/Revenue/Finance	058	Internal Revenue Service	04/04/95	06/21/95
Treasury/Revenue/Finance	082	Federal Reserve System	04/24/95	06/23/95
Treasury/Revenue/Finance	087	U.S. Secret Service	04/26/95	06/27/95
Treasury/Revenue/Finance	101	Office of the Comptroller of the Currency	05/01/95	08/17/95
Treasury/Revenue/Finance	104	U.S. Mint	06/20/95	08/23/95
Treasury/Revenue/Finance	180	Commodity Futures Trading Corporation	06/30/95	08/29/95
Treasury/Revenue/Finance	195	Federal Home Loan Bank Board	06/30/95	08/31/95

[FR Doc. 94–30310 Filed 12–8–94; 8:45 am]
BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

Draft Supplemental Environmental Statement; Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission has issued a Draft Supplement Environmental Statement (NUREG–0498, Supplement 1) to the Final Environmental Statement (NRC 1978 FES–OL) issued in 1978 concerning the operation of the Watts Bar Nuclear Power Plants Units 1 and 2. This supplement documents the NRC's latest review of the environmental issues at Watts Bar.

DATES: Interested parties are invited to submit comments by January 30, 1995.

ADDRESSES: Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments also may be delivered to Room 6D22, Two White Flint North, 1145 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays.

Single copies of the draft supplement report are available free, to the extent of supply, upon written request to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082 or the Office of Administration, Distribution and Mail Service Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. An individual copy is available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Scott C. Flanders, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504–1172.

SUPPLEMENTARY INFORMATION:

Background

The NRC issued the Final Environmental Statement concerning the operation of the Watts Bar Nuclear Plant in 1978. The NRC has determined that it is appropriate to re-examine the issues associated with the environmental review before issuance of an operating license. The purpose of the NRC review is to discuss the effects of observed changes in the environment and to evaluate the changes in environmental impacts that have occurred as a result of changes in the Watts Bar Nuclear plant design and proposed methods of operations since the last environmental review. A broad scope of environmental topics are evaluated, including regional demography, land and water use, meteorology, terrestrial and aquatic ecology, radiological and non-radiological impacts on humans and the environment, socioeconomic impacts, and environmental justice. The staff concluded that there are no significant changes in the environmental impacts since the NRC 1978 FES–OL from changes in plant design, proposed methods of operations, or changes in the environment.

The applicant's preoperational and operational monitoring programs were reviewed and found to be appropriate for establishing baseline conditions and ongoing assessments of environmental impacts.

The staff also conducted an analysis of plant operation with severe accident mitigation design alternatives (SAMDAs) and concluded that none of the SAMDAs, beyond three procedural changes that the applicant committed to implement, would be cost-beneficial for further mitigating environmental impacts.

Dated at Rockville, Maryland, this 5th day of December, 1994.

For the Nuclear Regulatory Commission.

Scott F. Newberry,

Director, License Renewal and Environmental Review Project Directorate, Associate Director for Advanced Reactors and License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 94–30338 Filed 12–8–94; 8:45 am]
BILLING CODE 7590–01–M

[Docket Nos. 50–361 and 50–362]

Correction to Southern California Edison Co., et al., San Onofre Nuclear Generating Station; Receipt of Petition for Director's Decision Under 10 CFR 2.206

In the Notice beginning on page 55900 in the issue of Wednesday, November 9, 1994, the local public document room is listed as the "California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407." The correct address of the San Onofre Nuclear Generating Station local public document room is the "Main Library, University of

California, P.O. Box 19557, Irvine, California 92173."

For the Nuclear Regulatory Commission.

Mel B. Fields,

Project Manager, Project Directorate IV–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 94–30339 Filed 12–8–94; 8:45 am]

BILLING CODE 7950–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Public Hearing in Pittsburgh, Pennsylvania: Aviation Accident

In connection with its investigation of the USAir, Inc., Flight 427, Boeing 737–300, N513AU, Accident at Aliquippa, Pennsylvania, September 8, 1994, the National Transportation Safety Board will convene a public hearing at 12:00 p.m., (est) on January 23, 1995, in Ballroom 1 and 2 at the Pittsburgh Hilton and Towers Hotel, located in Gateway Center, at 600 Commonwealth Place, Pittsburgh, Pennsylvania 15222. For more information, contact Mike Benson, Office of Public Affairs, Washington, DC 20594, telephone (202) 382–0660.

Dated: November 16, 1994.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 94–30317 Filed 12–8–94; 8:45 am]

BILLING CODE 7533–01–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–20751; 812–8874]

The RBB Fund, Inc., et al.

December 2, 1994.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: The RBB Fund, Inc. (the "Fund"), PNC Institutional Management Corporation ("PIMC"), BEA Associates ("BEA"), Warburg Pincus Counsellors, Inc. ("Warburg"), Laffer Advisors Incorporated ("Laffer"), and Counsellors Securities, Inc. ("Distributor").

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act for an exemption from sections 2(a)(32), 2(a)(35), 18(f), 18(g), 18(i), 22(c) and 22(d) of the Act and rule 22c–1 thereunder.

SUMMARY OF APPLICATION: Applicants request an order to permit investment portfolios of the Fund to issue multiple classes of shares representing interests in the same portfolio of securities and assess, and under certain circumstances waive, a contingent deferred sales charge ("CDSC") on redemptions of shares. The order would supersede a prior order, Investment Company Act Release No. 16539 (the "Prior Order"), to permit the Fund to issue multiple classes of share in its portfolios that declare dividends on a non-daily, as well as a daily, basis.

FILING DATES: The application was filed on March 7, 1994 and amended on July 22, 1994, September 27, 1994, October 28, 1994, and December 2, 1994.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 27, 1994, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC' Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC, 20549. Applicants, Bellevue Corporate Center, 400 Bellevue Parkway, suite 100, Wilmington, DE 19809.

FOR FURTHER INFORMATION CONTACT: Fran Pollack-Matz, Senior Attorney, at (202) 942–0570, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from SEC's Public Reference Branch.

Applicants' Representations

1. The Fund is an open-end management investment company registered under the Act with several separate investment portfolios (the "Portfolios"). The Distributor serves as the distributor for each of the Portfolios. PIMC, a wholly owned subsidiary of PNC Bank National Association, serves as the investment adviser to the Portfolios except those advised by BEA, Warburg, or Laffer. Warburg, a wholly owned subsidiary of E.M. Warburg, Pincus & Co., Inc., serves as adviser to the Warburg Portfolios and sub-adviser to the RBB High Yield Bond Portfolio. BEA serves as adviser to each of the BEA Portfolios. Laffer serves as adviser to the RBB Laffer/Canto Equity Portfolio.

2. The Prior Order permits the Fund to issue and sell multiple classes of shares representing interests in its Portfolios that declare dividends on a daily basis. The current application seeks to replace the Prior Order with an order for both existing and future daily and non-daily dividend Portfolios distributed by the Distributor.

A. Multiple Class System

1. Applicants propose to establish a multiple class distribution system that would authorize each Portfolio to sell separate classes of its shares. Each class of shares will be identical in all respects except: (a) Each class of shares would have a different designation; (b) each class of shares might be sold under different sale arrangements (*e.g.*, sales with a front-end sales load, subject to a CDSC, or at net asset value; (c) each class of shares would bear any 12b–1 or shareholder service fees related to the class; (d) each class of shares would bear expenses specifically attributable to the particular class ("Class Expenses"), as set forth in condition 1; (e) the related voting rights as to matters exclusively affecting one class of shares (*e.g.*, the amendment or termination of a rule 12b–1 plan) in accordance with the procedures set forth in rule 12b–1, except as provided in condition 15 below; (f) each class of shares may have different exchange privileges; an (g) each class of shares may have different conversion features.

2. Expenses of the Fund that are directly attributable to the operations of a Portfolio will be allocated to that Portfolio. Expenses that are indirectly attributable to the operations of the Fund will be allocated among the Portfolios of the Fund based upon the relative net assets of each Portfolio. Class Expenses will be allocated to that class. Because of the Class Expenses, the net income of any one class of shares in a Portfolio may be different than the net income of another class of shares in the same Portfolio.

3. Applicants propose that each class of shares may be exchanged for shares of the same class in another Portfolio. The exchange privileges will comply with rule 11a–3 under the Act. In addition, applicants request the ability to convert shares of any class to shares of another class. The conversions will be at the relative net asset value of each of the classes. For purposes of such conversion, all shares purchased through the reinvestment of dividends and other distributions will be

considered to be held in a separate sub-account. Each time any shares of one class in the shareholder's account (other than those in the sub-account) convert to shares of another class, a pro rata portion of the converting shares in the sub-account also will convert. The portion will be determined by the ratio of converting shares to the shareholder's total number of shares in that class (not including those in the sub-account).

4. The Portfolio's investment advisers, the Distributor and/or other portfolio service providers may choose to reimburse or waive all or a portion of the Class Expenses on certain classes on a voluntary and temporary basis. The amount of Class Expenses waived or reimbursed by the advisers, the Distributor and/or other portfolio service providers may vary from class to class. Class Expenses are by their nature specific to a given class and expected to vary from one class to another. Applicants believe that it is acceptable and consistent with shareholder expectations to reimburse or waive Class Expenses at different levels for different classes of the same Portfolio.

5. In addition, the advisers, the Distributor and/or other portfolio service providers may waive or reimburse all or a portion of the Portfolio expenses on a voluntary and temporary basis (with or without a waiver or reimbursement of Class Expenses) but only if the same proportionate amount of Portfolio expenses are waived or reimbursed for each class. Thus, any Portfolio expenses that are waived or reimbursed would be credited to each class of a Portfolio based on the relative net assets of the classes. Portfolio Expenses apply equally to all classes of a given Portfolio. Accordingly, it may not be appropriate to waive or reimburse Portfolio expenses at different levels for different classes of the same Portfolio.

B. The CDSC

1. Applicants also request an exemption to allow the Portfolios to impose a CDSC on redemptions of certain shares, and to waive or reduce the CDSC under certain circumstances. The sum of any front-end sales charge, and CDSC will not exceed the maximum sales charge provided for in Article III, Section 26(d) of the Rules of Fair Practice of the National Association of Securities Dealers, Inc. ("NASD").

2. The amount of the CDSC will be calculated as the lesser of the amount that represents a specified percentage of the net asset value of the shares at the time of purchase or at the time of redemption. The CDSC will not be imposed on shares derived from the reinvestment of dividends or capital gains distributions. Furthermore, no CDSC will be imposed on an amount which represents an increase in the value of the shareholder's account resulting from capital appreciation above the amount paid for shares purchased during the CDSC period. In determining the applicability and rate of any CDSC, it will be assumed that a redemption is made first of shares representing capital appreciation, next of shares derived from reinvestment of dividends and capital gains distributions, and finally of other shares held by the shareholder for the longest period of time. This will result in the charge, if any, being imposed at the lowest possible rate.

3. Applicants are requesting the ability to vary or waive the CDSC in the case of certain redemptions. Any waiver or reduction will comply with the conditions in paragraphs (a) through (d) of rule 22d–1. In addition, the Portfolios may provide a *pro rata* credit to be paid for by the Distributor, for any CDSC paid in connection with a redemption of shares followed by a reinvestment effected within 365 days, or a shorter period, of the redemption.

Applicants' Legal Analysis

1. Applicants request an exemption under section 6(c) of the Act from sections 18(f)(1), 18(g), and 18(i) of the Act, to issue multiple classes of shares representing interests in the same portfolio of securities. Applicants believe that the proposed allocation of expenses is equitable and will not discriminate against any group of shareholders. Applicants also believe that the proposed arrangement will not involve borrowings and will not affect the Portfolios' existing assets or reserves.

2. Applicants also request an exemption under section 6(c) from sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the Act, and rule 22c–1 thereunder, to assess and, under certain circumstances, waive or reduce a CEDSC with respect to certain redemptions of shares.

Applicants' Conditions

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

1. Each class of shares of each Portfolio of the Fund will represent interests in the same portfolio of investments of a Portfolio of the Fund and will be identical in all respects, except as set forth below. The only differences between the classes of shares of the Fund will relate solely to: (a) The designation of each class of shares of a Portfolio; (b) expenses assessed to a class as a result of (i) a rule 12b–1 plan providing for a distribution fee, (ii) an administrative service fee, or (iii) a portfolio servicing fee; (c) different Class Expenses for each class of shares, which may include, but otherwise be limited to: (i) transfer agency fees as identified by the transfer agent as being attributable to a specific class; (ii) printing and postage expenses relating to preparing and distributing materials such as shareholder reports, prospectuses and proxies to current shareholders; (iii) Blue Sky registration fees incurred by a class of shares; (iv) SEC registration fees incurred by a class of shares; (v) the expenses of administrative personnel and services as required to support the shareholders of a specific class; (vi) litigation or other legal expenses relating solely to one class of shares; and (vii) directors' fees incurred as a result of issues relating to one class of shares; (d) the fact that classes will vote separately with respect to the Fund's 12b–1 plan and shareholder services plan, except as provided in condition 15 below; (e) different exchange privileges; and (f) different conversion features. Any additional incremental expenses that should be properly allocated to one class of shares shall not be so allocated until approved by the SEC pursuant to an amended order.

2. The directors of the Fund, including a majority of the independent directors, will approve the multi-class structure. The minutes of the meetings of the directors of the Fund regarding the deliberations of the directors with respect to the approvals necessary to implement the multi-class structure will reflect in detail the reasons for the director's determination that the proposed multi-class structure is in the best interests of the Fund and its shareholders.

3. The initial determination of the Class Expenses that will be allocated to a particular class and any subsequent changes thereto will be reviewed and approved by a vote of the directors of the Fund including a majority of disinterested directors. Any person authorized to direct the allocation and disposition of monies paid or payable by a Portfolio to meet Class Expenses shall provide to the directors, and the directors shall review, at least quarterly, a written report of the amounts so expended and the purpose for which the expenditures were made.

4. On an ongoing basis, the directors of the Fund, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor the Portfolios for the existence of any material

conflicts between the interests of the classes of shares. The directors, including a majority of the noninterested directors, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The Fund's advisers and Distributor will be responsible for reporting any potential or existing conflicts to the directors. If a conflict arises, the Fund's advisers and Distributor, at their own cost, will remedy such conflict up to and including establishing a new registered management investment company.

5. Each shareholder services plan will be adopted and operated in accordance with the procedures set forth in rule 12b–1 (b) through (f) as if the expenditures made thereunder were subject to rule 12b–1, except that shareholders need not enjoy the voting rights specified in rule 12b–1.

6. The directors of the Fund will receive quarterly and annual statements concerning distribution and shareholder servicing complying with paragraph (b)(3)(ii) of rule 12b–1, as it may be amended from time to time. In the statements, only expenditures properly attributable to the sale or servicing of a particular class or shares will be used to justify any distribution or servicing fee charged to that class. Expenditures not related to the sale or servicing of a particular class of shares will be used to justify any distribution or servicing fee charged to that class. Expenditures not related to the sale or servicing of a particular class will not be presented to the directors to justify any fee attributable to that class. The statements, including the allocations upon which they are based, will be subject to the review and approval of the independent directors in the exercise of their fiduciary duties.

7. Dividends paid by each Portfolio with respect to each class of its shares, to the extent any dividends are paid, will be calculated in the same manner, at the same time, on the same day, and will be in the same amount, except for Class Expenses, distribution payments, and shareholder service payments.

8. The methodology and procedures for calculating the net asset values, dividends and distributions of the classes of shares and the proper allocation of expenses between those classes has been reviewed by an expert (the "Expert") who has rendered a report to the Fund, which has been filed with the SEC, that such methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an ongoing basis, the Expert, or an appropriate substitute Expert, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to the Fund that the calculations and allocations are being made properly. The reports of the Expert shall be filed as part of the periodic reports filed with the SEC pursuant to sections 30(a) and 30(b)(1) of the Act. The work papers of the Expert with respect to such reports, following request by the Fund (which the Fund agrees to provide), will be available for inspection by the SEC staff, upon the written request to the Fund for such work papers, by a senior member of the Division of Investment Management, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director and any Regional Administrators or Associate and Assistant Administrators. The initial report of the Expert is a "report on policies and procedures placed in operation" and the ongoing reports will be "reports on policies and procedures placed in operation and tests of operating effectiveness" as defined and as described in SAS No. 70 of the AICPA, as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

9. The Fund has adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset values, dividends and distributions of the classes of shares and the proper allocation of expenses between such classes of shares, and this representation has been concurred with by the Expert in the initial report referred to in condition 8 above and will be concurred with by the Expert, or an appropriate substitute Expert, on an ongoing basis at least annually in the ongoing reports referred to in condition 8 above. The Fund will take immediate corrective measures if this representation is not concurred in by the Expert or appropriate substitute expert.

10. The prospectus for each Portfolio will contain a statement to the effect that a salesperson and any other person entitled to receive compensation for selling or servicing shares may receive different compensation with respect to one particular class of shares over another in the Fund.

11. The Distributor will adopt compliance standards as to when each class of shares may appropriately be sold to particular investors. Applicants will require all persons selling shares of the Fund to agree to conform to such standards.

12. The conditions pursuant to which the order is granted and the duties and responsibilities of the directors of the Fund with respect to the multi-class structure will be set forth in guidelines which will be furnished to the directors of the Fund.

13. Each Portfolio will disclose the respective expenses, performance data, distribution arrangements, services, fees, transfer agency expenses, sales loads, deferred sales loads, and exchange privileges applicable to each class of shares of such Portfolio in every prospectus, regardless of whether all classes of shares in the Portfolio are offered through the prospectus. Each Portfolio will disclose the respective expenses and performance data applicable to all classes of shares in every shareholder report. The shareholder reports will contain, in the statement of assets and liabilities and statement of operations, information related to each Portfolio as a whole generally and not on a per class basis. Each Portfolio's per share data, however, will be prepared on a per class basis with respect to all classes of shares of such Portfolio. To the extent any advertisement or sales literature describes the expenses or performance data applicable to any class of shares in a Portfolio, it will also disclose the respective expenses and/or performance data applicable to all classes of shares in such Portfolio. The information provided by the Fund for publication in any newspaper or similar listing of each Portfolio's net asset value and public offering price will present each class of shares separately.

14. The Fund acknowledges that the grant of the order requested by this application will not imply SEC approval, authorization, or acquiescence in any particular level of payments that the Fund may make pursuant to an administrative services or 12b–1 plan in reliance on the order.

15. If a Portfolio implements any amendment to its rule 12–1 plan (or, if presented to shareholders, adopts or implements any amendment of a non-rule 12b–1 service plan) that would increase materially the amount that may be borne under the plan by Shares of any class ("Target Class") into which a Class with a conversion feature ("Purchase Class") is converted, existing Purchase Class shares will stop converting into Target Class shares unless the Purchase Class shareholders, voting separately as a class, approve the proposal. The directors shall take such action as is necessary to ensure that existing Purchase Class shares are exchanged or converted into a new class of shares ("New Target Class"), identical

in all material respects to the Target Class as it existed prior to implementation of the proposal, no later than the date such shares previously were scheduled to convert into the Target Class. If deemed advisable by the directors of the Fund to implement the foregoing, such action may include the exchange of all existing Purchase Class shares for a new class ("New Purchase Class"), identical to existing Purchase Class shares in all material respects, except that the New Purchase Class will convert into the New Target Class. New Target Class or New Purchase Class may be formed without further exemptive relief. Exchanges or conversions described in this condition shall be effected in a manner that the directors reasonably believe will not be subject to federal taxation. In accordance with condition 4 above, any additional cost associated with the creation, exchange or conversion of New Target Class or New Purchase Class shall be borne solely by the advisers and the Distributor. Purchase Class shares sold after the implementation of the proposal may convert into Target Class shares subject to the higher maximum payment, provided that the material features of the Target Class plan and the relationship of such plan to the Purchase Class shares are disclosed in an effective registration statement.

16. Any class of shares with a conversion feature will convert into another class of shares on the basis of the relative net asset values of the two classes, without the imposition of any sales load, fee, or other charge. After conversion, the converted shares will be subject to an asset-based sales charge and/or service fee (as those terms are defined in Article III, Section 26 of the NASD's Rules of Fair Practice), if any, that in the aggregate are lower than the asset-based sales charge and service fee to which they were subject prior to the conversion.

17. The applicants will comply with the provisions of rule 6c–10 under the Act, Investment Company Act Release No. 16619 (Nov. 2, 1988), as such rule is currently proposed and as it may be reproposed, adopted or amended.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30264 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20752; No. 812–8880]

Applications, Hearings, Determinations, etc.; First Investors Corp., et al.

December 2, 1994.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: First Investors Corporation ("FIC"); First Investors Life Insurance Company ("First Investors"); First Investors Cash Management Fund, Inc. ("Cash Management Fund"), First Investors Global Fund, Inc., First Investors Government Fund, Inc. ("Government Fund"), First Investors High Yield Fund, Inc. ("High Yield Fund"), First Investors Fund for Income, Inc. ("Fund for Income"), First Investors Insured Tax Exempt Fund, Inc., First Investors Multi-State Insured Tax Free Fund, First Investors New York Insured Tax Free Fund, Inc., First Investors Series Fund ("Series Fund"), First Investors Series Fund II, Inc., First Investors Tax-Exempt Money Market Fund, Inc. ("First Investors Money Market Fund"), and First Investors U.S. Government Plus Fund ("Government Plus Fund") (collectively, "Funds"); First Investors Life Insurance Company Separate Account A ("Separate Account A"), and First Investors Life Insurance Company Separate Account C ("Separate Account C") (collectively, "Separate Accounts"); First Investors Single Payment and Periodic Payment Plans for the Accumulation of Shares of First Investors Global Fund, Inc., First Investors Single Payment and Periodic Payment Plans for Investment in First Investors Government Fund, Inc., First Investors Periodic Payment Plans for Investment in First Investors High Yield Fund, Inc. ("High Yield Plan"), First Investors Single Payment and Periodic Payment Plans for Investment in First Investors Fund for Income, Inc. ("Fund for Income Plan"), and First Investors Single Payment and Periodic Payment Plans for Investment in First Investors Insured Tax Exempt Fund, Inc. (collectively, "Plans"); and any mutual funds, separate accounts, and contractual plans that may be subsequently organized or sponsored by First Investors or its affiliates.

RELEVANT 1940 ACT SECTIONS: An order of the Commission is requested under Section 11 of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek: (a) an order of the Commission approving the terms of certain offers of exchange involving certain mutual funds, variable annuity contracts and contractual plans; and (b) an amendment to a prior order issued by the Commission relating to certain offers of exchange involving certain contractual plans and mutual funds.

FILING DATE: The application was filed on March 10, 1994, and amended on September 26, 1994.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the Commission by 5:30 p.m. on December 28, 1994. Request a hearing in writing, giving the nature of your interest, the reason for the request and the issues you contest. Serve the applicant with the request, either personally or by mail, and also send it to the Secretary of the Commission, along with proof of service by affidavit, or for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicants: Larry R. Lavoie, Esq., Secretary and General Counsel, First Investors Corporation, 95 Wall Street, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Yvonne M. Hunold, Senior Counsel, at (202) 942–0670, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the Commission's Public Reference Branch.

Applicant's Representations

1. First Investor, a stock life insurance company, established Separate Account A and Separate Account C as separate accounts registered under the 1940 Act as unit investment trusts. FIC, a registered broker-dealer, is the depositor and sponsor of each Plan as well as the principal underwriter of each Fund, Separate Account and Plan. FIC and First Investors are wholly-owned subsidiaries of First Investors Consolidated Corporation ("FICON"), and affiliates of each other.

2. The Funds are each open-end diversified management investment companies registered under the 1940 Act. Each Fund is managed by a registered investment adviser which is a wholly-owned subsidiary of FICON.

Shares of the Cash Management Fund and First Investors Money Market Fund (collectively, "Money Market Funds")

are sold without a sales charge. First Investors Insured Intermediate Tax Exempt Fund ("Intermediate Tax Exempt Fund"), a series of the Series Fund, is sold with a maximum front-end sales charge of 3.5% on investments under $100,000, with discounts on larger investments. Shares of each of the other Funds are sold with a maximum front-end sales charge of 6.25% on investments under $25,000, with discounts on larger investments. The Government Plus Fund is no longer offering its shares for sale.

3. With the exception of the Money Market Funds and the Government Plus Fund, and subject to the conditions described below, cash distributions from one Fund may be invested in shares of another Fund at net asset value ("NAV"). Systematic withdrawal plan payments from a Fund, other than the Government Plus Fund, where a commensurate sales charge was paid, may be invested in another Fund at NAV. Shareholders of all of the Funds, except the Money Market Funds, Intermediate Tax Exempt Fund and Government Plus Fund, have the right to exchange their shares for shares of other Funds at relative NAV. Exchanges at relative NAV from the Money Market Fund and Intermediate Tax Exempt Fund to other Funds may only be made if the shares being exchanged were acquired through an exchange from any of the Funds with an equivalent sales charge; otherwise, a sales charge differential is imposed on any exchanges into the other Funds. Shareholders of the Government Plus Fund currently have no exchange privilege with any other Fund.

