Reader Aids

Federal Register

Vol. 60, No. 13

Friday, January 20, 1995

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	**523–4534**

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	**523–4534**
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**

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FEDERAL REGISTER PAGES AND DATES, JANUARY

1–318	3
319–1706	4
1707–1988	5
1989–2320	6
2321–2492	9
2493–2670	10
2671–2872	11
2873–3054	12
3055–3334	13
3335–3532	17
3533–3724	18
3725–4068	19
4069–4370	20

CFR PARTS AFFECTED DURING JANUARY

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:
5759 (See Proc. 6763) 1007
6455 (See Proc. 6763) 1007
6641 (See Proc. 6763) 1007
6726 (See Proc. 6763) 1007
6763 1007
6764 3053
6765 3333
6766 4067

Executive Orders:
12826 (Superseded by 12944) 309
12886 (Superseded by 12944) 309
12944 309

Administrative Orders:
Memorandums:
January 4, 1995 3335
Presidential Determinations:
No. 95–11 of December 30, 1994 2671
No. 95–12 of December 31, 1994 2673
No. 95–13 of December 31, 1994 2675

5 CFR

211 3055
230 3055
300 3055
301 3055
307 3055
315 3948
316 3055
330 3055
333 3055
339 3055
340 3055
351 ..... 2677, 3055
353 3055
532 319
550 3303
630 3032
831 3337
842 3337
930 3055

Proposed Rules:
300 2546
551 2549

7 CFR

7 1989
52 3533
201 2493
272 1707
273 1707
301 2321
319 3067
400 1996
402 2000
925 3725
929 1
966 2
967 2873
1005 319
1032 320
1434 321
1421 1709
1425 2680
1427 1709
1710 3726
1712 3726
1714 3726
1717 3726
1719 3726
1755 ..... 1710, 1711
1773 2874
1785 3726
1944 4069

Proposed Rules:
53 3982
54 3982
75 379
273 2703
274 2703
400 3106
1007 65
1032 65
1050 379
1093 65
1094 65
1096 65
1099 65
1108 65
1280 380
1421 381
1494 3564
1755 ..... 1758, 1759
1948 3566
1951 3566

8 CFR

Proposed Rules:
286 3107

9 CFR

78 2875
97 2875
112 2876
317 174
381 174

Proposed Rules:
381 3454

10 CFR

Ch. I 4071

Contents

Federal Register

Vol. 60, No. 13

Friday, January 20, 1995

Separate Parts In This Issue

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
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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.

Rules and Regulations

Federal Register
Vol. 60, No. 13
Friday, January 20, 1995

DEPARTMENT OF AGRICULTURE

Rural Housing and Community Development Service

7 CFR Part 1944

RIN: 0575–AB47

Rural Business and Cooperative Development Service, Rural Utilities Service, Consolidated Farm Service Agency; Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations

AGENCIES: Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, Rural Utilities Service, and Consolidated Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Rural Housing and Community Development Service (RHCDS) a successor Agency to the Farmers Home Administration (FmHA) for these programs hereby amends its Farm Labor Housing (LH) Loan and Grant regulations. This action needed to change the basic rules of the regulations concerning packaging costs. These changes are intended to initiate the use of loan and grant funds to defray the costs of packaging and/or developing applications by nonprofit groups or public bodies.

EFFECTIVE DATE: February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Mary Fox, Loan Specialist, Multi-Family Housing Processing Division, Rural Housing and Community Development Service, USDA, Room 5337—South Agriculture Building, Washington, DC 20250, telephone (202) 720–1606.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be not-significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

Paperwork Reduction Act

The information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 0575–0045 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This final rule does not revise or impose any new information collection requirement from those approved by OMB.

Civil Justice Reform

This document has been reviewed in accordance with Executive Order (E.O.) 12778. It is the determination of this Agency that this action does not unduly burden the Federal Court System in that it meets all applicable standards provided in section 2 of the E.O.

Background

This is to revise regulations to add reimbursement for application costs as an eligible loan and grant purpose for nonprofit groups or public bodies. The intended effect is to enable an applicant to be reimbursed with loan/grant funds for their costs in packaging and/or developing an application for an LH facility.

This regulation will clarify the use and amount of loan/grant funds for the assistance of developing and packaging applications. Prior to this revision, this use of funds was limited to reimbursement of packaging services provided by another nonprofit organization with experience in housing or community development. This revised regulation allows for reimbursement of reasonable costs incurred by the applicant's in-house personnel. In addition, the revised rule also provides better guidance of the limitations of such costs, either by in-house personnel or by another nonprofit.

Payments for technical assistance from the proceeds of loan/grant funds will be limited and must be documented. If the services are performed by in-house personnel, there should be an Agency approved plan as part of this proposal and documentation of when that assistance was performed.

Payments can be made when the labor housing application is funded and loan and/or grant agreements have been executed.

Discussion of Comments

A proposed rule was published in the **Federal Register** (58 FR 48330) on September 15, 1993, and invited comments for 60 days ending November 15, 1993. Twelve letters were received commenting on the various aspects on the changes in the proposed rule. All letters were received within the comment period and were very supportive of the Agency's policies and direction.

Two respondents suggested that packaging fees should be changed to ''development fee'' since the work involved encompasses much more than packaging preapplication/applications. This Agency does not consider these costs as either packaging or development ''fees.'' The Agency's intentions is to reimburse strictly on an as-needed and documented cost basis, not on an automatic ''fee'' basis.

One respondent suggested that fees should be paid directly to the non-profit sponsor, as opposed to a requirement that such a fee is available only to a third party development consultant. The revised regulation does include reimbursement directly to non-profit sponsor for their own costs or a third-party development consultant.

Six respondents asked to clarify the preamble language limiting packaging fees to 1 percent for packaging and development of proposed project cost or whatever is reasonable in a typical area or use a scale for such calculation. Based upon recommendations from the respondents, some of whom are the Agency's Technical Assistance Contractors, the Agency has revised the regulations by limiting the packaging costs to 2 to 4 percent of the total development costs or whatever is reasonable in the typical area, not to exceed 4 percent. This provides a more reasonable and flexible range of cost-reimbursement to cover staff and associated costs in developing the labor housing proposal.

Several respondents suggested that the rule be flexible to allow a combination of an outside technical assistance provider/packager and the nonprofit applicant to both receive reimbursement of packaging/staff fees. The Agency's revision permits

reimbursement of costs for the development and packaging of the docket and project whether it is by outside technical assistance or by the applicant itself.

Two respondents suggested wording change to permit paying for technical assistance from a for-profit organization. This is not possible since, in accordance with the Housing Act of 1949, this assistance is limited to eligible *nonprofit* private and public agencies, not *for-profit* entities. This does not impact for-profit firms providing architectural, engineering and other specific services as they do now.

One respondent asked what type of plan would be needed to implement the reimbursement, and who would have the authority to approve such a plan? The revised regulation now includes a revision to Exhibit A–1, advising that projected technical assistance and in-house costs should be incurred only after negotiation with the State/District Office staff as soon as possible in the applicant's process of developing a preapplication. Based upon what is typical in the area, the Agency will respond in writing approving the packaging plan and a range of costs in advance. The State Director or the delegated official will have the authority to approve the packaging plan. The cost breakdown submitted with the preapplication will also include the negotiated and agreed upon costs for such plan.

One respondent asked whether current applications would allow documented retroactive costs be reimbursed. The revised rule will be effective 30 days after publication and the agency will permit reimbursement on a case-by-case basis for projects authorized and not yet obligated as of the effective date.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' It is the determination of the Agency that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Intergovernmental Review

This program/activity is listed in the Catalog of Federal Domestic Assistance under Number 10.405, Farm Labor Housing Loans and Grants, and as provided for in 7 CFR, part 1940 subpart J, is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

List of Subjects in 7 CFR Part 1944

Farm labor housing, Grant programs—Housing and community development, Loan programs—Housing and community development, Migrant labor, Nonprofit organizations, Public housing, Rent subsidies, and Rural housing.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1944—HOUSING

1. The authority citation for part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

2. Section 1944.158 is amended by revising paragraph (i) to read as follows:

§ 1944.158 Loan and grant purposes.

* * * * *

(i) Provide loan/grant funds to enable a nonprofit group or public body to be reimbursed for technical assistance received from a nonprofit organization, with housing and/or community development experience, to assist the nonprofit applicant entity in the development and packaging of its loan/grant docket and project.

(1) Loan and grant funds may also be used to reimburse any appropriate and necessary legal, architectural, engineering, technical, and professional fees.

(2) Costs incurred by the nonprofit applicant entity for development and packaging of its own loan/grant docket and project may also be reimbursed. Any costs incurred by the entity for its own formation and incorporation are not reimbursable.

(3) The amount to be reimbursed for developing and packaging the loan/grant docket and project are limited by the total development cost (excluding initial operating and capital expenses). Reimbursed costs may range from 2 to 4 percent of total development costs and should reflect costs that are reasonable and typical for the area. In no case will the Agency reimburse in excess of 4 percent.

(4) The packaging costs are not required to be considered a part of the security value of the project.

(5) Related project costs as listed in § 1944.169 of this subpart are not included as a part of the costs for development and packaging of the loan/grant docket and project.

* * * * *

3. Exhibit A to subpart D is amended by adding a new paragraph immediately following the first undesignated paragraph to read as follows:

Exhibit A—Labor Housing Loan and Grant Application Handbook

Introduction

* * * * *

Payments for technical assistance incurred by a nonprofit group or public body applicant entity for developing and packaging an application will be reimbursed with loan and grant funds. If the services are performed, the proceeds will be limited and must be documented. The reimbursable costs should be negotiated and approved by the Agency in advance of the applicant entity's process of packaging and developing a preapplication. Based upon what is typical in the area, the Agency will respond in writing approving the packaging plan and a range of costs in advance.

* * * * *

4. Exhibit A–1 to subpart D is amended in the first sentence of paragraph II D. by revising the reference ''Subpart A of Part 1804 of this chapter (FmHA Instruction 1924–A)'' to read ''subpart A of part 1924 of this chapter'' and by revising paragraph II. E. to read as follows:

Exhibit A–1—Information to be Submitted by Organizations and Associations of Farmers for Labor Housing Loan or Grant

* * * * *

II. * * *

E. A detailed cost breakdown of the project for items such as land purchase, right-of-ways, building construction, equipment, utility connections, on-site improvements, architectural and/or engineering services, and legal services. Also, if applicable, the cost breakdown should include the costs incurred for the development and packaging of its own application. These costs may range from 2 to 4 percent of total development cost (excluding initial operating and capital expenses) and should reflect costs that are reasonable and typical for the area. Costs in excess of 4 percent will not be reimbursed. The cost breakdown should itemize labor and material unit costs. If an LH grant is proposed, construction will be subject to the provisions of the Davis-Bacon Act. LH grant applicants should, therefore, obtain a copy of Subpart D of Part 1901 of this chapter which explains the Davis-Bacon requirements.

* * * * *

Dated: December 29, 1994.

Michael V. Dunn,

Acting Under Secretary for Rural Economic and Community Development.

[FR Doc. 95–1420 Filed 1–19–95; 8:45 am]

BILLING CODE 3410–07–U

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

NRC Policy Statements; Withdrawal

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statements; Withdrawal.

SUMMARY: The Nuclear Regulatory Commission (NRC) is withdrawing a number of its Policy Statements which have been superseded by subsequent NRC rulemaking actions. The action taken by the NRC does not change reporting requirements on licensees or reduce the protection of the public health and safety in any way.

EFFECTIVE DATE: This action is effective January 20, 1995.

FOR FURTHER INFORMATION CONTACT: A.J. DiPalo, Office of the Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6191.

SUPPLEMENTARY INFORMATION:

Background

Based on a comprehensive review of its regulations and regulatory guidance, the NRC has decided to withdraw a number of its Policy Statements that have been superseded by subsequent NRC rulemaking actions. This action does not change reporting requirements on licensees or reduce the protection of the public health and safety in any way.

The following Policy Statements have been superseded and are being withdrawn:

1. Nuclear Power Plant Access Authorization Program

The NRC published a proposed Policy Statement, ''Nuclear Power Plant Access Authorization Program,'' on March 9, 1988 (53 FR 7534). This Policy Statement was never published as a final Policy Statement, however it advocated that each licensee who operates a nuclear power plant establish an access authorization program which would ensure that individuals who require unescorted access to protected areas or vital areas of their facilities are trustworthy, reliable, emotionally stable, and would not subvert radiological security. Based on an evaluation of the public comments on the proposed Policy Statement, the NRC determined that, although many licensees had access authorization programs that conformed to the ''Industry Guidelines,'' not all licensees had such programs in place, and of those that did, not all fully incorporated the ''Industry Guidelines'' into their Physical Security Plan.

Subsequently, the NRC published a final rule, ''Access Authorization Program for Nuclear Power Plants,'' (10 CFR 73.56) on April 25, 1991 (56 FR 18997), that would have superseded the above Policy Statement had it been published as a final Policy Statement. This final rule fulfilled the objectives of the proposed Policy Statement by requiring that all licensees authorized to operate a nuclear power plant have a required Access Authorization Program incorporated into their Physical Security Plan.

2. Training and Qualification of Nuclear Power Plant Personnel

In Section 306 of the Nuclear Waste Policy Act of 1982 (NWPA), Public Law 97–425, the NRC was directed to promulgate regulations, or other appropriate Commission regulatory guidance for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other operating personnel. The NRC published a Policy Statement, ''Training and Qualification of Nuclear Power Plant Personnel,'' March 20, 1985 (50 FR 11147), to fulfill its responsibility under the Act. The Policy Statement was amended on November 18, 1988 (53 FR 46603). On April 17, 1990, the U.S. Court of Appeals for the District of Columbia Circuit concluded that the Commission's Policy Statement did not meet the intent of the Congressional directive to promulgate regulations or other appropriate regulatory guidance. The Commission requested a rehearing of the decision by the full Court, which was denied on June 19, 1990. In response to the Court's decision, the NRC published a final rule, ''Training and Qualification of Nuclear Power Plant Personnel,'' (10 CFR 50.120) on April 26, 1993 (58 FR 21904). The final rule fulfilled the objectives of the Policy Statement by establishing requirements and essential elements of the process to determine training and qualification requirements for all appropriate nuclear power reactor personnel.

3. Fitness-For-Duty of Nuclear Power Plant Personnel

The NRC published a Policy Statement, ''Fitness-For-Duty of Nuclear Power Plant Personnel,'' on August 4, 1986 (51 FR 27921). The purpose of this Policy Statement was to encourage the industry to develop and implement its own initiatives, or to adopt those initiatives of the Edison Electric Institute, to assure that all nuclear power plant personnel with access to vital areas at operating plants are fit for duty. The Commission deferred rulemaking in this area for a period of 18 months to evaluate licensee implementation of these initiatives.

However, based on a dramatic increase in the number of drug use and abuse events since 1985, the NRC published a final rule, ''Fitness-for-Duty-Program,'' (10 CFR Part 26) on June 7, 1989 (54 FR 24468). This rule fulfilled the objectives of the Policy Statement by requiring that licensees authorized to construct and operate nuclear power plants implement a Fitness-for-Duty Program intended to create an environment which is free of drugs and the effects of these substances.

4. Maintenance of Nuclear Power Plants

On December 8, 1989 (54 FR 50611), the NRC published a Policy Statement, ''Maintenance of Nuclear Power Plants,'' with the purpose of encouraging licensees to enhance safety by improving plant maintenance. The NRC monitored the industry for 18 months and found that common maintenance related weaknesses continued to persist in some plants. Thus, the NRC published a final rule, ''Monitoring the Effectiveness of Maintenance at Nuclear Power Plants,'' (10 CFR 50.65) on July 10, 1991 (56 FR 31306). This final rule which supersedes the above Policy Statement, will become effective July 10, 1996. Implementation of the rule was postponed until that time to provide licensees of the nuclear power plants the opportunity to plan and monitor their maintenance activities in accordance with the requirements of the 1996 rule. Currently all nuclear power plants have active maintenance programs in place. Thus NRC does not anticipate that this course of action will have any adverse impact on public health and safety. The final rule fulfilled the objectives of the Policy Statement by establishing requirements for monitoring and evaluation of plant maintenance activities.

5. Information Flow

On July 20, 1982 (47 FR 31482), the NRC published a Policy Statement, ''Information Flow,'' with the intent to remind licensees of their responsibility to provide the Commission with timely, accurate, and sufficiently complete information during an incident or significant event.

Subsequent to issuance for publication of the 1982 Policy Statement, the Commission published two regulations for reporting of events involving commercial nuclear power plants: ''Immediate Notification Requirements for Operating Nuclear Power Reactors,'' 10 CFR 50.72, August

29, 1983, (48 FR 39046); and ''Licensee Event Report System,'' (10 CFR 50.73), July 26, 1983, (48 FR 33858). The former specifically addresses reporting requirements during the course of an event. The Commission also published a regulation (10 CFR 50.9, December 31, 1987 (523 FR 49372)), requiring that information provided to the Commission be complete and accurate in all material respects, and that licensees notify the Commission of information having significant implication for public health and safety or common defense and security. In addition, the Commission published similar regulations regarding reporting of nuclear material events (e.g., 10 CFR 30.50 and 10 CFR 30.9 and 10 CFR 72.74 and 10 CFR 72.11). Timely, accurate and complete information continues to be of great importance to the Commission. Rules have been promulgated which fulfill the objectives of the Policy Statement in ensuring timeliness, accuracy, and completeness of the reported information.

6. Planning Basis For Emergency Responses to Nuclear Power Reactor Accidents

On October 23, 1979 (44 FR 61123), the NRC published a Policy Statement, ''Planning Basis for Emergency Responses to Nuclear Power Plant Accidents,'' to endorse the guidance developed by a joint task force of the NRC and Environmental Protection Agency (EPA) on radiological emergency response plans to be developed by off-site agencies.

After reviewing public comments on the policy statement, information obtained from workshops held on the subject and reports from a Presidential Commission, the NRC published a final rule, ''Emergency Planning,'' (10 CFR Parts 50 and 70) on August 19, 1980 (45 FR 55402). The final rule fulfilled the objectives of the Policy Statement by upgrading the NRC's emergency planning regulations to assure that adequate protective measures can and will be taken in the event of a radiological emergency.

Dated at Rockville, Maryland, this 6th day of January 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 95–1475 Filed 1–19–95; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL ELECTION COMMISSION

11 CFR Part 1

[Notice 1995–4]

Privacy Act; Implementation

AGENCY: Federal Election Commission.

ACTION: Final rule.

SUMMARY: The Federal Election Commission (''Commission'' or ''FEC'') is establishing a new system of records under the Privacy Act of 1974, ''Inspector General Investigative Files (FEC 12)'', consisting of the investigatory files of the Commission's Office of the Inspector General (''OIG''). The Commission is exempting this new system of records from certain provisions of the Privacy Act of 1974 (''Act'').

EFFECTIVE DATE: February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: Elsewhere in today's **Federal Register**, the Commission is publishing a Notice of Effective Date of the Notice of New and/or Revised Systems of Records under the Privacy Act, 5 U.S.C. 552a, as amended (published at 59 FR 53977, October 27, 1994). That Notice established a new system of records, FEC 12, ''Office of Inspector General Investigative Files.''

On October 27, 1994, the Commission published a Notice of Proposed Rulemaking seeking comments on a proposal to exempt this new system of records from certain provisions of the Act. 59 FR 53946. No comments were received in response to this Notice.

Statement of Basis and Purpose

Section 1.14. Specific exemptions. The Privacy Act and the implementing regulations require, among other things, that the Commission provide notice when collecting information, account for certain disclosures, permit individuals access to their records, and allow them to request that the records be amended. These provisions could interfere with the conduct of OIG investigations if applied to the OIG's maintenance of the new system of records.

