

**SUPPLEMENTARY INFORMATION:** The subject modifications have been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the provisions of § 222.25 of the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222).

Issuance of this permit, as required by the Endangered Species Act of 1973, was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the Endangered Species Act.

Dated: December 22, 1994.

**William W. Fox, Jr.,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 95-731 Filed 1-11-95; 8:45 am]

BILLING CODE 3510-22-F

## National Technical Information Service

### NTIS Advisory Board Meeting

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Technical Information Service Advisory Board (the "Board") will meet on Monday, February 27, 1995, from 9:00 a.m. to 4:00 p.m. and on Tuesday, February 28, 1995, from 9:00 a.m. to 4:00 p.m. The session on February 28, 1995 will be closed to the Public.

The Board was established under the authority of 15 U.S.C. 3704b(c), and was chartered on September 15, 1989. The Board is composed of five members appointed by the Secretary of Commerce who are eminent in such fields as information resources management, information technology, and library and information services. The purpose of the meeting is to review and make recommendations regarding general policies and operations of NTIS, including policies in connection with fees and charges for its services. The agenda will include a progress report on NTIS activities, an update on NTIS plans to assist Depository Libraries, an update on the progress of FedWorld, and a discussion of NTIS' long range plans. The closed session discussion is

scheduled to begin at 9:00 a.m. and end at 4:00 p.m. on February 28, 1995. The session will be closed because premature disclosure of the information to be discussed would be likely to significantly frustrate implementation of NTIS' business plan.

**DATES:** The meeting will convene on February 27, 1995 at 9:00 a.m. and adjourn at 4:00 p.m. and convene again on February 27, 1995 at 9:00 a.m. and adjourn at 4:00 p.m.

**ADDRESSES:** The meeting will be held in Room 2029, U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161.

**PUBLIC PARTICIPATION:** The meeting will be open to public participation on February 27, 1995 and closed on February 28, 1995. Approximately thirty minutes will be set aside on February 27, 1994 for comments or questions as indicated in the agenda. Seats will be available for the public and for the media on a first-come, first-served basis. Any member of the public may submit written comments concerning the Board's affairs at any time. Copies of the minutes, of the open session meeting, will be available within thirty days of the meeting from the address given below.

**FOR FURTHER INFORMATION CONTACT:** Barbara Higgins, NTIS Advisory Board Secretary, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, Telephone: (703) 487-4612; Fax (703) 487-4093.

Dated: January 6, 1995.

**Donald R. Johnson,**

*Director.*

[FR Doc. 95-836 Filed 1-11-95; 8:45 am]

BILLING CODE 3510-04-M

## COMMISSION OF FINE ARTS

### 1995 National Capital Arts and Cultural Affairs Program

Notice is hereby given that Public Law 99-190, as amended, authorizing the National Capital Arts and Cultural Affairs Program, has been funded for 1995 in the amount of \$7,500,000. All requests for information and applications for grants should be addressed to: Charles H. Atherton, Secretary, Commission of Fine Arts, Pension Building, Suite 312, 441 F Street NW., Washington, DC 20001, Phone: 202-504-2200.

Deadlines for receipt of submission of grants applications is 15 February 1995.

This program provides grants for general operating support of

organizations whose *primary* purpose is performing, exhibiting, and/or presenting the arts. To be eligible for these grants, organizations must be located in the District of Columbia, must be not-for-profit, non-academic institutions of demonstrated national repute, and must have annual income, exclusive of federal funds, in excess of one million dollars for the current year and for the past three years.

**Charles H. Atherton,**

*Secretary.*

[FR Doc. 95-771 Filed 1-11-95; 8:45 am]

BILLING CODE 6330-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Theater Missile Defense Extended Test Range Final Environmental Impact Statement

**AGENCY:** Ballistic Missile Defense Organization (BMDO).

**ACTION:** Notice of availability.

**SUMMARY:** The Final Environmental Impact Statement (EIS) for the Theater Missile Defense (TMD) Extended Test Range proposal is now available. The Final EIS incorporates findings and public comment information from the Draft EIS (January 1994) and from the Supplement to the Draft EIS (July 1994) that was prepared to analyze additional booster drop zones associated only with the White Sands Missile Range (WSMR) extended test range alternative.

The Final EIS assessed potential impacts associated with conducting missile defense tests and associated sensor system tests at four alternative extended test range areas: Eglin Air Force Base, Florida; White Sands Missile Range, New Mexico; Western Range (Vandenberg AFB, San Nicholas Island, and San Clemente Island), California; and Kwajalein Missile Range in the mid-Pacific. The TMD program allows for the development of a means to protect deployed U.S. forces, as well as U.S. friends and allies around the world, against attacks by short- and medium-range ballistic, cruise, or air-to-surface missiles armed with conventional, nuclear, biological, or chemical warheads.

These tests would consist of multiple demonstration and developmental missile launches along proposed flight paths from off-range locations, with intercepts of targets over existing range areas or open sea areas located within and outside of the United States. Surface-to-surface missile tests were also considered. These flights would

validate system design and operational effectiveness.

The Final EIS addresses the potential environmental impacts that would result from test site modifications, launch preparation requirements, missile flights along the proposed flight paths, and intercepts of targets over existing ranges or open sea areas. It also identifies mitigation measures that would lessen the impacts.

Environmental resource topics evaluated include: health and safety, air quality, airspace, noise, geology and soils, water resources, socioeconomic, hazardous materials and waste, land use, infrastructure and transportation, and biological and cultural resource stewardship.