4. The Separate Accounts are used to fund variable annuity contracts ("Contracts") issued by First Investors. Separate Account A invests in shares of First Investors Special Bond Fund, Inc., and Separate Account C invests in shares of First Investors Life Series Fund (currently consisting of nine separate series). First Investors Special Bond Fund and Life Series Fund are each a registered diversified open-end management investment company under the 1940 Act.

Units of the Separate Accounts are sold with a maximum front-end sales charge of 7% for an investment of less than $25,000, with discounts for larger investments. Investments must be annuitized or withdrawn by a Contract Owner no later than the first day of the calendar month following the Contract Owner's 85th birthday ("Maturity Date"). Separate Account A Contracts may be exchanged at relative NAV for Separate Account C Contracts, in accordance with Rule 11a–2 under the 1940 Act.

5. The Plans are registered unit investment trusts under the 1940 Act and invest in shares of the corresponding underlying Fund. An investor ("Planholder") may purchase a Plan either by means of a single payment ("Single Payment Plan") or periodic payments ("Periodic Payment Plan"). The maximum sales charge as a percentage of the offering price is 6.25% on a Single Payment Plan investment of less than $25,000, and 6.15% on a Periodic Payment Plan, with discounts for larger Plans. On a purchase of a Periodic Payment Plan, a portion of the total sales charge is deducted from each payment, with most of the charges allocated to earlier payments.

6. The Fund for Income and the High Yield Fund Plans were authorized temporarily to substitute the Government Fund as the underlying investment of each of these two Plans due to the unavailability for sale of the underlying high yield bond funds. Rel. No. IC–17987 (Feb. 5, 1991) ("Exemptive Order"). As of December 20, 1993, these two Plans resubstituted the high yield funds as their underlying investments with respect to new Plan payments, in accordance with the terms of the Exemptive Order. Planholders of the Fund for Income and High Yield Plans have the right to exchange at relative NAV into any other First Investors Single Payment or Periodic Payment Plan of the same denomination, subject to the same sales charge on additional payments and the same rights and privileges under the new Plan as under the current Plan. There currently are no other privileges to exchange at NAV from Plan to Plan, or from Fund to Fund.

7. Applicants propose to: (a) Offer investors four types of exchange privileges, at relative NAV: (1) Fund-to-Separate Account; (2) Separate Account-to-Fund; (3) Plan-to-Plan; and (4) Fund-to-Single Payment Plan; and (b) eliminate one of the special termination/exchange privileges that were previously created for the Fund for Income Plan and the High Yield Plan.

a. Exchange Offers

(1) *Fund-to-Separate Account.* Fund investors may move investments at relative NAV to a variable annuity sponsored by First Investors without a sales charge. Shareholders remain subject to all of the rights and obligations of Contract holders, including insurance-related fees.

(2) *Separate Account-to-Fund:* Investors will have an alternative to annuitization without an additional sales change. Front-end sales charges will be waived on fund shares purchased with the proceeds of a Contract. Back-end (surrender) sales charges will not be imposed on liquidation of a Contract. The exchange privilege will be available only during the one-year period preceding the Maturity Date of a Contract. Applicants reserve the right to extend the offer throughout the term of the Contact.

(3) *Plan-to-Plan:* Planholders may exchange directly into any other Single or Periodic Payment Plan of the same type and denomination, at relative NAV, without a sales charge. The same sales charges paid on additional payments and the same rights and privileges that apply under the current Plan will apply under the new Plan. This privilege is now available only to income Planholders and High Yield Planholders.

(4) *Fund-to-Single Payment Plan:* Fund shareholders may use redemption proceeds of a Fund account to purchase a Single Payment Plan in the same way as the Fund shareholder can now exchange into other Funds. Proceeds of the Fund redemption are to be transferred directly to the sponsor for the purchase of Plan units.

In connection with the four proposed exchange privileges, Applicants reserve the right to: (a) Require an investors to hold investments for a period of time before taking advantage of the proposed exchange offers; (b) makes the exchange privileges unavailable for exchanges among Funds, Separate Accounts and Plans which have different sales charges structures; and (c) impose reasonable redemption and/or administrative fees to pay for the costs of processing exchanges. Applicants also would limit the right of Cash Management Fund and Money Market Fund shareholders to exchange into Separate Accounts or Plans to those situations in which they could exchange at NAV into other Funds. Applicants do not intend to impose any holding period requirement. Applicants do not intend to impose any redemption or administrative fees on the proposed exchanges, other than the nominal redemption fees that are currently imposed on liquidation of Plans. A $5.00 exchange fee is charged for each exchange from one Fund into another Fund. This fee is borne by the Fund into which the exchange is being made and could add to that Fund's expenses. Additionally, an exchange of Fund shares for shares of another Fund generally will have similar consequences to that of a redemption of a Fund's shares and, this, is a taxable event.

Applicants reserve the right to refrain from commencing, or to terminate at any time, any of these exchange offers, subject to certain conditions set forth below. Each exchange offer will be contingent on the acquired product being legally available at relative NAV, all necessary state and federal approvals being obtained, and satisfaction of the product's minimum investment requirements.

b. Amended Order

Applicants also request that the Commission amend its Exemptive Order. The Exemptive Order, in relevant part, gave shareholders of the Fund For Income and High Yield Plans five alternatives, one of which allowed termination of the relevant Plan with direct purchases of shares of another Fund under a special discounted sales change structure ("Termination Option"). Applicants propose to eliminate the Termination Option because: (1) It is unduly burdensome for Applicants to keep track of and apply the special sales charge and maintain and administer special records and procedures to ensure that Planholders electing to exercise this right receive the special discounted sales charge; and (2) it is no longer necessary or appropriate because Plan shareholders affected by the unavailability of the underlying two Funds have had ample opportunity to take action within the more than two years since the Exemptive Order authorized the five options, and the circumstances which necessitated the privilege no longer exist because the Income Fund and High Yield Fund have again become available for purchase by the Plans.

Applicant's Legal Analysis

1. Section 11(a) of the 1940 Act makes it unlawful, in relevant part, for a registered open-end investment company or any of its principal underwriter:

> To make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with such rules and regulations as the Commission may nave prescribed in respect of such offers which are in effect at the time such offer is made.

2. Section 11(c) of the 1940 Act provides that, irrespective of the basis of exchange, subsection (a) shall be applicable:

> (1) To any offer of exchange of any security of a registered open-end investment company for a security of a registered unit investment trust * * * and (2) any type of offer of exchange of the securities of registered unit investment trusts * * * for the securities of any other investment company.

3. Applicants' state that, because the proposed offers of exchange will be based on the relative NAV of the units or shares being exchanged, there is no possibility of the abuse contemplated by Section 11(a) (*i.e.*, offer of exchange made solely for the purpose of assessing additional selling charges). Nevertheless, Section 11(c) makes Section 11(a) applicable because each of the proposed exchanges involve a unit investment trust; the basis of the exchange is irrelevant.

4. Applicants believe that exemptive relief is necessary, appropriate and fully consistent with the purpose of Section 11(a). The proposed exchanges will be offered exclusively at relative NAV and no deferred sales charge will be imposed on liquidation of the investment in the new Fund, Plan or Separate Account being acquired in the exchange. Further, the offers of exchange provide substantial benefits to Contract Owners, Plan Shareholders and Fund Shareholders by providing new investment options and attractive ways to exchange existing securities for other securities without a sales charge.

5. Applicants will describe for investors the various exchanges that are possible and may promote the ability to effect such exchanges as an advantage of investing in Applicants' family of funds and variable insurance products. However, no sales commission or other remuneration will be paid to any First Investors' sales representative as compensation for any proposed exchange.

6. Although the exchanges will be offered at relative NAV, Applicants reserve the rights to impose reasonable redemption and administrative fees to compensate for the costs incurred in processing redemptions, as expressly permitted by Rules 11a–3 and 11a–3 under the 1940 Act. As conditions to this relief, Applicants represent that:

(a) No redemption or administrative fee will be imposed in connection with the proposed exchanges unless the fee would be permissible under Rules 11a–2 and 11a–3 for exchanges authorized by these Rules.

(b) At the commencement of each exchange offer, and at all times thereafter, the prospectus or the statement of additional information, as appropriate, of the offering investment company will disclose:

(i) The amount of any administrative or redemption fee, if any, imposed in connection with the exchange transaction;

(ii) That the exchange offer is subject to termination and its terms are subject to change; and

(iii) That exchanges may constitute taxable events.

(c) Whenever an exchange offer is to be terminated or its terms are to be amended materially, any holder of a security subject to that offer shall be given prominent notice of the impending termination or amendment at least 60 days prior to the date of termination or the effective date of the amendment, *provided that:*

(i) No such notice need be given if the only material effect of an amendment is to reduce or eliminate fees or sales charges payable at the time of an exchange, and

(ii) No notice need be given if, under extraordinary circumstances, either—

(A) There is either a suspension of the redemption of the exchanged security under Section 22(e) of the 1940 Act and the rules and regulations thereunder, or

(B) The offering investment company temporarily delays or ceases the sale of the security to be acquired because it is unable to invest amounts effectively in accordance with applicable investment objectives, policies and restrictions.

Other than in the circumstances set forth in (c)(i) and (c)(ii), above, Applicants would dispense with the 60-day notice requirement only upon obtaining further relief from the Commission authorizing them to do so.

Applicants' Legal Conclusion

The proposed offers of exchange are consistent with the intent and purpose of Section 11 and none of the abuses for which Section 11 of the 1940 Act was enacted to prevent are present. The proposed exchanges may benefit Contract owners, Plan shareholders and Fund shareholders. The proposed offers of exchange as well as the proposed amendment of the Commission Order, are consistent with the protection of investors and with the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30263 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20754; File No. 811–5246]

East Coast Venture Capital, Inc.: Notice of Application for Deregistration

December 5, 1994.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 ("Act").

APPLICANT: East Coast Venture Capital, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 13, 1994, and amended on December 2, 1994.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 30, 1994, and should be accompanied by proof of service on applicant, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; applicant, 313 West 53rd Street, New York, New York, 10019.

FOR FURTHER INFORMATION CONTACT: Bradley W. Paulson, Staff Attorney, at (202) 942–0147 or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant, a New York corporation, registered as a closed-end investment company under the Act by filing with the SEC a notification of registration on Form N–8A on July 21, 1987 On February 26, 1988, applicant filed a registration statement on Form N–5, which became effective on November 16, 1989. In July 1990, applicant conducted its only public offering. Applicant is licensed and regulated as a Specialized Small Business Investment Company by the United States Small Business Administration ("SBA") under the Small Business Investment Company Act of 1958 ("SBICA").

2. On September 9, 1994, 84 shareholders of record (79 beneficial shareholders) held approximately 160,105 shares of applicant's common stock. As of that date, applicant also had outstanding 1 million shares of 3% cumulative preferred stock with a par value of $1.00 per share, all of which were held by the SBA. Additionally, applicant had outstanding SBA-guaranteed debentures in an aggregate principal amount of $2 million. These debentures are not convertible into, exchangeable for, or accompanied by any equity security. Applicant's common stock is not traded on an active market.

3. As of July 31, 1994, applicant had assets aggregating $4,007,018. Of that amount, $2,713,873 is attributable to applicant's loan portfolio, $619,455 is attributable to real estate acquired in foreclosure of delinquent loans, $540,845 is cash, $124,174 is accrued interest, and $8,671 represents the value of other assets. Applicant's liabilities consisted of $2,000,000 in SBA debentures, $99,595 in deferred income, and $79,319 in other liabilities. As of July 31, 1994, the stockholders' equity consisted of $1,000,000 of preferred stock, $1,601 in paid-in capital, $1,009,637 of additional paid-in capital, and a retained earnings deficit of $183,134. Applicant's retained earnings deficit is due to net operating losses for the last three fiscal years that were attributable primarily to written-off delinquent loans. As a result of its retained earnings deficit, applicant has not declared dividends on its shares or preferred stock and, as of July 31, 1994, was in arrearage in the payment of its preferred stock dividends in the amount of $135,000.

4. Applicant presently is not a party to any litigation or administrative proceeding.

Applicant's Legal Analysis

1. Section 8(f) of the Act provides that whenever the SEC, upon application or its own motion, finds that a registered investment company has ceased to be an investment company, the SEC shall so declare by order. The registration of the investment company ceases to be in effect upon the taking effect of the order.

2. Section 3(c)(1) of the Act provides that an issuer is not an investment company within the meaning of the Act if (a) its outstanding securities (other than short term paper) are beneficially owned by not more than 100 persons, and (b) it is not making and does not presently propose to make a public offering of securities.

3. Rule 3c–3 under the Act provides that, for the purposes of section 3(c)(1), the holders of any debt securities offered and sold by a small business investment company licensed under the SBICA shall be deemed to be one person if the securities are (a) not convertible into, exchangeable for, or accompanied by any equity security and (b) guaranteed as to timely payment of principal and interest by the SBA and backed by the full faith and credit of the United States. Applicant believes that the holders of its debentures are considered one person under the provisions of rule 3c–3.

4. Applicant believes that, pursuant to section 3(c)(1), it is no longer an investment company as defined in section 3 because, for the purposes of the Act, only 81 persons are beneficial holders of its securities: 79 persons hold its common stock, one holds preferred stock, and one holds debentures. Applicant is not making and does not presently propose to make a public offering of its securities. Accordingly, applicant requests that the SEC issue an order under section 8(f) declaring that it has ceased to be an investment company.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30361 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26180]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

December 2, 1994.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by

December 27, 1994, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Northeast Utilities Service Co., et al.

[70–8515]

Northeast Utilities Service Company ("NUSCO"), Northeast Nuclear Energy Company ("NNECO"), and North Atlantic Energy Service Corporation ("North Atlantic"), service company subsidiaries of Northeast Utilities ("NU"), a registered holding company, and Connecticut Yankee Atomic Power Company ("CYAPCO"), an electric public-utility company subsidiary of NU, all located at 107 Selden Street, Berlin, Connecticut 06037, have filed an application-declaration under sections 6(a), 7, 9(a), 10, and 12(c) of the Act and rule 42 thereunder.

NNECO, North Atlantic, and CYAPCO seek to acquire, through NUSCO, acting on behalf of such companies, up to 40,000 common shares of NU, $5.00 par value ("Common Shares"), through open market purchases to be effected by NUSCO from time-to-time prior to December 31, 2004. Common Shares will be awarded as part of special compensation packages which will be offered to certain highly-valued employees who are subject to recruitment by competitors.

At the beginning of each of four successive years, beginning January 1, 1994, each affected employee will be credited with a number of Common Share equivalent units ("Share Equivalent Units") of market value equal to twenty-five percent (25%) of the "going rate" of the employee's salary grade for that year. The market value will be determined with reference to the market price of a Common Share at the time Share Equivalent Units are credited under this program.

The Share Equivalent Units will be restricted, in that each grant will vest in five equal annual installments beginning on the first anniversary of each grant. Additional Share Equivalent Units will be credited from time to time to reflect dividends on Common Shares as if the Share Equivalent Units had been Common Shares enrolled in the Northeast Utilities Dividend Reinvestment Plan. "Dividend" units will vest on the same schedule as the underlying units, and will also be subject to the same restrictions. As Share Equivalent Units vest, they will be paid out to the employees in the form of Common Shares. These shares will be purchased on the open market by NUSCO on behalf of NNECO, North Atlantic and CYAPCO.

NUSCO expects to purchase the Common Shares needed when units vest under this program on or about the first business day of each year, except that for units vesting on January 1, 1995, for the initial grant deemed to be made January 1, 1994, Common Shares will not be purchased prior to approval of this application-declaration by the Commission.

Central and South West Corporation, et al.

[70–8517]

Central and South West Corporation ("CSW") and Central and South West Services, Inc. ("CSWS"), both at 1616 Woodall Rodgers Freeway, P.O. Box 660164, Dallas, Texas 75202, have filed a declaration under Section 13(b) and Rules 80 through 94 thereunder.

In November 1993, CSW announced its intention to undertake a restructuring designed to consolidate and restructure its operations in order to meet the challenges of the changing electric utility industry and to compete effectively in the years ahead. The restructuring is a response to two major factors: a long-term reduction in the rate of growth in the use of electricity and increasing competition among suppliers as a result of the Energy Policy Act of 1992. CSW and CSWS are seeking authorization concerning certain aspects of the restructuring of CSW's business and centralization of certain service and management functions in CSWS (the "Restructuring").

CSWS provides services to CSW's four electric public-utility companies—Central Power and Light Company, a Texas corporation, Public Service Company of Oklahoma, an Oklahoma corporation, Southwestern Electric Power Company, a Delaware corporation, and West Texas Utilities Company, a Texas corporation (the "Electric Operating Companies"). The underlining goal of the Restructuring is to enable the Electric Operating Companies to focus on and be accountable for serving the customer.

The Restructuring is designed to consolidate and centralize in CSWS certain functions separately performed by each of CSW's four Electric Operating Companies. The Restructuring shifts certain management functions relating to the operation of power plants, engineering activities and certain administrative and support functions from the Electric Operating Companies to CSWS, thereby reducing costs and freeing the Electric Operating Companies to focus on customer service, marketing and economic development.

The Restructuring establishes new functional business units but does not involve the formation of new entities and will not require utility assets to be transferred among companies within the CSW system.

CINergy Corp.

[70–8521]

CINergy Corp. ("CINergy"), 139 East Fourth Street, Cincinnati, Ohio 45202, a Delaware corporation and a registered public utility holding company, has filed a declaration under Sections 6(a) and 7 of the Act.

CINergy requests authorization to issue and sell, from time to time through January 31, 1997, in an aggregate principal amount at any one time outstanding not to exceed $375 million, (a) unsecured short-term promissory notes to banks and other financial institutions, (b) commercial paper to commercial paper dealers and financial institutions, and (c) unsecured demand promissory notes to banks evidencing CINergy's reimbursement obligation in respect of letters of credit issued by such banks on CINergy's behalf.

On October 24, 1994, by virtue of the consummation of the business combination of PSI Resources, Inc. ("Resources") and The Cincinnati Gas & Electric Company ("CG&E"), authorized by the Commission in an order dated October 21, 1994 (HCAR No. 26146), CINergy succeeded to the rights and obligations of Resources under a Credit Agreement ("Barclays Credit Agreement"), dated as of September 27, 1994, between Resources, Barclays Bank PLC, New York Branch ("Barclays"), and Citibank, N.A., as co-agents, Barclays, as administrative agent, and various banks as lenders.

Under the Barclays Credit Agreement, the lenders have committed to advance up to $100 million as short-term borrowings on a revolving credit basis or as participants in unsecured standby letters of credit. This commitment may be increased under certain circumstances up to $300 million. Any advance under the Barclays Credit Agreement would have a maturity not to exceed 270 days from the date such advance was made or the termination of

the commitments under the Barclays Credit Agreement, if earlier. All commitments under the Barclays Credit Agreement will terminate on September 27, 1997 or, in the event CINergy extends the termination date in conformance with the Barclays Credit Agreement, one year thereafter.

From time to time, up to the entire amount of the unused commitments then in effect under the Barclays Credit Agreement may be utilized by CINergy, under certain circumstances, in the form of unsecured standby letters of credit. Any such letter of credit would have a stated expiration date not later than one year from the date of issuance. CINergy would have to repay on demand any amounts drawn under such letters credit. However, if the conditions set forth in the Barclays Credit Agreement for an extension were satisfied on the date an unreimbursed amount was drawn under a letter of credit, such unreimbursed amounts will be deemed to constitute an advance maturing on the first March 31st, June 30th, September 30th or December 31st to occur thereafter.

Subject to the above $375 limitation on aggregate outstanding principal amount, CINergy further requests authorization to issue and sell short-term unsecured promissory notes, from time to time through January 31, 1997, in addition to those issued pursuant to the Barclays Credit Agreement, under one or more bilateral credit facilities (each an "Additional Credit Facility") that CINergy proposes to establish with banks or other lending institutions. Any advances under such additional CINergy credit facilities would mature no later than three years from the date of such advance.

Subject to the above stated $375 million limitation, CINergy further proposes to arrange, from time to time through January 31, 1997, for the issuance of letters of credit on its behalf (each an "Additional Letter of Credit"). Each Additional Letter of Credit would be in addition to those issues pursuant to the Barclays Credit Agreement. CINergy would issue an unsecured demand promissory note to any issuing banks to evidence CINergy's reimbursement obligation related to such Additional Letter of Credit. Each such letter of credit will have a stated expiration date not later than one year from the date of issuance thereof (subject to extension of no more than two years under certain circumstances. CINergy will be required to repay amounts drawn under such Additional Letter of Credit on demand.

Subject to the $375 million limitation on aggregate sell, from time to time through January 31, 1997, commercial paper to commercial paper dealers and to certain financial institutions. The proposed commercial paper will be in the form of unsecured promissory notes with varying maturities not to exceed 270 days.

The proceeds of borrowings and reborrowings by CINergy under the Barclays Credit Agreement and any Additional Credit Facilities as described above, together with the proceeds of any commercial paper issued and sold by CINergy will be used as follows: CINergy would use such proceeds for (1) retirements or rollovers of outstanding advances under the Barclays Credit Agreement and any Additional Credit Facilities, (2) unsecured short-term loans, open account advances, and capital contributions to CINergy's direct and indirect wholly owned public-utility subsidiaries and CINergy's service company subsidiary, CINergy Services, Inc., (3) loans through the intrasystem money pool to be established for the CINergy system to CINergy subsidiary companies that will participate therein, (4) investments in exempt wholesale generators ("EWGs") and foreign utility companies ("FUCOs") as defined in Sections 32 and 33, respectively, of the Act, (5) investments in nonutility businesses, and (6) general corporate purposes; provided, however, that CINergy will not use the proceeds for the purposes specified in clauses (2) through (6) above without requisite Commission approval.

Letters of credit under the Barclays Credit Agreement and Additional Letters of Credit would be arranged by CINergy in connection with the ongoing business activities of the CINergy system. No such letters of credit will be obtained by CINergy with respect to investments in EWGs and FUCOs without requisite Commission approval.

Consolidated Natural Gas Co., et al.

[70–8525]

Consolidated Natural Gas Company ("Consolidated"), CNG Tower, 625 Liberty Avenue, Pittsburgh, Pennsylvania, 15222–3199, a registered holding company, and its wholly owned nonutility subsidiary, CNG Energy Company ("CNG Energy"), CNG Tower, 625 Liberty Avenue, Pittsburgh, Pennsylvania, 15222–3199, have filed an application-declaration under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and rules 43 and 45 thereunder.

CNG Energy proposes to purchase interests in a Texas limited partnership, Bear Mountain Limited ("Partnership"), which owns an independent power project ("Facility") that will be a qualified cogeneration facility under the Public Utility Regulatory Policies Act of 1978. CNG Energy would acquire a limited partnership interest in the Partnership and would incorporate and finance a new subsidiary, CNG Bear Mountain, Inc. ("CNG Bear") to acquire a general partnership interest in the Partnership. CNG Bear will be incorporated in Texas and will have authorized capital stock of $1 million—100 shares of common stock ($10,000 par value).

The Facility is a 48.1 megawatt natural gas turbine facility that will provide thermal energy for enhanced oil recovery activities of Shell Western E&P, Inc. The Facility, located in Bakersfield, California, is scheduled to be completed in April 1995. The total cost of the Facility will be approximately $58 million. The Partnership has a long-term contract with Pacific Gas & Electric Company for sale of electric power from the Facility.

CNG Energy proposes to purchase a 49% limited partnership interest in the Partnership for up to $6.86 million and to have CNG Bear buy a 1% general partnership interest in the Partnership for up to $140,000. The aggregate consideration to be paid for all of the partnership interests will thus not exceed $7 million.

The Partnership has entered into a loan agreement ("Agreement") to finance the project with Union Bank and a group of lenders ("Lenders"). The Agreement will be in place during a construction phase estimated not to exceed 1.5 years and a permanent phase of up to 15 years. The construction phase will be financed by a $57.225 million non-recourse construction loan made to the Partnership pursuant to the Agreement. This loan has a floating annual interest rate expected to be 7% for the life of the loan.

After the construction phase, that portion of the construction loan to be permanently financed will be converted into a non-recourse long-term loan of up to $45.225 million for up to 15 years at an annual interest rate of 9.3% to 9.8%. The remainder of the construction loan will be repaid from partner equity contributions aggregating $12 million, which would include the $7 million to be invested by CNG Energy and CNG Bear. The Lenders will also make up to $3 million in revolving credit loans available to the Partnership for a period of 15 years after conversion to permanent financing to provide working capital. The revolving credit loan interest rate will vary from .25% to 1.875% over a base market rate depending on the base rate selected and the time the loans were made.