Accordingly, the Commission is exempting FEC 12 from these requirements under sections (j)(2) and (k)(2) of the Act. Section (j)(2), 5 U.S.C. 552a(j)(2), exempts a system of records maintained by ''agency or component thereof which performs as its principal function any activity pertaining to enforcement of criminal laws * * *.'' Section (k)(2), 5 U.S.C. 552a(k)(2), exempts a system of records consisting of ''investigatory materials compiled for law enforcement purposes,'' where such materials are not within the scope of the (j)(2) exemption pertaining to criminal law enforcement.

FEC 12 consists of information covered by the (j)(2) and (k)(2) exemptions. The OIG investigatory files are maintained pursuant to official investigational and law enforcement functions of the Commission's Office of Inspector General under authority of the 1988 amendments to the Inspector General Act of 1978. See Pub. L. 100–504, amending Pub. L. 95–452, 5 U.S.C. app. The OIG is an office within the Commission that performs as one of its principal functions activities relating to the enforcement of criminal laws. In addition, the OIG is responsible for investigating a wide range of non-criminal law enforcement matters, including civil, administrative, or regulatory violations and similar wrongdoing. Access by subject individuals and others to this system of records could substantially compromise the effectiveness of OIG investigations, and thus impede the apprehension and successful prosecution or discipline of persons engaged in fraud or other illegal activity.

For these reasons, the Commission is exempting FEC 12 under exemptions (j)(2) and (k)(2) of the Privacy Act by adding a new paragraph (b) to 11 CFR 1.14, the section in which the Commission specifies its systems of records that are exempt under the Act. Where applicable, section (j)(2) may be invoked to exempt a system of records from any Privacy Act provision except: 5 U.S.C. 552a(b) (conditions of disclosure); (c) (1) and (2) (accounting of disclosures and retention of accounting, respectively); (e)(4) (A) through (F) (system notice requirements); (e) (6), (7), (8), (10) and (11) (certain agency requirements relating to system maintenance); and (f) (criminal penalties). Section (k)(2) may be invoked to exempt a system of records from: 5 U.S.C. 552a(c)(3) (making accounting of disclosures available to the subject individual); (d) (access to records); (e)(1) (maintaining only relevant and necessary information); (e)(4) (G), (H), and (I) (notice of certain procedures), and (f) (promulgation of certain Privacy Act rules). New paragraph (b) notes these specific exceptions and exemptions.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The Commission certifies that this rule will not have a significant impact on a substantial number of small entities. The basis for this certification is that the Privacy Act applies only to ''individuals,'' and individuals are not ''small entities'' within the meaning of the Regulatory Flexibility Act.

List of Subjects in 11 CFR Part 1

Privacy.

For the reasons set out in the preamble, chapter I of title 11 of the Code of Federal Regulations is amended to read as follows:

PART 1—PRIVACY ACT

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

Authority: 5 U.S.C. 552a.

2. Section 1.14 is amended by redesignating paragraph (b) as paragraph (c), and by adding new paragraph (b) to read as follows:

§ 1.14 Specific exemptions.

* * * * *

(b) (1) Pursuant to 5 U.S.C. 552a(j)(2), records contained in FEC 12, Office of Inspector General Investigative Files, are exempt from the provisions of 5 U.S.C. 552a, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11) and (f) , and the corresponding provisions of 11 CFR part 1, to the extent this system of records relates in any way to the enforcement of criminal laws.

(2) Pursuant to 5 U.S.C. 552a(k)(2), FEC 12, Office of Inspector General Investigative Files, is exempt from 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), and the corresponding provisions of 11 CFR part 1, to the extent the system of records consists of investigatory material compiled for law enforcement purposes, except for material that falls within the exemption included in paragraph (b)(1) of this section.

* * * * *

Dated: January 17, 1995.

Danny Lee McDonald,

Chairman.

[FR Doc. 95–1476 Filed 1–19–95; 8:45 am]

BILLING CODE 6715–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

Loans to State and Local Development Companies; Seller Financing by Regulated Lenders

AGENCY: Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: This rule provides an exception to the requirement that third party financing for a certified development company project derived from the seller of the property being financed must be subordinate to the financing provided by the development company. It provides that if a regulated financial institution is providing the third party financing and is also the seller of the real estate being financed the requirement for such subordination may be waived at SBA's option. A condition for such waiver is that the real estate being sold was previously acquired by the institution as ''other real estate owned'' (OREO) as defined by the Financial institutions Reform Recovery and Enforcement Act (FIRREA) and the Federal Deposit Insurance Corporation Improvement Act (FDICIA). Also, as a condition of such waiver, an independent appraisal of the value of the property prepared by or under the control of the SBA or the participating Certified Development Company (CDC) is required, in order to insure that no conflict of interest will arise. This rule will grant small businesses receiving assistance under the SBA's certified development company program an opportunity to purchase OREO which is being made available to purchasers with sufficient financial strength to meet the lenders' credit requirements under FIRREA and FDICIA.

EFFECTIVE DATE: January 20, 1995.

FOR FURTHER INFORMATION CONTACT: LeAnn M. Oliver, Acting Director, Office of Rural Affairs & Economic Development, Small Business Administration, (202) 205–6485.

SUPPLEMENTARY INFORMATION: On March 18, 1994, SBA published in the **Federal Register** a proposed regulation amending 13 CFR 108.503–8(b)(2). That regulation requires that all seller financing be subordinated to SBA backed financing made under the SBA's development company loan program (59 FR 12864). SBA proposed to waive this restriction if the property being financed was classified as ''other real estate owned'' (OREO) which was owned by a financial institution which was financing the development company project in conjunction with SBA backed financing. SBA received five comments which favored the proposed rule, one which opposed the change and one which addressed the issue of SBA adopting a general policy regarding real estate appraisals. Comments in support of the rule were from the trade associations representing the CDCs and independent bankers. They noted that existing lender regulations preclude a lender owning OREO from subordinating its financing if it is the seller of that property. The one comment against the rule expressed concern about lenders having the opportunity for self-dealing under the proposal.

SBA is adopting the proposal as published with one change. In response to the one concern expressed in the comments, SBA is requiring in this final rule that an independent appraisal of the property be prepared under the guidance of the CDC or SBA as a condition to granting a waiver under the final rule.

By this final rule, 13 CFR 108.503–8(b)(2) is amended to provide an exception to the current restriction which provides that where any part of the permanent financing for a development company project is supplied by the seller of the property on which the project is located, such financing must be subordinate to the development company financing. This rule permits a waiver of the general rule if the institution is the seller of property classified as ''other real estate owned'', and an independent appraisal of the value of the property prepared by or under the control of the SBA or a CDC demonstrates that the value of the property which will serve as collateral for the 503/504 loan is sufficient to support the loan.

Regulated financial institutions have increased their portfolios of ''OREO'' as a result of regulations issued pursuant to the Financial Institutions Reform Recovery and Enforcement Act (FIRREA) and the Federal Deposit Insurance Corporation Improvement Act (FDICIA). The regulations governing lending institutions require that they have the OREO property recorded on their books at a fair market value based on an appraisal prepared in conformance with state or Federal appraisal standards. These regulations encourage lenders and appraisers to value such property at a value which should lead to relatively quick sales. This has resulted in the availability of very favorable real estate sales by those lenders with the ability to meet regulated loan-to-value ratios and other currently stringent credit requirements of the lenders. However, loan-to-value

ratios can not be met by lenders in possession of OREO property which is financed under the development company program if the lender/seller is required to take a second lien. This rule grants small businesses utilizing the development company program equal access to opportunities to acquire OREO real estate at favorable rates and terms from such lending institutions.

The existing rule was adopted to insure that the combination of a seller's price and terms of financing reflected a fair market transaction. Changes in lender regulations resulting from the FIRREA and the FDICIA and the independent fair market appraisals will protect small business borrowers and the government against the risk of over-valuation of the OREO property. Additionally, SBA field offices will be provided guidance to insure that on a case by case basis no conflict of interest arises from the application of this rule.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act and the Paperwork Reduction Act

For purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., SBA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

SBA certifies that this final rule will not constitute a significant regulatory action for purposes of Executive Order 12866, since the change will not result in an annual economic effect of $100 million or more.

SBA certifies that this final rule will not have Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

SBA certifies that this final rule will not impose new reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. Ch. 35.

SBA certifies that this final rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of Executive Order 12778.

Catalog of Federal Domestic Assistance 59.036 certified development company loans (503 loans); 59.041 certified development company loans (504 loans).

List of Subjects in 13 CFR Part 108

Loan programs—business, Small businesses.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA is amending Part 108 of title 13 of the Code of Federal Regulations as follows:

PART 108—[AMENDED]

1. The authority citation for Part 108 continues to read as follows:

Authority: 15 U.S.C. 687(c), 695, 696, 697a, 697b, 697c.

2. Section 108.503–8(b)(2) is revised to read as follows:

§ 108.503–8 Third-party financing.

* * * * *

(b) *Terms of third-party financing.*

* * *

(2) Where the seller of property for the project supplies any part of the permanent financing of such project, such financing shall be subordinate to the 503 loan, provided that if the property is classified as ''other real estate owned'' by a national bank or other Federally regulated lender, and an independent appraisal prepared by or under control of the SBA or the participating 503 company demonstrates that the property is of sufficient value to support the 503 loan, SBA may waive the requirement for a subordinate position.

* * * * *

Dated: December 23, 1994.

Philip Lader,

Administrator.

[FR Doc. 95–1502 Filed 1–19–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–100–AD; Amendment 39–9121; AD 95–02–02]

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and Model C–9 (military) airplanes, that requires inspection of the tailcone release locking cable fitting assembly, and replacement or modification of the assembly, if necessary. This amendment is prompted by reports of the inability of the tailcone to deploy because the swaged ball on the cable had jammed after passing into the release handle hole. The actions specified by this AD are intended to prevent the inability of the tailcone to deploy, which could impede the egress of passengers from the airplane during an emergency evacuation.

DATES: Effective February 21, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 21, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Walter Eierman, Aerospace Engineer, Systems & Equipment Branch, ANM–130L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (310) 627–5336; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and Model C–9 (military) airplanes, was published in the **Federal Register** on October 18, 1994 (59 FR 52485). That action proposed to require inspections of the tailcone release locking cable fitting assembly, replacing or modifying fittings that do not operate properly, and the eventual replacement or modification of the fitting on all airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Several commenters supports the proposal.

One commenter regards the proposed inspection for proper operation of the fitting assembly as unnecessary and requests that the proposed rule be revised to delete this requirement. This

commenter points out that similar inspections already are required by AD 91–26–09 (amendment 39–8122, (57 FR 789, January 9, 1992)) and AD 92–01–03 (amendment 39–8126, (57 FR 1076, January 10, 1992)). The commenter considers that these previously required actions already assure an adequate level of safety. The FAA does not concur. The previously issued AD's cited by the commenter require inspections for cracks of the interior and exterior tailcone release handles; replacement or modification of the cable and handle assemblies to terminate the inspections; and repetitive functional tests of the tailcone release system at certain intervals. The functional testing required by those AD's is similar, but not identical, to the inspection required by this AD. Further, the FAA considers that one or more successful functional operations of the assembly does not assure that the fitting is acceptable and will not jam at the next activation. For this reason, the FAA considers that the one-time inspection required by this AD is warranted prior to the eventual replacement or modification action.

This same commenter requests that the proposed compliance time of 36 months for replacement or modification of the fitting assembly be extended if ample parts are not available to accomplish these required actions. Based on the data available to date, the FAA does not consider such an extension to be necessary. The FAA has received no indication from the manufacturer that parts availability will be a problem. An ample number of required parts is expected to be available to modify the fleet within the 36-month compliance time. However, should an operator encounter a problem with obtaining required parts in a timely manner, it may request an adjustment of the compliance time under the provisions of paragraph (c) of the final rule.

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 added to this final rule to clarify this requirement.

Additionally, the FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from $55 per work hour to $60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1,986 Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and Model C–9 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,170 airplanes of U.S. registry will be affected by this AD.

The required inspection will take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the total cost impact of this action on U.S. operators is estimated to be $140,400, or $120 per airplane.

The required replacement or modification would take approximately 5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $2,388 per airplane. Based on these figures, the total cost impact of this proposed action on U.S. operators is estimated to be $3,144,960, or $2,688 per airplane.

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

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.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

95–02–02 McDonnell Douglas: Amendment 39–9121. Docket 94–NM–100–AD.

Applicability: Model DC–9 series airplanes, Model DC–9–80 (MD–80) series airplanes, Model MD–88 airplanes, and Model C–9 (military) airplanes; as listed in McDonnell Douglas DC–9 Service Bulletin 53–269, dated August 11, 1994; 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 the inability of the tailcone to deploy, which could impede the egress of passengers from the airplane during an emergency evacuation, accomplish the following:

(a) Within 18 months after the effective date of this AD, inspect the tailcone release locking cable fitting assembly for proper operation in accordance with the procedures specified in McDonnell Douglas DC–9 Service Bulletin 53–269, dated August 11, 1994. If the swaged ball on the cable can pass into the handle hole, prior to further flight, replace or modify the fitting assembly in accordance with the service bulletin.

(b) Within 36 months after the effective date of this AD, replace or modify the fitting assembly in accordance with McDonnell Douglas DC–9 Service Bulletin 53–269, dated August 11, 1994. Such replacement or modification constitutes terminating action for the 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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(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.

(e) The inspection, replacement, and modification shall be done in accordance with McDonnell Douglas DC–9 Service Bulletin 53–269, dated August 11, 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 McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on February 21, 1995.

Issued in Renton, Washington, on January 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–792 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–234–AD; Amendment 39–9120; AD 94–26–51]

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) T94–26–51 that was sent previously to all known U.S. owners and operators of all McDonnell Douglas Model MD–11 series airplanes by individual telegrams. This AD requires a revision to the FAA-approved Airplane Flight Manual (AFM) to prohibit autoland operation below 100 feet above ground level (AGL), and the installation of certain flight control computer software. This AD provides for an optional terminating action for the AFM revision. This amendment is prompted by reports of a loose nut on a coaxial connector on a radio altimeter receiver/transmitter rack, and the transmittal of erroneous altitude data to the flight control computers below 100 feet AGL, which resulted in abnormal flare (pitch) control during autoland operation. The actions specified by this AD are intended to prevent abnormal flare (pitch) control, which could result in degradation of the landing capability of the airplane.

DATES: Effective February 6, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T94–26–51, issued December 19, 1994, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 6, 1995.

Comments for inclusion in the Rules Docket must be received on or before March 21, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–234–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The applicable service information may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–132L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5347; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: On December 19, 1994, the FAA issued telegraphic AD T94–26–51, which is applicable to all McDonnell Douglas Model MD–11 series airplanes.

That action was prompted by two reports of abnormal flare (pitch) control that occurred during autoland operation on McDonnell Douglas Model MD–11 series airplanes. McDonnell Douglas reported that, during one occurrence, radio altimeter #1 transmitted erroneous altitude data to the flight control computers below 100 feet above ground level (AGL). This condition caused the airplane to flare prematurely during landing. Following a subsequent occurrence of abnormal autoland operation, an operator noticed that a nut on a coaxial connector on the back of the radio altimeter receiver/transmitter rack was loose. After refastening the connector, the airplane exhibited normal flare during autoland operation.

Subsequent investigation of these reports conducted by McDonnell Douglas revealed that signals leaked between the transmitter and receiver of radio altimeter #1. The cause of this leakage has not yet been determined. In addition, the exact failure mode of the radio altimeter coaxial cable that can produce the leakage is unclear at this time. The manufacturer is conducting an investigation into the cause of this leakage in order to develop a corrective action.

Early and/or abnormal flare (pitch) control during autoland operation, if not corrected, could result in degradation of the landing capability of the airplane.

The FAA has reviewed and approved McDonnell Douglas MD–11 Alert Service Bulletin A34–57, dated December 19, 1994, which describes procedures for repetitive inspections to determine if the connector nut of the four coaxial connectors on the back of the radio altimeter receiver/transmitter is loose; repetitive leakage indication tests to verify the integrity of the radio altimeter antenna system; and correction of any discrepancy.

The alert service bulletin references McDonnell Douglas MD–11 Service Bulletin 22–14, dated November 30, 1994, which describes procedures for installation of –905 flight control computer (FCC) software. Accomplishment of this installation will provide additional protection against the effects of other discrepancies that may exist in the radio altimeter antenna system.

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued Telegraphic AD T94–26–51 to require a revision to the FAA-approved Airplane Flight Manual (AFM) to prohibit autoland operation below 100 feet AGL.

This AD also provides for an optional terminating action for the AFM revision. The optional terminating action consists of:

1. Performing repetitive inspections to determine if the connector nut of the four coaxial connectors on the back of the radio altimeter receiver/transmitter is loose, and tightening the nut, if necessary; and

2. Performing repetitive leakage indication tests to verify the integrity of the radio altimeter antenna system, and correction of any discrepancy found.

These actions, if accomplished, are required to be accomplished in accordance with McDonnell Douglas MD–11 Alert Service Bulletin A34–57, dated December 19, 1994, as described previously.

This AD also requires installation of –905 FCC software. The installation is required to be accomplished in accordance with McDonnell Douglas MD–11 Service Bulletin 22–14, as described previously.

This is considered to be interim action until final action is identified, at which time the FAA may consider further 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. 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 rule to clarify this requirement.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on December 19, 1994, to all known U.S. owners and operators of McDonnell Douglas Model MD–11 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

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–234–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:

94–26–51 McDonnell Douglas: Amendment 39–9120. Docket 94–NM–234–AD.

Applicability: All Model MD–11 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must 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 degradation of the landing capability of these airplanes, accomplish the following:

(a) Within 24 hours after the effective date of this AD, revise the Limitations Section of the FAA-approved MD–11 Airplane Flight Manual (AFM), page 5–3, Flight Guidance, Automatic Landing Section, to include the following restriction. This may be accomplished by inserting a copy of this AD in the AFM.

''Autoland operation below 100 feet above ground level (AGL) is prohibited. The autopilot must be disconnected prior to descent below 100 feet AGL.''

(b) Accomplishment of the inspections and tests specified in paragraphs (b)(1) and (b)(2) of this AD, in accordance with McDonnell Douglas MD–11 Alert Service Bulletin A34–57, dated December 19, 1994, constitutes terminating action for the AFM revision required by paragraph (a) of this AD. Following accomplishment of the inspections and tests, the AFM revision may be removed from the AFM.

(1) Perform an inspection to determine if the connector nut of the four coaxial connectors on the back of the radio altimeter receiver/transmitter is loose.

(i) If no loose nut is found, prior to further flight, loosen the nut until finger tight, retorque the nut to 10 to 15 inch pounds, and mark the nut with a torque stripe. Thereafter, repeat the inspection at intervals not to exceed 500 hours time-in-service.

(ii) If any loose nut is found, prior to further flight, tighten the nut to a torque of 10 to 15 inch pounds, and mark the nut with a torque stripe. Thereafter, repeat the inspection at intervals not to exceed 500 hours time-in-service.

Note 2: Retorque is not necessary during repetitive inspections if the torque stripe is in line, as specified in the alert service bulletin.

(2) Perform a leakage indication test to verify the integrity of the radio altimeter antenna system. Prior to further flight, correct any discrepancy found. Thereafter, repeat the test at intervals not to exceed 500 hours time-in-service.

(c) Within 15 days after the effective date of this AD, install -905 flight control computer (FCC) software in accordance with McDonnell Douglas MD–11 Service Bulletin 22–14, dated November 30, 1994.

(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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

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

(f) The inspections, tests, and installation shall be done in accordance with McDonnell Douglas MD–11 Alert Service Bulletin A34–57, dated December 19, 1994; and McDonnell Douglas MD–11 Service Bulletin 22–14, dated November 30, 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 McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on February 6, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T94–26–51, issued on December 19, 1994, which contained the requirements of this amendment.

Issued in Renton, Washington, on January 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–793 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 94–AGL–30]

Establishment of Class E Airspace; Rantoul, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace to accommodate a new Very High Frequency Omnidirectional Range (VOR) runway 27 Standard Instrument Approach Procedure (SIAP) at Rantoul National Aviation Center Airport, Rantoul, IL. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed for aircraft executing the approach. The intended effect of this action is to provide controlled airspace for aircraft executing the SIAP.