**EIS LEAD AGENCY:** U.S. Army Space and Strategic Defense Command.

**COOPERATING AGENCIES:** Ballistic Missile Defense Organization, United States Air Force, United States Navy, and Federal Aviation Administration.

**PROPOSED ACTION:** The action is to conduct defensive missile tests and associated sensor tests at one or more of four extended test ranges. The tests involve target missile launches and defensive missile launches from existing test ranges and from off-range locations. Potential off-range launch locations included land areas and sea-based platforms. Missile-to-missile intercepts will occur over existing test range areas or over open sea areas. Up to approximately 100 flight tests could occur during the period 1995 to 2000, from more than one off-range location, and potentially from more than one test range area. These test may continue well beyond 2000.

Alternatives for conducting these missile flight tests and intercepts, evaluated in the TMD Extended Test Range EIS, are:

1. White Sands Missile Range (WSMR), NM. This alternative includes defensive missile launches and associated sensor testing at WSMR and Fort Bliss, TX, with off-range target missile launches from Fort Wingate Depot Activity, NM, and the Green River Launch Complex, UT.

2. Eglin Air Force Base (AFB), FL. This alternative includes defensive missile launches and associated sensor testing at Eglin AFB on Santa Rosa Island and at Cape San Blas, with off-range target missile launches from a sea-based platform in the Gulf of Mexico.

3. The Western Range, CA. This alternative includes defensive missile launches and associated sensor testing at Vandenberg AFB, San Nicholas Island, and San Clemente Island, with

off-range target missile launches from a sea-based platform in the Pacific Ocean.

4. Kwajalein Missile Range (KMR), U.S. Army Kwajalein Atoll, Republic of the Marshall Islands. This alternative includes defensive missile launches and associated sensor testing at KMR and Wake Island with off-range target missile launches from a sea-based platform in the Pacific Ocean.

**FOR FURTHER INFORMATION CONTACT:** Major Thomas LaRock, OATSD/PA, Washington, DC 20301-1400, (703) 697-5131.

Dated: January 9, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95-842 Filed 1-11-95; 8:45 am]

**BILLING CODE 5000-04-M**

## Department of the Army

### Corps of Engineers

#### Availability of Guidance on Design-Build for Military Construction

**AGENCY:** Army Corps of Engineers, DOD.

**ACTION:** Notice.

**SUMMARY:** Interested individuals may obtain copies of the Design-Build Instructions (DBI) For Military Construction, dated 29 October 1994. The purpose of the DBI is to serve as a practical guide for U.S. Army Corps of Engineers offices to consistently and efficiently plan, develop, and execute design-build contracts.

**ADDRESSES:** Copies of the DBI may be obtained from two sources; printed copies (as quantities last) from the Huntsville Division Engineer Office (CEHND-ED-ES), P.O. Box 1600, Huntsville, AL 35807-4301; or automated copies on the compact disk (CD-ROM), January 1995 issue of the Construction Criteria Base (CCB), from the National Institute of Building Sciences (NIBS), 1201 L Street, N.W. Suite 400, Washington, D.C. 20005-4024, (202) 289-7800, FAX (202) 289-1092. Written suggestions for improving the DBI may be submitted before 30 June 1995 to HQUSACE, ATTN: CEMP-EA, 20 Massachusetts Avenue NW., Washington, D.C. 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel W. Duncan, Architectural and Planning Branch, Directorate of Military Programs, (202) 272-0437.

**Kenneth L. Denton,**

*Army Federal Register Liaison Officer.*

[FR Doc. 95-772 Filed 1-11-95; 8:45 am]

**BILLING CODE 3710-92-M**

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### Resolution of Potential Conflict of Interest

The Defense Nuclear Facilities Safety Board (Board) has identified and resolved a potential conflict of interest situation related to its contractor, Dr. Sol Pearlstein. This Notice satisfies the requirements of 10 CFR Part 1706.8(e) with respect to publication in the **Federal Register**. Under the Board's Organizational and Consultant Conflicts of Interests Regulations, 10 CFR Part 1706 (OCI Regulations), an organizational or consultant conflict of interest (OCI) means that because of other past, present, or future planned activities or relationships, a contractor or consultant is unable, or potentially unable, to render impartial assistance or advice to the Board, or the objectivity of such offeror or contractor in performing work for the Board is or might be otherwise impaired, or such offeror or contractor has or would have an unfair competitive advantage. While the OCI Regulations provide that contracts shall generally not be awarded to an organization where the Board has determined that an actual or potential OCI exists and cannot be avoided, the Board may waive this requirement in certain circumstances.

The Board's mission is to provide advice and recommendations to the Department of Energy (DOE) regarding public health and safety matters related to DOE's defense nuclear facilities. This includes the review and evacuation of the content and implementation of health and safety standards including DOE orders, rules, and other safety requirements, relating to the design, construction, operation, and decommissioning of DOE defense nuclear facilities.

In the Fall of 1992, the Board recognized an urgent need for technical expertise in evaluating nuclear physics data, particularly in the area of nuclear applications. While the Board had been engaged in extensive recruiting efforts, it had been unsuccessful in identifying an individual with the required expertise, experience, and knowledge to satisfy this need. Consequently, the Board offered Dr. Sol Pearlstein, an employee of Brookhaven National Laboratory (BNL) a full-time two year appointment as Physicist on its staff. Following BNL's agreement to grant Dr. Pearlstein a twenty-four month unpaid leave of absence, he accepted the Board's offer and began work on October 1, 1992. Additionally, recognizing that a potential conflict of