CNG Energy and CNG Bear will enter into equity contribution agreements with the Lenders and will be required to obtain bank letters of credit ("LOCs") to support their individual equity commitments, which will not exceed $6.86 million for CNG Energy and $140,000 for CNG Bear. Consolidated will guarantee the payment of the equity contribution commitments of CNG Energy and CNG Bear and will have the option to replace such guarantee with an LOC. None of the LOCs to which Consolidated, CNG Energy or CNG Bear will be a party will have fees in excess of 1% of the amount of commitment.

CNG Energy will raise funds for the purposes described through sales of shares of its common stock ($1,000 par value), open account advances, and/or long-term loans from Consolidated. Open account advances will be repaid within one year from the date of the first advance with interest at the same effective rate of interest as the weighted average effective rate of Consolidated for commercial paper and/or revolving credit borrowings. If no such borrowings are outstanding, the interest rate shall be predicated on the effective rate of interest for Federal Funds quoted daily by the Federal Reserve Bank of New York.

Consolidated also may make long-term loans to CNG Energy. Loans shall be evidenced by long-term non-negotiable notes maturing within thirty years, with interest equal to the cost of funds for Consolidated for comparative borrowings. In the Event Consolidated has not had recent comparable borrowings, the rates will be tied to the Salomon Brothers indicative rate for comparable debt issuances published in Salomon Brothers Inc. Bond market Roundup or similar publication on the date nearest to the time of takedown.

Consolidated will obtain the funds required for CNG Energy through internal cash generation, issuance of long-term debt securities, borrowings under credit agreements or through other authorizations approved by the Commission. Consolidated also seeks authorization to make guarantees and/or obtain LOCs of up to $7 million with respect to the obligations of CNG Energy and/or CNG Bear as necessary to support debt service and other obligations of the Partnership. CNG Energy would also have the authorization to make guarantees and/or obtain an LOC of up to $140,000 with respect to obligations of CNG Bear.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30262 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Maverick Tube Corporation, Common Stock, $.01 Par Value) File No. 1–10651

December 5, 1994.

Maverick Tube Corporation ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing the security from listing and registration include the following:

According to the Company, its Board of Directors (the "Board") unanimously approved resolutions on August 17, 1994, to withdraw the Company's Common Stock from listing on the Amex and, instead, list such Common Stock on the National Association of Securities Dealers Automated Quotation/National Market System ("NASDAQ/NMS"). According to the Company, the decision of the Board followed a lengthy study of the matter, and was based upon the belief that listing of the Common Stock on NASDAQ/NMS will be more beneficial to its stockholders than the present listing on the Amex because:

(1) The Company believes that the NASDAQ/NMS system of competing market-makers will result in increased visibility and sponsorship for the Common Stock than is presently the case with the single specialist assigned to the stock on the Amex;

(2) The Company believes that the NASDAQ/NMS system will offer the opportunity for the Company to secure its own group of market-makers and, in doing so, expand the capital base available for trading in its Common Stock;

(3) The Company believes that the NASDAQ/NMS system will offer the Company's stockholders more liquidity than is presently available on the Amex and less volatility in quoted prices per share when trading volume is slight; and

(4) The Company believes that firms making a market in the Company's Common Stock on the NASDAQ/NMS system will be inclined to issue research reports concerning the Company, thereby increasing the number of firms providing institutional research and advisory reports.

Any interested person may, on or before December 27, 1994 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30362 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Ply Gem Industries, Inc., Common Stock, $.25 Par Value) File No. 1–4087

December 5, 1994.

Ply Gem Industries, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, the Security is listed on the New York Stock Exchange, Inc. ("NYSE"). The Security commenced trading on the NYSE at the opening of business on December 1, 1994 and concurrently therewith the Security was suspended from trading on the Amex.

In making the decision to withdraw the Security from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on

maintaining the dual listing of its securities on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of the Security and believes that dual listing would fragment the market for the Security.

Any interested person may, on or before December 27, 1994 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30360 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35049; International Series No. 754 File No. S7–8–90]

Options Price Reporting Authority; Notice of Filing of Amendment to the National Market System Plan

December 2, 1994.

Pursuant to Rule 11Aa3–2 under the Securities Exchange Act of 1934 ("ACT"), notice is hereby given that on September 19, 1994, the Options Price Reporting Authority ("OPRA")[1] submitted to the Securities and Exchange Commission ("Commission" or "SEC") an amendment to its National Market System Plan for the purpose of providing separate unbundled last sale and quotation services for foreign currency and index options, and to charge separately for access to each such service.[2]

The Commission is publishing this notice to solicit comments from interested persons on the amendment.

I. Description and Purpose of the Amendment

The OPRA Plan is being amended to permit OPRA to unbundle its market information services for foreign currency options ("FCO's") and index options, and to impose separate fees for access to each service. The amendment provides for the establishment of three separate accounting centers for equity, index, and foreign currency options information, on January 1, 1996. Each accounting center would be allocated revenues, costs and expenses associated with the receipt, processing and distribution of last sale and quotation information, as well as the costs of developing, operating and administering services and facilities associated with each accounting center. The amendment provides for the further allocation of such revenues, costs and expenses among the parties providing a market in the securities included in each accounting center. The amendment also provides for the special allocation of incremental costs associated with the operation of one or more services outside of regular trading hours. Finally, the amendment includes a few nonsubstantive, editorial changes to clarify the language of the Plan.

II. Implementation of the Plan Amendment

The implementation of separate services for FCO and index option information will necessitate certain systems modifications by OPRA's processor, Securities Industry Automation Corporation ("SIAC"). It also will require advance notice to OPRA's vendors and subscribers of the changes to OPRA's fees and specifications, as well as changes in contractual provisions, in accordance with OPRA's agreements with those persons. Vendors will then be able to determine whether and how they wish to offer separate FCO and index option services to their own customers, and to make any necessary modifications to their own systems and procedures associated with the separate offering of these services.

In light of the time needed to implement the changes described above, OPRA has determined to commence making certain system changes at SIAC now. In particular, FCO market information that is currently disseminated over all of OPRA's output lines will be combined and disseminated over a single output line dedicated to FCO data only. Advance notice of this change will be given to vendors and other persons who access information directly from the OPRA processor in accordance with OPRA's agreements with such persons. Aditional steps necessary for the unbundling of FCO's and index options, such as contract modifications and the establishment of new fees, will be taken prior to January 1, 1996, as authorized by the parties in accordance with the Plan and subject to the requirements of Rule 11Aa3–2. The establishment of separate accounting centers for FCO's and index options will occur on January 1, 1996, after which the costs and revenues associated with FCO's and index options will be allocated to their respective accounting centers in accordance with the Plan.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Commentators are asked to address whether they believe the proposed amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of a national market system, or otherwise in futherance of the purposes of the Act.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available at the offices of OPRA. All submissions should refer to File No. S7–8–90 and should be submitted by December 30, 1994.

---

[1] OPRA is a National Market System Plan approved by the Commission pursuant to Section 11A of the Act and Rule 11Aa3–2. Securities Exchange Act Release No. 17638 (Mar. 18, 1981). The plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the five member exchanges. The five exchanges which agreed to the OPRA Plan are the Philadelphia Stock Exchange ("PHLX"), the Chicago Board Options Exchange ("CBOE"), the American Stock Exchange ("AMEX"), the Pacific Stock Exchange ("PSE"), and the New York Stock Exchange ("NYSE").

[2] The proposed amendment was approved by OPRA in accordance with the OPRA Plan at a meeting held on August 29, 1994.

OPRA previously filed a similar amendment to its Plan for the purpose of providing separate services on March 18, 1993. That proposal appeared as Exchange Act Release No. 32190 (April 21, 1993) in 59 FR 25874 (April 28, 1993). At the request of the OPRA parties, no action was taken with respect to that proposal.

For the Commission by the Division of Market Regulation, by delegated authority, 17 CFR 200.30–3(a)(29).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30260 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35048; File No. SR–CHX–94–23]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Chicago Stock Exchange, Inc. Relating to the Odd-Lot Transactions

December 2, 1994.

Pursuant to Section 19(b)(1;) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on November 10, 1994, the Chicago Stock Exchange, Inc. ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self—regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CHX proposes to amend Rule 9 of Article XXXI of the Exchange's Rules as follows, with italics representing language to be added:

Article XXXI

Rule 9 * * *

(d) Notwithstanding anything in this Rule to the contrary, if so determined by the Committee on Floor Procedure, a differential may be charged for (i) an odd-lot "seller's option" trade (as that is defined in Article XX, Rule 9(c)), (ii) an odd-lot order for cash or "next day" delivery, (iii) an odd-lot order for additional settlement periods, and (iv) an odd-lot order in an issue in which a differential is charged in the primary market.

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 statement concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to give the Committee on Floor Procedure ("FPC") flexibility with respect to the Exchange's odd-lot execution rules. Currently the rule provides that all odd-lots shall be executed at the best bid or offer, similar to round lot executions. The new rule will allow the FPC to allow differentials to be charged for non-regular way trades. For example, the new rule permits the Committee on Floor Procedure to allow differentials to be charged for odd-lot seller's option trades, "next day" delivery trades and orders in issues for which a differential is charged in the primary market.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a 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.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference 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 at the CHX. All submissions should refer to File No. SR–CHX–94–23 and should be submitted by December 30, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30259 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35047; File No. SR–NYSE–94–02]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change and Amendment No. 1 to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to Proposed Rule Change Regarding an Interpretation of Exchange Rule 409 ("Statements of Accounts to Customers")

December 2, 1994.

I. Introduction

On February 22, 1994, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt an interpretation of NYSE Rule 409 ("Statements of

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

Accounts to Customers") regarding standards for holding mail for foreign customers. On March 2, 1994, the Exchange submitted to the Commission Amendment No. 1 to the proposed rule change in order to correct certain typographical errors.[3] On October 7, 1994, the Exchange submitted Amendment No. 2 to the proposed rule change to limited communications that can be held by a member or member organization on behalf of a foreign customer to confirmations, account statements and broker-dealer financial statements.[4] On November 29, 1994, the Exchange submitted a request that the Commission grant exemptive and no-action relief from the SEC rules prescribing the time frames for transmission of such communications to customers.[5]

The proposed rule change, together with Amendment No. 1, was published for comment in Securities Exchange Act Release No. 33824 (March 28, 1994), 59 FR 15957 (April 5, 1994). No comments were received on the proposal. This order approves the proposed rule change, including Amendment No. 2 on an accelerated basis.

II. Description of the Proposal

Exchange Rule 409 requires that a member organization send its customers statements of their accounts, showing security and money positions and entries, at least quarterly. In addition, Commission rules require a broker-dealer to transmit certain information to customers within a specified time frame. For example, Rules 10b–10(a),[6] 15c3–2,[7] and 17a–5(c)[8] under the Act establish the time frames for delivery of confirmations, statements of accounts with free credit balances and broker-dealer financial statements, respectively.

Pursuant to NYSE Rule 409(b)(2), confirmations, statements or other communications may not be addressed to a non-member customer at the address of any member or member organization or in care of a partner, certain stockholders or an employee of a member organization. This effectively prohibits the receipt and retention of customer mail by a member, member organization, registered representative or other associated person. The Exchange, however, is authorized to waive Rule 409(b)'s prohibition upon written request. According to the NYSE, it has established certain informal guidelines for the review and approval of such requests.

The Exchange proposes to adopt new Interpretation .01 to Rule 409(b) to codify its standards for granting waivers from that rule.[9] Under the proposal, the NYSE will consider, on a case-by-case basis, written requests to implement policies and procedures for holding certain foreign customer mail. A member or member organization whose procedures satisfy the minimum requirements set forth in the interpretation will be able to receive and temporarily retain on its premises confirmations, account statements and broker-dealer financial statements[10] on behalf of foreign customer accounts.[11] All other information sent in the ordinary course of a broker-dealer's business must be transmitted to the foreign customer through his home country's mail system.

To enable members and member organizations to delay transmission of the designated communications without violating the Act or the rules thereunder, the NYSE has requested an exemption form Rule 10b–10(a) and no-action relief from Rules 15c3–2 and 17a–5(c).[12] Under the terms of that request and the relief granted,[13] a member or member organization may hold a foreign customer's mail until it can be delivered directly to the customer, so long as certain conditions are met and procedures are established; the member or member organization must make such communications available to the customer at all times and at no special cost.[14]

In its waiver request, a member or member organization must represent that it will obtain, at least annually, a written statement from each foreign customer for whom it is holding mail. In his or her statement, the customer must request that communications temporarily be retained on his or her behalf due to either the "inefficient local mail service" (*e.g.*, misrouted or opened mail) or the "unstable political climate" in the foreign country. The customer also must state, in writing, that it is not feasible to make alternative arrangements for the regular receipt of such communications.[15] It is anticipated that members and member organizations will hold mail in accordance with this interpretation generally for customers that are foreign natural persons.

The member or member organization also must represent that it has written procedures in place that require the branch or principal sales office servicing the account to maintain a log of all communications held on behalf of the foreign customer. The log must note the date such materials are transmitted directly to the customer and where they are delivered. In addition, the member or member organization must endeavor promptly to communicate the substance of the mail orally to the customer. A written record must be kept of all conversations, and the actual documents must be furnished to the customer at the earliest possible face-to-face meeting.

Finally, the member or member organization must accord two levels of review to all accounts for which mail is held. At the branch or principal sales office, appropriate personnel must conduct "frequent" supervisory review of each account,[16] with special attention to discretionary accounts. In addition, the compliance or internal audit department of the member or member

---

[3] See letter from Patricia Dorilio, Senior Special Counsel, Rule and Interpretive Standards, NYSE, to Cheryl Dunfee, Attorney, Division of Market Regulation ("Division"), SEC, dated March 1, 1994 ("Amendment No. 1").

[4] See letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Sandra Sciole, Special Counsel, Division, SEC, dated October 7 1994 ("Amendment No. 2").

[5] See letters from James E. Buck, Senior Vice President and Secretary, NYSE, to Catherine McGuire, Chief Counsel, Division, SEC, dated November 23, 1994 ("NYSE exemption letter"); and to Michael Macchiaroli, Associate Director, Division, SEC, dated November 23, 1994 ("NYSE no-action letter").

[6] 17 CFR 240.10b–10(a) (1993).

[7] 17 CFR 240.15c3–2 (1993).

[8] 17 CFR 240.17a–5(c) (1993).

[9] Upon Commission approval, the proposed rule change will be published as an Interpretation Memorandum for inclusion in the NYSE's Interpretation Handbook.

[10] As used herein, the term "communications" or "mail" refers exclusively to confirmations, account statements and broker-dealer financial statements.

[11] Once its procedures are approved by the NYSE, the member or member organization will determine whether particular foreign customer accounts fall within the scope of its Rule 409 waiver. See infra, note 15 and accompanying text.

[12] See NYSE exemption and no-action letters, *supra*, note 5 and accompanying text.

[13] See letter from Catherine McGuire, Chief Counsel, Division, SEC, to James Buck, Senior Vice President and Secretary, NYSE, dated November 30, 1994 ("SEC exemption letter"); and letter from Michael A. Macchiaroli, Associate Director, Division, SEC, to James E. Buck, Senior Vice President and Secretary, NYSE, dated December 2, 1994 ("Division no-action letter").

[14] More generally, no additional charge or expense may be imposed on a foreign customer who requests that his mail be held pursuant to this interpretation.

[15] As a condition for granting exemptive and no-action relief, the Commission has interpreted this language to require that the NYSE grant a Rule 409(b) waiver only where the member or member organization has represented that it will take steps to determine that the foreign customer has no other U.S. location (such as a U.S. fiduciary or U.S. mailing address) reasonably available for receipt of the communications. See *infra*, note 22 and accompanying text.

[16] According to the NYSE accounts for which mail is held should be subject to a higher level of supervision and monitoring than is accorded other accounts. Telephone conversation between Patricia Dorilio, Senior Special Counsel, Rule and Interpretive Standards, NYSE, and Beth Stekler, Attorney, Division, SEC, on December 1, 1994.

organization (or the person(s) assigned or delegated such authority pursuant to NYSE Rule 342) must conduct an annual review of the broker-dealer's system for holding foreign customer mail. This independent review must include a "reasonable" sampling of account documentation and activity. It should be determined, among other things, whether all communications are retained pursuant to written customer instructions.

Assuming the conditions precedent to receipt of a waiver, as described above, are satisfied, the member or member organization will be responsible for applying these standards to particular foreign customer accounts. NYSE examiners will review the member or member organization's procedures and its adherence to such procedures during every regularly scheduled field examination, both financial/operations and sales practice.[17]

According to the NYSE, the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act, which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and, in general, to protect investors and the public interest, in that it establishes standards that enable members and member organizations to meet customer requests yet provide customer protection through appropriate monitoring and supervision.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[18] In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest.

The Commission believes that investors need access to reliable information in order to monitor their accounts and the performance of the individual handling their accounts. In the Commission's opinion, such information helps investors protect themselves against potential fraud and abuse. For that reason, various Commission and exchange rules require broker-dealers to transmit account information and other communications directly to their customers. As a general matter, the Commission views these rules as an important element of investor protection. Nevertheless, the Commission previously has recognized that there may be circumstances where an exception is warranted.[19]

After careful review, the Commission finds that proposed Interpretation .01 to Rule 409(b) strikes an appropriate balance between ensuring that investors receive necessary account information and providing broker-dealers with flexibility regarding how such information is transmitted in unusual circumstances. Although the Commission continues to believe that the holding of customer mail raises serious regulatory concerns, the Commission has concluded, given the narrow scope of the proposed rule change, the procedural safeguards contained therein, and the Exchange's role in monitoring for compliance with the interpretation's requirements as well as the conditions contained in the Commission exemption letter and Division no-action letter discussed below, that the NYSE proposal should not have a significant adverse effect on the protection of investors.

Along with this approval order, the Commission is granting an exemption from SEC Rule 10b-10(a) to the Exchange on behalf of NYSE members and member organizations that delay transmission of confirmations pursuant to Interpretation .01.[20] In addition, the staff of the Division will recommend that the Commission not take action under SEC Rules 15c3-2 and 17a-5(c) if, consistent with the terms of the interpretation, members and member organizations delay transmission of account statements and broker-dealer financial statements.[21] Each member or member organization receiving a waiver from the NYSE under Rule 409(b) must comply fully with Rules 10b-10, 15c3-2 and 17a-5, except to the extent specifically permitted under the exemptive and no-action relief granted by the Commission.

In light of that relief and subject to the same conditions, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act. In this regard, the Commission notes that a member or member organization will be permitted to hold mail only for foreign customers who demonstrate that they experience particular hardship as a result of local conditions. As a practical matter, Rule 409(b) waivers will be limited to investors who live in foreign countries where mail is not delivered on a timely and/or confidential basis and, thus, where use of the mail system may not be consistent with the customer's best interests and safety. It is anticipated that NYSE members and member organizations will apply these procedures generally for customers that are foreign natural persons.

In addition, the customer must represent that it is not feasible for him to make alternative arrangements for the regular receipt of such communications. As a condition to the exemptive and no-action relief granted by the Commission, the member or member organization must take steps to determine that there is no other U.S. location (including a U.S. fiduciary or U.S. mailing address) reasonably available.[22] In light of the very limited and unique circumstances presented by the NYSE proposal, the Commission believes that it is not inconsistent with the Act for the Exchange to allow its members and member organizations to respond to the special needs of certain foreign customers in the manner proposed by the rule change.

Moreover, the Commission is satisfied that the proposed rule change contains sufficient safeguards to ensure that foreign customers will be informed, on a timely basis, of the substance of any communications retained by their broker-dealer. For a Rule 409(b) waiver request to be approved, the member or member organization must have procedures that, in the NYSE's judgment, provide an acceptable level of investor protection. At a minimum, the member or member organization must promptly notify the foreign customer, via telephone or comparable means, of the content of the mail; must furnish the actual documents to the customer at the earliest possible face-to-face meeting; and must maintain records of all written and oral communications relating to the customer's account. Most importantly, mail held pursuant to a Rule 409(b) waiver will be available, at all times and at no special cost, for the customer to review.

---

[17] See letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Sharon Lawson, Assistant Director, Division, SEC, dated October 7, 1994 ("NYSE examination letter").

[18] 15 U.S.C. § 78f(b) (1988).

[19] See Securities Exchange Act Release No. 34596 (August 25, 1994), 59 FR 45050 (August 31, 1994) (File No. SR-NYSE-93-37) (approving NYSE proposal to allow certain investment advisors to receive proxy solicitation materials, annual reports and other issuer communications in lieu of the beneficial owners of securities).

[20] See SEC exemption letter, *supra*, note 13.

[21] See Division no-action letter, *supra*, note 13.

[22] See SEC exemption letter and Division no-action letter, *supra*, note 13. In making that determination, the member or member organization may rely on the customer's statement unless the member or member organization is on notice of facts to the contrary.

The Commission believes that the NYSE proposal further minimizes the potential for fraud and abuse by requiring that members and member organizations have adequate internal controls. The Commission notes that the proposed interpretation's requirements are clear and thus relatively easy to monitor. In that context, the Commission finds that two tiers of review, including heightened scrutiny at the branch office level and an independent review by the member or member organization's compliance/internal audit department (or the person(s) delegated such authority under NYSE Rule 342), should be sufficient to detect and deter non-compliance with the broker-dealer's system for holding foreign customer mail. Furthermore, the member or member organization's procedures, and its adherence to such procedures, will be subject to review by NYSE examiners at every sales practice and financial/operations examination.[23] The Commission expects the NYSE to take appropriate action to remedy any violations of Rule 409(b), this interpretation or the relevant SEC rules.[24]

The Commission finds good cause for approving Amendment No. 2 prior to the thirtieth day after the date of publication of the notice of filing thereof. Amendment No. 2 merely clarifies the scope of the original filing by specifying the communications that can be held on behalf of a foreign customer. Finally, the Commission did not receive any comments on the original proposal, which was noticed for the full statutory period.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 2 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 rules change that are filed with the Commission, and all written communications relating to Amendment No. 2 between the Commission and any persons, 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 at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–94–02 and should be submitted by December 30, 1994.

[23] See NYSE examination letter, *supra*, note 17

[24] For violations of the Act, the rules thereunder or the rules of the NYSE, an Exchange hearing panel has the authority to impose one or more of the following disciplinary sanctions: expulsion; suspension; limitation as to activities, functions and operations; fine; censure; or other fitting sanction. See NYSE Rule 476(a). In appropriate circumstances, the Commission would expect the NYSE to consider whether to revoke a member or member organization's Rule 409(b) waiver.

IV. Conclusion

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[25] that the proposed rule change (SR–NYSE–94–02), including Amendment No. 2 on an accelerated basis, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[26]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30261 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

[25] 15 U.S.C. § 78s(b)(2) (1988).

[26] 17 CFR 200.30–3(a)(12) (1991).

[Release No. 34–35044; File No. SR–PTC–94–06]

Self-Regulatory Organizations; Participants Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Designating Certain Mortgage-Backed Securities Guaranteed by the Government National Mortgage Association as Depository Eligible Securities

December 2, 1994.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on October 17, 1994, the Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–PTC–94–06) as described in Items I, II, and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change allows PTC to designate mortgage-backed securities ("MBS") guaranteed by the Government National Mortgage Association ("GNMA") under its Platinum program as depository eligible securities as permitted by Article I, Rule 2 of PTC's rules.

[1] 15 U.S.C. 78s(b)(1) (1988).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

PTC currently acts as depository for single-class GNMA I and GNMA II MBS and multiclass REMIC securities guaranteed by GNMA, the Department of Veterans Affairs ("VA"), and the Federal Home Loan Mortgage Corporation ("FHLMC"). The proposed rule change now allows PTC to designate mortgage-backed securities guaranteed by GNMA under its Platinum program as depository eligible securities.

Background

GNMA is a wholly-owned corporate instrumentality of the United States of America within the Department of Housing and Urban Development. Through its GNMA I and GNMA II MBS programs, GNMA guarantees the timely payment of principal and interest ("P&I") on securities issued by private institutions and backed by pools of federally insured or guaranteed mortgage loans. Through the GNMA REMIC program, the GNMA guarantee extends to payment of P&I on multiclass securities issued by grantor trusts and collateralized by GNMA I MBS. The GNMA guarantee is backed by the full faith and credit of the United States.

Platinum Program

The Platinum securities will represent an undivided interest in a pool of smaller, previously issued GNMA MBS securities. Like the GNMA REMIC securities currently on deposit at PTC, the GNMA Platinum securities will receive P&I from the cash flows provided by the GNMA MBS that collateralize the Platinum issues. The underlying GNMA MBS securities will be held on deposit in limited purpose

accounts at PTC by the Platinum trustee. Initially, smaller pools of GNMA I MBS will collateralize the Platinum issues although other GNMA securities such as GNMA II MBS may also serve as underlying collateral at a later date.