EFFECTIVE DATE: 0901 UTC, March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Griffith, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On November 22, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Rantoul, IL (59 FR 60098). 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.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations are published in Paragraph 6005 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 Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes Class E airspace at Rantoul, IL, to accommodate a new VOR runway 27 SIAP at Rantoul National Aviation Center Airport, Rantoul, IL. Controlled airspace extending upward from 700 to 1200 feet AGL is needed for Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Aeronautical maps and charts will reflect the defined area which will enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements.

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

* * * * *

AGL IL E5 Rantoul, IL [New]

Rantoul National Aviation Center Airport, IL
(Lat. 40°17′35″ N., long. 88°08′18″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Rantoul National Aviation Center Airport, excluding those portions which overlie the Champaign, IL, and Paxton, IL, Class E airspace areas.

* * * * *

Issued in Des Plaines, Illinois on January 6, 1995.

Roger Wall,

Manager, Air Traffic Division.

[FR Doc. 95–1533 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–AGL–28]

Establishment of Class E Airspace; Chamberlain, SD, Chamberlain Municipal Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Chamberlain, SD. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 31 has been developed for the Chamberlain Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed for aircraft executing the approach. The intended effect of this action is to provide controlled airspace for aircraft executing the GPS SIAP.

EFFECTIVE DATE: 0901 UTC, March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Griffith, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On November 18, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Chamberlain, SD (59 FR 59665). The proposal was to add controlled airspace extending from 700 feet to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. 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.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations are published in Paragraph 6005 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 Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

The amendment to part 71 of the Federal Aviation Regulations establishes Class E airspace to Chamberlain, SD, to establish controlled airspace from 700 feet to 1200 feet AGL for aircraft executing the GPS Runway 31 SIAP at the Chamberlain Municipal Airport. Controlled airspace extending from 700 to 1200 feet AGL is needed for aircraft executing the approach.

Aeronautical maps and charts will reflect the defined area which will enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements.

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

* * * * *

AGL SD E5 Chamberlain, SD [New]

(Lat. 43°45′54x″ N., long. 99°19′14″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3 mile radius of the Chamberlain Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois on January 11, 1995.

Roger Wall,

Manager, Air Traffic Division.

[FR Doc. 95–1534 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28014; Amdt. No. 1643]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviations Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. For the same reason, the FAA certifies that this amendment 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 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on December 30, 1994.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the

Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, AND VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * Effective Upon Publication

FDC Date	State	City	Airport	FDC Number	SIAP
12/15/94	GA	Cartersville	Cartersville	FDC 4/6963	NDB or GPS Rwy 19 Amdt 3.
12/15/94	GA	Cartersville	Cartersville	FDC 4/6964	LOC Rwy 19 Amdt 1.
12/15/94	NC	Statesville	Statesville Muni	FDC 4/6972	VOR/DME Rwy 10, Amdt 6.
12/15/94	NC	Statesville	Statesville Muni	FDC 4/6973	NDB Rwy 20 Amdt 8.
12/15/94	SC	Winnsboro	Fairfield County	FDC 4/6965	NDB or GPS Rwy 4 Amdt 3.
12/16/94	IL	Moline	Quad-City Airport	FDC 4/6987	ILS Rwy 9 Amdt 29.
12/16/94	IL	Moline	Quad-City Airport	FDC 4/6988	ILS Rwy 27 Orig.
12/16/94	IL	Springfield	Springfield Capital	FDC 4/6984	Radar-1 Amdt 7A.
12/19/94	NM	Albuquerque	Double Eagle II	FDC 4/7009	ILS Rwy 22 Amdt 1.
12/20/94	ND	Jamestown	Jamestown Muni	FDC 4/7028	ILS Rwy 31 Amdt 7.
12/21/94	SC	Lake City	Lake City Muni/CJ Evans Field	FDC 4/7041	NDB or GPS–A, Amdt 1.
12/23/94	NC	Siler City	Siler City Muni	FDC 4/7061	NDB Rwy 21 Orig.
12/23/94	NC	Siler City	Siler City Muni	FDC 4/7066	VOR–A Amdt 1.

[FR Doc. 95–948 Filed 1–19–95; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

15 CFR Part 291

[Docket No. 941097–4363]

RIN 0693–AB36

Manufacturing Extension Partnership; Environmental Projects

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to provide for integration of environmental services and resources into the national manufacturing extension system and to codify the process by which NIST will solicit and select applications for cooperative agreements and financial assistance on projects which have the dual benefit of promoting the competitiveness and environmental soundness of smaller U.S. manufacturers. The intended effect is to increase the scope and scale of environmental services provided through the national manufacturing extension system.

EFFECTIVE DATE: January 20, 1995.

ADDRESSES: Applicants must submit one signed original plus six copies of the proposal along with Standard Form 424, 424A (Rev 4–92) prescribed by the applicable OMB circular and Form CD–511, Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying. SF–424, 424A (Rev 4–92) and Form CD–511 will not be considered part of the page count of the Basic Proposal. Proposals must be submitted to: MEP Environmental Projects, Attention Environmental Projects Manager, National Institute of Standards and Technology Bldg. 224 Room B115, Gaithersburg, MD 20899–0001.

FOR FURTHER INFORMATION CONTACT: The Manufacturing Extension Partnership Environmental Projects Manager, 301–975–5020.

SUPPLEMENTARY INFORMATION: In the November 14, 1994 **Federal Register**, Volume 59, No. 218, 59 FR 56439, the National Institute of Standards and Technology published a notice of proposed rulemaking to add 15 CFR part 291 to provide for the integration of environmental services and resources into the national manufacturing extension system and to codify the process by which NIST will solicit and select applications for cooperative agreements and financial assistance on projects which have the dual benefit of promoting the competitiveness and environmental soundness of smaller U.S. manufacturers. No comments on the rules were received. These final rules are the same as the proposed rules with the addition of section 291.6 which clarifies the additional requirements to which recipients and subrecipients are subject.

The purpose of the National Institute of Standards and Technology Manufacturing Extension Partnership is to promote the competitiveness of smaller U.S. manufacturers. This is done primarily through technical assistance provided by a network of nonprofit manufacturing extension centers. The purpose of this rule is to provide for the integration of environmental services and resources into the national manufacturing extension system and to codify the process by which NIST will solicit and select applications for cooperative agreements and financial assistance on projects which have the dual benefit of promoting the competitiveness and environmental soundness of smaller U.S. manufacturers. Proposals from qualified organizations will periodically be solicited for projects which accomplish any one of the following objectives:

Integration of Environmental Services Into Manufacturing Extension Centers: to support the integration of environmentally-focused technical assistance, and especially pollution prevention assistance, for smaller manufacturers into the broader services

provided by manufacturing extension centers.

Development of Environmentally Related Technical Assistance Tools and Techniques: to support the initial development and implementation of tools or techniques which will aide manufacturing extension organizations in providing environmentally-related services, and especially pollution prevention services, to smaller manufacturers and which also may be of direct use by the smaller manufacturers themselves. Specific industry sectors and categories of tools and techniques may be specified in solicitations.

Pilots for National Industry-Specific Pollution Prevention and Environmental Compliance Information Centers: to support the pilot implementation of national centers for specific industry sectors specified in solicitations. The centers will provide easy access to relevant, current, reliable and comprehensive information on innovative technologies, pollution prevention opportunities and regulatory compliance.

Integration projects are open to existing manufacturing extension affiliates of the NIST Manufacturing Extension Partnership.

Projects for development of tools or techniques and national information centers are open to all nonprofit organizations including universities, community colleges, state governments, and independent nonprofit organizations.

Announcements of solicitations will be made in the Commerce Business Daily.

In accordance with the provisions of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(1) and (c)(3) and 2781), as amended, NIST will provide assistance to integrate environmentally-related services and resources into the national manufacturing extension system. This assistance will be provided by NIST often in cooperation with other federal agencies such as the EPA. Under the NIST Manufacturing Extension Partnership (MEP), NIST will periodically make merit-based awards to existing MEP manufacturing extension affiliates for integration of environmental services into extension centers and to non-profit organizations for development of environmentally-related tools and techniques. In addition, NIST will initiate pilot centers providing environmental information for specific industrial sectors to be specified in solicitations. MEP assumes a broad definition of manufacturing, and recognizes a wide range of technology and concepts, including durable goods production; chemical, biotechnology, and other materials processing; electronic component and system fabrication; and engineering services associated with manufacturing, as lying within the definition of manufacturing.

Classification

This notice relating to public property, loans, grants, benefits, or contracts is exempt from all requirements of section 553 of the Administrative Procedure Act (5 U.S.C. 553(a)(2)) including notice and opportunity for comment. Therefore, a Regulatory Flexibility Analysis is not required and was not prepared for this notice for purposes of the Regulatory Flexibility Act (5 U.S.C. 603 and 604). The program is not a major Federal action requiring an environmental assessment under the National Environmental Policy Act. This notice does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612. This notice contains collection of information requirements subject to the Paperwork Reduction Act which have been approved by the Office of Management and Budget (OMB Control Number 0693–0010, 0348–0043 and 0348–0044). Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the address shown above; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

It has been determined that this rule is not significant for purposes of EO 12866.

List of Subjects in 15 CFR Part 291

Environmental projects, Environmental compliance assistance, Manufacturing extension, Pollution prevention assistance, Technical assistance.

Dated: January 13, 1995.

Samuel Kramer,

Associate Director.

For the reasons set out in the preamble, 15 CFR part 291 is added as set forth below.

PART 291—MANUFACTURING EXTENSION PARTNERSHIP; ENVIRONMENTAL PROJECTS

Sec.

Authority: 15 U.S.C. § 272(b)(1) and (c)(3) and § 2781.

§ 291.1 Program description.

(a) In accordance with the provisions of the National Institute of Standards and Technology Act (15 U.S.C. § 272(b)(1) and (c)(3) and § 2781), as amended, NIST will provide financial assistance to integrate environmentally-related services and resources into the national manufacturing extension system. This assistance will be provided by NIST often in cooperation with the EPA. Under the NIST Manufacturing Extension Partnership (MEP), NIST will periodically make merit-based awards to existing MEP manufacturing extension affiliates for integration of environmental services into extension centers and to non-profit organizations for development of environmentally-related tools and techniques. In addition, NIST will initiate pilot centers providing environmental information for specific industrial sectors to be specified in solicitations. MEP assumes a broad definition of manufacturing, and recognizes a wide range of technology and concepts, including durable goods production; chemical, biotechnology, and other materials processing; electronic component and system fabrication; and engineering services associated with manufacturing, as lying within the definition of manufacturing.

(b) *Announcements of solicitations.* Announcements of solicitations will be made in the Commerce Business Daily. Specific information on the level of funding available and the deadline for proposals will be contained in that announcement. In addition, any specific industry sectors or types of tools and techniques to be focused on will be specified in the announcement.

(c) *Proposal workshops.* Prior to an announcement of solicitation, NIST may announce opportunities for potential applicants to learn about these projects through workshops. The time and place of the workshop(s) will be contained in a Commerce Business Daily announcement.

(d) *Indirect costs.* The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

(e) *Proposal format.* The Proposal must not exceed 20 typewritten pages in length for integration proposals. Proposals for tools and techniques projects and national information centers must not exceed 30 pages in length. The proposal must contain both technical and cost information. The Proposal page count shall include every page, including pages that contain words, table of contents, executive summary, management information and qualifications, resumes, figures, tables, and pictures. All proposals shall be printed such that pages are single-sided, with no more than fifty-five (55) lines per page. Use 21.6 x 27.9 cm (8½″ x 11″) paper or A4 metric paper. Use an easy-to-read font of not more than about 5 characters per cm (fixed pitch font of 12 or fewer characters per inch or proportional font of point size 10 or larger). Smaller type may be used in figures and tables, but must be clearly legible. Margins on all sides (top, bottom, left and right) must be at least 2.5 cm. (1″). The applicant may submit a separately bound document of appendices, containing letters of support for the Basic Proposal. The basic proposal should be self-contained and not rely on the appendices for meeting criteria. Excess pages in the Proposal will not be considered in the evaluation. Applicants must submit one signed original plus six copies of the proposal along with Standard Form 424, 424A (Rev 4/92) and Form CD–511.

(f) *Content of basic proposal.* The Basic Proposal must, at a minimum, include the following:

(1) An executive summary summarizing the planned project consistent with the Evaluation Criteria stated in this notice.

(2) A description of the planned project sufficient to permit evaluation of the proposal in accordance with the proposal Evaluation Criteria stated in this notice.

(3) A budget for the project which identifies all sources of funds and which breaks out planned expenditures by both activity and object class (e.g., personnel, travel, etc.).

(4) A description of the qualifications of key personnel who will be assigned to work on the proposed project.

(5) A statement of work that discusses the specific tasks to be carried out, including a schedule of measurable events and milestones.

(6) A Standard Form 424, 424A (Rev 4–92) prescribed by the applicable OMB circular and Form CD–511, Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying. SF–424, 424A (Rev 4–92) and Form CD–511 will not be considered part of the page count of the Basic Proposal.

(7) The application requirements and the standard form requirements have been approved by OMB (OMB Control Number 0693–0010, 0348–0043 and 0348–0044).

(g) *Applicable federal and departmental guidance.* This includes: Administrative Requirements, Cost Principles, and Audits. [Dependent upon type of Recipient organization: nonprofit, for-profit, state/local government, or educational institution]

(1) *Nonprofit organizations.*

(i) OMB Circular A–110—Uniform Administrative Requirements of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

(ii) OMB Circular A–122—Cost Principles for Nonprofit Organizations.

(iii) 15 CFR part 29b—Audit Requirements for Institutions of Higher Education and Other Nonprofit Organizations [implements OMB Circular A–133—Audits for Institutions of Higher Education and Other Nonprofit Organizations].

(2) *State/local governments.*

(i) 15 CFR part 24—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

(ii) OMB Circular A–87—Cost Principles for State and Local Governments.

(iii) 15 CFR part 29a—Audit Requirements for State and Local Governments [implements OMB Circular A–128—Audit of State and Local Governments].

(3) *Educational institutions*

(i) OMB Circular A–110—Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

(ii) OMB Circular A–21—Cost Principles for Educational Institutions.

(iii) 15 CFR part 29b—Audit Requirements for Institutions of Higher Education and Other Nonprofit Organizations [implements OMB Circular A–133—Audits for Institutions of Higher Education and Other Nonprofit Organizations].

§ 291.2 Environmental integration projects.

(a) *Eligibility criteria.* Eligible applicants for these projects are manufacturing extension centers or state technology extension programs which at the time of solicitation have grants, cooperative agreements or contracts with the NIST Manufacturing Extension Partnership. Only one proposal per organization per solicitation is permitted in this category.

(b) *Project objective.* The purpose of these projects is to support the integration of environmentally-focused technical assistance, and especially pollution prevention assistance, for smaller manufacturers into the broader services provided by existing MEP manufacturing extension centers. Proposers are free to structure their project in whatever way will be most effective and efficient in increasing the ability of the center to deliver high quality environmental and pollution prevention technical assistance (either directly or in partnership with other organizations). Following are some examples of purposes for which these funds could be used. This list is by no means meant to be all inclusive. A center might propose a set of actions encompassing several of these examples as well as others.

(1) *Environmental needs assessment.* Detailed assessment of the environmentally-related technical assistance needs of manufacturers within the state or region of the manufacturing extension center. This would be done as part of a broader plan to incorporate environmentally related services into the services of the manufacturing extension center. The center might propose to document its process and findings so that other centers may learn from its work.

(2) *Partnership with another organization.* The center might propose to partner with an existing organization which is providing environmentally-focused technical assistance to manufacturers. The partnership would lead to greater integration of service delivery through joint technical assistance projects and joint training.

(3) *Accessing private-sector environmental resources.* The center might propose to increase it's ability to access environmental technical services for smaller manufacturers from environmental consultants or environmental firms.

(4) *Training of field engineers/agents in environmental topics.* Funding for training which empowers the field engineer/agent with the knowledge needed to recognize potential environmental, and especially pollution prevention, problems and opportunities. In addition, training might be funded which empowers the field engineer/agent with the knowledge needed to make appropriate recommendations for solutions or appropriate referrals to other sources of information or expertise. The over-arching goal is for the field engineer/agent to enable the manufacturer to be both environmentally clean and competitive.

(5) *Access to environmentally related information or expertise.* A center might propose to fund access to databases or other sources of environmentally-related information or expertise which might be necessary to augment the environmentally focused activities of the manufacturing extension center.

(6) *Addition of environmentally focused staff.* It may be necessary for manufacturing extension centers to have an environmental program manager or lead field engineer/agent with environmental training and experience. Funds could be requested to hire this person. However, the proposer would have to demonstrate a clear and reasonable plan for providing for the support of this person after the funds provided under this project are exhausted since no commitment is being made to on-going funding.

(c) *Award period.* Projects initiated under this category may be carried out over multiple years. The proposer should include optional second and third years in their proposal. Proposals selected for award may receive one, two or three years of funding from currently available funds at the discretion of DOC. If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with that award. A separate cooperative agreement will be written with winning applicants. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC. It is anticipated that successful projects will be given the opportunity to roll the funding for these efforts into the base funding for the extension center. Such a roll-over will be based on a performance review and the availability of funds.

(d) *Matching requirements.* No matching funds are required for these proposals. However, the presence of matching funds (cash and in-kind) will be considered in the evaluation under the Financial Plan criteria.

(e) *Environmental integration projects evaluation criteria.* In most solicitations, preference will be given to projects which are focused on a single industry sector. This is desired to build on the expertise and resources which are being built in tools and resources projects in these industry sectors. Industry focus will be specified in the solicitation announcement. However, actual services need not be limited exclusively to this sector. In addition preference may be given to extension centers which do not have extensive environmentally-related services already in place. In addition to these preferences, the criteria for selection of awards will be as follows in descending order of importance:

(1) *Demonstrated commitment to incorporating environmentally related services.* The extension center must demonstrate its commitment to incorporate environmentally-related technical services into its overall manufacturing extension services even after funding for this project is exhausted. It is not the objective of this effort to establish completely autonomous environmentally focused extension centers. Rather, the goal is to ensure that such services are integrated directly with general manufacturing extension services focused on competitiveness. The center must demonstrate that such integration will take place. Factors that may be considered include: The amount of matching funds devoted to the efforts proposed as demonstration of the center's commitment to the activity; indication that environmental services are a significant aspect of the organization's long range planning; strength of commitment and plans for continuing service beyond funding which might be awarded through this project; the degree to which environmental services will become an integral part of each field engineers' portfolio of services; the level of current or planned education and training of staff on relevant environmental issues; and the extent of environmentally related information and expert resources which will be easily accessible by field engineers.

(2) *Demonstrated understanding of the environmentally related technical assistance needs of manufacturers in the target population.* Target population must be clearly defined. The manufacturing center must demonstrate that it understands the populations environmentally related needs or include a coherent methodology for identifying those needs. The proposal should show that the efforts being proposed will enable the center to better meet those needs. Factors that may be considered include: A clear definition of the target population, its size and demographic characteristics; demonstrated understanding of the target population's environmental technical assistance needs or a plan to develop this understanding; and appropriateness of the size of the target population and the anticipated impact for the proposed expenditure.

(3) *Coordination with other relevant organizations.* Wherever possible the project should be coordinated with and leverage other organizations which are providing high quality environmentally-related services to manufacturers in the same target population or which have relevant resources which can be of assistance in the proposed effort. If no such organizations exist, the proposal should build the case that there are no such organizations. Applicants will need to describe how they will coordinate to allow for increased economies of scale and to avoid duplication of services in providing assistance to small and medium-sized manufacturers. Factors that may be considered include: Demonstrated understanding of existing organizations and resources relevant for providing technology assistance related services to the target population; adequate linkages and partnerships with existing organizations and clear definition of those organizations' roles in the proposed activities; and that the proposed activity does not duplicate existing services or resources.