Each Platinum pool will be classified as a grantor trust for federal income tax purposes, and each GNMA Platinum security will be guaranteed by GNMA as to payment of P&I. This guarantee, like the guarantee on the underlying GNMA MBS securities, will be supported by the full faith and credit of the United States.

Although the Platinum securities will be collateralized by smaller, previously issued GNMA securities, the combination of the GNMA pools into the Platinum securities is structured not to alter the economic characteristics of the investment. Accordingly, GNMA has requested that the Public Securities Association confirm that the delivery of a GNMA Platinum security will constitute "good delivery" for a GNMA trade for the same interest rate. Each Platinum issue will bear the same interest rate and payment date as the GNMA securities collateralizing the issue. The goal of the Platinum program is to increase liquidity in the secondary market by combining smaller, illiquid, or uneconomic GNMA MBS securities into a single certificate that will be more marketable in a manner similar to the FHLMC Giant and Federal National Mortgage Association ("FNMA") Mega Pool programs. It is anticipated that only one class of Platinum security will be on deposit at PTC although other classes, such as small interest only and principal only classes, may be issued to the Platinum trustee or other program participants as compensation. In the event any such classes were to be deposited at or issued through PTC, they would be appropriately margined on PTC's system to reflect their relative illiquidity.

PTC's current rules permit the designation of GNMA Platinum securities as eligible for deposit at PTC. As an eligible security functionally comparable to GNMA, VA, and FHLMC guaranteed MBS currently on deposit at PTC, PTC's rules and procedures are applicable and govern PTC's and its participants' rights and obligations with respect to the GNMA Platinum securities.

As is the case with the mortgage-backed securities that are currently on deposit at PTC, the GNMA Platinum securities also will be deposited in certificated form at PTC and will be maintained in book-entry form on PTC's book-entry system. It is anticipated that withdrawals of physical certificates will be permitted. PTC's current Custody Agreement with Chemical Bank, its custodian, accommodates the custody of the GNMA Platinum securities without change.

PTC Processing of GNMA Platinum Securities

PTC's current system accommodates the GNMA Platinum securities, and no substantive changes need to be made to PTC's computer processing system for GNMA Platinum securities transaction processing. It is anticipated that initially the GNMA Platinum securities initially on deposit at PTC will be of one class. Any additional classes that may be issued will not be on deposit at PTC as is the case with residual interests in GNMA, VA, and FHLMC REMICs that are currently issued only in certificated form outside of PTC's depository and book-entry system. PTC's computer system is currently equipped to handle multiclass issues in the event other classes are issued through or deposited at PTC.

The volume of the GNMA Platinum securities initially deposited at PTC will be modest compared to the total face amount of GNMA securities now on deposit at PTC and is expected to have a comparably small impact on PTC's overall transaction volume. GNMA MBS that collateralize the GNMA Platinum securities will remain immobilized at PTC and therefore will be removed from PTC's transaction volume after the creation of the GNMA Platinum securities. PTC will be able to process the GNMA Platinum transaction volume by utilizing its present resources and capacity.

Pricing and Margining of GNMA Platinum Securities

PTC's Board of Directors, upon the recommendation of PTC's Risk Management Committee, will establish the margin percentages used by PTC for the Platinum securities in PTC's system. It is anticipated that PTC will utilize the same pricing sources and methodology for the Platinum securities as is currently employed for the pricing of the GNMA I securities on deposit at PTC.

If multiple classes are deposited at PTC, each class will be appropriately priced and margined to reflect its class characteristics such as degree of illiquidity and price volatility. PTC's end-of-day loan agreement currently accommodates the pledge of the GNMA Platinum securities as collateral to finance settlement without change at the prices and margins applied by PTC on its system.

Disbursement of P&I on GNMA Platinum Securities

GNMA will appoint a trustee and administrator for the Platinum program to hold the GNMA MBS serving as collateral for the Platinum securities, to verify the remaining principal balances, and to act as paying agent, transfer agent, and registrar of the GNMA Platinum securities. Such Platinum trustee will open a limited purpose account at PTC to hold the MBS serving as collateral for the Platinum issue.

It is anticipated that the GNMA Platinum securities will pay P&I on the same day on which the P&I is disbursed on the underlying GNMA MBS securities at PTC. PTC, in accordance with its usual GNMA MBS practices, will credit the P&I on the GNMA I MBS securities to the limited purpose account holding the GNMA collateral on the normal GNMA I disbursement day, which is generally the sixteenth calendar day of the month.

The Platinum administrator, as trustee and paying agent for the Platinum program, will instruct PTC to debit the trustee's limited purpose account at PTC in the amount of the Platinum distribution which will then be credited by PTC to the participants holding the GNMA Platinum securities as reflected on PTC's books and records. PTC will not borrow to fund disbursement of P&I on the GNMA Platinum securities. Accordingly, the disbursement of P&I on the GNMA Platinum securities will initially have no meaningful impact on PTC's current disbursement facilities.

PTC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[2] and the rules and regulations thereunder in that it is designed to promote the prompt and accurate settlement of securities transactions and to remove impediments to and perfect the mechanisms of a national system for the prompt and accurate settlement of securities transactions.

(B) Self-Regulatory Organization's Statements on Burden on Competition

PTC does not believe that the proposed rule change will impose any burden on competition 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

PTC has not solicited comments with respect to the proposed rule change, and none have been received.

[2] 15 U.S.C. 78q–1(b)(3)(F) (1988).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act [3] and subparagraph (e)(1) of Rule 19b–4 [4] thereunder because the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. At any time within sixty days of the filing of such 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, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of PTC. All submissions should refer to File No. SR–PTC–94–06 and should be submitted by December 30, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–30258 Filed 12–8–94; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

December 2, 1994.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0029

Form Number: IRS Forms 941, 941–PR, and 941–SS; Schedules B (Form 941) and Schedule B (Form 941–PR)

Type of Review: Revision

Title: Employer's Quarterly Federal Tax Return (941); Planilla Para La Declaración Trimestral Del Patrono (941–PR); Employer's Quarterly Federal Tax Return—American Samoa, Guam, The Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands (941–SS); Employer's Record of Federal Tax Liability (Schedule B, 941); Registro Suplementario De La Obligación Contributiva Federal Del Patrono (Schedule B (Anexo B), Form 941–PR)

Description: Form 941 is used by employers to report payments made to employees subject to income and social security/Medicare taxes and the amounts of these taxes. Form 941–PR is used by employers in Puerto Rico to report social security and Medicare taxes only. Form 941–SS is used by employers in the U.S. possessions to report social security and Medicare taxes only. Schedule B is used by employers to record their employment tax liability.

Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations

Estimated Number of Respondents/ Recordkeepers: 12,494,773

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/schedule	Recordkeeping	Learning about law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
941	11 hr., 43 min	28 min	1 hr., 37 min	16 min.
941–PR	7 hr., 40 min	6 min	13 min	
941–SS	7 hr., 54 min	6 min	14 min	
Schedule B (941)	2 hr., 38 min		2 min	
Schedule B (941–PR)	2 hr., 38 min	2 min	2 min	

Frequency of Response: Quarterly

Estimated Total Reporting/ Recordkeeping Burden: 318,978,543 hours

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 94–30354 Filed 12–8–94; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

December 5, 1994.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the

[3] 15 U.S.C. 78s(b)(3)(A)(i) (1988).

[4] 17 CFR 240.19b–4(e)(1) (1994).

[5] 17 CFR 200.30–3(a)(12) (1994).

Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–1224
Regulation ID Number: INTL–112–88 Final
Type of Review: Extension
Title: Allocation and Apportionment of Deduction for State Income Taxes
Description: The reporting requirements affect those taxpayers claiming foreign tax credits and that elect to use an alternative method of allocating and apportioning deductions for state income taxes. This information will be used by the IRS to estimate the resources to be required in auditing income tax returns, and should facilitate the completion of audits.
Respondents: Businesses or other for-profit
Estimated Number of Respondents: 1,000
Estimated Burden Hours Per Respondent: 1 hour
Frequency of Response: Quarterly
Estimated Total Reporting/Recordkeeping Burden: 318,978,543 hours
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 94–30355 Filed 12–8–94; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INFORMATION AGENCY

International Creative Arts Exchanges for Public and Private Non-Profit Organizations

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: The Office of Arts America Creative Arts Exchanges Division (E/DE) of the U.S. Information Agency's (USIA) Bureau of Educational and Cultural Affairs announces an open competition for an assistance award. Public and non-profit organizations meeting the provisions described in IRS regulation 501 (c) (3) may apply to develop projects for artists and arts administrators. These will consist of residencies and/or study tours in which artists from the United States and other countries work and learn together. Interested applicants are invited to request and read the complete **Federal Register** announcement before submitting their proposals.

Overall grant making and funding authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world."

Programs and projects must conform with requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

ANNOUNCEMENT NAME & NUMBER: All communications concerning this announcement should refer to the title and reference number—E/DE–95–04.

DATES: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Tuesday, February 28, 1995. Faxed documents will not be accepted, nor will documents postmarked on February 28, 1995, but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline. Projects should begin between August 1, 1995 and December 31, 1995. For projects that begin after December 31, 1995, proposals should be submitted under the next award competition. The next competition will be announced in the **Federal Register** on or about June 15, 1995.

FOR FURTHER INFORMATION CONTACT: Please contact the Office of Arts America, Creative Arts Exchanges Division, Room 320, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547, Phone: 202–619–5338, Fax: 202–619–5311, Internet: JDorsey@USIA.gov. to request a Solicitation Package, which includes more detailed award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Please specify Christopher Paddack on all inquiries and correspondences. Interested applicants should read the complete **Federal Register** announcement before submitting their proposals. Inquiries concerning technical requirements are welcome prior to submission of applications. Once the RFP deadline has passed, we may not discuss this competition in any way with applicants until after the proposal review process has been completed.

ADDRESSES: Applicants must follow all instructions given in the Solicitation Package and send only complete applications to: U.S. Information Agency, REF: E/DE–95–04, Office of Grants Management, E/XE, room 336, 301 4th Street, SW., Washington, DC 20547. Awards are contingent upon the availability of funds.

SUPPLEMENTARY INFORMATION:

Overview

The Creative Arts Exchanges Division works with U.S. non-profit organizations on cooperative international group projects that introduce American and foreign participants to each other's cultural and artistic life and traditions. It also supports international projects in the United States or overseas involving composers, choreographers, filmmakers (see guidance below), playwrights, theater designers, writers and poets, visual artists, museum professionals (see guidance below), managers and administrators of arts institutions and organizations (see guidance below).

E/DE particularly seeks projects with organizations with expertise in the arts as well as broad outreach and networking capabilities into American arts activities nationwide. These projects should involve U.S. Information Service (USIS) posts worldwide to carry out activities supportive of the USIA mission to increase mutual understanding between the United States and other countries and to promote international cooperation in educational and cultural fields. USIS' role in such projects should be substantive and integral and not purely facilitative.

Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be

balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including but not limited to race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle.

Drafts of all printed materials developed for this program using USIA funds should be submitted to the Agency for review and approval. USIA requests that we (the Agency) receive the copyright use and be allowed to distribute the material as it sees fit. All official documents should highlight the U.S. government's role as program sponsor and funding source.

Projects supported by these awards share some or all of the following features:

1. An international exchange of professionals in the fields listed above.
2. The development of institutional linkages between American organizations and their counterparts in other countries.
3. Travel to or from the United States, preferably in both directions.
4. Competition in which USIS posts nominate foreign candidates for awards, while the American arts organizations select the award winners.
5. Assurances of quality, fairness, balance and openness in the selection of American project participants.

Special Conditions

1. Proposals should involve more than one country. However, single-country projects that have strong USIS-post support and clearly demonstrate the potential for creating and strengthening linkages between foreign and U.S. institutions are also welcome.
2. Proposals are subject to review and comment by the USIS posts in the relevant countries.
3. Proposals involving foreign organizations should identify them and clearly define their role in the project. Prospective applicants should consult with USIS posts regarding such organizations prior to submitting their proposals.
4. Proposals centering on films or videos must deal with the creative aspects of film or video making. Projects should be written for professional partners, not for amateur or student groups. Projects may include story development, other aspects of the creative processes, or management issues like funding and distribution. They should not include film or video festivals, installations, seminars, competitions, full scale film production or distribution, or any other type of project prohibited in this announcement.
5. Proposals centering on arts presenters, administrators, and managers should feature exchanges involving these professionals exclusively.
6. Arts America is the major supporter of the American Association of Museums [AAM] International Partnerships Among Museums [IPAM] program. Museums interested in international projects should address queries to the Office of International Programs, American Association of Museums, 1225 Eye Street, NW., Washington, DC 20005; telephone: (202) 289–1818; FAX: (202) 289–6578. We will not accept direct applications from museums for international projects (see Program Exclusions, below).

Geographical Guidelines

1. The Office of Arts America, Creative Arts Exchanges Division encourages proposals which address themselves to various geographic regions of the world, and allow across-the-board participation from all areas. In addition, preferences for specific geographic areas are:
2. Africa, the Near/Middle East, and South Asia: Proposals are especially encouraged for projects in these regions. There are no specific preferences in terms of thematic fields.
3. East Asia and the Pacific: Preference will be given to proposals that focus on the exchange of arts managers and administrators, with emphasis on the visual arts, and focus on two-way exchanges between the United States and Southeast Asia, especially Burma, Indonesia, the Philippines and Thailand.
4. American Republics (South America, Central America and the Caribbean): Preference will be given to proposals that focus on ethnic and indigenous arts.
5. Eastern Europe and the Newly Independent States of the former Soviet Union: Proposals for projects must focus on the exchange of arts administrators or professionals dealing in the theatrical arts. Proposals should clearly demonstrate knowledge of the host country environment and the institutional partner in that country and provide evidence of long-term commitment to project goals.

Program Exclusions

1. Projects should be artistic, intellectual, and cultural, not technical. Vocational and technical training projects are ineligible for support.
2. Scholarship programs or proposals for long-term academic study or training are ineligible for support.
3. Speaking tours, conferences or seminars, research projects, research for project development purposes, youth or youth-related activities (participants' age under 25), publications, student and/or faculty exchanges, or projects for the exchange of amateurs or semi-professionals are all ineligible.
4. The Office of Arts America does not accept proposals to support performing arts productions or tours, film or video festivals, film/video installations, full-scale film production or distribution, international arts competitions, community-level arts presentations or festivals for general audiences, visual arts exhibits, museum projects except for those under the AAM/IPAM program (see above), or projects in the fields of historical and cultural conservation and preservation.
5. USIA is a major supporter of Sister Cities International and Partners of the Americas. It has agreed to fund administrative expenses of these organizations' national offices, but will not fund projects arising from sister city and partner state relationships once they are established.

Visa Insurance/Tax Requirements

Programs must comply with J–1 visa regulations. Please refer to program specific guidelines in Solicitation Package for further details. Administration of the program must be in compliance with reporting and withholding regulations for federal, state, and local taxes as applicable. Recipient organizations should demonstrate tax regulation adherence in the proposal narrative and budget.

Budgetary Requirements

1. These awards are limited to $200,000. We will consider requests for $100,000 or more only for projects that are internationally regional, multi-regional or worldwide in scope. Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.
2. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as a break-down reflecting both the administrative budget and the program budget. Please refer to the Solicitation Package for complete formatting instructions. For better understanding or further clarification, applicants may provide separate sub-budgets for each program component, phase, location, or activity

in order to facilitate USIA decisions on funding.

3. There must be minimum of 33% cost sharing of the project cost. Cost sharing may be in the form of allowable direct or indirect costs. The recipient must maintain written records to support all allowable costs which are claimed to be its contribution to cost participation, as well as costs to be paid by the Federal Government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, Attachment E—Cost Sharing and Matching—and should be described in the proposal. In the event the recipient does not provide a minimum of 33% cost sharing following the award, the Agency's contribution will be reduced in proportion to the recipient's contribution.

4. Administrative costs must be no more than 20% of the total amount requested from USIA. Administrative costs are defined as salaries, benefits and other direct and indirect costs incurred. Important note for universities: The U.S. Information Agency defines American faculty salaries as an administrative expense, regardless of how the faculty time is to be used.

5. Allowable costs are those defined in the application packet, which is available upon request.

6. The recipient's proposal shall include the cost of an audit that:

—Complies with the requirements of OMB Circular No. A–133, Audits of Institutions of Higher Education and Other Nonprofit Institutions;

—Complies with the requirements of American Institutes of Certified Public Accountants (AICPA) Statement of Position (SOP) No. 92–9; and

—Includes review by the recipient's independent auditor of a recipient-prepared supplemental schedule of indirect cost rate computation, if such a rate is being proposed.

The audit costs shall be identified separately for:

—Preparation of basic financial statements and other accounting services;

—Preparation of the supplemental reports and schedules required by OMB Circular No. A–133, AICPA SOP 92–9, and the review of the supplemental schedule of indirect cost rate computation.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will be reviewed by the Agency contracts office, as well as the USIA geographic area policy offices and the USIA post overseas, where appropriate. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Education and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to the Agency's mission and the goals of the Creative Arts Exchanges Program.

2. Program planning: Detailed agenda and relevant work plan should demonstrate substantive artistic/organizational undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. Ability to achieve program objectives: Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. Multiplier effect/impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. Support of Diversity: Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity.

6. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. Institution's Record/Ability: Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. USIA will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without USIA support) which insures that USIA supported programs are not isolated events.

9. Project Evaluation: Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. USIA recommends that the proposal include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. Award-receiving organizations/institutions will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

10. Cost-effectiveness: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. Cost-sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

12. Value to U.S.-Partner Country Relations: Proposed programs should receive positive assessments by USIA's geographic area desk and overseas officers of program need, potential impact, and significance in the partner country(ies).

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by USIA that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The needs of the program may require the award to be reduced, revised, or increased. Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about June 15, 1995. Awards made will be subject to periodic reporting and evaluation requirements.

Dated: December 2, 1994.

Dell Pendergrast,

Deputy Associate Director, Educational and Cultural Affairs.

[FR Doc. 94–30246 Filed 12–8–94; 8:45 am]

BILLING CODE 8230–01–M

1995 Summer Institute for English Language Educators From South Africa and Namibia

ACTION: Notice—Request for proposals.

SUMMARY: The Office of Academic Programs of the United States Information Agency's Bureau of Education and Cultural Affairs announces an open competition for an assistance award. American institutions of higher education having an acknowledged reputation in the field of English-as-a-second language and in curriculum design may apply to develop and deliver a six-week summer program for approximately twenty-eight English language teaching professionals from South Africa and Namibia. The first five weeks of the program will consist of an academic course specializing in materials development and curriculum design for the teaching of English at all levels. The sixth week will consist of an escorted cultural and educational tour of Washington, DC.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." Programs and projects must conform with Agency requirements and guidelines outlined in the Application Package. USIA projects and programs are subject to the availability of funds.

ANNOUNCEMENT NAME AND NUMBER: All communications with USIA concerning this announcement should refer to the above title and reference number E/AEA–95–01.

DATES: *Deadline for proposals:* All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Thursday, January 26, 1995. Faxed documents will not be accepted, nor will documents postmarked on January 26, 1995, but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline.

Program dates: The dates of the program are approximately June 23, 1995 through August 6, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Ellen Berelson, Africa Branch, Academic Exchange Programs Division, E/AEA, room 232, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547, phone: (202) 619–5355, fax: (202) 619–6137, Internet: eberelso@usia.gov. to request an Application Package. The package includes more detailed award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Please specify USIA Program Office Dr. Ellen Berelson on all inquiries and correspondences. Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the Africa Branch or submitting their proposals. Once the RFP deadline has passed, the Africa Branch may not discuss this competition in any way with applicants until after the Bureau proposal review process has been completed.

ADDRESSES: Applicants must follow all instructions given in the Application Package and send an original and ten copies of the completed application, including required forms, to: U.S. Information Agency, Ref.: E/AEA–95–01, Office of Grants Management, E/XE, room 336, 301 4th Street, SW., Washington, DC 20547.

SUPPLEMENTARY INFORMATION: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including but not limited to race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle.

Overview

The 1995 Summer Institute for English Language Educators from South Africa and Namibia (SETI) will provide participants with intensive training in the fundamentals of materials development and curriculum design. Both of the areas are critical in South Africa and Namibia where educators are attempting to create a new English curriculum at all levels. Given the need to teach English across the curriculum, English language educators are key in both curriculum design and materials development. There is a severe shortage of personnel trained in these skills. Educators in both the new South Africa and recently independent Namibia will need to produce culturally appropriate and pedagogically sound materials and curricula.

The program will also provide a structured exposure to U.S. culture and the diversity of America. The problems of teaching in a multi-cultural society should be a component of the program. The program should maintain a relative balance among discussion sessions, lectures, workshops, and practical experience. Lengthy lectures should be kept at a minimum. Participants should be given ample opportunity to work together and learn from each other as well as from their American instructors. Participants will receive an educational materials allowance.

Few participants will have visited the United States previously. In view of this, an initial orientation to the university community and a brief introduction to U.S. society and education should be considered an integral part of the Institute and should be held on the first two to three days of the program.

Program Guidelines

The Summer Institute should be programmed to encompass about 45 days beginning on or about Friday, June 23, 1995, and ending on or about Sunday, August 6, 1995. Institutions may propose minor variations of no more than 10 days in beginning and ending dates to coincide with local academic calendars. Please explain any proposed variation in dates and demonstrate improvements in program quality and cost effectiveness that may be achieved thereby.

The applicant is asked to design a two-part program:

(1) A five-week academic program delivering intensive training in materials development and curriculum design for ESL and English across the curriculum at the primary, secondary and tertiary level. Division into groups, each with a focus on the particular needs of these three levels would be essential, plus integrated work on transitions between levels. Training should meet the special needs of participants from South Africa and Namibia.

(2) A one-week escorted visit to Washington, DC, planned, arranged, and conducted by the Program Director and principal Institute staff. The Washington

program should be seen as an integral part of the Summer Institute, complementing and reinforcing the academic material, and should take place at the end of the Institute. Programming in Washington will include a half-day briefing session at the U.S. Information Agency. Additionally, visits to such organizations as TESOL, a regional university, local school systems and teacher resource centers, are encouraged. Proposals may include cultural and educational visits en route to Washington, if such stops contribute to program quality and are cost effective. The participants will return to their home countries at the conclusion of the Washington program.

Specific areas to address in the Institute are:

1. Materials development with an emphasis on language across the curriculum.
2. Curriculum design (especially at the primary and secondary school levels).
3. Theory of testing and test development appropriate to each level.
4. Introduction to computer based word processing and appropriate software for participants who lack these skills. Introduction to computer networks for ESL professionals.
5. Visits to on-going ESL classes at the host institution, other universities, and in local educational or community centers, providing participants with opportunities to observe ESL methodology, materials, and multi-cultural classrooms featuring sheltered language learning across the curriculum.
6. Involvement of participants in American culture through community/cultural activities. This should include interaction with Americans from a variety of backgrounds.
7. On-going evaluation and adjustment of program components accordingly, as well as evaluation of the entire Institute.

In accordance with the objectives of the Summer Institute, participants will concentrate on their studies. However, the academic program should provide time for interaction with American students, faculty, and school administrators, and the local community to promote mutual understanding between the people of the United States and South Africa and Namibia. In this regard, the Institute should incorporate cultural features such as community and cultural activities, field trips to places of local interest, home stays with families in the area (with other educators if possible), and events which will bring the participants into contact with Americans from a variety of backgrounds.

Participants: Participants, to be selected by USIA, will be individuals involved with English teaching. They will be drawn from a variety of backgrounds: Employees of national and provincial departments of education involved in curricula/materials work; educators establishing or running teacher resource centers; non-governmental organizations involved in materials development at all levels; instructors in university departments of education and teacher training colleges teaching courses related to curriculum design and materials development; instructors in tertiary institutions involved in developing materials for publication; materials writers and reviewers working for local publishers. Minimum qualification for all participants will be a three-year teacher training diploma with preference given to candidates with university degrees. Recruitment will concentrate on persons who are actively involved in these areas at all levels (primary, secondary, tertiary) but who are relatively inexperienced. Depending upon availability of funds, approximately 28 participants from South Africa and Namibia will participate in the Institute.

Orientation: The host institution should plan to conduct either a pre-program needs assessment if time allows, or a needs assessment upon the arrival of the participants. The Institute Director should be prepared to adjust program emphasis as necessary to respond to participants' concerns.

A pre-departure orientation will be held in South Africa for all participants. The Institute host institution will be expected to provide general orientation materials for this meeting. This material might include a tentative program outline with suggested goals and objectives, relevant background information about the U.S. institutions and individuals involved in the project, and information about the local housing, and available services.

Program Administration

All Institute programming and administrative logistics, management of the academic program and the cultural tour, local travel, and on-site university arrangements, including enrolling participants as members of Teachers of English to Speakers of other Languages (TESOL), will be the responsibility of the Institute grant recipient. USIA will be responsible for all communications to and from the U.S. Information Service posts in South Africa and Namibia, which submit participant nominations to the Academic Exchange Programs Division and are responsible for all international travel. USIA will provide the institute director with participants' curricula vitae and itineraries and be available to offer any advice or guidance the director may find useful.

The African participants will arrive directly at the campus site from their home countries. It is expected that the Institute program staff will make arrangements to have participants met upon arrival at the airport nearest the university campus. Departures will be from Washington, DC. The Institute staff will have to plan for transportation to Washington area airports.

The host institution is responsible for arrangements for lodging, food and maintenance for participants while at the host institution and in Washington. The host institution should strive to balance cost effectiveness in accommodations and meal plans with flexibility for differing diets and personal habits among the participants. Single rooms or housing in residential suites which offer privacy while at the Institute are preferable. Proposals should describe the available health care system and the plan to provide health care access to Institute participants. USIA will provide limited health insurance coverage to all participants.

Visa/Insurance/Tax Requirements

Programs must comply with J–1 visa regulations. Please refer to program specific guidelines in the Application Package for further details. Administration of the program must be in compliance with reporting and withholding regulations for federal, state, and local taxes as applicable. Recipient organizations should demonstrate tax regulation adherence in the proposal narrative and budget.

Participants will be covered by USIA Health and Accident Insurance. The host institution will be responsible for enrolling the participants in the insurance program.

Application Requirements

Proposals

Proposals must be submitted within deadline and provide a detailed plan in response to the objectives and needs outlined above. Applicants should draw imaginatively on the full range of resources offered by their institutions but may also involve outstanding professionals from other universities or organizations.

The proposal package must include one original and ten copies. Each proposal must be presented as follows:

1. A completed and signed cover sheet for grant applications (provided in the application packet).

2. An abstract of the proposed Summer Institute not to exceed two double-spaced pages.

3. A narrative not to exceed twenty double-spaced pages. The detailed narrative should outline the structure and organization of the Institute. It should include a day-by-day agenda for classes and supplementary activities. Plans for lodging and meals should be included. Also list appropriate books and reading to be distributed to participants. A plan for evaluating the Institute should be included.

4. A budget in the prescribed format. Refer to the application packet.

5. Appendices must contain the following information:

a. Academic/professional resumes of program director(s), instructors, consultants, and program staff (not to exceed two double-spaced pages for each).

b. Evidence of the institutions's activities in substantive academic ESL programs and curriculum design.

c. Demonstration of the institution's experience with similar international educational exchange projects.

6. Completed forms in support of the proposal. See application packet for all necessary forms.

Proposed Budget

The funds available for this program may not exceed $135,000. The maximum number of participants to be funded will be 28.

Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as a breakdown reflecting both the administrative budget and the program budget. For better understanding or further clarification, applicants may provide separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding. Please refer to the Application Package for complete budget guidelines and formatting instructions.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Application Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency contracts office, as well as the USIA Office of African Affairs and the USIA post overseas, where appropriate. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with the USIA grants officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the institute design:* Proposals should exhibit originality, substance, precision, and relevance to program objectives of the institute.

2. *Program planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. *Ability to achieve program objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. *Support of diversity:* Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity throughout the program. This can be accomplished through documentation (such as a written statement of account) summarizing past and/or on-going activities and efforts that further the principle of diversity within both the organization and the program activities. Program administrators should strive for diversity among Institute staff.

6. *Institutional capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. The TESL/TEFL capability and reputation of the institution will be considered. Proposed personnel should show cultural sensitivity and some familiarity with Southern Africa.

7. *Institution's record/ability:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. *Follow-on activities:* Proposals should provide a plan for continued follow-on activity (without USIA support) which insures that USIA supported programs are not isolated events.

9. *Project evaluation:* Proposals should include a plan to evaluate the Institute, both during the program and at the end of the program. USIA recommends that the proposal include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. Award-receiving institutions will be expected to submit a comprehensive final report at the conclusion of the program.

10. *Cost-effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. *Cost-sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The needs of the program may require the award to be reduced, revised, or increased. Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about April 15, 1995. Awards made will be subject to periodic reporting and evaluation requirements.

Dated: December 2, 1994.

Dell Pendergrast,

Deputy Associate Director, Educational and Cultural Affairs.

[FR Doc. 94–30245 Filed 12–8–94; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 59, No. 236
Friday, December 9, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5.U.S.C. 552b(e)(3).

U.S. COMMISSION ON CIVIL RIGHTS

DATE AND TIME: Friday, December 16, 1994, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, NW, Room 540, Washington, DC 20425.

STATUS: Open to the Public.

Agenda

I. Approval of Agenda
II. Approval of Minutes of November Meeting
III. Announcements
IV Staff Director's Report
V. Future Items
11:00 a.m.—Briefing on Immigration Issues: Proposition 187, Immigration Reform, and Civil Rights

Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact Betty Edmiston, Administrative Services and Clearinghouse Division (202) 376–8105 (TDD 202–376–8116) at least five (5) days before the scheduled date of the hearing.

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications (202) 376–8312,

Dated: December 7, 1994.

Emma Monroig,

Solicitor

[FR Doc. 94–30471 Filed 12–7–94; 12:57 pm]

BILLING CODE 6335–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:02 a.m. on Tuesday, December 6, 1994, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following matters:

Matters relating to the Corporation's corporate and supervisory activities.

Application of The Carthage Bank, Carthage, Mississippi, an insured State nonmember bank, for consent to assume the liability to pay deposits made in the Carthage Branch of Magnolia Federal Bank for Savings, Hattiesburg, Mississippi, for consent to establish the Carthage Branch of Magnolia Federal Bank for Savings as a branch of The Carthage Bank, and for consent to convert the Savings Association Insurance Fund insured deposits of the Carthage Branch to Bank Insurance Fund insured deposits upon the consummation of the proposed transaction.

Recommendation regarding the cross-guaranty provisions of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Eugene A. Ludwig (Comptroller of the Currency), concurred in by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), and Chairman Ricki R. Tigert, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: December 6, 1994.

Federal Deposit Insurance Corporation.

Leneta G. Gregorie,

Acting Assistant Executive Secretary

[FR Doc. 94–30424 Filed 12–7–94; 8:45 am]

BILLING CODE 6714–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:00 a.m., Wednesday, December 14, 1994, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of check sorter equipment within the Federal Reserve System.
2. Proposed acquisition of computer equipment within the Federal Reserve System.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 7, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–30437 Filed 12–7–94; 11:10 am]

BILLING CODE 6210–01–P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, December 14, 1994.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that the items be moved to the discussion agenda.

1. Cost of Federal Reserve notes in 1995.
2. Proposed amendments to the Board's risk-based capital guidelines to establish a limitation on the amount of certain deferred tax assets that may be included in Tier 1 capital for risk-based and leverage capital purposes (proposed earlier for public comment; Docket No. R–0795).
3. Proposed amendment to Regulation Y (Bank Holding Companies and Change in Bank Control) to remove its restrictions on tying between nonbank subsidiaries when the packaged products are separately available (proposed earlier for public comment; Docket No. R–0843).
4. Proposed Order to extend to all section 20 subsidiaries a cross-marketing interpretation previously granted on a case-by-case basis.

Discussion Agenda

5. Proposed 1995 Federal Reserve Bank budgets.
6. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to:

Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: December 7, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–30436 Filed 12–7–94; 11:10 am]

BILLING CODE 6210–01–P

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Wednesday, December 14, 1994.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

BOARD BRIEFING:

1 Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1 Approval of Minutes of Previous Open Meeting.

2. Community Development Revolving Loan Program for Credit Unions: Notice for Applications for Participation.

3. Request from Mid Oregon Federal Credit Union, Bend, Oregon, for a Conversion to Community Charter.

RECESS: 10:30 a.m.

TIME AND DATE: 11:00 a.m., Wednesday, December 14, 1994.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1 Approval of Minutes of Previous Closed Meetings.

2. Request from Federal Credit Union for a Community Expansion through Merger Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 94–30504 Filed 12–7–94; 3:04 pm]

BILLING CODE 7535–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of December 12, 1994.

Open meetings will be held on Tuesday, December 13, 1994 at 9:30 a.m. and 10:00 a.m., in Room 1C30. A closed meeting will be held on Tuesday, December 13, 1994, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the open meeting scheduled for Tuesday, December 13, 1994, at 9:30 a.m., will be:

1 Consideration of adoption of proposals designed to streamline financial statement requirements for U.S. issuers relating to significant foreign equity investees and business acquisitions, proposals to streamline financial schedule requirements for all issuers and proposals with respect to foreign issuers' choice of reporting currency and reporting in operations in hyperinflationary economies. For further information, please contact Wayne Carnall at (202) 942–2960.

2. Consideration of proposals to amend the broker-dealer research report safe harbor provisions of Rules 138 and 139 to clarify the availability of the rules for reports involving an expanded class of issuers, including sizable first-time foreign private issuers. For further information, please contact Annemarie Tierney at (202) 942–2990.

The subject matter of the open meeting scheduled for Tuesday, December 13, 1994, at 10:00 a.m., will be:

The Commission will meet with representatives of the Public Oversight Board ("POB"). The purpose of this meeting is to discuss the POB's role in the accounting profession's quality control process. The POB requested this meeting with the Commission for an opportunity to review the status and activities of the SEC Practice Section ("SECPS") of the American Institute of Certified Public Accountants ("AICPA") and the POB's oversight of the SECPS, and to discuss other matters of interest relating to the accounting profession. For further information, please contact Michael J. Kigin or Robert E. Burns at (202) 942–4400.

The subject matter of the closed meeting scheduled for Tuesday, December 13, 1994, at 2:30 p.m., will be:

Institution of injunctive actions.
Settlement of injunctive action.
Opinion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact. The Office of the Secretary (202) 942–7070

Dated: December 7, 1994

Jonathan G. Katz,

Secretary

[FR Doc. 94–30465 Filed 12–7–94, 12 17 pm]

BILLING CODE 8010–01–M

federal register

Friday
December 9, 1994

Part II

Department of Education

Notice of Final Priorities; Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Disabilities, Youth With Disabilities; Projects With Industry: Notice Inviting Applications for New Awards for Fiscal Year 1995; Notice

DEPARTMENT OF EDUCATION

RIN 1820–ZA00

Special Demonstrations; and Projects With Industry

AGENCY: Department of Education.

ACTION: Notice of final priorities.

SUMMARY: The Secretary announces priorities under the following programs administered by the Office of Special Education and Rehabilitative Services (OSERS): (1) Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Disabilities, (2) Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth with Disabilities, and (3) Projects With Industry (PWI). The Secretary may use these priorities for competitions in fiscal year (FY 1995) and subsequent years. These priorities are intended to expand employment opportunities for individuals with disabilities through the provision of vocational rehabilitation services. In addition, the priorities provide for a competitive preference to be given to projects providing program services in an Empowerment Zone or Enterprise Community designated under section 1391 of the Internal Revenue Code, as amended by title XIII of the Omnibus Budget Reconciliation Act of 1993. The Secretary may use the competitive preference in FY 1995 and subsequent years.

EFFECTIVE DATE: These priorities take effect on January 9, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas Finch, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3038 MES, Washington, D.C. 20202–2740. Telephone: (202) 205–9796. 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: This notice contains priorities under the following programs:

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Disabilities.

Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth with Disabilities.

Projects With Industry.

The purpose of each program is stated separately under the title of that program.

Funding of particular projects depends on the availability of funds, the nature of the final priorities, and the quality of the applications received.

On July 26, 1994, the Secretary published a notice of proposed priorities for these programs in the **Federal Register** (59 FR 38086).

Note: This notice of final priorities does *not* solicit applications. Notices inviting applications under these competitions are published in separate notices in this issue of the **Federal Register**.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priorities, six parties submitted comments. Two commenters indicated strong support for the priorities as proposed. Four commenters, while supporting the proposed priorities, asked for certain changes in or clarification of the priorities. An analysis of the comments and of the changes in the priorities since publication of the notice of proposed priorities follows. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Priority for Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth With Disabilities

Comment: None.

Discussion: The Department of Education has withdrawn the general priority for Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth with Disabilities because of insufficient fiscal year (FY) 1995 funds. The priority was identified as Competition I under this program.

Changes: A single competition will be held in FY 1995 under the Special Projects and Demonstrations for Providing Transitional Services to Youth with Disabilities program, listed in the proposed priorities as Competition II. This competition will be limited to projects that propose to provide services to youth and young adults with serious emotional disturbance (SED) or serious mental illness (SMI).

Comments Regarding Competitive Preference for Programs Within Empowerment Zones and/or Enterprise Communities

Comment: Two commenters indicated that a competitive preference should not be given to projects providing services within Empowerment Zones or Enterprise Communities. Both commenters felt that location should not be a factor in serving individuals with disabilities. One commenter expressed a belief that this was an absolute priority.

Discussion: As indicated in the notice of proposed priorities, the Empowerment Zone initiative is a critical element of the Administration's community revitalization strategy. Communities designated as Empowerment Zones or Enterprise Communities already will have demonstrated a capacity for the type of cooperative planning that is critical to successful rehabilitation partnerships. Therefore, the Secretary has determined that it would serve the purposes of the Special Demonstrations and the Projects With Industry programs to award a competitive preference, providing bonus points to applications that propose to serve these zones and communities.

Changes: None.

Comments Regarding the Absolute Priority to Provide Transitional Rehabilitation Services for Youths and Young Adults with Serious Emotional Disturbance (SED) or Serious Mental Illness (SMI)

Comments: Two commenters opposed the limitation of this priority to the SED and SMI population and indicated the need to support transitional services to youths with other disabilities.

Discussion: The Secretary notes that youth and young adults with SED and SMI are among the most underserved individuals with disabilities and, therefore, has decided to target funds under this program to the specific needs of this population.

The Department currently supports other transition programs within the Office of Special Education Programs. Competitions in Early Education Programs for Children With Disabilities, Services for Children with Deaf-Blindness, Postsecondary Education Programs for Individuals with Disabilities, Secondary Education and Transitional Services for Youth with Disabilities Program, and Program for Children with Severe Disabilities will be held in FY 1995. In addition, competitions and funds are available through the School-to-Work Opportunities Act, jointly administered by the Departments of Education and Labor. All of these programs serve a more general population of youth with disabilities and provide the necessary services.

Changes: None.

Priority Relating to Empowerment Zones and Enterprise Communities

Under 34 CFR 75.105(c)(2)(i), the Secretary gives preference to applications that are otherwise eligible for funding under the three programs

and that meet the following competitive priority. The Secretary may implement this priority for fiscal year 1995 and for any later fiscal year. The Secretary awards 10 bonus points to an application that meets this competitive priority. These bonus points would be in addition to any points the application earns under the selection criteria for the program:

Competitive Priority—Providing Program Services in an Empowerment Zone or Enterprise Community

Background

The Empowerment Zone and Enterprise Community program is a critical element of the Administration's community revitalization strategy. The program is a first step in rebuilding communities in America's poverty-stricken inner cities and rural heartlands. It is designed to empower people and communities by inspiring Americans to work together to create jobs and opportunity.

Under this program, the Federal Government will designate up to 9 areas as Empowerment Zones and up to 95 areas as Enterprise Communities in accordance with Internal Revenue Code (IRC) section 1391, as amended by title XIII of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66). To be eligible for designation, an area must be nominated by one or more local governments and the State or States in which it is located or by a State-Chartered Economic Development Corporation. A nominated area must be one of pervasive poverty, unemployment, and general distress, and must have a poverty rate of not less than the level specified in section 1392 of the IRC.

The Department anticipates that the Empowerment Zones and Enterprise Communities will be announced by early January 1995. Interested individuals may contact the Department of Housing and Urban Development (HUD) at 1–800–998–9999 for additional information on the Empowerment Zone and Enterprise Community program, including which communities have applied for designation or which have been selected.

In the Empowerment Zone and Enterprise Community program, communities are invited to submit strategic plans that comprehensively address how the community would link economic development with education and training as well as how community development, public safety, human services, and environmental initiatives together will support sustainable communities. Empowerment Zones and Enterprise Communities will be designated by the Department of Agriculture and HUD based on the quality of their strategic plans. Designated areas will receive Federal grant funds and substantial tax benefits and will have access to other Federal programs.

The Department of Education is supporting the Empowerment Zone and Enterprise Community initiative in a variety of ways. It is encouraging Empowerment Zones and Enterprise Communities to use funds they already receive from Department of Education programs (including Chapter 1 of Title I of the Elementary and Secondary Education Act, the Drug-Free Schools and Community Act, the Adult Education Act, and the Carl D. Perkins Vocational and Applied Technology Education Act) to support the comprehensive vision of their strategic plans. In addition, the Department of Education intends to give preferences to Empowerment Zones and Enterprise Communities in a number of discretionary grant programs that are well-suited for inclusion in a comprehensive approach to economic and community development. In addition to the Projects With Industry program and the Special Demonstrations programs under the Rehabilitation Act, the Department intends to give preferences to Empowerment Zones and Enterprise Communities in the Urban Community Service program, the Parent Training program and Early Childhood Education program under the Individuals With Disabilities Education Act, and a variety of discretionary programs under the Elementary and Secondary Education Act.

Relationship of the PWI and Special Demonstrations Programs to the Empowerment Zone or Enterprise Community Program

The Special Demonstrations program for providing vocational rehabilitation services makes grants to expand or otherwise improve vocational and other rehabilitation services to individuals with disabilities, especially those with the most severe disabilities. Vocational rehabilitation services may include training with a view toward career advancement, training (including on-the-job training) in occupational skills, and rehabilitation technology services.

The Special Demonstrations program for providing transitional services to youths with disabilities focuses on the delivery of job training services. The goal of the services is to facilitate a smooth transition of youths from school to work or to higher education.

Services under both of these Special Demonstrations programs are designed to assist individuals with disabilities to live and function as contributing members of society by enhancing their opportunities for employment. Minorities with disabilities, people living with HIV/AIDS, and youths and young adults with serious emotional disturbance or serious mental illness are among the populations with a high incidence of unemployment and poverty.

The purpose of the PWI program is to create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process; to identify competitive job and career opportunities and the skills needed to perform those jobs; to create practical settings for job readiness and training programs; and to provide job placements and career advancement. In order to support the purpose of the program, all PWI projects are required to have a Business Advisory Council comprised of representatives of private industry, business concerns, organized labor, and individuals with disabilities and their representatives.

The PWI and Special Demonstrations programs under the Rehabilitation Act are ideally suited to play a key role in the Empowerment Zone and Enterprise Community program because studies have shown strong correlations between disability and unemployment and between disability and poverty. These rehabilitation programs serve a common purpose: to provide assistance to individuals with disabilities in obtaining gainful employment. Employment is achieved by providing job training, job placement, transition services, and related vocational rehabilitation services to individuals with disabilities. Just as Empowerment Zones and Enterprise Communities link economic development and education and training efforts, the Special Demonstrations and PWI programs support projects that strengthen communities by preparing individuals with disabilities for employment in local businesses.

Provision of rehabilitation services in an urban or rural high-poverty area that has developed a strategic plan to link economic development to education, training, public safety, and human services will also help achieve the purpose of the Rehabilitation Act of 1973, as amended (Act), to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and

inclusion and integration into society. Moreover, providing services in a zone or community will help support the purpose of section 21 of the Act to ensure that the needs of individuals with disabilities from minority backgrounds and from other traditionally underserved populations are addressed.

Communities receiving designations as Empowerment Zones or Enterprise Communities already have demonstrated a capacity for the type of cooperative planning that is critical to successful rehabilitation partnerships. Projects funded under these programs will provide models for partnerships in other distressed areas and will further the National Education Goal that, by the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in the global economy and exercise the rights and responsibilities of citizenship.

Accordingly, the Secretary has determined that it would serve the purposes of the three programs in this notice to award a competitive preference to applications that propose projects that serve these zones and communities.

Priority

Under each of the following programs, competitive preference will be given to applications that—(1) Propose the provision of substantial services in Empowerment Zones or Enterprise Communities, as described under each program listed in this notice; and (2) Propose projects that contribute to the strategic plan of the Empowerment Zone or Enterprise Community and that are made an integral component of the Empowerment Zone or Enterprise Community activities. Ten bonus points will be assigned to applications determined to be approvable on the basis of their evaluation under the applicable program selection criteria.

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Disabilities

Purpose of Program

This program is designed to provide financial assistance to projects for expanding or otherwise improving vocational rehabilitation and other rehabilitation services for individuals with disabilities, especially individuals with the most severe disabilities.

Priorities

Competitive Priority

Competitive preference of 10 bonus points will be given to applications that meet the 2 requirements described previously under the competitive priority for providing program services in an Empowerment Zone or Enterprise Community.

Under this program a project is considered to be providing substantial services if a minimum of 51 percent of the persons served by the project reside within the Empowerment Zone or Enterprise Community.

Invitational Priorities

Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet one or more of the following invitational priorities. However, an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications:

Invitational Priority 1—Services to Minorities

The Secretary is particularly interested in applications that propose to provide culturally sensitive vocational rehabilitation services and make significant outreach efforts to identify and serve individuals with disabilities from minority backgrounds.

Invitational Priority 2—Services to People Living With HIV/AIDS

The Secretary is particularly interested in applications that propose to provide vocational rehabilitation services to people living with HIV/AIDS.

Applicable Program Regulations

34 CFR Parts 369 and 373.

Program Authority: 29 U.S.C. 777a(a)(1).

Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth With Disabilities

Purpose of Program

This program is designed to provide job training for youths with disabilities to prepare them for entry into the labor force, including competitive or supported employment.

Priority

Under 34 CFR 75.105(c)(3) and section 311(b) of the Rehabilitation Act of 1973, as amended, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Absolute Priority—Transitional Rehabilitation Services for Youths and Young Adults With Serious Emotional Disturbance (SED) or Serious Mental Illness (SMI)

Background

Young adults, between the ages of 17 and 26, with serious emotional disturbance or serious mental illness are among the most underserved individuals with disabilities. It is estimated that 4 to 9 percent of the total population of young adults exhibit these disorders, but fewer than 1.5 percent are provided services (Kauffman 1989). Youth with SED or SMI display inappropriate behaviors or feelings that seriously impair their abilities to work, live, and function successfully in society. The outcome of successful integrated community employment appears to be facilitated by a well-coordinated, multi-dimensional service approach that uses community-based vocational services; the peer group as a supportive setting; job training combined with other training services that address work-related topics, such as stress management, substance abuse, and medication issues; and individualized long-term supportive services (Cook 1991).

Priority

The purpose of this priority is to support demonstration projects that develop model systems of comprehensive service delivery to youths and young adults, ages 17 through 26. Projects must provide job training services to youths and young adults with SED or SMI to prepare them for entry into the labor force.

Competitive Priority

Competitive preference of 10 bonus points will be given to applications that, in addition to meeting the absolute priority described under this competition, meet the 2 requirements described previously under the competitive priority for providing program services in an Empowerment Zone or Enterprise Community.

Under this program a project is considered to be providing substantial services if a minimum of 51 percent of the persons served by the project reside within the Empowerment Zone or Enterprise Community.

Applicable Program Regulations

34 CFR Parts 369 and 376.

Program Authority: 29 U.S.C. 777a(b).

Projects With Industry (PWI)

Purpose of Program

Projects With Industry projects create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process. PWI projects identify competitive job and career opportunities and the skills needed to perform those jobs, create practical settings for job readiness and training programs, and provide job placement and career advancement services.

Eligibility Requirement

Under section 621(e)(2) of the Rehabilitation Act of 1973, as amended, new grant awards under this program can be made only to eligible entities, identified in the program regulations in 34 CFR 379.2, that propose to provide services to individuals with disabilities in States, portions of States, Indian tribes, or tribal organizations that are currently unserved or underserved by the PWI program. Each applicant is required to explain in its application why the geographic area it proposes to serve is currently unserved or underserved by the PWI program.

Competitive Priority

Competitive preference of 10 bonus points will be given to applications that meet the 2 requirements described previously under the competitive priority for providing program services in an Empowerment Zone or Enterprise Community.

A PWI project may provide services at one or more sites. Under this program a PWI project is considered to be providing substantial services in a zone or community if a minimum of 51 percent of the total number of persons served by the project, irrespective of the number of sites, reside in a zone or community and at least 1 of the project sites is located within the boundaries of a zone or community. If there is only one project site, it must be located within the boundaries of a zone or community.

Applicable Program Regulations

34 CFR Parts 369 and 379.

Program Authority: 29 U.S.C. 795g.

Intergovernmental Review

These programs are subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for these programs.

Dated: December 5, 1994.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services

(Catalog of Federal Domestic Assistance Numbers: 84.235 Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Disabilities; 84.235 Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth with Disabilities; and 84.234 Projects With Industry)

[FR Doc. 94–30251 Filed 12–8–94; 8:45 am]
BILLING CODE 4000–01–P

[CFDA No.: 84.235R]

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Disabilities; Notice Inviting Applications for New Awards for Fiscal Year 1995

Purpose of Program: This program is designed to award grants for special projects and demonstrations that hold promise of expanding or otherwise improving rehabilitation services to individuals with disabilities, especially individuals with the most severe disabilities.