(4) *Program evaluation:* The applicant should specify plans for evaluation of the effectiveness of the proposed program and for ensuring continuous improvement of program activities. Factors that may be considered include: Thoroughness of evaluation plans, including internal evaluation for management control, external evaluation for assessing outcomes of the activity, and ''customer satisfaction'' measures of performance.

(5) *Management experience and plans.* Applicants should specify plans for proper organization, staffing, and management of the implementation process. Factors that may be considered include: Appropriateness and authority of the governing or managing organization to conduct the proposed activities; qualifications of the project team and its leadership to conduct the proposed activity; soundness of any staffing plans, including recruitment, selection, training, and continuing professional development; appropriateness of the organizational approach for carrying out the proposed activity; evidence of involvement and support by private industry.

(6) *Financial plan:* Applicants should show the relevance and cost effectiveness of the financial plan for meeting the objectives of the project; the firmness and level of the applicant's total financial support for the project; and a plan to maintain the program after the cooperative agreement has expired. Factors that may be considered include: Reasonableness of the budget both in income and expenses; strength of commitment and amount of the proposer's cost share, if any; effectiveness of management plans for control of budget; appropriateness of matching contributions; and plans for

maintaining the program after the cooperative agreement has expired.

§ 291.3 Environmental tools and techniques projects.

(a) *Eligibility criteria.* Eligible applicants for these projects include all nonprofit organizations including universities, community colleges, state governments, state technology programs and independent nonprofit organizations. Organizations may submit multiple proposals under this category in each solicitation for unique projects.

(b) *Project objective.* The purpose of these projects is to support the initial development and implementation of tools or techniques which will aide manufacturing extension organizations in providing environmentally-related services to smaller manufacturers and which may also be of direct use by the smaller manufacturers themselves. Specific industry sectors to be addressed and sub-categories of tools and techniques may be specified in solicitations. These sectors or sub-categories will be specified in the solicitation announcement. Examples of tools and techniques include, but are not limited to, manufacturing assessment tools, environmental benchmarking tools, training delivery programs, electronically accessible environmental information resources, environmental demonstration facilities, software tools, etc. Projects must be completed within the scope of the effort proposed and should not require on-going federal support.

(c) *Award period.* Projects initiated under this category may be carried out over up to three years. Proposals selected for award will receive all funding from currently available funds. If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

(d) *Matching requirements.* No matching funds are required for these proposals. However, the presence of matching funds (cash and in-kind) will be considered in the evaluation under the Financial Plan criteria.

(e) *Environmental tools and techniques projects evaluation criteria.* Proposals from applicants will be evaluated and rated on the basis of the following criteria listed in descending order of importance:

(1) *Demonstrated understanding of the environmentally-related technical assistance needs of manufacturers and technical assistance providers in the target population.* Target population must be clearly defined. The proposal must demonstrate that it understands the population's environmentally related tool or technique needs. The proposal should show that the efforts being proposed meet the needs identified. Factors that may be considered include: A clear definition of the target population, size and demographic distribution; demonstrated understanding of the target population's environmental tools or techniques needs; and appropriateness of the size of the target population and the anticipated impact for the proposed expenditure.

(2) *Technology and information sources.* The proposal must delineate the sources of technology and/or information which will be used to create the tool or resource. Sources may include those internal to the center (including staff expertise) or from other organizations. Factors that may be considered include: Strength of core competency in the proposed area of activity; and demonstrated access to relevant technical or information sources external to the organization.

(3) *Degree of integration with the manufacturing extension partnership.* The proposal must demonstrate that the tool or resource will be integrated into and will be of service to the NIST Manufacturing Extension Centers. Factors that may be considered include: Ability to access the tool or resource especially for MEP extension centers; methodology for disseminating or promoting use of the tool or technique especially within the MEP system; and demonstrated interest in using the tool or technique especially by MEP extension centers.

(4) *Coordination with other relevant organizations.* Wherever possible the project should be coordinated with and leverage other organizations which are developing or have expertise on similar tools or techniques. If no such organizations exist, the proposal should show that this the case. Applicants will need to describe how they will coordinate to allow for increased economies of scale and to avoid duplication. Factors that may be considered include: Demonstrated understanding of existing organizations and resources relevant to the proposed project; Adequate linkages and partnerships with existing organizations and clear definition of those organizations' roles in the proposed activities; and that the proposed activity does not duplicate existing services or resources.

(5) *Program evaluation.* The applicant should specify plans for evaluation of the effectiveness of the proposed tool or technique and for ensuring continuous improvement of the tool. Factors that may be considered include: Thoroughness of evaluation plans, including internal evaluation for management control, external evaluation for assessing outcomes of the activity, and ''customer satisfaction'' measures of performance.

(6) *Management experience and plans.* Applicants should specify plans for proper organization, staffing, and management of the implementation process. Factors that may be considered include: Appropriateness and authority of the governing or managing organization to conduct the proposed activities; qualifications of the project team and its leadership to conduct the proposed activity; soundness of any staffing plans, including recruitment, selection, training, and continuing professional development; and appropriateness of the organizational approach for carrying out the proposed activity.

(7) *Financial plan:* Applicants should show the relevance and cost effectiveness of the financial plan for meeting the objectives of the project; the firmness and level of the applicant's total financial support for the project; and a plan to maintain the program after the cooperative agreement has expired. Factors that may be considerable include: Reasonableness of the budget, both in income and expenses; strength of commitment and amount of the proposers's cost share, if any; effectiveness of management plans for control of budget appropriateness of matching contributions; and plan for maintaining the program after the cooperative agreement has expired.

§ 291.4 National industry-specific pollution prevention and environmental compliance resource centers.

(a) *Eligibility criteria.* Eligible applicants for these projects include all nonprofit organizations including universities, community colleges, state governments, state technology programs and independent nonprofit organizations. Only one proposal per organization is permitted in this category.

(b) *Project objective.* These centers will provide easy access to relevant, current, reliable and comprehensive information on pollution prevention opportunities, regulatory compliance and technologies and techniques for reducing pollution in the most competitive manner for a specific industry sector or industrial process. The sector or industrial process to be addressed will be specified in the

solicitation. The center will enhance the ability of small businesses to implement risk based pollution prevention alternatives to increase competitiveness and reduce adverse environmental impacts. The center should use existing resources, information and expertise and will avoid duplication of existing efforts. The information provided by the center will create links between relevant EPA Pollution Prevention programs, EPA and other technical information, NIST manufacturing extension efforts, EPA regulation and guidance, and state requirements. The center will emphasize pollution prevention methods as the principal means to both comply with government regulations and enhance competitiveness.

(c) *Project goal.* To improve the environmental and competitive performance of smaller manufacturers by:

(1) Enhancing the national capability to provide pollution prevention and regulatory requirements information (federal, state and local) to specific industries.

(2) Providing easy access to relevant and reliable information and tools on pollution prevention technologies and techniques that achieve manufacturing efficiency and enhanced competitiveness with reduced environmental impact.

(3) Providing easy access to relevant and reliable information and tools to enable specific industries to achieve the continued environmental improvement to meet or exceed compliance requirements.

(d) *Project customers.* (1) The customers for this center will be the businesses in the industrial sector or businesses which use the industrial process specified as the focus for the solicitation. In addition, consultants providing services to those businesses, the NIST Manufacturing Extension Centers, and federal state and local programs providing technical, pollution prevention and compliance assistance.

(2) The center should assist the customer in choosing the most cost-effective, environmentally sound options or practices that enhance the company's competitiveness. Assistance must be accessible to all interested customers. The center, wherever feasible, shall use existing materials and information to enhance and develop the services to its customers. The centers should rarely, if ever, perform research, but should find and assimilate data and information produced by other sources. The center should not duplicate any existing distribution system. The center should distribute and provide information, but should not directly provide on-site assistance to customers. Rather, referrals to local technical assistance organizations should be given when appropriate. Information would likely be available through multiple avenues such as phone, fax, electronically accessible data bases, printed material, networks of technical experts, etc.

(e) *Award period.* The pilot initiated under this category may be carried out over multiple years. The proposers should include optional second and third years in their proposal. Proposals selected for award may receive one, two or three years of funding from currently available finds at the discretion of DOC. If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC. Successful centers may be given an opportunity to receive continuing funding as a NIST manufacturing center after the expiration of their initial cooperative agreement. Such a roll-over will be based upon the performance of the center and availability of funding.

(f) *Matching requirements.* A matching contribution from each applicant will be required. NIST may provide financial support up to 50% of the total budget for the project. The applicant's share of the budget may include dollar contributions from state, county, industrial or other non-federal sources and non-federal in-kind contributions necessary and reasonable for proper accomplishment of project objectives.

(g) *Resource center evaluation criteria.* Proposals from applicants will be evaluated and rated on the basis of the following criteria listed in descending order of importance:

(1) *Demonstrated understanding of the environmentally-related information needs of manufacturers and technical assistance providers in the target population.* Understanding the environmentally-related needs of the target population (i.e., customers) is absolutely critical to the success of such a resource center. Factors that may be considered include: A clear definition of the target population, size and demographic distribution; demonstrated understanding of the target population's environmentally-related information needs or a clear plan for identifying those customer needs; and methodologies for continually improving the understanding of the target population's environmentally-related information needs.

(2) *Delivery mechanisms.* The proposal must set forth clearly defined, effective mechanisms for delivery of services to target population. Factors that may be considered include: Potential effectiveness and efficiency of proposed delivery systems; and demonstrated capacity to form the effective linkages and partnerships necessary for success of the proposed activity.

(3) *Technology and information sources.* The proposal must delineate the sources of information which will be used to create the informational foundation of the resource center. Sources may include those internal to the Center (including staff expertise), but it is expected that many sources will be external. Factors that may be considered include: Strength of core competency in the proposed area of activity; demonstrated access to relevant technical or information sources external to the organization.

(4) *Degree of integration with the manufacturing extension partnership and other technical assistance providers.* The proposal must demonstrate that the source center will be integrated into the system of services provided by the NIST Manufacturing Extension Partnership and other technical assistance providers. Factors that may be considered include: Ability of the target population including MEP Extension Centers to access the resource center; and methodology for disseminating or promoting use of the resource center especially within the MEP system.

(5) *Coordination with other relevant organizations.* Wherever possible the project should be coordinated with and leverage other organizations which are developing or have expertise on similar tools or techniques. If no such organizations exist, the proposal should show that this is the case. Applicants will need to describe how they will coordinate to allow for increased economies of scale and to avoid duplication. Factors that may be considered include: Demonstrated understanding of existing organizations and resources relevant to the proposed project; and adequate linkages and partnerships with existing organizations and clear definition of those organizations' roles in the proposed activities.

(6) *Program evaluation.* The applicant should specify plans for evaluation of the effectiveness of the proposed resource center and for ensuring continuous improvement. Factors that may be considered include: Thoroughness of evaluation plans, including internal evaluation for management control, external evaluation for assessing outcomes of the

activity, and ''customer satisfaction'' measures of performance; and the proposer's plan must include documentation, analysis of the results, and must show how the results can be used in improving the resource center.

(7) *Management experience and Plans.* Applicants should specify Plans for proper organization, staffing, and management of the implementation process. Factors that may be considered include: Appropriateness and authority of the governing or managing organization to conduct the proposed activities; qualifications and experience of the project team and its leadership to conduct the proposed activity; soundness of any staffing plans, including recruitment, selection, training, and continuing professional development; and appropriateness of the organizational approach for carrying out the proposed activity.

(8) *Financial plan.* Applicants should show the relevance and cost effectiveness of the financial plan for meeting the objectives of the project; the firmness and level of the applicant's total financial support for the project; and a plan to maintain the program after the cooperative agreement has expired. Factors that may be considered include: Reasonableness of the budget, both in income and expenses; strength of commitment and amount of the proposer's *cost share*; effectiveness of management plans for control of the budget; and appropriateness of matching contributions.

§ 291.5 Proposal selection process.

The proposal evaluation and selection process will consist of three principal phases: Proposal qualification; proposal review and selection of finalists; and award determination.

(a) *Proposal qualification.* All proposals will be reviewed by NIST to assure compliance with the proposal content and other basic provisions of this notice. Proposals which satisfy these requirements will be designated qualified proposals; all others will be disqualified at this phase of the evaluation and selection process.

(b) *Proposal review and selection of finalists.* NIST will appoint an evaluation panel composed of NIST and in some cases other federal employees to review and evaluate all qualified proposals in accordance with the evaluation criteria and values set forth in this notice. A site visit may be required to make full evaluation of a proposal. From the qualified proposals, a group of finalists will be numerically ranked and recommended for award based on this review.

(c) *Award determination.* The Director of the NIST, or her/his designee, shall select awardees based on total evaluation scores, geographic distribution, and the availability of funds. All three factors will be considered in making an award. Upon the final award decision, a notification will be made to each of the proposing organizations.

§ 291.6 Additional requirements; federal policies and procedures.

Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 211

[Docket No. 90N–0376]

RIN 0905–AA73

Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding of Drugs; Amendment of Certain Requirements for Finished Pharmaceuticals

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising certain requirements of the current good manufacturing practice (CGMP) regulations for finished human and veterinary pharmaceuticals. The changes include clarifying the degree of discretion provided to manufacturers to determine whether separate or defined areas of production and storage are necessary, clarifying the standard used to determine the degree of scrutiny necessary to check the accuracy of the input to and output from computer systems, exempting investigational new drug products from bearing an expiration date, permitting the use of a representative sampling plan for the examination of reserve samples, and clarifying the manufacturer's responsibilities regarding batch records during the annual evaluation of drug product quality standards. These revisions will reduce regulatory burdens.

EFFECTIVE DATE: February 21, 1995.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 14, 1981 (46 FR 36332), FDA announced that it was undertaking a review of existing regulations with the goal of minimizing regulatory burdens while maintaining an acceptable level of consumer protection. The public was invited to submit information to assist the agency in deciding the priority of review. FDA invited data that would enable the agency to identify specific existing regulations or groups of regulations perceived to be unnecessarily costly, burdensome, or without public benefit, and on the potential savings to be derived from revising or removing regulations.

In the **Federal Register** of July 2, 1982 (47 FR 29004), FDA announced its review priorities based on comments from 125 individuals and organizations. One area selected for regulatory review was part 211 (21 CFR part 211), the regulations that govern CGMP for finished pharmaceuticals.

This, in turn, led to an internal retrospective review that resulted in recommendations to the agency. As a result of the agency review, in the **Federal Register** of February 12, 1991 (56 FR 5671), FDA issued a proposed rule incorporating the recommendations resulting from the review (hereinafter referred to as the proposed rule). Consideration of these comments and any resulting revisions have been incorporated into this final rule and are discussed in detail below.

The agency's review of CGMP regulations is ongoing and FDA anticipates further revisions based on the agency's experience with the regulations, enforcement efforts, and communications with industry and the general public.

II. The Agency's Retrospective Review

The agency conducted an internal retrospective review (the review) of CGMP regulations to determine if any existing provisions should be changed, modified, or removed. Based on that review, the agency concluded that there was a continuing need for the CGMP regulations to protect public health and safety. FDA's examination of individual CGMP provisions revealed that most were necessary and effective in addressing the underlying issues and concerns. The review did, however, result in recommended changes in particular CGMP regulations. These changes were intended to provide drug manufacturers with more flexibility and discretion in manufacturing drug products while maintaining the manufacturing control necessary to ensure drug product quality. The proposed changes are discussed below.

Section 211.42(c) requires separate or defined areas for a firm's operation to prevent contamination or a mixup of drug products or their ingredients. Although the agency's review found that, in general, this provision did not, with the exception of areas of aseptic processing or penicillin production, require the construction of physical barriers, FDA recognized that the word ''defined'' might be subject to differing interpretations. FDA concluded that amending this provision would clarify that, in most cases, manufacturers may exercise their judgment to determine whether separate or defined areas of production and storage are necessary. The agency is currently evaluating the matter of separate or defined areas of production and storage and may, if necessary, issue further clarification in the future.

Several CGMP regulations require that manufacturers take steps to check the accuracy of equipment used in drug production. For example, § 211.68(b) addresses the accuracy of computerized records and data. A number of comments opposed routine checking of the accuracy of input to or output from a previously validated computer on the basis that it was duplicative, redundant, and expensive. FDA reviewed these comments and concluded that, although automated systems may be less prone to error, such systems are not perfect and need to be monitored. Following its review, however, FDA agreed that the degree of monitoring required for computerized systems would differ from that required for manual operations. FDA concluded that this provision of the CGMP regulations should be revised to clarify that the degree and frequency of input/output verification be based on the complexity and reliability of the computer or related system.

Before its retrospective review of the CGMP regulations, FDA declined to grant investigational drug products an unqualified exemption from all or most of the CGMP requirements. Following the retrospective review, however, FDA concluded that it was not always possible to obtain expiration dates for investigational drug products because relatively little stability data may be available at the beginning of a clinical investigation. FDA concluded that the expiration dating requirement should be eliminated for investigational new drug application (IND) products so long as such products otherwise meet the stability requirements provided in the regulation.

Section 211.170(b) requires that most reserve samples be examined visually at least once a year for evidence of deterioration. Manufacturers must keep reserve samples that are representative of each lot or batch of finished drug product. The reserve sample is to consist of at least twice the quantity necessary for all required tests. Comments responding to the July 14, 1981, notice, as well as other communications subsequently received by the agency, recommended deleting this requirement because of the large cost to firms that produce large numbers of lots (or batches) of a drug product. The comments further asserted that this requirement was redundant given other provisions of the regulations.

FDA declines to eliminate this requirement because suggested alternatives do not provide effective surveillance of all lots of a drug product. The agency believes the yearly inspection is necessary to ensure the quality of the drug product. However, following the retrospective review, FDA concluded that manufacturers could meet their obligations under this regulation in a less burdensome way by conducting an annual visual inspection of reserve samples from a representative number of reserve sample lots. Therefore, FDA is revising the regulation to permit the use of a representative sampling plan for examination of reserve samples.

Section 211.180 provides general requirements for the retention, treatment, and handling of CGMP records and reports. Section 211.180(e) requires the evaluation, at least annually, of the quality standards of each drug to determine the need for changes in drug product specifications. Firms must establish and follow written procedures for these annual evaluations, and § 211.180(e)(1) and (e)(2) requires that several specific items be included in such written procedures. For example, § 211.180(e)(1) requires these written procedures to provide for ''[a] review of every batch, whether approved or rejected, and, where applicable, records associated with the batch.''

Following the retrospective review, FDA concluded that some manufacturers, rather than examining representative batch records for each drug product manufactured during the year, construed this provision to require that every batch record was to be reviewed annually and evaluated according to written procedures. Following the retrospective review, FDA decided to clarify § 211.180(e)(1) on this point.

III. Comments on the Proposed Rule

FDA received several comments on the proposed rule. These comments came from pharmaceutical manufacturers, trade associations, and consumers. In general, the comments supported the agency's efforts to remove, where possible, regulatory requirements that could be eliminated without adversely affecting drug product quality. A section-by-section summary of the comments and the agency's response follow.

A. Design and Construction Features

Confusion about the interpretation of § 211.42(c), which requires separate or defined areas for a firm's operation to prevent contamination or mixup, led to the proposed revision of this provision. The proposed revision was intended to clarify that, in many situations, other control systems may be used in lieu of complete physical separation. The proposal would require separate or defined areas to prevent contamination or mixup ''as necessary.''

1. Comments on proposed § 211.42 generally supported the revision. Three comments, however, recommended that the wording be modified. One comment requested that the revision more explicitly emphasize that the utilization of computer-controlled inventory systems obviates the need for physical separation. Two comments suggested removal of any reference to separate or defined areas.