This program supports the National Education Goal that, by the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: States and other public and nonprofit private agencies and organizations.

Deadline for Transmittal of Applications: March 13, 1995.

Dateline for Intergovernmental Review: May 11, 1995.

Applications Available: December 15, 1994.

Available Funds: $1,253,000.

Estimated Range of Awards: $150,000–$200,000.

Estimated Average Size of Awards: $179,000.

Estimated Number of Awards: 7.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR Parts 369 and 373.

Priority

The priority in the notice of final priorities for this program, as published elsewhere in this issue of the **Federal Register**, applies to this competition.

The Department anticipates that the Empowerment Zones and Enterprise Communities will be announced by early January 1995. Interested individuals may contact the Department of Housing and Urban Development at 1–800–998–9999 for additional information on the Empowerment Zone and Enterprise Community program, including which communities have applied for designation or which have been selected.

For Applications: Written requests for applications should be addressed to Pamela Martin, U.S. Department of Education, 600 Independence Avenue SW., Room 3414 MES, Washington, D.C. 20202–2741.

Application Request Line: (202) 205–9343; 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.

For Further Information Contact: Thomas Finch, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3315 MES, Washington, D.C. 20202–2650. Telephone: (202) 205–9796.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). This application notice can also be viewed on the Rehabilitation Services Administration Bulletin Board System, telephone (202) 205–5574 (low speed-2400 bps and lower) or (202) 205–6147 (high speed-9600 and higher). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 29 U.S.C. 777a(a)(1).

Dated: December 5, 1994.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 94–30252 Filed 12–8–94; 8:45 am]
BILLING CODE 4000–01–P

[CFDA No.: 84.235S]

Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youths With Disabilities; Notice Inviting Applications for New Awards for Fiscal Year 1995

Purpose of Program: This program is designed to provide job training for youths with disabilities to prepare them for entry into the labor force, including competitive or supported employment.

This program supports the National Education Goal that, by the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: States and other public and nonprofit private agencies and organizations.

Deadline for Transmittal of Applications: March 13, 1995.

Dateline for Intergovernmental Review: May 11, 1995.

Applications Available: December 15, 1994.

Available Funds: $2,000,000.

Estimated Range of Awards: $175,000–$225,000.

Estimated Average Size of Awards: $200,000.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR Parts 369 and 376.

Priority: The priority in the notice of final priorities for this program, as published elsewhere in this issue of the **Federal Register**, applies to this competition.

The Department anticipates that the Empowerment Zones and Enterprise Communities will be announced by early January 1995. Interested individuals may contact the Department of Housing and Urban Development at 1–800–998–9999 for additional information on the Empowerment Zone and Enterprise Community program, including which communities have applied for designation or which have been selected.

For Applications: Written requests for applications should be addressed to Pamela Martin, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3414 MES, Washington, D.C. 20202–2741.

Application Request Line: (202) 205–9343; 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.

FOR FURTHER INFORMATION CONTACT: Thomas Finch, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3315 MES, Washington, D.C. 20202–2650. Telephone: (202) 205–9796.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). This application notice can also be viewed on the Rehabilitation Services Administration Bulletin Board System, telephone (202) 205–5574 (low speed-2400 bps and lower) or (202) 205–6147 (high speed-9600 and higher). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 29 U.S.C. 777a(b).

Dated: December 5, 1994.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 94–30253 Filed 12–8–94; 8:45 am]

BILLING CODE 4000–01–P

[CFDA No.: 84.234L]

Projects With Industry; Notice Inviting Applications for New Awards for Fiscal Year 1995

Purpose of Program: Projects With Industry (PWI) projects create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process. PWI projects identify competitive job and career opportunities and the skills needed to perform those jobs, create practical settings for job readiness and training programs, and provide job placement and career advancement services.

This program supports the National Education Goal that, by the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: Employers and profitmaking and nonprofit organizations: designated State units, labor unions, employers, community rehabilitation program providers, trade associations, Indian tribes or tribal organizations, and other agencies or organizations with the capacity to create and expand job and career opportunities for individuals with disabilities.

Only applicants that propose to serve a geographic area that is currently unserved or underserved by the PWI program can receive new awards under this program.

Deadline for Transmittal of Applications: March 13, 1995.

Dateline for Intergovernmental Review: May 11, 1995.

Applications Available: December 15, 1994.

Available Funds: $1,700,000.

Estimated Range of Awards: $190,000–$245,000.

Estimated Average Size of Awards: $213,000.

Estimated Number of Awards: 7–9.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR Parts 369 and 379.

Priority: The priority in the notice of final priorities for this program, as published elsewhere in this issue of the **Federal Register**, applies to this competition.

The Department anticipates that the Empowerment Zones and Enterprise Communities will be announced by early January 1995. Interested individuals may contact the Department of Housing and Urban Development at 1–800–998–9999 for additional information on the Empowerment Zone and Enterprise Community program, including which communities have applied for designation or which have been selected.

For Applications: Written requests for applications should be addressed to Constance Pledger, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3318 MES, Washington, D.C. 20202–2741.

Application Request Line: (202) 205–9343; 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.

FOR FURTHER INFORMATION CONTACT: Thomas Finch, U.S. Department of

Education, 600 Independence Avenue, S.W., Room 3315 MES, Washington, D.C. 20202–2650. Telephone: (202) 205–9796.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). This application notice can also be viewed on the Rehabilitation Services Administration Bulletin Board System, telephone (202) 205–5574 (low speed-2400 bps and lower) or (202) 205–6147 (high speed-9600 and higher). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 29 U.S.C. 795g.

Dated: December 5, 1994.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 94–30254 Filed 12–8–94; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Friday
December 9, 1994

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 121, 125, and 135
Revision to Minimum Altitudes for Use of an Autopilot; Proposed Rules

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR parts 121, 125, and 135

[Docket No. 27987, Notice No. 94–34]

RIN 2120–AF19

Revision to Minimum Altitudes for the Use of an Autopilot

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration proposes to amend regulations governing the use of approved flight control guidance systems with automatic capability (autopilot). Current regulations prohibit the use of an autopilot at altitudes less than 500 feet above ground level (AGL) during the takeoff and initial climb phases of flight. The proposed amendment would permit the use of approved autopilot systems for takeoff and initial climb phases of flight if the Administrator authorizes their use as stated in an air carrier's operations specifications. By permitting air carriers to take advantage of technological improvements in the operational capabilities of autopilot systems, safety will be enhanced by decreasing pilot workload during the critical takeoff phase of flight. This amendment is based on a recommendation from the Aviation Rulemaking Advisory Committee (ARAC).

DATES: Comments must be submitted on or before January 9, 1995.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–10), Docket No. 27987, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 27987. Comments may be examined in Room 915G weekdays between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard A. Temple, AFS–410, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–5824.

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. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received 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 substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 27987." The postcard will be date stamped and mailed to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRMs should request from the above office a copy of Advisory Circular (AC) No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Statement of the Problem

The FAA is proposing to amend §§ 121.579, 125.329, and 135.93 of the Federal Aviation Regulations (FAR) to permit certificate holders that operate under parts 121, 125, or 135 to obtain authorization to use an approved autopilot system for takeoff if authorized by the FAA as stated in the certificate holder's operations specifications. Section 121.579(a) currently states that no person may use an autopilot en route, including climb and descent, at an altitude above the terrain that is less than twice the maximum altitude loss specified in the Airplane Flight Manual for a malfunction of the autopilot under cruise conditions, or less than 500 feet, whichever is higher. Section 125.329(a) states that no person may use an autopilot at an altitude above the terrain which is less than 500 feet or less than twice the maximum altitude loss specified in the approved Airplane Flight Manual or equivalent for a malfunction of the autopilot, whichever is higher. Section 135.93(a) states that no person may use an autopilot at an altitude above the terrain which is less than 500 feet or less than twice the maximum altitude loss specified in the approved Airplane Flight Manual or equivalent for a malfunction of the autopilot, whichever is higher. Paragraphs (b) and (c) in § 121.579, paragraphs (b), (c) and (d) of § 125.329, and paragraphs (b), (c), and (d) in § 135.93 provide exceptions to this restriction for the approach and landing phases of flight. However, the regulations prohibit the use of an autopilot system at altitudes below 500 feet AGL during the takeoff and initial climb phases of flight under any condition.

The current restrictions in the regulations regarding the use of an autopilot below 500 feet AGL have not been amended since 1965, when provisions for the landing phase of flight were incorporated into § 121.579. This change was incorporated into part 135 when § 135.93 was recodified in 1978, and into part 125 when § 125.329 was established in 1980. Although significant improvements in autopilot technology have been made, the regulations have not been amended to permit the use of an autopilot system during the takeoff and initial climb phases of flight. In addition, the aviation industry anticipates further improvements in autopilot technology, particularly in relation to using the autopilot during the takeoff phase of flight.

The FAA proposes to amend §§ 121.579, 125.329, and 135.93 in this NPRM. The general discussion of the proposal is based, in part, on developments of autopilots used in part 121 operations. However, the autopilot technology, although used more widely by part 121 operators, is always used by parts 125 and 135 operators. In addition, the intent and safety considerations presented apply equally to parts 121, 125, and 135 operations.

History of § 121.579 of FAR

Part 121, Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft, Subpart T—Flight Operations, was recodified into the FAR in 1964 from part 41 of the Civil Air Regulations. No substantive changes were made to minimum altitude requirements for the use of autopilot systems at that time.

The altitude restrictions of § 121.579 established minimum attitudes necessary to provide pilots with sufficient altitude for obstacle clearance and the reaction time needed to disengage the autopilot should a malfunction occur. An example of a particularly critical malfunction is a "hard-over." This malfunction may occur as the result of an autopilot system failure where, for example, the autopilot pitch control channel output commands a full nose-down deflection of the pitch control surfaces of the airplane, resulting in an abrupt change in the attitude of the airplane. Early autopilot systems used by part 121 and other operators did not provide the system redundancy and self-test features that automatically detect and compensate for the failure of critical autopilot components and preclude airplane flight control surface "hard overs". In the event of such failures, pilots were required to disengage the autopilot and manually manipulate the airplane flight controls to recover from the effects of flight control hardovers. However, the capabilities of autopilot systems have increased significantly; many autopilots are now designed to detect all significant autopilot malfunctions and ensure zero deviation from the intended flight path (including zero altitude loss) in the event of autopilot malfunction

The enhanced capabilities of autopilot systems and other flight instrumentation have facilitated a reduction in minimum visibility requirements for flight operations. In an effort to promote the increased use of an all-weather landing system, the FAA amended § 121.579 to permit the use of an autopilot equipped with an approach coupler, to touchdown, as approved in the air carrier's operations specifications (Amendment 121–13, 30 FR 14781, November 22, 1965). This amendment facilitated the development of Category I, II, and III instrument landing system (ILS) The use of these instrument approach systems increased the safety of routine flight and landing operations conducted in marginal weather. However, at the time the regulation was amended, the aviation industry did not anticipate that technological improvements would provide the ability to safely use an autopilot system during the takoff and initial climb phases of flight. As a result, the amendment addressed only the approach and landing phases.

In March 1990, USAir petitioned the FAA for an exemption from § 121.579(a) of the FAR to allow the autopilot on USAir's Fokker 100 aircraft to be engaged during the takeoff phase of flight at an altitude of 100 feet AGL (Exemption No. 5449, Docket No. 26218, 55 FR 31021, July 30, 1990). In response to the petition for exemption, the FAA stated that it recognized the considerable improvements in the reliability and performance of autopilot systems in recent years. However, the FAA denied the petition on May 6, 1992, because USAir did not provide the FAA with sufficient documentation verifying the FAA's approval of that particular autopilot system. At that time, the FAA decided that the ARAC should consider the issue and make recommendations pertaining to regulatory changes.

The ARAC was chartered in February 1991 to provide recommendations to the FAA Administrator, through the Associate Administrator for Regulation and Certification and the Director of Rulemaking, on FAA rulemaking activity related to aviation safety issues such as air carrier operations. The ARAC Autopilot Engagement Requirements Working Group was established to determine the criteria for autopilot engagement and to address existing autopilot technology.

History of § 125.329 of the FAR

On October 2, 1980, the FAA issued regulations establishing certification and operations rules for large airplanes having a seating capacity of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more when used in other than common carriage. [45FR67214] This rule was the outgrowth of an in-depth study of other than common carriage charter operations using large airplanes. That study began in 1970 at the direction of the Secretary of Transportation. The authors of the study recommended that regulations be developed for large airplanes, pressurized airplanes, and turbine-powered airplanes engaged in other than common carriage. Some of the requirements and restrictions formerly codified in parts 121 and 135 were also included in part 125 if they were deemed essential for safety reasons; thus § 125.329 was codified. Its purpose is to provide passengers traveling on large airplanes operated in noncommon carriage with a level of safety similar to that provided by parts 121 and 135 for purposes of autopilot requirements.

History of FAR § 135.93

In 1978, part 135, Air Taxi Operators and Commercial Operators, was substantially revised (43 FR 46783, October 10, 1978) and the requirements of § 121.579 concerning autopilot use were substantially incorporated into § 135.93. The purpose of the revision was to provide passengers traveling on commuter air carrier or on-demand air taxi flights with a level of safety similar to the level of safety provided by part 121 operators. The amendment included minor language revisions to improve the clarity of the regulation. No significant changes have been made to the regulation since it as adopted.

General Discussion of the Proposal

The ARAC and some industry members have expressed their opinion that amending the regulation to permit increased usage of autopilot engagement during takeoff would have certain benefits, such as allowing pilots to focus proportionately more attention on duties other than the manual manipulation of the flight controls and constant surveillance of the cockpit instruments during the critical takeoff phase of flight. Based on current autopilot technology, the expectation that technology will continue to advance, and the safety benefits [1] that would result from using improved technology, the FAA has reevaluated the restrictions of the current regulations and proposes to amend the rules. The intent of the proposed rules is to permit authorization for the use of an autopilot during the takeoff and initial climb phases of flight; to enable part 121, 125 and 135 operators, when authorized, to use existing technology; and to further promote technological advancers while increasing the level of public safety.

Use of Autopilot Systems Below 500 Feet

Several transport category aircraft are currently equipped with approved autopilot systems evaluated by the FAA during the aircraft certification process to determine the minimum safe altitude engagement, for operational use at altitudes below 500 feet AGL. These autopilot systems are identified by make and model in the airplane flight manual (AFM) and the minimum safe autopilot engagement altitude for that particular make and model of autopilot is also stated in the AFM. However, because of

[1] See discussion under "Safety Benefits."

the restrictions in the applicable regulations, AFM authorization alone does not permit such autopilots to be used to the level of their demonstrated capability by certificate holders operating under parts 121, 125, or 135. In proposing this amendment, the FAA recognizes that airworthiness approval expressed in an airplane's AFM is a prerequisite to permitting these autopilot systems to be used during takeoff under the operating rules of parts 121, 125, and 135. Examples of transport category aircraft that have autopilot systems identified in their AFMs that specify that such autopilots may be engaged below 500 feet AGL include the Boeing 747–400, approved for autopilot engagement at 250 feet AGL after takeoff; the Boeing 757 and 767, approved for autopilot engagement at 200 feet AGL; and the Fokker 100, approved for autopilot engagement at 400 feet AGL. In order to obtain the certification, it was necessary for the manufacturer to demonstrate low altitude engagement for the autopilot, after takeoff, as safe and as part of the airworthiness certificate of the particular system and autopilot on the airplane.

Further, European civil aviation authorities have approved the engagement of particular autopilot systems on particular aircraft used in air carrier operations at altitudes below 500 feet AGL during takeoff. For example, the Dutch Ministry of Transport, Public Works and Water Management. Airworthiness Division, Aeronautical Inspection Directorate, approved the engagement of an Automatic Flight Control and Augmentation System (AFCAS) in the Fokker 100 at 35 feet AGL during takeoff.

Safety Benefits

In addition to permitting the use of autopilots with improved capabilities, the proposed amendments to §§ 121.579, 125.329, and 135.93, if adopted, would enhance public safety by decreasing pilot workload during the critical takeoff phase of flight. As a practical matter, this means that a pilot will spend less time manipulating the controls and more time making other critical observations. Allowing the engagement of an autopilot during the takeoff phase of flights would enable the pilot to monitor the performance of the aircraft while performing other critical functions, such as remaining alert to the occurrence of airplane malfunctions and the presence of other aircraft during takeoff. This is particularly important when the aircraft is in the terminal area and exposed to more traffic. The pilot's ability to devote more attention to the environment outside the cockpit supports the "see and avoid" concept.

In addition, the use of an autopilot ensures consistent flight maneuvers such as standardized climb profiles. Consistency in the performance of such maneuvers enables the flight crew to more readily identify any deviations from expected aircraft performance, thus improving the pilot's opportunity to quickly compensate for the deviation. Thus, since pilots may more readily identify problems and may have more time to take action to compensate for deviations, the level of safety should be increased.

Intent of the Proposal

The FAA and the aviation industry anticipate that further technological advances will lead to the evolution of autoflight guidance systems that can safely be used from initiation of takeoff roll to completion of landing. Flexibility in the approval of minimum engagement altitudes would allow the industry to work toward this goal and at the same time would provide the authorization requirements necessary to ensure that the industry meets or exceeds the level of safety established by the current regulation.

Related Activity

If this proposal is adopted, the FAA plans to issue an advisory circular (AC) in conjunction with the publication of the final rule. The AC would provide guidelines for obtaining operational approval for the use of an approved autopilot system during the takeoff phase of flight. Approval would be based on the airworthiness approval of a particular autopilot system installed on a particular airplane and on the FAA's evaluation of the applicant's operational concepts, manuals, and procedures; airborne equipment; airport and ground facilities used in conjunction with the autopilot systems; flight crew training and proficiency programs; and aircraft and equipment maintenance programs. The operational aspects addressed in the AC would be similar to those addressed in AC No. 120–28, Criteria for Approval of Category III Landing Weather Minima (March 9, 1984), which provided guidance for obtaining the approval of Category III landing weather minima by amending the certificate holder's operations specifications, as permitted by § 121.579(c).

Proposed Amendment

Section 121.579

Section 121.579 would be amended by adding a new paragraph (d), which would allow the Administrator to issue operations specifications that establish the minimum altitude permitted to engage/use an autopilot during the takeoff and initial climb phases of flight. In addition, § 121.579(a) would be amended by striking the words "paragraphs (b) and (c)" and inserting the words "paragraphs (b), (c), and (d)."

Section 125.329

Section 125.329 would be amended by adding paragraph (e) to allow the Administrator to issue operations specifications that establish the minimum altitude permitted to engage/use an autopilot during the takeoff and initial climb phases of flight. In addition, § 125.329(a) would be amended by striking the words "paragraphs (b), (c), and (d)" and inserting the words "paragraphs (b), (c), (d), and (e)."

Section 135.93

Section 135.93 would be amended by redesignating paragraph (e) as paragraph (f) and adding a new paragraph (e) to allow the Administrator to issue operations specifications that establish the minimum altitude permitted to engage/use an autopilot during the takeoff and initial climb phases of flight. In addition, § 135.93(a) would be amended by striking the words "paragraphs (b), (c), and (d)" and inserting the words "paragraphs (b), (c), (d), and (e)."

Paperwork Reduction Act

The information collection requirements in the proposed amendment to §§ 121.579, 125.329, and 135.93 have previously been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and have been assigned OMB Control Number 2120–0008.

Economic Assessment

The FAA has determined that this rulemaking is not a significant rulemaking action as defined by Executive Order 12866, and therefore no assessment is required. In accordance with Department of Transportation Policies and Procedures [44 FR 11034; February 26, 1979] when the impact of the proposed regulation would be minimal if adopted, a full regulatory evaluation does not need to be prepared. The following discussion provides an economic assessment of the proposal's anticipated costs and benefits.

Costs

The proposed amendment would allow air carriers and commercial operators to seek authorization for the use of autopilot systems at altitudes that would be prohibited under current regulations. Because the decision whether to seek authorization for the use of autopilot is optional, the proposed amendment would not impose any additional costs on certificate holders that operate under parts 121, 125, or 135.

A certificate holder may obtain authorization to amend its operations specifications to use an approved autopilot system provided it is able to show that it either meets the guidelines in AC 120–AFGS or an acceptable alternate means. Once authorization is given, the air carrier or commercial operator would incur minimal training-related costs. No significant additional pilot training would be required because system usage and procedures training for use of the system during the takeoff phase of flight is expected to mirror the current training requirements for the use of the autopilot system for Category I, II, and III instrument approaches. Completion of autopilot systems training is currently documented in pilot training records. However, it may be necessary to minimally modify pilot training programs and related documentation to specifically address the use of the autopilot system during the takeoff phase of flight. Furthermore, air carriers and commercial operators are expected to have little if any additional equipment costs because the autopilot equipment that would be used for the takeoff phase of flight would, in most cases, be the same equipment that is currently used to conduct Category I, II, and III approaches.

Benefits

This proposal would have only positive effects on the safety of air operations. As with any change to operations specifications the FAA would reserve the right to determine whether suggested revisions to an air carrier's operations specifications meet the various criteria and guidelines that would ensure that the current level of safety is met or exceeded.

The use of the autopilot system below 500 feet AGL would enable the pilot to monitor the performance of the aircraft while performing other safety-related functions, such as scanning the outside area for other aircraft. Since less time is spent manipulating the controls, the use of the autopilot would also enable the flight crew to more readily identify any deviations from expected aircraft performance thus increasing the pilot's opportunity to quickly respond to any aircraft malfunctions. Increasing the pilot's opportunity to scan the area outside the aircraft for other airborne traffic, to detect aircraft malfunctions, and to more quickly respond to problems will increase the level of safety.

International Trade Impact Analysis

The FAA has determined that the proposed amendments to parts 121, 125, and 135, if adopted, would not have a significant impact on international trade. The proposal is expected to have no negative impact on trade opportunities for U.S. Firms doing business overseas or foreign firms doing business in the United States.

International Civil Aviation Organization and Joint Aviation Regulations

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with ICAO Standards and Recommended Practices (SARP) to the maximum extent practicable. In reviewing the SARP for air carrier operations and JAR–OPS 1, the FAA finds that there is not a comparable rule under either ICAO standards or the JAR.

Regulatory Flexibility Deterimination

Congress enacted the Regulatory Flexibility Act (RFA) of 1980 (Pub. L. 96–354) to ensure that small entities are not unnecessarily and dispropriationately burdened by government regulations. The RFA requires agencies to review proposed rules that may have a significant impact on a substantial number of small entities. The proposed rule would impose no additional costs on air carriers; therefore, it would not have a significant economic impact on small business entities.

Federalism Implications

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 implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is not a significant rulemaking action under Executive Order 12866. This proposed rule is also considered nonsignificant under Department of Transportation Regulatory Policies and Procedures [44FR11034; February 26, 1979] In addition, the FAA certifies that this proposal, if adopted, would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the RFA.

List of Subjects

14 CFR Part 121

Air carriers, Air transportation, Aircraft, Aircraft pilots, Airmen, Airplanes, Airports, Airworthiness directives and standards, Aviation safety, Pilots, Safety, Transportation.

14 CFR Part 125

Air carriers, Air transportation, Aircraft, Airmen, Airworthiness, Aviation safety, Pilots, Safety.

14 CFR Part 135

Air carriers, Air transportation, Aircraft, Airmen, Airworthiness, Aviation safety, Pilots, Safety.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend parts 121, 125, and 135 of the Federal Aviation Regulations (14 CFR parts 121, 125, and 135) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g).

2. Section 121.579 is amended by revising the phrase "paragraph (b) and (c)" in paragraph (a) to read "paragraph (b), (c), and (d)" and adding new paragraph (d) to read as follows:

§ 121.579 Minimum altitudes for use of autopilot.

* * * * *

(d) *Takeoffs.* Notwithstanding paragraph (a) of this section, the Administrator issues operations specifications to allow the use of an approved autopilot system with automatic capability during the takeoff

and initial climb phase of flight provided:

(1) The system is not engaged prior to the minimum engagement certification restriction specified in the Airplane Flight Manual; and

(2) The Administrator finds that the use of the system will not otherwise affect the safety standards required by this section.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

3. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. app. 1354, 1421 through 1430, and 1502; 49 U.S.C. 106(g). Revised Pub. L. 97–449, January 12, 1983.

4. Section 125.329 is amended by revising the phrase "paragraph (b), (c), and (d)" in paragraph (a) to read "paragraph (b), (c), (d), and (e)" and adding new paragraph (e) to read as follows:

§ 125.329 Minimum altitudes for use of autopilot.

* * * * *

(e) Notwithstanding paragraph (a) of this section, the Administrator issues operations specifications to allow the use of an approved autopilot system with automatic capability during the takeoff and initial climb phase of flight provided:

(1) The system is not engaged prior to the minimum engagement certification restriction specified in the Airplane Flight Manual; and

(2) The Administrator finds that the use of the system will not otherwise affect the safety standards required by this section.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

5. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g).

6. Section 135.93 is amended by revising the phrase "paragraph (b), (c), and (d)" in paragraph (a) to read "paragraphs (b), (c), (d), and (e)," redesignating and republishing paragraph (e) as paragraph (f), and adding new paragraph (e) to read as follows:

§ 135.93 Autopilot: Minimum altitudes for use.

* * * * *

(e) Notwithstanding paragraph (a) of this section, the Administrator issues operations specifications to allow the use of an approved autopilot system with automatic capability during the takeoff and initial climb phase of flight provided:

(1) The system is not engaged prior to the minimum engagement certification restriction specified in the Airplane Flight Manual; and

(2) The Administrator finds that the use of the system will not otherwise affect the safety standards required by this section.

(f) This section does not apply to operations conducted in rotorcraft.

Issued in Washington, D.C., on December 2, 1994.

Thomas C. Accardi,

Director, Flight Standards Service.

Subject: Criteria for Operational Approval of Auto Flight Guidance Systems (AFGS)

1. Purpose

This advisory circular (AC) states an acceptable means, but not the only means, for obtaining operational approval of the initial engagement or use of an Auto Flight Guidance System (AFGS).

2. Applicability

The criteria contained in this AC are applicable to operators using commercial turbojet and turboprop aircraft holding Federal Aviation Administrations (FAA) operating authority issued under Parts 121, 125, and 135 of the Federal Aviation Regulations (FAR). The FAA may approve the AFGS operation for those operators, where necessary, by amending the applicant's operations specifications (OPSPECS).

3. Background

a. There are now exceptions to the general regulations prohibiting the use of autopilots at altitudes less than 500 feet above ground level during the takeoff and climb phases of flight. This AC provides guidance to certificate holders seeking FAA operational approval of the initial engagement or use of an AFGS in order to take advantage of technological improvements in the operational capabilities of autopilot systems, particularly at lower altitudes. This AC complements a rule change that would allow the use of an autopilot, certificated and operationally approved by the FAA, at altitudes less than 500 feet above ground level in the vertical plane and in accordance with Sections 121.189(d)(2) or 135.367(a)(3) of the FAR, in the lateral plane.

4. Definitions

Airplane Flight Manual (AFM)—A document (under Section 25.1581 of the FAR) which is used to obtain an FAA type certificate. This document contains the operating procedures and limitations and performance information applicable to a particular airplane type in order to safely operate that aircraft and conform to the type certificate.

Autopilot—An aircraft system and associated sensors designed to provide automatic control of the pitch, roll and in certain instances, yaw axis of an aircraft.

Auto Flight Guidance System (AFGS)—Aircraft systems, such as an autopilot, autothrottles, displays, and controls, that are interconnected in such a manner to allow the crew to automatically control the aircraft's lateral and vertical flight path and speed. A flight management system (FMS) is sometimes associated with an AFGS.

Auto Throttle System (ATS)—A system selected by the crew to provide automatic engine thrust control, as required, to achieve and maintain desired aircraft speed or vertical flight profile.

Control Wheel Steering (CWS)—A selectable feature of some autopilots that directly relates control wheel displacement to a desired aircraft response. The pilot's force or displacement inputs of the control wheel/column or stick are transmitted by the autopilot into appropriate commands to the control surfaces to achieve the desired aircraft pitch, roll, or yaw response.

Flight Director (FD)—An instrument display system providing visual commands for aircraft control by displaying appropriate command indications on the primary flight display. The flight crew use these command indications to manually fly the aircraft or monitor the autopilot.

Flight Management Systems (FMS)—An integrated system used by flight crews for flight planning, navigation, performance management, aircraft guidance and flight progress monitoring.

Minimum Altitude for AFGS Engagement—Unless otherwise specified by the FAA, the minimum height relevant to certain factors including the airport elevation and runway elevation over which the crew may either initially engage an AFGS for automatic flight after takeoff or allow the AFGS to remain engaged during approach and landing.

5. Discussion

a. AFGS capabilities have steadily increased and improved with time. Flight crews now routinely use autoflight features that are operational during takeoff and landing/roll-out (e.g. control wheel steering, automatic landing, automatic throttles, and wing-load alleviation).

b. Some aircraft now have automatic features identified for operations specifically at low altitudes (e.g. for noise abatement) which when used, contribute to performance, workload, cost, noise, and safety benefits. Such features are certificated on the aircraft by either type certification or supplemental type certification. Operators may obtain operational approval for service use by following the guidance in this AC. This guidance should meet the intent of Section 121.579, 125.329, and 135.93 of the FAR for operational approval for existing aircraft and describe acceptable methods for demonstration of these systems for new or modified aircraft.

c. Initial engagement of the AFGS at the altitude specified in the Airplane Flight Manual (AFM) may be authorized upon approval by the principal operations inspector (POI) for the certificate holder. POI's would revise the appropriate section of the operations specifications (OPSPECS). The expectation is that as technology continues to advance, additional operational and safety benefits can be derived from using improved autopilot technology. Such a benefit may eventually include the use of an AFGS from the beginning of the takeoff phase of flight.

6. Operational Concept

a. The AFGS, as discussed in this AC, consists of an Autopilot (pitch, roll, and yaw) Flight Guidance System, that if used in conjunction with other available components such as FMS, autothrottle, etc., will enhance safety and ease pilot workload. Any or all of the many available automatic operational features are *selectable at the pilot's discretion* in modern transport aircraft. This allows a clear distinction to be made in contrast to the primary flight control system that may also be largely automatic and electronic but is not normally deselectable at the crew's discretion, e.g. such as the yaw dampners.

b. There are several functions of an AFGS that could be presented for operational approval. These functions could be used singularly or in combination with each other. They may be operationally approved by the Administrator through the certificate holder's training and maintenance programs. The following are examples of these functions:

(1) Setting takeoff thrust
(2) Initial climb
(3) Noise abatement profiles
(4) Engine failure recognition

c. Operational approval for use of the above functions may include the following:

—Airborne equipment
—Ground equipment
—Maintenance
  Training
  Equipment requirement
—Flight operations
  Training
  Operating procedures

7. Airport and Ground Facilities

An applicant authorized to use an AFGS may have certain constraints related to airports or ground facilities specified in the operators OPSPECS where such specific provisions are necessary (e.g. operations based on special procedures at airports with adjacent mountains terrain, operations requiring runway guidance information, etc.).

8. Airborne equipment

AFGS system criteria will be defined in the AFM.

9. Pilot Training and Proficiency Program

The operator's training program for flight crewmembers should provide training in the following subjects:

a. Airport and ground facilities—as defined in the airborne equipment certification, AFM, and OPSPECS.

b. Flight training program:

(1) For pilot certification/type rating requirements [appendix E, part 121; subpart I, part 125; subpart H, part 135]:

(i) Training should demonstrate the ability and limits of operation of the AFGS to the level of performance indicated by the AFM. This includes all normal and abnormal procedures.

(ii) The pilot applicant should demonstrate to a satisfactory level of performance the use of the AFGS within the allowable parameters indicated by the AFM. Performance criteria should include all normal and abnormal procedures.

(2) Pilot training for AFGS operations should be conducted in accordance with Parts 121, 125, and 135 of the FAR.

(i) Pilot ground and flight training in the use of the AFGS, to establish minima criteria for weather operations, will be authorized through OPSPECS.

(ii) Pilot checking for initial authorization and at prescribed recurrent intervals for each air carrier should be established. Demonstration of normal and abnormal procedures should be included.

10. Operations Manual and Procedures

Procedures, instructions, and information to be used in flight crews should be developed by each air carrier to include, as applicable, the following.

a. Flight crewmember duties. Flight crewmember duties during initial engagement or use of the AFGS should be described in the operations manual. These duties should contain a description of the responsibilities and tasks for the pilot flying the aircraft and the pilot not flying the aircraft during all stages of operation. The duties of the third flight crewmember, if required, should also be defined.

b. Training information. Approved training requirements and procedures should be provided in the operator's manual or available to flight crews in an equivalent form for reference use.

11. Maintenance Program

Each operator should establish a maintenance and reliability program, acceptable to the Administrator, to ensure that the airborne equipment will continue at a level of performance and reliability established by the manufacturer or the FAA. [subpart L, part 121; subpart G, part 125; subpart J, part 135] The FAA would accept a program that had the following elements:

a. Maintenance personnel training. Each operator should establish an initial and recurrent training program, or arrange for contract maintenance that is acceptable to the Administrator, for personnel performing maintenance work on airborne systems and equipment. Personnel training records should be maintained.

b. Test equipment and standard. The operator's program for maintenance of line (ramp) test equipment, shop (bench) test equipment, and a listing of all primary and secondary standards utilized during maintenance of test equipment which relates to airborne system operation should be submitted to the Administrator for determination of adequacy. Emphasis should be placed on standards associated with flight directors, automatic flight control systems, maintenance techniques and procedures of associated redundant systems.

c. Maintenance procedures. Any changes to maintenance procedures, practices, or limitations established in the qualification for airborne system operations should be submitted to the

Administrator for acceptance before such changes are adopted.

12. Engineering Modifications

Titles and numbers of all modifications, additions, and changes that were made to qualify aircraft systems performance should be provided to the Administrator. [subparts D and E, part 21]

Subject: Criteria for Operational Approval of Auto Flight Guidance Systems (AFGS)

1. Purpose

This advisory circular (AC) states an acceptable means, but not the only means, for obtaining operational approval of the initial engagement or use of an Auto Flight Guidance System (AFGS).

2. Applicability

The criteria contained in this AC are applicable to operators using commercial turbojet and turboprop aircraft holding Federal Aviation Administrations (FAA) operating authority issued under Parts 121, 125, and 135 of the Federal Aviation Regulations (FAR). The FAA may approve the AFGS operation for those operators, where necessary, by amending the applicant's operations specifications (OPSPECS).

3. Background

a. There are now exceptions to the general regulations prohibiting the use of autopilots at altitudes less than 500 feet above ground level during the takeoff and climb phases of flight. This AC provides guidance to certificate holders seeking FAA operational approval of the initial engagement or use of an AFGS in order to take advantage of technological improvements in the operational capabilities of autopilot systems, particularly at lower altitudes. This AC complements a rule change that would allow the use of an autopilot, certificated and operationally approved by the FAA, at altitudes less than 500 feet above ground level in the vertical plane and in accordance with Sections 121.189(d)(2) or 135.367(a)(3) of the FAR, in the lateral plane.

4. Definitions

Airplane Flight Manual (AFM)—A document (under Section 25.1581 of the FAR) which is used to obtain an FAA type certificate. This document contains the operating procedures and limitations and performance information applicable to a particular airplane type in order to safely operate that aircraft and conform to the type certificate.

Autopilot—An aircraft system and associated sensors designed to provide automatic control of the pitch, roll and in certain instances, yaw axis of an aircraft.

Auto Flight Guidance System (AFGS)—Aircraft systems, such as an autopilot, autothrottles, displays, and controls, that are interconnected in such a manner to allow the crew to automatically control the aircraft's lateral and vertical flight path and speed. A flight management system (FMA) is sometimes

Auto Throttle System (ATS)—A system selected by the crew to provide automatic engine thrust control, as required, to achieve and maintain desired aircraft speed or vertical flight profile.

Control Wheel Steering (CWS)—A selectable feature of some autopilots that directly relates control wheel displacement to a desired aircraft response. The pilot's force or displacement inputs of the control wheel/column or stick are transmitted by the autopilot into appropriate commands to the control surfaces to achieve the desired aircraft pitch, roll, or yaw response.

Flight Director (FD)—An instrument display system providing visual commands for aircraft control by displaying appropriate command indications on the primary flight display. The flight crew use these command indications to manually fly the aircraft or monitor the autopilot.

Flight Management Systems (FMS)—An integrated system used by flight crews for flight planning, navigation, performance management, aircraft guidance and flight progress monitoring.

Minimum Altitude for AFGS Engagement—Unless otherwise specified by the FAA, the minimum height relevant to certain factors including the airport elevation and runway elevation over which the crew may either initially engage an AFGS for automatic flight after takeoff or allow the AFGS to remain engaged during approach and landing.

5. Discussion

a. AFGS capabilities have steadily increased and improved with time. Flight crews now routinely use autoflight features that are operational during takeoff and landing/roll-out (e.g. control wheel steering, automatic landing, automatic throttles, and wing-load alleviation).

b. Some aircraft now have automatic features identified for operations specifically at low altitudes (e.g. for noise abatement) which when used, contribute to performance, workload, cost, noise, and safety benefits. Such features are certificated on the aircraft by either type certification or supplemental type certification. Operators may obtain operational approval for in service use by following the guidance in this AC. This guidance should meet the intent of Section 121.579, 125.329, and 135.93 of the FAR for operational approval for existing aircraft and describe acceptable methods for demonstration of these systems for new or modified aircraft.

c. Initial engagement of the AFGS at the altitude specified in the Airplane Flight Manual (AFM) may be authorized upon approval by the principal operations inspector (POI) for the certificate holder. POI's would revise the appropriate section of the operations specifications (OPSPECS). The expectation is that as technology continues to advance, additional operational and safety benefits can be derived from using improved autopilot technology. Such a benefit may eventually include the use of an AFGS from the beginning of the takeoff phase of flight.

6. Operational Concept

a. The AFGS, as discussed in this AC, consists of an Autopilot (pitch, roll, and yaw) Flight Guidance System, that if used in conjunction with other available components such as FMS, autothrottle, etc., will enhance safety and ease pilot workload. Any or all of the many available automatic operational features are *selectable at the pilot's discretion* in modern transport aircraft. This allows a clear distinction to be made in contrast to the primary flight control system that may also be largely automatic and electronic but is not normally deselectable at the crew's discretion, e.g. such as the yaw dampners.

b. There are several functions of an AFGS that could be presented for operational approval. These functions could be used singularly or in combination with each other. They may be operationally approved by the Administrator through the certificate holder's training and maintenance programs. The following are examples of these functions:

(1) Setting takeoff thrust
(2) Initial climb
(3) Noise abatement profiles
(4) Engine failure recognition

c. Operational approval for use of the above functions may include the following:

—Airborne equipment
—Ground equipment

—Maintenance
Training
Equipment requirement
—Flight operations
Training
Operating procedures

7. Airport and Ground Facilities

An applicant authorized to use an AFGS may have certain constraints related to airports or ground facilities specified in the operators OPSPECS where such specific provisions are necessary (e.g. operations based on special procedures at airports with adjacent mountainous terrain, operations requiring runway guidance information, etc.).

8. Airborne Equipment

AFGS system criteria will be defined in the AFM.

9. Pilot Training and Proficiency Program

The operator's training program for flight crewmembers should provide training in the following subjects:

a. Airport and ground facilities—as defined in the airborne equipment certification, AFM, and OPSPECS.

b. Flight training program:

(1) For pilot certification/type rating requirements [appendix E, part 121; subpart I, part 125; subpart H, part 135]:

(i) Training should demonstrate the ability and limits of operation of the AFGS to the level of performance indicated by the AFM. This includes all normal and abnormal procedures.

(ii) The pilot applicant should demonstrate to a satisfactory level of performance the use of the AFGS within the allowable parameters indicated by the AFM. Performance criteria should include all normal and abnormal procedures.

(2) Pilot training for AFGS operations should be conducted in accordance with Parts 121, 125, and 135 of the FAR.

(i) Pilot ground and flight training in the use of the AFGS, to established minima criteria for weather operations, will be authorized through OPSPECS.

(ii) Pilot checking for initial authorization and at prescribed recurrent intervals for each air carrier should be established. Demonstration of normal and abnormal procedures should be included.

10. Operations Manual and Procedures

Procedures, instructions, and information to be used by flight crews should be developed by each air carrier to include, as applicable, the following:

a. Flight crewmember duties. Flight crewmember duties during initial engagement or use of the AFGS should be described in the operations manual. These duties should contain a description of the responsibilities and tasks for the pilot flying the aircraft and the pilot not flying the aircraft during all stages of operation. The duties of the third flight crewmember, if required, should also be defined.

b. Training information. Approved training requirements and procedures should be provided in the operator's manual or available to flight crews in an equivalent form for reference use.

11. Maintenance Program

Each operator should establish a maintenance and reliability program, acceptable to the Administrator, to ensure that the airborne equipment will continue at a level of performance and reliability established by the manufacturer or the FAA. [subpart L, part 121; subpart G, part 125; subpart J, part 135] The FAA would accept a program that had the following elements:

a. Maintenance personnel training. Each operator should establish an initial and recurrent training program, or arrange for contract maintenance that is acceptable to the Administrator, for personnel performing maintenance work on airborne systems and equipment. Personnel training records should be maintained.

b. Test equipment and standards. The operator's program for maintenance of line (ramp) test equipment, shop (bench) test equipment, and a listing of all primary and secondary standards utilized during maintenance of test equipment which relates to airborne system operation should be submitted to the Administrator for determination of adequacy. Emphasis should be placed on standards associated with flight directors, automatic flight control systems, maintenance techniques and procedures of associated redundant systems.

c. Maintenance procedures. Any changes to maintenance procedures, practices, or limitations established in the qualification for airborne system operations should be submitted to the Administrator for acceptance before such changes are adopted.

12. Engineering Modifications

Titles and numbers of all modifications, additions, and changes that were made to qualify aircraft systems performance should be provided to the Administrator. [subparts D and E, part 21]

[FR Doc. 94–30219 Filed 12–8–94; 8:45 am]
BILLING CODE 4910–13–M

Federal Register

Friday
December 9, 1994

Part IV

Department of Education

34 CFR Part 75
Direct Grant Programs; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 75

RIN 1880–AA61

Direct Grant Programs

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the Education Department General Administrative Regulations (EDGAR) to permit the Department to consider for funding, under appropriate discretionary grant programs administered by the Department, unsolicited grant applications. The Secretary takes this action as part of the Department's overall effort at re-invention. The authority to consider unsolicited applications would allow the Department to respond to truly exceptional proposals of national significance that might not conform to the Department's announced annual competitions.

DATES: Comments must be received on or before January 9, 1995.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Sherlyn Taylor, Director, Grants Division, GCS, U.S. Department of Education, (Room 3636, ROB–3), 600 Independence Avenue, SW., Washington, DC, 20202–4700. Comments may also be sent through the internet to "Unsolicited—Applications@ed.gov."

FOR FURTHER INFORMATION CONTACT: Gregory A. Vick, Grants Division, GCS, U.S. Department of Education, (Room 3636, ROB–3), 600 Independence Avenue, SW., Washington, DC, 20202–4700. Telephone: (202) 708–8199. 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: The Secretary proposes to amend EDGAR to make a change in the procedures for selecting applications for new grants. The Secretary continues to believe that the vast majority of discretionary grant funds should be awarded on the basis of competition, and that for some of these competitions the Department should establish funding priorities in order to focus limited resources on critical issues and problems. However, the Secretary is also concerned that the constraints of the Department's grant schedules and funding priorities may preclude the Department's consideration of truly exceptional proposals representing novel approaches to issues facing the nation or other groundbreaking ideas or methods appropriate to Department of Education programs.

Under the proposed amendments to EDGAR, the Department would continue to use existing procedures for announcing grant competitions and selecting applications for new grants. On what the Secretary expects to be rare occasions, the Department would also consider unsolicited applications that were not submitted in response to an application notice published in the **Federal Register**. However, the Secretary would not consider unsolicited applications under a program if the program office had published a notice in the **Federal Register** indicating that unsolicited applications would not be considered for that year.

Any unsolicited applications that met the requirements for existing or upcoming competitions of the Department would be considered under those competitions. Applications that could have been considered under competitions for which deadlines had passed would not be considered for funding as unsolicited applications unless the Secretary determined on an individual basis that, because of an exceptional circumstance, consideration of an application was warranted. Inability to meet a deadline for submitting an application under a grant competition, by itself, would not be such a circumstance.

If an unsolicited application could not be considered under a competition announced by the Department, the Secretary would determine whether there was substantial likelihood that the application was of exceptional quality and national significance and met all of the requirements of the applicable statutes and codified regulations for a Department program. If these criteria were met and funding of the application would not have an adverse impact on the funds available for other awards planned for the program, the Secretary would assemble a panel of experts to review the application. An adverse impact would occur if funding an unsolicited application would require the Department to cancel a competition or significantly limit the amount of funds available for competition. The panel of experts would not include employees of the Department and, consistent with law and the Department's longstanding practice, no expert could participate on a panel if their participation created a conflict of interest or the appearance of a conflict of interest. The experts would rate the application based on the selection criteria that apply to the program. Beyond that, the experts would determine whether the application was of such exceptional quality and national significance that it should be funded as an unsolicited application. If the experts determined that the application met these criteria, the Secretary could select it for funding. No unsolicited application could be selected for funding unless the panel of experts recommended that it be funded.

The Secretary believes that the procedures that would be established under this NPRM—including review of proposals by an independent panel of experts—would ensure that the unsolicited application authority would be used only to capitalize on outstanding proposals from the field and not to circumvent competitions announced by the Department. The Secretary is aware that other Federal agencies accept applications without first soliciting those applications through a notice or notices in the **Federal Register**. These agencies also subject applications to outside peer review.

Executive Order 12866

1. Assessment of Costs and Benefits

These proposed regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the proposed regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently. Burdens specially associated with information collection requirements, if any, are identified and explained elsewhere in this preamble under the heading *Paperwork Reduction Act of 1980.*

In assessing the potential costs and benefits—both quantitative and qualitative—of these proposed regulations, the Secretary has determined that the benefits of the proposed regulations justify the costs.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on whether there may be further opportunities to reduce any potential costs or increase potential benefits

resulting from these proposed regulations without impeding the effective and efficient administration of the program.

2. Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed regulations clearly stated? (2) Do the regulations contain technical terms or other wording that interferes with their clarity? (3) Does the format of the regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A "section" is preceded by the symbol "§" and a numbered heading; for example, § 75.219 *Exceptions to the procedures under § 75.217.* (4) Is the description of the regulations in the "Supplementary Information" section of this preamble helpful in understanding the regulations? How could this description be more helpful in making the regulations easier to understand? (5) What else could the Department do to make the regulations easier to understand?

A copy of any comments that concern how the Department could make these proposed regulations easier to understand should be sent to Stanley M. Cohen, Regulations Quality Officer, U.S. Department of Education, 600 Independence Avenue, S.W., Room 5100, FB–10, Washington, DC 20202–2241.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

The small entities affected would be those that submitted unsolicited applications for grants under discretionary grant programs of the Department. The Department does not receive a large number of unsolicited applications, and these regulations do not impose any unnecessary or overly burdensome requirements.

Paperwork Reduction Act of 1980

These proposed regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3636, 600 Independence Avenue, S.W., Washington, DC 20202–4700 between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

List of Subjects in 34 CFR Part 75

Education Department, Grant programs—education, Grant administration, Incorporation by reference.

(Catalog of Federal Domestic Assistance Number does not apply)

Dated: November 1, 1994.

Richard W. Riley,

Secretary of Education.

The Secretary proposes to amend part 75 of title 34 of the Code of Federal Regulations as follows:

PART 75—DIRECT GRANT PROGRAMS

1. The authority citation for part 75 continues to read as follows:

Authority: 20 U.S.C. 1221e–3(a)(1) and 3474, unless otherwise noted.

2. Section 75.219 is amended by removing the word "or" at the end of paragraph (a), removing the period at the end of paragraph (b)(3) and adding, in its place, "; or" and adding a new paragraph (c) to read as follows:

§ 75.219 Exceptions to the procedures under § 75.217.

* * * * *

(c) The Secretary receives an unsolicited application that meets the requirements of § 75.222.

§ 75.222 [Redesignated as § 75.221]

3. Section 75.222 is redesignated as § 75.221.

4. A new § 75.222 is added to read as follows:

§ 75.222 Procedures the Department uses under § 75.219(c).

If the Secretary receives an unsolicited application, the Secretary may consider the application under the following procedures unless the Secretary has published a notice in the **Federal Register** stating that the program that would fund the application would not consider unsolicited applications:

(a)(1) The Secretary determines whether the application could be funded under a competition planned or conducted for the fiscal year under which funds would be used to fund the application.

(2)(i) If the application could be funded under a competition described in paragraph (a)(1) of this section and the deadline for submission of applications has not passed, the Secretary refers the application to the appropriate competition for consideration under the procedures in § 75.217.

(ii) If the application could have been funded under a competition described in paragraph (a)(1) of this section and the deadline for submission of applications has passed, the Secretary may consider the application only in exceptional circumstances, as determined by the Secretary.