The agency agrees in part and disagrees in part with these comments. The preamble to the proposed rule noted that § 211.42(c) is intended to ensure that sufficient physical separation exists in manufacturing operations to prevent contamination or mixups, and that the degree of separation is dependent on the type of operation and its proximity to other operations in the plant (56 FR 5671 at

5672). The proposed revision was intended to make it clear that the regulation did not necessarily require a separate room or partitioned area. The agency does not, however, intend to disallow the possibility that, in certain instances, it may be necessary to require physical separation to prevent contamination or mixups and, as discussed above, is continuing to review this matter. Sophisticated computer systems may provide more effective inventory control and help reduce mixups, but certain substances, such as penicillin, may pose such a high risk of contamination that a separate or defined area is necessary to ensure the safety of drug products.

The agency has, therefore, retained the reference to separate or defined areas but has revised the final rule to clarify that other control systems may be used that are capable of preventing contamination and mixups. The agency stated in the preamble to the CGMP regulations published in the **Federal Register** of September 29, 1978 (43 FR 45014 at 45037), and reiterated in the proposed rule (56 FR 5671 at 5672 and 5673), and states again here that this provision is intended to ensure that: ''enough physical separation be employed as is necessary to prevent contamination or mixups. The degree of separation will depend on the type of operation and its proximity to other operations within the plant. The phrase 'separate or defined' is not intended necessarily to mean a separate room or partitioned area, if other controls are adequate to prevent mixups and contamination.''

The agency, on its own initiative, has also revised § 211.42 to clarify that the procedures in paragraphs (c)(1) through (c)(10) of that regulation should be protected from contamination or mixups.

B. Automatic, Mechanical, and Electronic Equipment

Section 211.68(b) deals with controls to be exercised over computer operation, data, and records. The provision requires, in part, that input to and output from a computer system or any related or similar system of formulas or data shall be checked for accuracy. The proposal would add a sentence stating that the degree and frequency of input/output verification from a computer or related system of formulas or other records or data are to be determined by the complexity and reliability of such a computer or related system.

2. Although all comments supported the proposed change to § 211.68(b), three of them would modify the wording. The comments suggested that the revised regulation does not accommodate the accepted use of validated computerized drug production and control systems.

FDA declines to amend the rule as suggested by the comments. The agency believes that the wording in the revised rule adequately encompasses the use of validated computerized drug production and control systems.

3. Two comments questioned the need for human verification of operations that are performed by validated computer systems. Both listed other regulations that were not the subject of the proposed rule that required more than one person to verify certain manufacturing operations, apparently in an effort to show that additional personnel would be needed to comply with proposed § 211.68.

FDA notes that the revisions to § 211.68 do not impose any specific personnel requirements. The agency, however, is aware that computers are subject to malfunctions; for example, the abrupt loss of data due to a computer ''crash'' can be a disruptive experience and possibly result in the loss of crucial information regarding the manufacturing process. Less dramatic events, such as faulty data entry or programming, can also trigger a chain of events that result in a serious production error and the possible distribution of an adulterated product. Thus, while increasingly sophisticated system safeguards and computerized monitoring of essential equipment and programs help protect data, no automated system exists that can completely substitute for human oversight and supervision.

The proposed rule stated (56 FR 5671 at 5673), and FDA reiterates here, that while the degree of verification is left to the manufacturer's discretion, the exercise of such discretion, under § 211.68, requires the use of routine accuracy checks to provide a high degree of assurance that input to and output from a computer or related system are reliable and accurate.

The agency intends that each manufacturer will exercise reasonable judgment based on a variety of factors, including, but not limited to, the complexity of the computer or related system, in developing a method to prevent inaccurate data input and output.

C. Expiration Dating

Proposed § 211.137(g) would exempt investigational drug products from expiration dating requirements provided appropriate stability studies demonstrate that such products meet appropriate standards or specifications during their use in clinical investigations.

4. All comments supported the proposed revision of § 211.137. Two comments, however, recommended changes to clarify the labeling requirements for new drug products for investigational use that are to be reconstituted at the time of dispensing. One comment suggested language specifying the requirement's application to new drug products for investigational use to avoid confusion with § 211.137(c), which applies to all drug products that are to be reconstituted at the time of dispensing.

The agency agrees with these comments and has revised the rule accordingly.

5. Proposed § 211.137(g) also deals with new drug products for investigational use that are to be reconstituted at the time of dispensing. The proposed regulation stated that labeling of such products would be required to bear expiration ''dating'' for the reconstituted drug product. One comment suggested changing the proposed requirement instead to require the labeling to bear expiration ''information'' for reconstituted drug products.

The requirement that expiration ''information'' be placed in the labeling of a drug product is found at § 211.137(c), and FDA agrees that this requirement should also apply to § 211.137(g). The final rule has been revised accordingly.

6. One comment recommended that the proposed exemption be extended to other clinical supplies not subject to IND requirements that are distributed for limited clinical testing, such as internal testing or evaluation in laboratories or for market research. Examples cited included drugs subject to over-the-counter drug monographs or Drug Efficacy Study Implementation requirements.

The agency does not agree that clinical supplies not subject to IND requirements should be exempt from expiration dating. The revision recognizes that for IND products it is often difficult or impossible to obtain the data upon which expiration dates are based. IND products are, therefore, exempt from expiration dating requirements provided that they meet appropriate standards or specifications as demonstrated by stability studies during their use in clinical investigations.

D. Reserve Samples

As previously noted, proposed § 211.170(b) would clarify FDA's intent

that this provision requires visual examination of reserve samples from representative sample lots or batches of a drug product once a year for evidence of deterioration unless such examination would affect the integrity of the reserve sample. The representative sample lots or batches would be selected by acceptable statistical procedures.

7. Although most comments agreed with the proposed change, several questioned the value of the annual visual examination requirement given other required procedures and programs such as stability testing, production record reviews, and complaint investigations.

The agency has carefully considered these comments and has concluded that the requirement for annual visual inspection should be retained. A sufficient number of batches may not be examined during the course of fulfilling the other required procedures and programs, or batches examined may not be representative of annual batch production. As a result, these other procedures and programs cannot replace the annual visual examination, which provides both manufacturers and consumers a greater degree of quality assurance.

8. Three comments requested clarification of the terms ''representative'' and ''acceptable statistical procedures.''

The agency does not believe that it is necessary or useful to define these terms. The terms have been used in the CGMP regulations for over a decade without apparent confusion due, in part, to a widespread recognition that the meaning of the term ''representative'' may vary from one product to another as well as with respect to the various manufacturing processes involved in producing a variety of products. In addition, an incomplete definition might fail to encompass the full variety of regulated products and processes, whereas a complete and inclusive definition with regard to currently available products and technology might not easily be adapted to new technology. Similarly, with respect to the term ''acceptable statistical procedures,'' a more detailed definition would not permit adaptation to or evolution with advances in statistical analysis.

9. Another comment suggested that the phrase ''acceptable statistical procedures'' could be interpreted to require FDA approval. The comment suggested that the term be changed to ''appropriate statistical procedures.''

As noted above, the agency does not believe that the suggested change is necessary or useful. The agency emphasizes that the selection of acceptable statistical procedures does not involve prior agency approval. The choice of such procedures should, however, be based on a knowledge of current statistical methodology and include consideration of the application of such methodology to a particular drug product.

E. General Requirements

Section 211.180(e) requires that written records be maintained so that the data contained therein are available at least annually for evaluation of the quality standards for drug products. Proposed § 211.180(e)(1) was intended to correct the misinterpretation that the regulation required the review of every batch record for every drug product produced during the year. The proposed rule revised the language to require at least annually a review of a representative number of batch records.

10. One comment noted that current technology makes it possible to use computer data to evaluate product quality data to detect adverse trends. The comment asserted that such an approach permitted more effective and frequent evaluation of such data.

The agency agrees that technological advances can produce gains in both the accuracy of data evaluation and the speed at which the process can be conducted, and FDA encourages the use of technology that helps safeguard the integrity of the manufacturing process. However, such computerized information must be used as a complement to, and not as a substitute for, human judgment and intervention. Computerized assessments must be monitored by qualified individuals to detect trends that may provide an early indication of changes in drug product specifications or manufacturing or control procedures that merit attention and intervention. Moreover, other factors such as product complaints and recall information may not be included in the computer data.

11. Several comments requested clarification about the types of records subject to the batch review requirement.

The proposed rule was not intended to change the types of records subject to annual review, but instead to allow review of a representative number of batches in lieu of examining all records from every batch. FDA has, therefore, clarified the final rule to require a review of a representative number of batches, whether approved or rejected, and where applicable, records associated with those batches.

The overall intent of § 211.180(e) is to provide manufacturers with reliable procedures for reviewing the quality standards for each drug product. Thus, FDA advises that, although this final rule does not in all cases require an annual review of every batch record, adopting a procedure to check every batch record would clearly be appropriate if, for example, a representative review of batch records showed an adverse trend in quality.

12. One comment advised that some firms may confuse the requirements with regard to the annual review of representative batches with the requirements for batch review prior to the release of a product under § 211.192.

FDA disagrees with the comment. The final rule amends § 211.180(e), which requires that written records be maintained so that data can be used for evaluating, at least annually, the quality standards of each drug product. Section 211.192, by contrast, specifically requires a quality control unit to review drug product production and control records to determine compliance with written procedures prior to the release of a drug product batch. In brief, § 211.180(e) involves a retrospective overall evaluation of the adequacy of the quality standards for drug products, while § 211.192 involves a contemporaneous evaluation of a drug batch to determine its conformity, at the time of marketing, with current quality standards.

13. One comment suggested allowing a biennial review to permit trend analysis when three or fewer product batches are produced each year.

FDA disagrees with this comment. The agency believes that a 2-year interval between formal review of batches is inadequate. Potential problems with product quality standards could go undetected and thereby delay recognition of a need to revise specifications or manufacturing or control procedures. If a serious error is not detected for a long period, the resulting product could pose a threat to public health and safety. Moreover, a trend analysis may be performed in situations where only a few batches are produced annually by using batches produced in preceding years.

14. One comment strongly opposed the proposed changes, stating that every batch record must be reviewed to detect ''drift'' or changes in specifications for components, manufacturing processes, or other procedures. The comment asserted that, without reviewing every batch, deleterious changes might be instituted by a firm employee or employees without the full knowledge of their superiors, particularly the firm's research and development group.

The agency does not believe such additional measures are necessary. This CGMP provision does not stand alone but must be read in context with other CGMP regulations. Those regulations provide a variety of safeguards for different stages and aspects of the drug manufacturing process. It is the CGMP regulations, taken as a whole, that help ensure drug quality. Moreover, the consequences of widespread disclosure of problems with drug product quality resulting from a recall or other ameliorative action are sufficiently severe to provide most firms with a continuing incentive to maintain product quality. The agency has carefully reviewed this issue and believes that the final rule will not reduce drug product quality.

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(10) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this rule is consistent with the regulatory philosophy and principles identified in the Executive Order. The amendments to the CGMP regulations are intended to allow drug manufacturers more flexibility and discretion in manufacturing drug products while maintaining those CGMP requirements necessary to ensure drug product quality. Because this may encourage innovation and the development of more efficient manufacturing procedures that should lead to cost savings for drug manufacturers. In addition, the rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

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

List of Subjects in 21 CFR Part 211

Drugs, Labeling, Laboratories, Packaging and containers, Prescription drugs, Reporting and recordkeeping requirements, Warehouses.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 211 is amended as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

1. The authority citation for 21 CFR part 211 continues to read as follows:

Authority: Secs. 201, 501, 502, 505, 506, 507, 512, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 355, 356, 357, 360b, 371, 374).

2. Section 211.42 is amended in the introductory text of paragraph (c) by revising the second sentence to read as follows:

§ 211.42 Design and construction features.

* * * * *

(c) * * * There shall be separate or defined areas or such other control systems for the firm's operations as are necessary to prevent contamination or mixups during the course of the following procedures:

* * * * *

3. Section 211.68 is amended by adding a new sentence after the second sentence in paragraph (b) to read as follows:

§ 211.68 Automatic, mechanical, and electronic equipment.

* * * * *

(b) * * * The degree and frequency of input/output verification shall be based on the complexity and reliability of the computer or related system. * * *

4. Section 211.137 is amended by redesignating paragraph (g) as paragraph (h), and by adding new paragraph (g) to read as follows:

§ 211.137 Expiration dating.

* * * * *

(g) New drug products for investigational use are exempt from the requirements of this section, provided that they meet appropriate standards or specifications as demonstrated by stability studies during their use in clinical investigations. Where new drug products for investigational use are to be reconstituted at the time of dispensing, their labeling shall bear expiration information for the reconstituted drug product.

* * * * *

5. Section 211.170 is amended by revising the fourth sentence in the introductory text of paragraph (b) to read as follows:

§ 211.170 Reserve samples.

* * * * *

(b) * * * Except for those for drug products described in paragraph (b)(2) of this section, reserve samples from representative sample lots or batches selected by acceptable statistical procedures shall be examined visually at least once a year for evidence of deterioration unless visual examination would affect the integrity of the reserve sample. * * *

* * * * *

6. Section 211.180 is amended by revising paragraph (e)(1) to read as follows:

§ 211.180 General requirements.

* * * * *

(e) * * *

(1) A review of a representative number of batches, whether approved or rejected, and, where applicable, records associated with the batch.

* * * * *

Dated: January 11, 1995.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 95–1361 Filed 1–19–95; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1F4013/R2101; FRL–4930–9]

RIN 2070–AB78

Pesticide Tolerances for Imazethapyr

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the sum of the residues of the herbicide imazethapyr, 2-[4,5-dihydro-4-methy1-4-(1-methylethyl)-5-oxo-1*H*-imidazo1-2-yl]-5-ethy1-3-pyridine carboxylic acid, as its ammonium salt and its metabolite, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-(1-hydroxyethyl)-3-pyridine carboxylic acid, both free and conjugated, in or on

alfalfa, forage and hay at 3.0 parts per million (ppm). The American Cyanamid Co. requested this regulation that establishes the maximum permissible level for residues of the herbicide in or on alfalfa.

EFFECTIVE DATE: This regulation becomes effective January 20, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 1F4013/R2101], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 36277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305–6800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of March 11, 1992 (57 FR 8658), which announced that the American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, had submitted pesticide petition (PP) 1F4013 to EPA proposing that 40 CFR part 180 be amended by establishing a tolerance under section 408 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a, for the combined residues of the herbicide imazethapyr, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazo1-2-y1]-5-ethy1-3-pyridine-carboxylic acid, as its ammonium salt and the metabolite, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-(1-hydroxyethyl)-3-pyridine carboxylic acid, both free and conjugated, in or on alfalfa, forage and hay at 3.0 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing. The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of the tolerance.

1. Several acute toxicology studies placing technical-grade imazethapyr in Toxicity Category III.

2. An 18-month carcinogenicity study with mice fed diets containing 0, 1,000, 5,000, or 10,000 ppm with no carcinogenic effects observed under the conditions of the study at levels up to and including 10,000 ppm (1,500 mg/kg/day) (highest dose tested [HDT]), a systemic no-observed-effect level (NOEL) of 5,000 ppm (750 mg/kg/day), and a systemic LOEL of 10,000 ppm (1,500 mg/kg/day), based on decreased body weight gain in both sexes.

3. A 2-year chronic toxicity/carcinogenicity study in rats fed diets containing 0, 1,000, 5,000, or 10,000 ppm with no carcinogenic effects observed under the conditions of the study at levels up to and including 10,000 ppm (500 mg/kg/day [HDT]) and a systemic NOEL of 10,000 ppm (500 mg/kg/day [HDT]).

4. A l-year feeding study in dogs fed diets containing 0, 1,000, 5,000, or 10,000 ppm with a NOEL of 1,000 ppm (25 mg/kg/day and a LOEL of 5,000 ppm (125 mg/kg/day), based on decreased packed cell volume, hemoglobin, and erythrocytes in females.

5. A developmental toxicity study in rats fed dosage levels of 0, 125, 375, and 1,125 mg/kg/day, with a maternal toxicity NOEL of 375 mg/kg/day and a LOEL of 1,125 mg/kg/day (clinical signs of toxicity) and a developmental toxicity NOEL of greater than 1,125 mg/kg/day (HDT).

6. A developmental toxicity study in rabbits fed dosage levels of 0, 100, 300, and 1,000 mg/kg/day with a maternal toxicity NOEL of 300 mg/kg/day and a LOEL of 1,000 mg/kg/day (death) and a developmental toxicity NOEL of greater than 1,000 mg/kg/day (HDT).

7. A two-generation reproduction study in rats fed dietary levels of 0, 1,000, 5,000, or 10,000 ppm with a NOEL for systemic and reproductive effects of 10,000 ppm (500 mg/kg/day [HDT]).

8. A mutagenic test with *Salmonella typhimurium* (negative); an *in vitro* chromosomal aberration test in Chinese hamster ovary cells (positive without metabolic activation but at dose levels that were toxic to the cells and negative with metabolic activation); an *in vivo* chromosomal aberration test in rat bone marrow cells (negative); an unscheduled DNA synthesis study in rat hepatocytes (negative).

Based on the NOEL of 25 mg/kg bwt/day in the 1-year dog feeding study, and using a hundredfold uncertainty factor, the acceptable daily intake (ADI) for imazethapyr is calculated to be 0.25 mg/kg bwt/day. The theoretical maximum residue contrbution (TMRC) is 0.000100 mg/kg bwt/day for existing tolerances for the overall U.S. population. The current action will not increase the TMRC since no finite residues of imazethapyr are expected from meat and milk derived from animals consuming treated alfalfa. This tolerance and previously established tolerances utilize a total of 0.05 percent of the ADI for the overall U.S. population. For U.S. subgroup populations, nonnursing infants and children aged 1 to 6, the previously established tolerances utilize a total of 0.16 percent of the ADI.

A maximum Tolerated Dose (MTD) or Limit Dose (20,000 ppm) was not evaluated in the chronic toxicity/carcinogenicity study with rats. However, the highest dose tested was within 50 percent of the dose level necessary for an adequate carcinogenicity study in rats (20,000 ppm or 1,000 mg/kg/day); this chemical is structurally similar to two other pesticides (Scepter and Assert) that were not carcinogenic in rats or mice, and the genetic toxicity studies were negative for imazethapyr. For these reasons, no further carcinogenicity testing is required.

Although an analytical method is available for imazethapyr on alfalfa (confirmed by EPA), the Agency has requested that the petitioner rewrite the primary enforcement procedure to include an alternate CE buffer system as the confirmatory step and the petitioner has agreed. This pesticide is useful for the purposes for which the tolerances are sought. The nature of the residues is adequately understood for the purposes of establishing these tolerances. Adequate analytical methodology, capillary electrophoresis, is available for enforcement purposes. Because of the long lead time from establishing this tolerance to publication, enforcement methodology is being made available in the interim to anyone interested in pesticide enforcement when requested by mail from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office Pesticide Programs, Environmental Protection Agency, 401 St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1130A, CM #2, 1921 Jefferson Davis Hwy., Arlington, 22202.

There are currently no actions pending against the registration of this chemical. There is no expectation of residue occurring in meat, milk, poultry,

or eggs from this tolerance. Based on the data and information submitted above, the Agency has determined that the establishment of tolerances by amending 40 CFR part 180 will protect the public health. Therefore, EPA is establishing the tolerance as described below.

Any person adversely affected by this regulation may, within 30 days after the date of publication in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, at the address given above. 40 CFR 178.20. A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The obctions submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objection. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual sue(s) on which a hearing is requested, the requestor's intentions on each issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for hearing will be granted if the Administrator determines at the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested aims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with action taken or planned by another Agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 9, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.447, paragraph (b) is amended by revising the table therein, to read as follows:

§ 180.447 Imazethapyr, ammonium salt; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
Alfalfa, forage	3.0
Alfalfa, hay	3.0
Peanuts	0.1
Peanuts, hulls	0.1

* * * * *

[FR Doc. 95–1498 Filed 1–19–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 1F3991/R2102; FRL–4931–1]

RIN 2070–AB78

Pesticide Tolerances for Triclopyr

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide triclopyr [(3,5,6-trichloro-2-pyridinyl)oxyacetic acid) and its metabolites 3,5,6-trichloro-2-pyridinol and 2-methoxy-3,5,6-trichloropyridine in or on the raw agricultural commodities (RACs) rice grain at 0.3 part per million (ppm) and rice straw at 10.0 ppm, and for triclopyr in poultry meat, poultry fat, and meat byproducts (except kidney) at 0.1 ppm, and eggs at 0.05 ppm. DowElanco requested this regulation that establishes the maximum permissible level for residues of the herbicide in or on the commodities.

EFFECTIVE DATE: This regulation becomes effective January 20, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 1F3991/R2102], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing request filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 36277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305–6800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 13, 1991 (56 FR 65080), which announced that DowElanco, 9330 Zionsville Rd.,

Indianapolis, IN 46268, had submitted pesticide petition (PP) 1F3991 to EPA proposing that 40 CFR 180.417 be amended by establishing a regulation to permit the combined residues of the herbicide triclopyr [(3,5,6-trichloro-2-pyridinyl)oxyacetic acid] and its metabolites 3,5,6-trichloro-2-pyridinol and 2-methoxy-3,5,6-trichloropyridine in or on the raw agricultural commodities (RACs) rice grain at 0.3 part per million (ppm) and rice straw at 8.0 ppm, and for triclopyr in poultry meat, poultry fat, and meat byproducts (except kidney) at 0.1 ppm, and eggs at 0.05 ppm.

The petitioner subsequently amended the petition, notice of which appeared in the **Federal Register** of October 21, 1993 (58 FR 54357), by submitting a new Section F proposing to establish a tolerance for the residues of the herbicide triclopyr [(3,5,6-trichloro-2-pyridinyl)oxyacetic acid) and its metabolites 3,5,6-trichloro-2-pyridinol and 2-methoxy-3,5,6-trichloropyridine in or on the raw agricultural commodities (RACs) rice grain at 0.3 part per million (ppm) and rice straw at 10.0 ppm, and for triclopyr in poultry meat, poultry fat, and meat byproducts (except kidney) at 0.1 ppm, and eggs at 0.05 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of this tolerance.

1. An acute toxicology study placing technical-grade triclopyr in toxicity Category I.

2. A 22-month carcinogenicity study with mice fed dosages of 0, 7.1, 35.7, and 178.5 mg/kg/day with no carcinogenic effects observed under the conditions of the study. The systemic NOEL is 35.7 mg/kg/day based on decreased body weight gain observed in both sexes at the 178.5 mg/kg/day dose.

3. A 2-year chronic toxicity/carcinogenicity study in rats fed dosages of 0, 3, 12, and 36 mg/kg/day with no carcinogenic effects observed under the conditions of the study at levels up to and including 36 mg/kg/day (HDT) and a systemic NOEL of 12 mg/kg/day based on a significant increase in hemoglobin, hematocrit and erythrocyte values, and a significant increase in absolute and relative kidney weights observed at the 36 mg/kg/day dose level in male rats.

4. A 6-month feeding study in dogs fed dosages of 0.1, 0.5, and 2.5 mg/kg/day with a NOEL of 0.5 mg/kg/day based on significant reductions in PSP excretion rate, absolute and relative kidney weight, and a significant increase in SGOT at 2.5 mg/kg/day.

5. A 1-year feeding study in dogs fed dosages of 0, 0.5, 2.5, and 5.0 mg/kg/day with a NOEL of 0.5 mg/kg/day (LDT) based on significant increases in serum urea nitrogen and creatinine at 2.5 mg/kg/day.

6. A developmental toxicity study in rats fed dosage levels of 0, 50, 100, and 200 mg/kg/day (HDT), with a maternal toxicity NOEL of less than 50 mg/kg/day and a developmental toxicity NOEL of 200 mg/kg/day (HDT).

7. A developmental toxicity study in rabbits fed dosage levels of 0, 10, and 25 mg/kg/day with no developmental effects noted at 25 mg/kg/day (HDT), and a maternal toxicity NOEL of 10 mg/kg/day based on decreases in weight gain observed at 25 mg/kg/day (HDT).

8. A three-generation reproduction study in rats fed dosages of 0, 3, 10, and 30 mg/kg/day (HDT) showed no reproductive effects up to the highest dose tested. The systemic NOEL is equal to or greater than 30 mg/kg/day.

9. Mutagenicity data included gene mutation assays with *E. coli* and *S. typhimurium* (negative); DNA damage assays with *B. subtillis* (negative); an unscheduled DNA synthesis with rat hepatocytes (negative) and a chromosomal aberration test in Chinese hamster cells (negative).

Based on the NOEL of 0.5 mg/kg bwt/day in the 1-year dog feeding study, and using a hundredfold uncertainty factor, the RfD acceptable daily intake (ADI) for triclopyr is calculated to be 0.005 mg/kg bwt/day. The theoretical maximum residue contrbution (TMRC) is 0.000356 mg/kg bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by 0.000127 mg/kg bwt/day (2.54 percent of the ADI). These tolerances and previously established tolerances utilize a total of 7 percent of the ADI for the overall U.S. population. For U.S. subgroup populations, nonnursing infants and children aged 1 to 6, the current action and previously established tolerances utilize, respectively, a total of 26 percent and 16 percent of the ADI, assuming that residue levels are at the established tolerances and that 100 percent of the crop is treated.

There are no desirable data lacking.

This pesticide is useful for the purposes for which the tolerances are sought. The nature of the residues is adequately understood for the purposes of establishing these tolerances. Adequate analytical methodology, high-pressure liquid chromotography, is available for enforcement purposes. Because of the long lead time from establishing this tolerance to publication, the enforcement methodology is being made available in the interim to anyone interested in pesticide enforcement when requested by mail from: Calvin Furlow, Public Response Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1130A, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

There are currently no actions pending against the registration of this chemical. Based on the data and information submitted above, the Agency has determined that the establishment of tolerances by amending 40 CFR part 180 will protect the public health. Therefore, EPA is establishing the tolerances as described below.

Any person adversely affected by this regulation may, within 30 days after the date of publication in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, at the address given above. 40 CFR 178.20. A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on each issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f),

the order defies a ''signficant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistancy or otherwise interfering with an action taken or planned by another Agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 9, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.417 by amending paragraph (b) by revising the table therein, to read as follows:

§ 180.417 Triclopyr; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
Eggs	0.05
Meat, fat, and meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, and sheep	0.05
Meat, fat, and meat byproducts (except kidney) of poultry	0.1
Milk	0.01
Liver and kidney of cattle, goats, hogs, horses, and sheep	0.5
Rice, grain	0.3
Rice, straw	10.0

[FR Doc. 95–1501 Filed 1–19–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 1F3986, PP 1F3987, and PP 1F3988/R2098; FRL–4928–6]

RIN 2070–AB78

Sodium 5-Nitroguaiacolate, Sodium O-Nitrophenolate, and Sodium P-Nitrophenolate; Exemptions from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes exemptions from the requirement of a tolerance for residues of the biochemical plant regulators sodium 5-nitroguaiacolate, sodium *o*-nitrophenolate, and sodium *p*-nitrophenolate in or on the raw agricultural commodities cottonseed, cotton gin byproducts, rice, rice straw, soybeans, and soybean forage and hay when products containing 0.1%, 0.2%, and 0.3% by weight of these active ingredients, respectively, are applied at rates of 20 grams of each active ingredient per acre or less per application in accordance with good agricultural practices. These exemptions were requested by Asahi Chemical Manufacturing Co., Ltd.

EFFECTIVE DATE: Effective on January 9, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 1F3986, PP 1F3987, and PP 1F3988/R2098], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of the objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Leonard S. Cole, Jr., Acting Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305–6900.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 13, 1991 (56 FR 65080), which announced that Asahi Chemical Manufacturing Co., Ltd., 500 Takayasu, IkarugaCho, Ikoma-Gun, Nara Prefecture, Japan, had submitted pesticide petitions (PP) 1F3986, 1F3987, and 1F3988 proposing to amend 40 CFR part 180 by establishing a regulation pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a and 371, to exempt from the requirement of a tolerance the residues of the biochemical plant regulators sodium 5-nitroguaiacolate, sodium *o*-nitrophenolate, and sodium *p*-nitrophenolate when applied at rates of 20 grams of active ingredient or less per acre per application in or on the raw agricultural commodities from application to cotton, rice, and soybeans.

No comments were received in response to the **Federal Register** notice.

The data submitted in the petitions and all other relevant material have been evaluated. The toxicological data considered in support of the exemptions from the requirement of a tolerance include acute toxicity tests, subchronic oral toxicity tests, developmental toxicity studies, and mutagenicity studies. Acute toxicity tests place the end-use product in Toxicity Category IV. The acute toxicity tests for the individual technical chemicals indicate that sodium 5-nitroguaiacolate is in Toxicity Category I based on primary eye irritation, sodium *p*-nitrophenolate is in Toxicity Category II based on acute oral toxicity and primary eye irritation, and sodium *o*-nitrophenolate is in Toxicity Category II based on primary

eye irritation. Atonic is a mild dermal sensitizer.

Atonik, the end-use product, containing 0.3% sodium *p*-nitrophenolate, 0.2% sodium *o*-nitrophenolate, and 0.1% sodium 5-nitroguaiacolate by weight, was fed to rats in the subchronic oral toxicity test at dietary levels of 0, 5,000, 15,000 and 50,000 parts per million (ppm), which was equivalent to 515, 1,589, and 5,056 mg/kg/day for males and 531, 1,723, and 6,553 mg/kg/day for females. Based on decreased weight gains, changes in hematology parameters, relative organ weights of liver and kidney, and pigment accumulation in kidney and spleen, the lowest-observed-effect level (LOEL) is approximately 1,600 mg/kg/day (1,589 and 1,723 mg/kg/day in males and females, respectively). The no-observed-effect level (NOEL) is approximately 525 mg/kg/day (515 and 531 mg/kg/day in males and females, respectively).

In a developmental toxicity study, Atonik was administered to rats by gastric gavage at dose levels of 0, 100, 300, and 600 mg/kg/day. Maternal toxicity was observed at the 600 mg/kg/day level, manifested as significantly decreased body weight gain and food consumption. One death at this dose level was considered to be treatment related. Based on these results, the maternal toxicity NOEL and LOEL were 300 and 600 mg/kg/day, respectively. Developmental toxicity was not observed in this study. The NOEL for developmental toxicity was 600 mg/kg/day, and the LOEL was not determined.

In mutagenicity studies, the individual active ingredients were negative for mutagenicity when tested using the Ames Test, the Mouse Micronucleus Assay, and the Mouse Lymphoma Assay.

All of the toxicity studies submitted are considered acceptable. The toxicity data provided are sufficient to show that there are no foreseeable human or domestic animal health hazards likely to arise from the use of these active ingredients as plant regulators in the concentrations present in the end-use product and applied at rates of 20 grams of each active ingredient or less per acre.

Acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to these petitions. Chronic exposure data upon which ADI and MPI values are based are not required for pesticides which are classified as biochemicals and applied at rates of 20 grams or less of each active ingredient per acre. Although the individual active ingredients are acutely toxic in certain tests, the end-use product containing the combined active ingredients at the concentrations specified above was in the lowest toxicity category. At application rates of 20 grams per acre or less, the level of active ingredient which may be present in any of the food or feed items would be far below levels which demonstrated any effects in the subchronic oral toxicity test, developmental toxicity studies, and mutagenicity studies. For example, in order to reach a dosage rate comparable to the LOEL (1,600 mg/kg/day) obtained in the subchronic oral toxicity study, it is calculated that a person weighing 50 kg would need to consume all of the produce from 4 acres of crop every day.

Because the tolerance exemption does not define a permitted residue level in food, the requirement for an analytical method for enforcement purposes is not applicable to this exemption request. This is the first exemption from the requirement of a tolerance for the active ingredients, sodium 5-nitroguaiacolate, sodium *o*-nitrophenolate, and sodium *p*-nitrophenolate. By way of public reminder, this notice also reiterates the registrant's responsibility under section 6(a)(2) of FIFRA, to submit additional factual information regarding adverse effects on the environment and to human health by these pesticides.

These active ingredients are considered useful for the purpose for which the exemptions from the requirement of a tolerance are sought. Based on the information considered, the Agency concludes that establishment of the exemptions will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. 40 CFR 178.20. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed in 40 CFR 178.27. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims to the contrary; and resolution of factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have an economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedures, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 9, 1995.

Stephen L. Johnson,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In subpart D, by adding new §§ 180.1139, 180.1140, and 180.1141, to read as follows:

§ 180.1139 Sodium 5-nitroguaiacolate; exemption from the requirement of a tolerance.

The biochemical sodium 5-nitroguaiacolate is exempted from the requirement of a tolerance when used as a plant regulator in end-use products at a concentration of 0.1% by weight and applied at an application rate of 20 grams of active ingredient per acre (20 g ai/A) or less per application, in or on the raw agricultural commodities cottonseed, cotton gin byproducts, rice, rice straw, soybeans, and soybean forage and hay.

§ 180.1140 Sodium o-nitrophenolate; exemption from the requirement of a tolerance.

The biochemical sodium *o*-nitrophenolate is exempted from the requirement of a tolerance when used as a plant regulator in end-use products at a concentration of 0.2% by weight and applied at an application rate of 20 grams of active ingredient per acre (20 g ai/A) or less per application, in or on the raw agricultural commodities cottonseed, cotton gin byproducts, rice, rice straw, soybeans, and soybean forage and hay.

§ 180.1141 Sodium p-nitrophenolate; exemption from the requirement of a tolerance.

The biochemical sodium *p*-nitrophenolate is exempted from the requirement of a tolerance when used as a plant regulator in enduse products at a concentration of 0.3% by weight and applied at an application rate of 20 grams of active ingredient per acre (20 g ai/A) or less per application, in or on the raw agricultural commodities cottonseed, cotton gin by-products, rice, rice straw, soybeans and soybean forage and hay.

[FR Doc. 95–1499 Filed 1–19–95; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Parts 180 and 186

[PP 2F4041, FAP 2H5621/R2103; FRL–4931–2]

RIN 2070–AB78

Pesticide Tolerance and Feed Additive Regulation for Sethoxydim

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a pesticide tolerance for the combined residues of the herbicide sethoxydim, 2-[1-ethoxyimino) butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one), and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodity (RAC) canola/rapeseed at 35.0 parts per million (ppm) and a feed additive regulation in or on animal feed commodity canola/rapeseed meal at 40 ppm. BASF Corp. requested these regulations to establish maximum permissible levels for residues of the pesticide in or on the commodities.

EFFECTIVE DATE: This regulation becomes effective January 20, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 2F4041, FAP 2H5261/R2103], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of objections and hearing request filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 36277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, Product Manager (PM 25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305–6800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of March 11, 1992 (57 FR 8658), which announced that BASF Corp., P.O. Box 13528, Research Triangle Park, NC 27709-3528, had submitted pesticide petition (PP) 2F4041. EPA issued a notice, published in the **Federal Register** of June 10, 1992 (57 FR 24646) that the company had submitted feed additive petition (FAP) 2H5621. PP 2F4041 requests that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), amend 40 CFR part 180 by establishing a tolerance for the combined residues of the herbicide sethoxydim, 2-[1-ethoxyimino)butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexene-1-one) and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodity (RAC) canola/ rapeseed at 35.0 parts per million. FAP 2H5621 requests that the Administrator, pursuant to section 409(e) of the FFDCA (21 U.S.C. 348(e)), amend 40 CFR part 186 by establishing a feed additive regulation for combined residues of the herbicide sethoxydim, 2-[1-ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2cyclohexene-1-one), and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on animal feed commodity canola/rapeseed meal at 40 ppm.

No comments were received in response to these notices of filing.

The scientific data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances include:

1. Several acute toxicology studies placing technical sethoxydim in acute toxicity category IV for primary eye and dermal irritation and acute toxicity category III for acute oral, dermal, and inhalation. The dermal sensitization-guinea pig study was waived because no sensitization was seen in guinea pigs dosed with the end-use product Poast (18% a.i.).

2. A 21-day dermal study with rabbits fed dosages of 0, 40, 200, and 1,000 mg/kg/day with a NOAEL (no-observed-adverse-effect level) of greater than 1,000 mg/kg/day (limit dose).

3. A 1-year feeding study with dogs fed dosages (based on consumption) of 0, 8.86/9.41, 17.5/19.9, and 110/129 mg/kg/day (males/females) with a NOEL of 8.86/9.41 mg/kg/day (males/females) based on equivocal anemia in males and females at 17.5/19.9 mg/kg/day, respectively.

4. A 2-year chronic feeding/carcinogenicity study with mice fed dosages of 0, 6, 18, 54, and 162 mg/kg/day with no carcinogenic effects observed under the conditions of the study at dose levels up to and including 162 mg/kg/day (highest dose tested [HDT]) and a systemic NOEL of 18 mg/kg/day.

5. A 2-year chronic feeding/carcinogenic study with rats fed dosages of 0, 2, 6, and 18 mg/kg/day (HDT) with no carcinogenic effects observed under the conditions of the study at dosage levels up to and including 18 mg/kg/day (HDT) and a systemic NOEL greater than or equal to 18 mg/kg/day (HDT). This study was reviewed under current guidelines and was found to be unacceptable because the doses used

were insufficient to induce a toxic response and a maximum tolerated dose (MTD) was not achieved. This study must be repeated.

6. In a second supplemental chronic feeding/carcinogenic study with rats fed dosages of 0, 18.2/23.0, and 55.9/71.8 mg/kg/day (males/females) with no carcinogenic effects observed under the conditions of the study at dose levels up to and including 55.9/71.8 mg/kg/day (HDT) (males/females) and a systemic NOEL greater than or equal to 55.9/71.8 mg/kg/day (males/females). The doses used were insufficient to induce a toxic response and failed to achieve an MTD or define a Lowest Effect Level (LEL). Slight decreases in body weights in the final quarter of the study, although not biologically significant, can support a free-standing NOAEL of 55.9/71.8 mg/kg/day (males/females).

7. A developmental toxicity study in rats fed dosages of 0, 50, 180, 650, and 1,000 mg/kg/day with a maternal NOAEL of 180 mg/kg/day and a maternal LEL of 650 mg/kg/day (irregular gait, decreased activity, excessive salivation, and anogenital staining); and a developmental NOAEL of 180 mg/kg/day and a developmental LEL of 650 mg/kg/day (21 to 22 percent decrease in fetal weights, filamentous tail and lack of tail due to the absence of sacral and/or caudal vertebrae, and delayed ossification in the hyoids, vertebral centrum and/or transverse processes, sternebrae and/or metatarsals, and pubes).

8. A developmental toxicity study in rabbits fed doses of 0, 80, 160, 320, and 400 mg/kg/day with a maternal NOEL of 320 mg/kg/day and a maternal lowest observable effect level (LOEL) of 400 mg/kg/day (37 percent reduction in body weight gain without significant differences in group mean body weights, and decreased food consumption during dosing); and a developmental NOEL greater than 400 mg/kg/day (HDT).

9. A two-generation reproduction study with rats fed dosage levels of 0, 150, 600, and 3,000 ppm (approximately 0, 7.5, 30, and 150 mg/kg/day) with no reproductive effects observed at 3,000 ppm (approximately 150 mg/kg/day) (HDT). However, the Agency considers this study usable for regulatory purposes and has established a free-standing NOEL of 3,000 ppm (approximately 150 mg/kg/day).

10. Mutagenicity studies included: Ames Assays, which were negative for *Salmonella typhimurium* strains TA98, TA100, TA1535, and TA 1537, with and without metabolic activity; sethoxydim did not cause structural chromosomal aberrations at doses up to 5,000 mg/kg in Chinese hamster bone marrow cells in vivo; a Host Mediated Assay (mouse) with *4S. typhimurium* was negative at 2.5 grams/kg/day of chemical, and recombinant assays and forward mutations in *Bacillus subtilis*, *Escherichia coli*, and *S. typhimurium* were all negative at concentrations of greater than or equal to 100%; a in vitro Unscheduled DNA Synthesis Assay in Primary Rat Hepatocytes had a negative response for DNA repair (UDS) in primary rat hepatocyte cultures exposed up to insoluble (greater than 101 micrograms per milliliter (mL)) and cytotoxic (507 *u*g/mL) doses.