(iii) If the application could not be funded under a competition described in paragraph (a)(1) of this section, the Secretary considers the application under paragraphs (b) through (e) of this section.

(b) If an application may be considered under paragraphs (a)(2)(ii) or (iii) of this section, the Secretary determines if——

(1) There is a substantial likelihood that the application is of exceptional quality and national significance for a program administered by ED;

(2) The application meets the requirements of all applicable statutes and codified regulations that apply to the program; and

(3) Selection of the project will not have an adverse impact on the funds available for other awards planned for the program.

(c) If the Secretary determines that the criteria in paragraph (b) of this section have been met, the Secretary assembles a panel of experts that does not include any employees of the Department to review the application.

(d) The experts——

(1) Evaluate the application based on the selection criteria; and

(2) Determine whether the application is of such exceptional quality and national significance that it should be funded as an unsolicited application.

(e) If the application is highly rated and the experts determine that the application is of such exceptional quality and national significance that it should be funded as an unsolicited application, the Secretary may fund the application.

(Authority: 20 U.S.C. 1221e–3(a)(1) and 3474)

[FR Doc. 94–30387 Filed 12–8–94; 8:45 am]

BILLING CODE 4000–01–P

Reader Aids

Federal Register

Vol. 59, No. 236

Friday, December 9, 1994

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection announcement line	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

ELECTRONIC BULLETIN BOARD

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

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: 301–713–6905

FEDERAL REGISTER PAGES AND DATES, DECEMBER

61521–61766.....1
61767–62282.....2
62283–62550.....5
62551–62968.....6
62969–63240.....7
63241–63690.....8
63691–63880.....9

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6758.....61521
6759.....62281
6760.....62969
Executive Orders:
October 8, 1914
(Revoked in part by PLO 7104).....62609
12941.....62545
Administrative Orders:
Memorandums:
November 30, 1994.....62549

5 CFR

630.....62266, 62272, 62971
890.....62283
Proposed Rules:
213.....63064
300.....62353
316.....63064
550.....62353
752.....62353
771.....62353
831.....62353
842.....62353

7 CFR

250.....62973
252.....62973
906.....63691
981.....63693
1207.....63696
1951.....63698
Proposed Rules:
271.....63265
273.....63265
275.....63265
920.....63731
930.....63273
1030.....63733
1065.....63733
1068.....63733
1076.....63733
1079.....63733

8 CFR

208.....62284
236.....62284
242.....62284
274a.....62284
299.....62284

9 CFR

92.....63698
301.....62551
318.....62551
320.....62551
Proposed Rules:
318.....62629
381.....62629

10 CFR

30.....61767
32.....61767
35.....61767
Proposed Rules:
20.....63733
30.....63733
35.....61831
40.....63733
50.....63733
51.....63733
70.....63733
72.....63733

11 CFR

Proposed Rules:
9001.....63274
9002.....63274
9003.....63274
9004.....63274
9005.....63274
9006.....63274
9007.....63274

12 CFR

Ch. XVII.....62303
34.....62562
203.....63698
205.....61787
208.....62987, 63241, 63706
225.....62562, 62987, 63241, 63712
226.....63714
323.....62562
564.....62562
722.....62562
1700.....62303
Proposed Rules:
226.....61832
509.....62354
563.....62356

14 CFR

39.....61523, 61789, 61791, 61792, 61794, 62306, 62307, 62308, 62563, 63716
71.....61523, 62310, 62311, 62312, 62313, 62314, 62315, 63718
73.....63245
95.....61524
97.....61525, 61527
121.....62218, 62234, 62276
Proposed Rules:
Ch. I.....63274
39.....62995, 62997, 62998, 63000, 63002, 63003, 63065, 63275, 63277, 63278, 63281, 63734
71.....62360, 62361, 62362, 62363, 62364, 62365
107.....62956

108.....62956
109.....62956
121.....63158, 63868
125.....63868
129.....62956
135.....63158, 63868
191.....62956
255.....63736
Ch. III.....62359

15 CFR

701.....61796
806.....62566

16 CFR

305.....63688

17 CFR

30.....62315
200.....63656
229.....63676
239.....63676
240.....63656, 63676
Proposed Rules:
Ch. II.....61843
240.....63652

18 CFR

385.....63245

19 CFR

141.....61798

20 CFR

Proposed Rules:
625.....63670

21 CFR

74.....61929
101.....62316
103.....61529
172.....61538, 61540, 61543
177.....62317
178.....62318
201.....61929
358.....62569
558.....62320
864.....63005
866.....63005
868.....63005
870.....63005
872.....63005
874.....63005
876.....63005
878.....63005
880.....63005
882.....63005
886.....63005
888.....63005
890.....63005
892.....63005
Proposed Rules:
184.....61560, 62366
Ch. 1.....62644
1307.....63738
1309.....63738
1310.....63738
1313.....63738
1316.....63738

24 CFR

200.....61800
203.....61800
204.....61800
206.....61800
246.....62514
266.....62514
267.....61800
291.....63247

25 CFR

36.....61764

26 CFR

1.....62570, 63248
602.....63248
Proposed Rules:
1.....62644
1.....61844, 62370

27 CFR

Proposed Rules:
9.....61853

28 CFR

82.....63718
91.....63015
548.....62968

29 CFR

2606.....62571
2609.....62571

30 CFR

906.....62574
920.....63719
Proposed Rules:
934.....63738
944.....61855
950.....62645

31 CFR

103.....61660

32 CFR

Proposed Rules:
320.....61858
766.....61561

33 CFR

165.....63022, 63024
Proposed Rules:
117.....63068

34 CFR

668.....61716
674.....61716
676.....61716
682.....61716
685.....61664
690.....61716
Proposed Rules:
75.....63878

36 CFR

Proposed Rules:
800.....61859

37 CFR

251.....63025
252.....63025
253.....63025
257.....63025
259.....63025, 63043

38 CFR

3.....62584
Proposed Rules:
3.....63283

39 CFR

111.....62320
265.....62323

40 CFR

9.....61801, 62585, 62896
52.....61545, 61546, 63045, 63046, 63254, 63255, 63721, 63723, 63724
60.....62896
63.....61801, 62585
70.....61549, 61820, 62324
82.....63255
141.....62456
143.....62456
180.....61552, 63256
260.....62896
262.....62896
264.....62896
265.....62896
270.....62896
271.....62896
Proposed Rules:
52.....61545, 61546, 62646, 62649, 63069, 63286, 63288, 63740, 63742
63.....62652, 62681
70.....63289
91.....61571
180.....61859
721.....63299
761.....62788, 62875

41 CFR

101–9.....62601
Proposed Rules:
201–1.....62695
201–2.....62695
201–3.....62695
201–4.....62695
201–6.....62695
201–7.....62695
201–9.....62695
201–17.....62695
201–18.....62695
201–20.....62695
201–21.....62695
201–22.....62695
201–24.....62695
201–39.....62695

42 CFR

410.....63410
414.....63410
493.....62606
Proposed Rules:
1003.....61571

43 CFR

Public Land Orders:
773.....61656
3953 (Revoked in part by PLO 7105).....63257
4056 (Revoked in part by PLO 7105).....63257
7104.....62609
7105.....62609, 63257
Proposed Rules:
11.....63300

44 CFR

59.....63726
60.....63726
64.....62328, 63726
65.....63726
70.....63726
75.....63726
Proposed Rules:
61.....61929

45 CFR

60.....61554
Proposed Rules:
1309.....61575

46 CFR

16.....62218
501.....62329
Proposed Rules:
552.....62372
572.....62372

47 CFR

1.....63049
20.....61828
24.....61828, 63210
73.....62330, 62609, 62613, 63049, 63726
74.....63049
76.....62330, 62614
Proposed Rules:
21.....63743
64.....63750
73.....62390
74.....63743
76.....62703

48 CFR

501.....63258
538.....63258
552.....63258
Proposed Rules:
Ch. 16.....62345
3.....61738, 61740
14.....62498
15.....62498
242.....62704
49.....61734
52.....61734, 61738, 61740, 62498
6101.....61861

49 CFR

199.....62218, 62234, 62242
219.....62218, 62234
382.....62218, 62234
571.....61656
653.....62218
654.....62234
1002.....63726
1160.....63726
1161.....63726
1162.....63726
1163.....63726
1166.....63726
Proposed Rules:
395.....63322
1043.....62705
1084.....62705

50 CFR

15.....62254, 62255
17.....62346, 63261
216.....63062
663.....62626
675.....61555, 63062
677.....61556

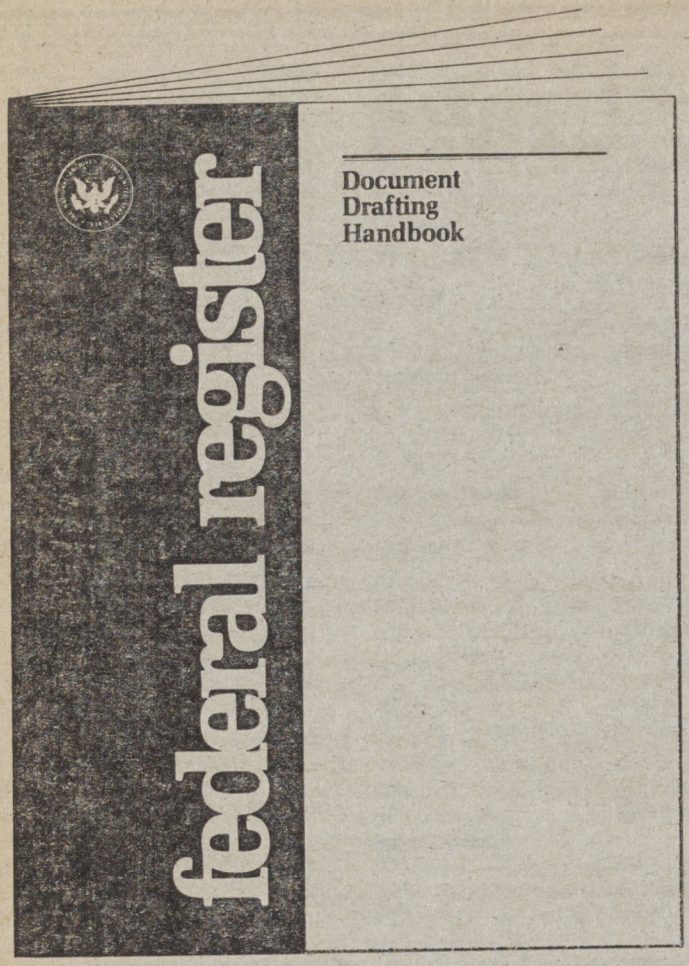
Proposed Rules:

17.....61744, 63162
229.....63324
285.....62391
625.....61864
678.....62391

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List November 15, 1994



Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Federal agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.50

Superintendent of Documents Publication Order Form

Order processing code: *6133

Charge your order. It's easy!

To fax your orders and inquiries—(202) 512-2250

☐ **YES,** please send me the following indicated publications:

_____ copies of **DOCUMENT DRAFTING HANDBOOK at $5.50 each.** S/N 069-000-00037-1

1. The total cost of my order is $_____ Foreign orders please add an additional 25%. All prices include regular domestic postage and handling and are subject to change.

Please Type or Print

2 _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev 12/91)

4. Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954

Public Laws

104th Congress, 1st Session, 1995

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 104th Congress, 1st Session, 1995.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402–9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws.)

Superintendent of Documents **Subscriptions** Order Form

Order Processing Code
* 6216

S3

Charge your order. It's Easy!

MasterCard VISA

To fax your orders (202) 512–2233

☐ **YES**, enter my subscription(s) as follows:

_____subscriptions to **PUBLIC LAWS** for the 104th Congress, 1st Session, 1995 for $160 per subscription.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

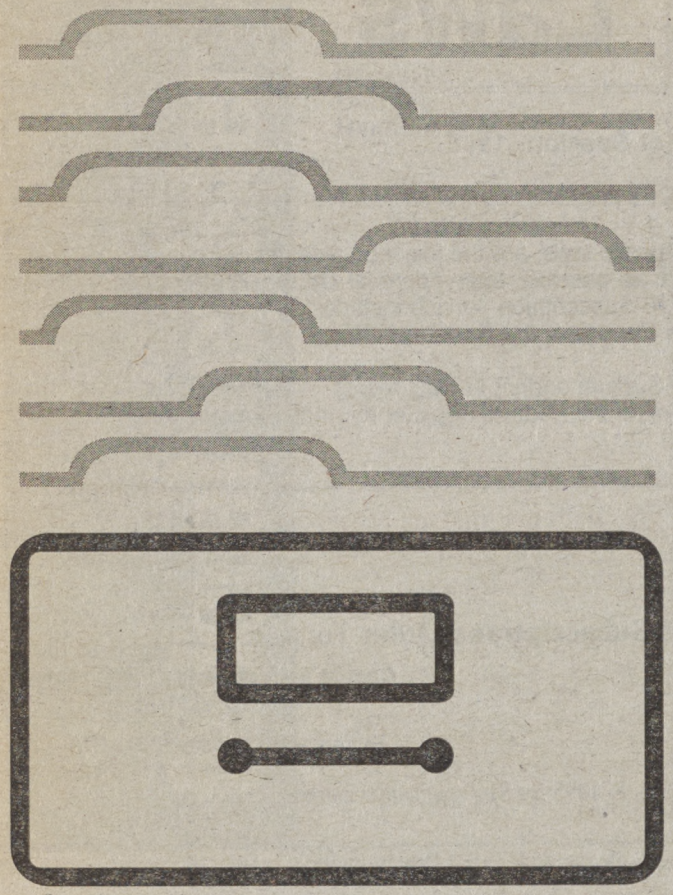
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature) (1/95)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954



NEW EDITION

Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

Revised January 1, 1994

The GUIDE is a useful reference tool, compiled from agency regulations, designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Order Form

Charge your order. It's easy! MasterCard VISA

Order Processing Code:
* **7296**

To fax your orders (202) 512–2250

❑ **YES,** send me ____ subscriptions to **1994 Guide to Record Retention Requirements in the CFR,** S/N 069–000–00056–8, at $20.00 ($25.00 foreign) each.

The total cost of my order is $ _____. (Includes regular shipping and handling.) Price subject to change.

Company or personal name (Please type or print)

Additional address/attention line

Street address

City, State, Zip code

Daytime phone including area code

Purchase order number (optional)

Check method of payment:

❑ Check payable to Superintendent of Documents

❑ GPO Deposit Account ☐☐☐☐☐☐☐–☐

❑ VISA ❑ MasterCard ☐☐☐☐ (expiration date)

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Thank you for your order!

Authorizing signature 4/94

Mail to: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

INFORMATION ABOUT THE SUPERINTENDENT OF DOCUMENTS' SUBSCRIPTION SERVICE

Know when to expect your renewal notice and keep a good thing coming. To keep our subscription prices down, the Government Printing Office mails each subscriber *only one renewal notice*. You can learn when you will get your renewal notice by checking the number that follows month/year code on the top line of your label *as shown in this example:*

A renewal notice will be sent approximately 90 days before this date.

```
AFR  SMITH212J                DEC95 R 1
JOHN SMITH
212 MAIN STREET
FORESTVILLE MD 20747
```

A renewal notice will be sent approximately 90 days before this date.

```
AFRDO  SMITH212J              DEC95 R 1
JOHN SMITH
212 MAIN STREET
FORESTVILLE MD 20747
```

To be sure that your service continues without interruption, please return your renewal notice promptly. If your subscription service is discontinued, simply send your mailing label from any issue to the Superintendent of Documents, Washington, DC 20402–9372 with the proper remittance. Your service will be reinstated.

To change your address: Please SEND YOUR MAILING LABEL, along with your new address to the Superintendent of Documents, Attn: Chief, Mail List Branch, Mail Stop: SSOM, Washington, DC 20402–9373.

To inquire about your subscription service: Please SEND YOUR MAILING LABEL, along with your correspondence, to the Superintendent of Documents, Attn: Chief, Mail List Branch, Mail Stop: SSOM, Washington, DC 20402–9375.

To order a new subscription: Please use the order form provided below.

Order Processing Code:
* 5468

Superintendent of Documents Subscription Order Form

Charge your order. It's easy! MasterCard VISA

To fax your orders (202) 512–2233

☐ **YES,** please enter my subscriptions as follows:

____ subscriptions to **Federal Register** (FR); *including* the daily Federal Register, monthly Index and LSA List of Code of Federal Regulations Sections Affected, at $544 ($680 foreign) each per year.

____ subscriptions to **Federal Register,** *daily only* (FRDO), at $494 ($617.50 foreign) each per year.

The total cost of my order is $_____. (Includes regular shipping and handling.) Price subject to change.

Company or personal name (Please type or print)

Additional address/attention line

Street address

City, State, Zip code

Daytime phone including area code

Purchase order number (optional)

For privacy, check box below:
☐ Do not make my name available to other mailers

Check method of payment:
☐ Check payable to Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐ – ☐
☐ VISA ☐ MasterCard ☐☐☐☐ (expiration date)

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

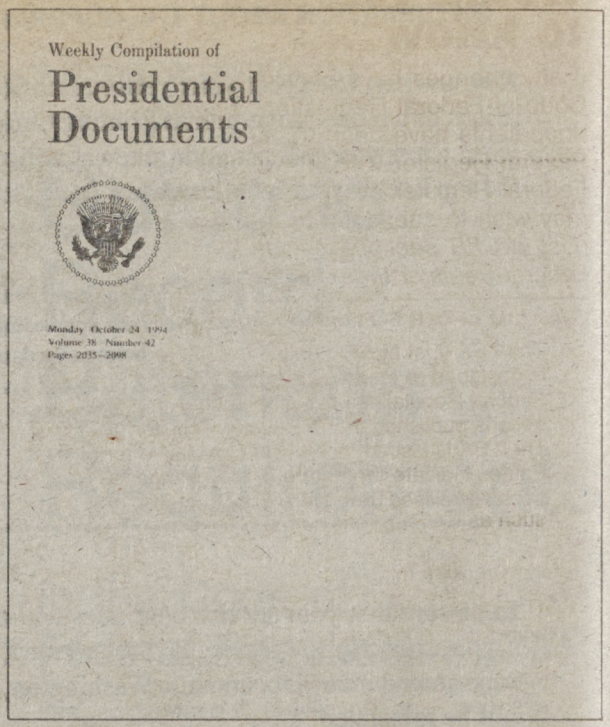
Thank you for your order!

Authorizing signature 10/94

Mail To: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**



This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue includes a Table of Contents, lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements. Indexes are published quarterly

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscription Order Form

Order Processing Code:
* 5420

Charge your order. It's easy! MasterCard VISA

To fax your orders (202) 512–2233

☐ **YES,** please enter _____ one year subscriptions for the **Weekly Compilation of Presidential Documents** (PD) so I can keep up to date on Presidential activities.

☐ $132.00 First Class Mail ☐ $75.00 Regular Mail

The total cost of my order is $ _____. Price includes regular domestic postage and handling and is subject to change. International customers please add 25%.

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, Zip code)

(Daytime phone including area code)

(Purchase order no.)

For privacy, check box below:
☐ Do not make my name available to other mailers

Check method of payment:
☐ Check payable to Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐
☐ VISA ☐ MasterCard ☐☐☐☐ (expiration)
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Authorizing signature) 10/94

Thank you for your order!

Mail to: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

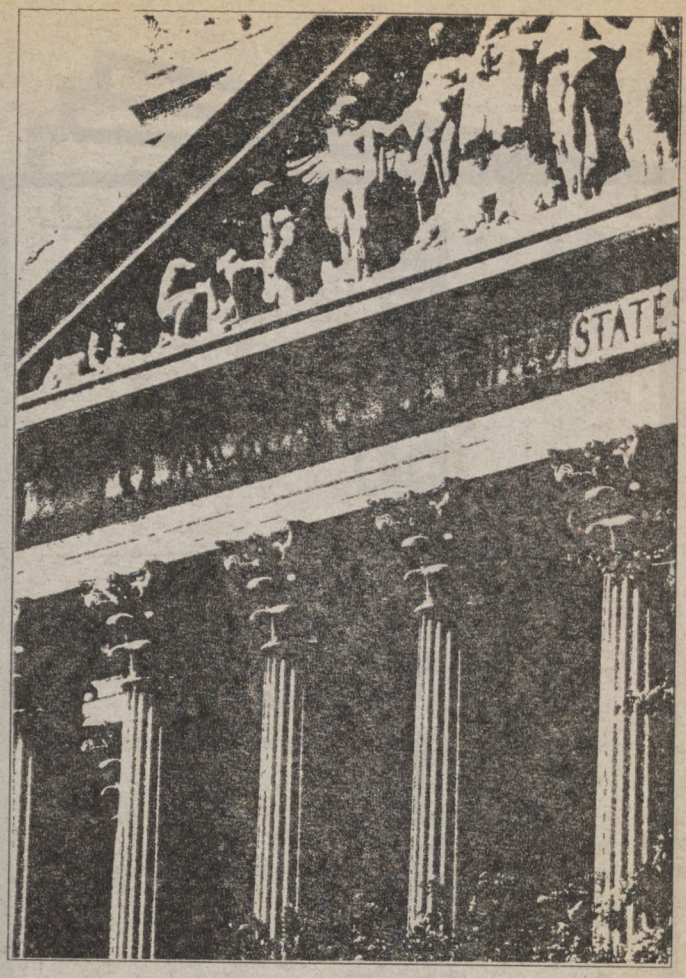
LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected. $26.00 per year.

Federal Register Index

The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references. $24.00 per year.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register



Superintendent of Documents Subscription Order Form

Order Processing Code:
* **5421**

Charge your order. It's easy! MasterCard VISA

To fax your orders (202) 512–2233

☐ **YES,** enter the following indicated subscriptions for one year:

___ **LSA ◆ List of CFR Sections Affected** (LCS) at $26.00 each

___ **Federal Register Index** (FRSU) at $24.00 each

The total cost of my order is $ _____. Price includes regular domestic postage and handling and is subject to change. International customers please add 25%.

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, Zip code)

(Daytime phone including area code)

(Purchase order no.)

For privacy, check box below:
❑ Do not make my name available to other mailers

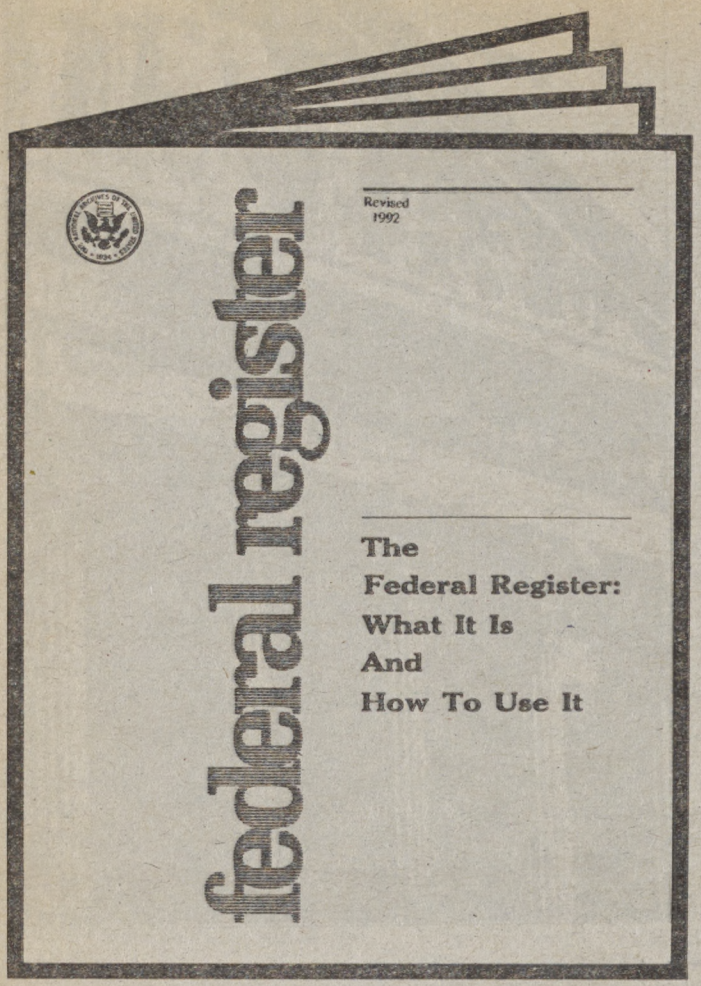
Check method of payment:
❑ Check payable to Superintendent of Documents
❑ GPO Deposit Account ☐☐☐☐☐☐☐ – ☐
❑ VISA ❑ MasterCard ☐☐☐☐ (expiration)

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Authorizing signature) 10/94

Thank you for your order!

Mail to: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954



Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

P3

Order processing code:
*6173

Charge your order. It's Easy!

To fax your orders (202)-512-2250

☐ **YES**, please send me the following:

_____ copies of The Federal Register-What it is and How To Use it, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Printed on recycled paper