11. In a rat metabolism study, excretion was extremely rapid and tissue accumulation was negligible, assuming DMSO vehicle does not affect excretion or storage of NP-55 (78 percent excreted into urine and 20.1 percent excreted in feces).

The reference dose (RFD), based on a NOEL of 8.86 mg/kg bwt/day in the 1-year feeding study in dogs and an uncertainty factor of 100, was calculated to be 0.09 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) for the overall U. S. population is 0.031961 mg/kg bwt/day or 35.9% of the RfD for existing tolerances for the overall use population. The current action will increase the TMRC by 0.000380 mg/kg bwt/day. These tolerances and previously established tolerances utilize a total of 35.9 percent of the ADI for the overall U.S. population. For U.S. subgroup populations, nonnursing infants and children aged 1 to 6, the current action and previously established tolerances utilize, respectively, a total of 61.8 percent and 72.6 percent of the ADI, assuming that residue levels are at the established tolerances and that 100 percent of the crop is treated.

Desirable data lacking based on review of data under current guidelines include a carcinogenicity in mice study and a chronic feeding/carcinogenicity in rats study. Because the current studies, although unacceptable by current guidelines, provide useful information and these tolerances utilize 3 percent of the RfD, the Agency believes there is little risk from establishment of these tolerances. Any additional tolerance proposals will be considered on a case-by-case basis.

The pesticide is useful for the purposes for which these tolerances are sought and capable of achieving the intended physical or technical effect. The nature of the residue is adequately understood, and adequate analytical methods (gas chromatography using sulfur-specific flame photometric detection) are available for enforcement purposes. The method is listed in the Pesticide Analytical Manual, Volume II (PAM II), as Method I.

There are currently no actions pending against the registration of this chemical. Any secondary residues occuring in meat, fat, meat byproducts and milk of cattle, goats, hogs, horses and sheep will be covered by existing tolerances. There are no residues expected to occur in poultry meat, meat byproducts, fat, or eggs from these tolerances.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 will protect the public health, and the establishment of a feed additive regulation by amending 40 CFR part 185 will be safe. Therefore, they are eablished as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, at the address given above. 40 CFR 178.20. A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The obctions submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objection. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual sue(s) on which a hearing is requested, the requestor's intentions on each issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for hearing will be granted if the Administrator determines at the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested aims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

Under Executive Order 12866 (58 FR 51735, Oct.4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3 f), the order defines ''significant'' as those actions likely to lead to a rule (1) having

an annual effect of the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements, or establishing or raising food additive regulations do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Parts 180 and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Feed additive, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 6, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. In § 180.412 by amending paragraph (a) in the table therein by adding and alphabetically inserting the entry for the raw agricultural commodity canola/rapeseed to read as follows:

§ 180.412 2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Canola/rapeseed	35.0
* * * * *	

* * * * *

PART 186—[AMENDED]

2. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. In § 186.2800 in the table therein by adding and alphabetically inserting the entry for canola/rapeseed, to read as follows:

§ 186.2800 2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one.

* * * * *

Food	Parts per million
* * * * *	
Canola/rapeseed	40.0
* * * * *	

[FR Doc. 95–1500 Filed 1–19–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7121]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director, Mitigation Directorate, reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW, Washington, DC 20472, (202) 646–2756.

SUPPLEMENTARY INFORMATION: The modified base (100-year) flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or

pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base (100-year) flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

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

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alaska: Unorganized Borough.	City of Petersburg ...	July 21, 1994, July 28, 1994, *Petersburg Pilot.*	Ms. Linda Snow, City Manager, City of Petersburg, P.O. Box 329, Petersburg, Alaska 99833.	June 30, 1994.	020074
California: Shasta	Unincorporated Areas.	Nov. 17, 1994, Nov. 24, 1994, *Record-Searchlight.*	The Honorable Francie Sullivan, Chairperson, Shasta County, Board of Supervisors, 1815 Yuba Street, Redding, California 96001.	Oct. 28, 1994	060358
Colorado: Arapahoe	Unincorporated Areas.	Oct. 6, 1994, Oct. 13, 1994, *Little Sentinel Independent.*	The Honorable John J. Nicholl, Chairperson, Arapahoe County, Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166.	Sept. 26, 1994.	080011
Colorado: El Paso	City of Colorado Springs.	Oct. 28, 1994, Nov. 4, 1994, *Gazette Telegraph.*	The Honorable Robert M. Isaac, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	Oct. 20, 1994	080060
Colorado: El Paso	City of Colorado Springs.	Oct. 4, 1994, Oct. 11, 1994, *Gazette Telegraph.*	The Honorable Robert M. Isaac, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	Sept. 7, 1994	080060
Colorado: Jefferson	Unincorporated Areas.	Nov. 15, 1994, Nov. 22, 1994, *Golden Transcript.*	The Honorable Betty J. Miller, Chairperson, Jefferson County, Board of Commissioners, 100 Jefferson County Parkway, Golden, Colorado 80419.	Nov. 2, 1994	080087
Hawaii: Honolulu	City and County of Honolulu.	Nov. 15, 1994, Nov. 22, 1994, *Honolulu Advertiser.*	The Honorable Frank F. Fasi, Mayor, City and County of Honolulu, Office of the Mayor, 530 South King Street, Honolulu, Hawaii 96813.	Oct. 21, 1994	150001
Kansas: Johnson	City of Overland Park.	Oct. 19, 1994, Oct. 26, 1994, *Johnson County Sun.*	The Honorable Ed Eilert, Mayor, City of Overland Park, City Hall, 8500 Santa Fe Drive, Overland Park, Kansas 66212.	Sept. 28, 1994.	200174
Kansas: Sedgwick	City of Wichita	Oct. 19, 1994, Oct. 26, 1994, *Wichita Eagle.*	The Honorable Elma Broadfoot, Mayor, City of Wichita, City Hall, First Floor, 455 North Main Street, Wichita, Kansas 67202.	Oct. 6, 1994,	200328
New Mexico: Bernalillo	City of Albuquerque	Nov. 18, 1994, Nov. 25, 1994, *Albuquerque Tribune.*	The Honorable Martin Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	Oct. 27, 1994	350002
Oklahoma: Comanche .	City of Lawton	Aug. 5, 1994, Aug. 12, 1994, *Lawton Constitution.*	The Honorable John T. Marley, Mayor, City of Lawton, City Hall, 103 SW 4th Street, Lawton, Oklahoma 73501.	July 13, 1994	400049

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Oklahoma: Cleveland ...	City of Norman	Nov. 16, 1994, Nov. 23, 1994, *Norman Transcript*.	The Honorable Bill Nations, Mayor, City of Norman, 201 West Gray Street, Building A, Norman, Oklahoma 73069.	Nov. 2, 1994	400046
Oklahoma: Oklahoma ..	City of Oklahoma City.	Nov. 16, 1994, Nov. 23, 1994, *Journal Record*.	The Honorable Ronald J. Norick, Mayor, City of Oklahoma City, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102.	Oct. 28, 1994	405378
Texas: Tarrant	City of Bedford	Nov. 22, 1994, Nov. 29, 1994, *Fort Worth Star Telegram*.	The Honorable Rick Hurt, Mayor, City of Bedford, P.O. Box 157, Bedford, Texas 76095.	Oct. 31, 1994	480585
Texas: Dallas	City of Carrollton	Nov. 17, 1994, Nov. 24, 1994, *Metrocrest News*.	The Honorable Milburn Gravely, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, Texas 75011–0535.	Oct. 31, 1994	480167
Texas: Collin	Unincorporated Areas.	Nov. 17, 1994, Nov. 24, 1994, *Courier Gazette*.	The Honorable Ron Harris, County Judge, Collin County, 210 South McDonald Street, McKinney, Texas 75069.	Oct. 31, 1994	480130
Texas: Dallas	City of Dallas	Oct. 7, 1994, Oct. 14, 1994, *Dallas Commercial Record*.	The Honorable Steve Barlett, Mayor, City of Dallas, 1500 Marilla Street, Room 5E North, Dallas, Texas 75201.	Sept. 16, 1994.	480171
Texas: El Paso	City of El Paso	Nov. 4, 1994, Nov. 11, 1994, *El Paso Times*.	The Honorable William S. Tilney, Mayor, City of El Paso, Two Civic Center Plaza, El Paso, Texas 79901.	Oct. 14, 1994	480214
Texas: Dallas	City of Garland	Oct. 6, 1994, Oct. 13, 1994, *Garland News*.	The Honorable Bob Smith, Mayor, City of Garland, P.O. Box 469002, Garland, Texas 75046–9002.	Sept. 16, 1994.	485471
Texas: Dallas	City of Garland	Nov. 10, 1994, Nov. 17, 1994, *Garland News*.	The Honorable Jamie Ratcliff, Mayor, City of Garland, P.O. Box 469002, Garland, Texas 75046–9002.	Oct. 24, 1994	485471
Texas: Harris	City of Houston	Oct. 28, 1994, Nov. 4, 1994, *Houston Post*.	The Honorable Bob Lanier, Mayor, City of Houston, P.O. Box 1562, Houston, Texas 77251–1562.	Oct. 11, 1994	480296
Texas: Dallas	City of Mesquite	Oct. 27, 1994, Nov. 3, 1994, *Mesquite News*.	The Honorable Cathye Ray, Mayor, City of Mesquite, P.O. Box 850137, Mesquite, Texas 75185–0137.	Oct. 11, 1994	485490
Texas: Collin	City of McKinney	Nov. 17, 1994, Nov. 24, 1994, *Courier Gazette*.	The Honorable John Gay, Mayor, City of McKinney, P.O. Box 517, McKinney, Texas 75069.	Oct. 31, 1994	480135
Texas: Collin	City of McKinney	Oct. 26, 1994, Nov. 2, 1994, *Courier Gazette*.	The Honorable John Gay, Mayor, City of McKinney, P.O. Box 517, McKinney, Texas 75069.	Oct. 13, 1994	480135
Texas: Collin	City of McKinney	Oct. 21, 1994, Oct. 28, 1994, *Courier Gazette*.	The Honorable John Gay, Mayor, City of McKinney, P.O. Box 517, McKinney, Texas 75069.	Oct. 14, 1994	480135
Texas: Collin	City of Plano	Oct. 5, 1994, Oct. 12, 1994, *The Dallas Morning News*.	The Honorable James N. Muns, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	Sept. 15, 1994.	480140
Texas: Bexar	City of San Antonio .	Oct. 5, 1994, Oct. 12, 1994, *San Antonio Express News*.	The Honorable Nelson W. Wolff, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	Sept. 9, 1994	480045
Texas: Bexar	City of San Antonio .	Aug. 31, 1994, Sept. 7, 1994, *San Antonio Express*.	The Honorable Nelson W. Wolff, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	Apr. 21, 1994	480045

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

Dated: January 13, 1995.

Richard T. Moore,

Associate Director for Mitigation.

[FR Doc. 95–1488 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–03–P

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base (100-year) flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW, Washington, DC 20472, (202) 646–2756.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of the final determinations of modified base (100-year) flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Associate Director has resolved any appeals resulting from this notification.

The modified base (100-year) flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base (100-year) flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base (100-year) flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

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

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Maricopa (FEMA Docket No. 7107).	Town of Paradise Valley.	June 8, 1994, June 15, 1994, *Arizona Republic*.	The Honorable David Hann, Mayor, Town of Paradise Valley, 6401 East Lincoln Avenue, Paradise Valley, Arizona 85253.	Apr. 22, 1994	040049
Arizona: Maricopa (FEMA Docket No. 7107).	City of Phoenix	June 9, 1994, June 16, 1994, *The Arizona Business Gazette*.	The Honorable Paul Johnson, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, Arizona 85003.	May 17, 1994.	040051
Arizona: Maricopa (FEMA Docket No. 7107).	City of Phoenix	June 7, 1994, June 14, 1994, *The Arizona Gazette*.	The Honorable Paul Johnson, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, Arizona 85003.	Apr. 12, 1994	040051
Arizona: Pima (FEMA Docket No. 7109).	Unincorporated Areas.	July 7, 1994, July 14, 1994 *The Daily Territorial*.	The Honorable Mike Boyd, Chairman, Pima County Board of Supervisors, 130 West Congress Street, Tucson, Arizona 85701.	June 14, 1994.	040073
Arizona: Maricopa (FEMA Docket No. 7107).	City of Scottsdale	June 8, 1994, June 15, 1994, *Scottsdale Progress*.	The Honorable Herbert Drinkwater, Mayor, City of Scottsdale, 3939 Civic Center Boulevard, Scottsdale, Arizona 85251.	Apr. 22, 1994	045012

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Maricopa (FEMA Docket No. 7107).	City of Tempe	June 9, 1994, June 16, 1994, *The Arizona Business Gazette*.	The Honorable Harry E. Mitchell, Mayor, City of Tempe, P.O. Box 5002, 31 East Fifth Street, Tempe, Arizona 85280.	May 17, 1994.	040054
Arkansas: Pulaski (FEMA Docket No. 7109).	City of Jacksonville .	July 13, 1994, July 20, 1994, *Jacksonville Patriot*.	The Honorable Tommy Swaim, Mayor, City of Jacksonville, P.O. Box 126, Jacksonville, Arkansas 72076.	June 17, 1994.	050180
Arkansas: Pulaski (FEMA Docket No. 7109).	Unincorporated Areas.	July 13, 1994, July 20, 1994, *Democrat Gazette*.	The Honorable F. G. Villines, Judge, Pulaski County, Administration Building, 201 South Broadway, Little Rock, Arkansas 72201.	June 17, 1994.	050179
Arkansas: Pulaski (FEMA Docket No. 7107).	City of Sherwood	July 13, 1994, July 20, 1994, *The Voice*.	The Honorable Bill Harmon, Mayor, City of Sherwood, 2199 East Kiehl Avenue, Sherwood, Arkansas 72120.	June 17, 1994.	050235
California: Los Angeles (FEMA Docket No. 7109).	City of Los Angeles	July 5, 1994, July 12, 1994, *Los Angeles Times*.	The Honorable Richard J. Riordan, Mayor, City of Los Angeles, City Hall, 200 North Spring Street, Room 305E, Los Angeles, California 90012.	June 3, 1994	060137
California: Riverside (FEMA Docket No. 7109).	Unincorporated Areas.	July 8, 1994, July 15, 1994, *Press Enterprise*.	The Honorable Patricia Larson, Chairperson, Riverside County, Board of Supervisors, P.O. Box 1359, Riverside, California 92502.	June 8, 1994	060245
California: Sacramento County (FEMA Docket No. 7107).	Unincorporated Areas.	June 2, 1994, June 9, 1994, *Sacramento Bee*.	Mr. Douglas M. Fraleigh, Administrator, Sacramento County, Public Works Agency, 827 Seventh Street, room 304, Sacramento, California 95814.	Apr. 27, 1994	060262
California: San Diego (FEMA Docket No. 7107).	City of San Diego ...	May 24, 1994, May 31, 1994, *San Diego Daily Transcript*.	The Honorable Susan Golding, Mayor, City of San Diego, 202 C Street, San Diego, California 92101.	Apr. 28, 1994	060295
California: Santa Barbara (FEMA Docket No. 7107).	City of Santa Barbara.	June 23, 1994, June 30, 1994, *Santa Barbara News-Press*.	The Honorable Hal Conklin, Mayor, City of Santa Barbara, P.O. Box 1990, Santa Barbara, California 93102–1990.	Apr. 25, 1994	060335
California: Riverside (FEMA Docket No. 7094).	City of Temecula	April 22, 1994, April 29, 1994, *The Californian*.	The Honorable Ron Roberts Mayor, City of Temecula, 43174 Business Park Drive, Temecula, California 92590.	Mar. 29, 1994.	060742
California: Solano (FEMA Docket No. 7094).	City of Vacaville	June 23, 1994, June 30, 1994, *Vacaville Reporter*.	The Honorable David Fleming, Mayor, City of Vacaville, City Hall, 650 Merchant Street, Vacaville, California 95688.	Mar. 11, 1994.	060373
Colorado: Adams (FEMA Docket No. 7094).	City of Aurora	May 25, 1994, June 1, 1994, *The Aurora Sentinel*.	The Honorable Paul Tauer, Mayor, City of Aurora, 1470 South Havana Street, 8th floor, Aurora, Colorado 80012–4090.	Mar. 21, 1994.	080002
Colorado: El Paso (FEMA Docket No. 7107).	City of Colorado Springs.	Apr. 14, 1994, Apr. 21, 1994, *Gazette Telegraph*.	The Honorable Robert Isaac, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901–1575.	Feb. 15, 1994.	280060
Colorado: Garfield (FEMA Docket No. 7109).	Unincorporated Areas.	July 6, 1994, July 13, 1994, *Glenwood Post*.	Mr. Buckey Arbaney, Chairman, Garfield County, Board of Commissioners, 109 Eighth Street, Suite 303, Glenwood Springs, Colorado 81601.	June 8, 1994	080205
Colorado: Jefferson (FEMA Docket No. 7107).	City of Lakewood	June 16, 1994, June 23, 1994, *Lakewood Jefferson Sentinel*.	The Honorable Linda Morton, Mayor, City of Lakewood, 445 South Allison Parkway, Lakewood, Colorado 80226.	May 23, 1994.	085075
Hawaii: Hawaii (FEMA Docket No. 7102).	Unincorporated Areas.	May 19, 1994, May 26, 1994, *Hawaii Tribune Herald*.	The Honorable Stephen K. Yamashiro, Mayor, Hawaii County, 25 Aupuni Street, room 202, Hilo, Hawaii 96720–4252.	Apr. 26, 1994	155166
Idaho: Kootenai (FEMA Docket No. 7109).	City of Coeur d'Alene.	July 22, 1994, July 29, 1994, *Coeur d'Alene Press*.	The Honorable Al Hassell, Mayor, City of Coeur d'Alene, City Hall, 710 Mullan Avenue, Coeur d'Alene, Idaho 83814–3964.	June 17, 1994.	160078
Kansas: Barton (FEMA Docket No. 7107).	Unincorporated Areas.	June 9, 1994, June 16, 1994, *Great Bend Tribune*.	The Honorable Marlin C. Isern, Chairperson, Barton County Board of Commissioners, P.O. Box 1089, Great Bend, Kansas 67530.	May 19, 1994.	200016

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Kansas: Barton (FEMA Docket No. 7102).	City of Great Bend ..	May 19, 1994, May 26, 1994, *Great Bend Tribune*.	The Honorable George F. Drake, Mayor, City of Great Bend, P.O. Box 1168, Great Bend, Kansas 67530.	Apr. 18, 1994	200019
Louisiana: St. Mary Parish (FEMA Docket No. 7107).	Town of Berwick	May 27, 1994, June 3, 1994, *Daily Review*.	The Honorable Emmett Hardaway, Mayor, Town of Berwick, 3225 Third Street, Berwick, Louisiana 70342.	May 10, 1994.	220194
Louisiana: St. Mary Parish (FEMA Docket No. 7102).	City of Patterson	May 20, 1994, May 27, 1994, *Daily Review*.	The Honorable C. A. ''Gus'' Lipari, Mayor, City of Patterson, 203 Park Street, Patterson, Louisiana 70392.	May 3, 1994	220197
Montana: Blaine (FEMA Docket No. 7102).	Unincorporated Areas.	May 18, 1994, May 25, 1994, *Chinook Opinion*.	The Honorable Arthur Kleinjan, Chairman, Blaine County Board of Commissioners, P.O. Box 278, Chinook, Montana 59523.	Apr. 7, 1994	300144
Nevada: Clark (FEMA Docket No. 7107).	City of Boulder City .	June 9, 1994, June 16, 1994, *The Boulder City News*.	The Honorable Iris Bletsch, Mayor, City of Boulder City, 401 California Avenue, Boulder City, Nevada 89005.	Apr. 19, 1994	320004
New Mexico: Bernalillo (FEMA Docket No. 7107).	City of Albuquerque	June 30, 1994, July 7, 1994, *The Albuquerque Tribune*.	The Honorable Martin Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	Mar. 17, 1994.	350002
Oklahoma: Rogers (FEMA Docket No. 7107).	City of Claremore	June 10, 1994, June 17, 1994, *Claremore Daily Progress*.	The Honorable Tom Pool, Mayor, City of Claremore, P.O. Box 249, Claremore, Oklahoma 74018.	Apr. 29, 1994	405375
Oklahoma: Garfield (FEMA Docket No. 7107).	City of Enid	June 2, 1994, June 9, 1994, *Enid News and Eagle*.	The Honorable Norman Grey, Mayor, City of Enid, P.O. Box 1768, Enid, Oklahoma 73702–1768.	Apr. 29, 1994	400062
Oklahoma: Comanche (FEMA Docket No. 7107).	City of Lawton	May 31, 1994, June 7, 1994, *Lawton Constitution*.	The Honorable John T. Marley, Mayor, City of Lawton, Fourth and ''A'' Avenue, Lawton, Oklahoma 73501.	Mar. 24, 1994.	400049
Oklahoma: Rogers (FEMA Docket No. 7107).	Unincorporated Areas.	June 10, 1994, June 17, 1994, *Claremore Daily Progress*.	Mr. Gerry Payne, Chairman, County Commissioners, Rogers County, 219 South Missouri, Room 1–109, Claremore, Oklahoma 74017.	May 31, 1994.	405379
Oregon: Columbia (FEMA Docket No. 7107).	Unincorporated Areas.	June 15, 1994, June 22, 1994, *The Spotlight*.	The Honorable Michael J. Sykes, Chairman, Columbia County Board of Commissioners, Columbia County Courthouse, Room 331, St. Helens, Oregon 97051.	May 11, 1994.	410034
Oregon: Lincoln (FEMA Docket No. 7107).	City of Newport	June 10, 1994, June 17, 1994, *The Newport News Times*.	The Honorable Mark Collson, Mayor, City of Newport, 810 Southwest Alder Street, Newport, Oregon 97365.	Apr. 25, 1994	410131
Texas: Tarrant (FEMA Docket No. 7109).	City of Arlington	July 18, 1994, July 25, 1994, *Fort Worth Star Telegram*.	The Honorable Richard Greene, Mayor, City of Arlington, 101 West Abram, Arlington, Texas 76004.	July 12, 1994	485454
Texas: Bexar (FEMA Docket No. 7109).	Unincorporated Areas.	July 1, 1994, July 8, 1994, *San Antonio Express News*.	The Honorable Cyndi Krier, Bexar County Judge, Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas 78205.	June 7, 1994	480035
Texas: El Paso (FEMA Docket No. 7107).	City of El Paso	June 16, 1994, June 23, 1994, *El Paso Times*.	The Honorable Larry Francis, Mayor, City of El Paso, Two Civic Center Plaza, El Paso, Texas 79901–1196.	Apr. 27, 1994	480214
Texas: Tarrant (FEMA Docket No. 7107).	City of North Richland Hills.	June 16, 1994, June 23, 1994, *Mid-Cities News*.	The Honorable Tommy Brown, Mayor, City of North Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182.	June 6, 1994	480607
Texas: Collin (FEMA Docket No. 7102).	City of Plano	May 24, 1994, May 31, 1994, *Dallas Morning News*.	The Honorable James N. Muns, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	Apr. 4, 1994	480140
Texas: Bexar (FEMA Docket No. 7107).	City of San Antonio .	Apr. 14, 1994, April 21, 1994, *San Antonio Express News*.	The Honorable Nelson W. Wolff, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	Feb. 2, 1994	480045
Texas: Bexar (FEMA Docket No. 7107).	City of San Antonio .	Apr. 22, 1994, April 29, 1994, *San Antonio Express News*.	The Honorable Nelson W. Wolff, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	Mar. 11, 1994.	480045

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas: Bexar (FEMA Docket No. 7109).	City of San Antonio .	July 1, 1994, July 8, 1994, *San Antonio Express News*.	The Honorable Nelson W. Wolff, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	June 7, 1994	480045
Texas: Williamson (FEMA Docket No. 7107).	Unincorporated Areas.	April 20, 1994, April 27, 1994, *Williamson County Sun*.	Mr. Paul Pinto, Floodplain Administrator, Williamson County, P.O. Box 570, Georgetown, Texas 78627.	Jan. 24, 1994.	481079
Washington: King (FEMA Docket No. 7107).	Unincorporated Areas.	June 8, 1994, June 15, 1994, *Seattle Times*.	The Honorable Gary Locke, King County Executive, King County Courthouse, 516 Third Avenue, room 400, Seattle, Washington 98104.	Apr. 28, 1994	530071
Washington: King (FEMA Docket No. 7107).	City of Redmond	June 8, 1994, June 15, 1994, *Journal American*.	The Honorable Rosemarie Ives, Mayor, City of Redmond, 156701 Northeast 85th Street, Redmond, Washington 98052.	Apr. 28, 1994	530087

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

Dated: January 13, 1995.

Richard T. Moore,

Associate Director for Mitigation.

[FR Doc. 95–1490 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–03–P

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (100-year) flood elevations and modified base (100-year) flood elevations are made final for the communities listed below. The base (100-year) flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW, Washington, DC 20472, (202) 646–2756.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR Part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is amended to read as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

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

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	
Barstow (city), San Bernardino County (FEMA Docket No. 7103)	
Mojave River:	
At the downstream corporate limit approximately 10,500 feet downstream of Interstate 15	*2,031
Approximately 4,300 feet downstream of Interstate 15	*2,049
Approximately 2,800 feet upstream of Interstate 15	*2,070
Approximately 5,000 feet downstream of First Street	*2,083
Just upstream of First Street	*2,098
Approximately 900 feet upstream of First Street	*2,101
Approximately 3,170 feet upstream of First Street	*2,105
At the upstream corporate limit approximately 3,600 feet upstream of Atchison Topeka and Santa Fe Railway	*2,120
Lenwood Creek:	
At the intersection of Lenwood Road and Sun Valley Road approximately 3,480 feet above Atchison Topeka and Santa Fe Railway	*2,257
At Sun Valley Road	*2,261
Approximately 1,400 feet upstream of Sun Valley Road	*2,272
Just upstream of Lenwood Road	*2,339
Armory Channel:	
Approximately 100 feet upstream of Armory Road	*2,282
Approximately 200 feet upstream of Armory Road	*2,286
Approximately 100 feet downstream of Tenth Street	*2,291
At the limit of detailed study approximately 190 feet upstream of Fifth Street	*2,358
Maps are available for inspection at City Hall, 220 East Mountain View Road, Barstow, California.	
Twentynine Palms (city), San Bernardino County (FEMA Docket No. 7106)	
Twentynine Palms Channel:	
Just upstream of Bullion Mountain Road	*1,727
Approximately 8,900 feet downstream of Amboy Road at an unnamed road	*1,747
Approximately 6,100 feet downstream of Amboy Road at Bagdad Highway	*1,764
Approximately 2,100 feet downstream of Amboy Road	*1,786
Just upstream of Amboy Road	*1,806
Basin 1: Approximately 2,000 feet south of the intersection of Lupine Avenue and Twentynine Palms Highway	#1
Smoke Tree Wash: At the intersection of Mission Avenue and National Old Trails Highway	#1
Basin 3:	
At the intersection of Mesquite Springs Road and Sullivan Road	#1
At the intersection of Old Dale Road and Adobe Road	#1
Joshua Mountain Wash: At the intersection of Serrano Drive and Adobe Road	#1
Basins 6 and 7: Approximately 2,000 feet east of the intersection of Base Line Road and Adobe Road	#1
Basins 8, 9, 10, and 11: At the intersection of Araby Avenue and Morning Drive	#1
Basins 8, 9, 10, 11, and 12:	
At the intersection of Sherman Hoyt Avenue and Old Dale Road	#1
At the intersection of Twilight Drive and Bedouin Avenue	#2
Approximately 4,000 feet southeast of the intersection of Morning Drive and Sahara Avenue measured along Gold Park Road	#3
Basin 12: Approximately 8,500 feet southeast of the intersection of Morning Drive and Sahara Avenue measured along Gold Park Road	#4
Maps are available for inspection at City Hall, City of Twentynine Palms, 6136 Adobe Road, Twentynine Palms, California.	
Colorado	
La Plata County (Unincorporated Areas) (FEMA Docket No. 7106)	
Animas River:	
Approximately 78.94 miles above the mouth	*6,593
Approximately 79.66 miles above the mouth	*6,605
Approximately 80.17 miles above the mouth	*6,622
Approximately 81.24 miles above the mouth	*6,661
Approximately 81.52 miles above the mouth	*6,669
Maps are available for inspection at 1060 East Second Avenue, Durango, Colorado.	
Hawaii	
Maui County (Unincorporated Areas) (FEMA Docket No. 7103)	
Kailua Gulch:	
Approximately 300 feet downstream of Hana Highway	*17
Approximately 1,100 feet upstream of Hana Highway	*30
Approximately 200 feet downstream of Kahului Railroad	*83
Maps are available for inspection at the Department of Public Works and Waste Management, Land Use and Codes Administration, 250 South High Street, Wailuku, Maui, Hawaii.	
Missouri	
Jefferson County (Unincorporated Areas) (FEMA Docket No. 7105)	
Joachim Creek:	
Approximately 2,000 feet upstream of Hematite Road	*434
Approximately 400 feet upstream of Missouri Pacific Railroad	*452
Just downstream of State Highway 21	*457
At downstream corporate limits of City of DeSoto	*474
Cotter Creek:	
At confluence with Joachim Creek	*458
Approximately 500 feet upstream of Victoria Lemay Road	*461
Approximately 100 feet upstream of State Highway 21	*495
Approximately 9,400 feet upstream of Whitehead Road	*588
Sandy Creek:	
Just upstream of Missouri Pacific Railroad	*413
Approximately 200 feet upstream of County Highway Z	*414
Approximately 500 feet upstream of Johnston Road	*434
Approximately 200 feet downstream of Allen Road	*452
Just upstream of State Highway 21	*482
Approximately 1,100 feet upstream of Hayden Road	*569
Sandy Creek East Tributary:	
Approximately 500 feet downstream of Linhorst Road	*431
Just downstream of Jarvis Road	*460
Approximately 2,000 feet upstream of Sandy Church Road	*487
Big Creek:	
At confluence with Sandy Creek	*447

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 600 feet upstream of Allen Road	*459
Just upstream of Jarvis Road	*507
Approximately 2,100 feet upstream of Jarvis Road	*527
Sandy Creek West Tributary:	
At confluence with Sandy Creek	*513
Approximately 100 feet upstream of Jarvis Road	*552
Approximately 2,800 feet upstream of Jarvis Road	*576
Glaize Creek:	
Just downstream of Moss Hollow Road	*438
Just upstream of Chasteen Lane	*445
Just downstream of Old Lemay Ferry Road	*512
Approximately 1,500 feet upstream of Quarry Road	*570
Moss Hollow Creek:	
Approximately 360 feet downstream of Moss Hollow Road	*438
Just upstream of Kentucky Road	*523
Approximately 120 feet upstream of Upper Moss Hollow Road	*544
Kneff Road Tributary:	
Approximately 100 feet downstream of County Highway M	*465
Approximately 100 feet upstream of Kneff Farm Road	*512
Just upstream of Old Lemay Ferry Road	*547
Approximately 1,050 feet upstream of Dry Fork Road	*612
Old Lemay Ferry Road Tributary:	
At confluence with Glaize Creek	*511
Just downstream of Wedde Road	*565
Just upstream of Old Lemay Ferry Road (first crossing)	*633
Approximately 2,500 feet upstream of Old Lemay Ferry Road (upstreammost crossing)	*685
Dutch Creek:	
Approximately 200 feet upstream of Little Dutch Creek Road	*468
Approximately 200 feet upstream of Eime Road	*530
Approximately 4,250 feet upstream of Eime Road	*571
Rock Creek:	
Just upstream of Old Lemay Ferry Road	*484
Just upstream of Lions Den Road	*496
Just upstream of Old State Highway 21	*577
Just upstream of Rustic Trails Drive	*652
Approximately 3,300 feet upstream of Rustic Trails Drive	*686
Maps are available for inspection at the Highway Department, 725 Maple Street, Court House, Annex Building, Hillsboro, Missouri.	

Oklahoma

Bethany (City), Oklahoma County (FEMA Docket No. 7106)	
Unnamed Tributary to North Canadian River:	
Approximately 500 feet upstream of the confluence with the North Canadian River, at the City of Bethany corporate limits	*1,249
Approximately 1,450 feet upstream of the confluence with the North Canadian River	*1,250
Maps are available for inspection at City Hall, City of Bethany, 6700 Northwest 36th Street, Bethany, Oklahoma.	
Payne County (Unincorporated Areas) (FEMA Docket No. 7103)	
Stillwater Creek:	
Approximately 4,300 feet upstream of Fairground Road	*853
Approximately 4,700 feet upstream of Brush Creek Road	*857
Approximately 270 feet upstream of Perkins Road	*861
Approximately 3,500 feet downstream of Range Road	*886
Approximately 1,400 feet downstream of the confluence with North Stillwater Creek	*893
Maps are available for inspection at the Payne County Conservation District, 800 East Sixth Street, Stillwater, Oklahoma.	
Tulsa County (Unincorporated Areas) (FEMA Docket No. 7106)	
Little Sand Creek:	
Approximately 2,000 feet above the confluence with the Arkansas River	*668
At 11th Street	*676
Approximately 225 feet upstream of U.S. Highway 64	*706
Approximately 4,325 feet upstream of U.S. Highway 64	*740
Approximately 5,575 feet upstream of U.S. Highway 64	*749
Sand Creek:	
Approximately 1,600 feet upstream of the confluence with the Arkansas River	*664
Approximately 600 feet upstream of U.S. Highway 64	*695
Approximately 3,700 feet upstream of U.S. Highway 64	*716
Approximately 4,800 feet upstream of U.S. Highway 64	*727
Maps are available for inspection at 500 South Denver, Room 312, Tulsa, Oklahoma.	

Texas

Glen Rose (City) and Somervell County (Unincorporated Areas) (FEMA Docket No. 7106)	
Paluxy River:	
Approximately 2,450 feet downstream of Elm Street	*620
At Elm Street	*624
Just upstream of U.S. Highway 67	*644
Maps are available for inspection at Town Hall, 201 Vernon Street, Glen Rose, Texas.	

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

Dated: January 13, 1995.

Richard T. Moore,

Associate Director for Mitigation.

[FR Doc. 95–1489 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–03–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61 and 69

[CC Docket No. 91–213; FCC 94–325]

Transport Rate Structure and Pricing

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission affirmed the interim transport rate structure, the method used to establish initial transport rates under the interim rate structure, and the price cap rules adopted to regulate future changes in transport rates. The Commission also clarified certain implementation procedures with respect to the interim transport rate structure and pricing rules. In doing so, the Commission resolved all the remaining issues raised on reconsideration in this proceeding.

EFFECTIVE DATE: February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Matthew J. Harthun, (202) 418–1590 or David L. Sieradzki, (202) 418–1576, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Third Memorandum Opinion and Order on Reconsideration in CC Docket No. 91–213, adopted December 15, 1994, and released December 22, 1994. The complete text of this Third Memorandum Opinion and Order on Reconsideration is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554.

Synopsis of Memorandum Opinion and Order

A. The Interim Rate Structure

1. The interim rate structure is a significant improvement over the ''equal charge'' rate structure. We believe that the interim rate structure is consistent with all three of our goals in this proceeding: (1) Encouraging efficient use of transport facilities by allowing pricing that reflects the way costs are incurred; (2) facilitating full and fair interexchange competition; and (3) avoiding interference with the development of interstate access competition. Having weighed the costs associated with an interim approach—namely, the effect on tandem competition and the delay in implementing a full cost-based rate structure—against the benefits associated with its balancing of our three public interest goals, we conclude that our cautious approach of adopting an interim rate structure and seeking comment on a long-term rate structure was a reasonable step towards a more cost-based transport rate structure.

2. We decline to hold open this proceeding, as suggested in the record. We conclude that we have had sufficient time to evaluate the interim restructure. We conclude, however, that continued monitoring of the effects of the interim transport rate structure would be in the public interest, and we delegate authority to the Chief, Common Carrier Bureau, to continue and refine the Bureau's transport monitoring program. With our affirmation of the interim transport rate structure, we retain our conclusions that: (1) non-Tier 1 local exchange carriers (LECs) are exempt from implementing the interim transport rate structure; (2) if such LECs provide entrance facilities, they must provide them on a flat-rated basis; and (3) such LECs must offer flat-rated direct-trunked transport upon receipt of a bona fide request.

B. Initial Benchmark Level and Permanent Rate Relationships

3. We affirm the benchmark used in setting the initial transport rates and our use of price cap rules to govern subsequent changes in the price cap LECs' transport rates.

4. *Adjusting the Benchmark or Applying It to Subsequent Rate Changes.* We decline to revise the benchmark used to establish initial transport rates or establish rigid rate relationships based on such a benchmark. We conclude that the small and medium interexchange carriers' (IXCs') suggested level of the benchmark lacks adequate cost justification. We continue to believe that special access rates provide a rational framework for establishing the initial transport rates.

5. Further, fixed rate relationships are not consistent with LEC price cap regulation. We believe that requiring permanent rate relationships between DS3, DS1, and tandem-switched transport rates would interfere with the efficient functioning of the market, and could retard long-distance price reductions, depress telecommunications usage, and inhibit economic growth. We reject the related recommendation to require the LECs to reset their tandem-switched transport rates annually based on DS3 and DS1 direct-trunked transport rates, weighted based on updated fiber/copper ratios. We continue to believe that price cap rules, rather than required annual adjustments guided by cost factors, are the most appropriate means, in an increasingly competitive access market, to govern ongoing changes in rates for LEC services, including tandem-switched transport.

6. We also decline to require the LECs to place uniform overhead loadings on their transport rates as a means of constraining changes to the price relationships between DS3 and DS1 rates. We conclude that even if it were demonstrated that different transport services are ''like services,'' differences between the levels of overhead loadings recovered in those rates would not necessarily constitute unreasonable discrimination. (We note that allegations that specific rates of individual carriers are discriminatory are not before us in this proceeding.)

7. While we continue to believe that a certain level of pricing flexibility is needed to enable the LECs to meet increasing competition in the local access market, we also recognize that without sufficient regulatory constraints the LECs could price their transport services anti-competitively. We have addressed this concern through special safeguards in the price cap system: placing DS3 flat-rated transport, DS1 flat-rated transport, and tandem-switched transport in separate service categories and subcategories, and retaining the +2% upper pricing band for tandem-switched transport services. We continue to believe that this approach best balances our concerns about potential anti-competitive LEC pricing and the LECs' need for some pricing flexibility in the face of increased competition, and thus, best promotes our public interest goals. We note, however, that this decision does not limit our discretion in addressing the separate record developed in our pending LEC Price Cap Review proceeding (Price Cap Performance Review for Local Exchange Carriers, Notice of Proposed Rulemaking, 59 FR 12888 (March 18, 1994)).

8. *Applying the Benchmark Separately to Different Transport Segments.* The method we used to create the benchmark was based on a typical configuration of LEC transport offerings, using rates from analogous special access offerings—one IXCs would likely use to purchase transport services, and competitive access providers would likely use to offer services that could be substituted for both entrance facilities and interoffice facilities. We decline to require the LECs to satisfy separate benchmark requirements for entrance facilities and for direct-trunked transport.

9. *Methodology for LECs with Rate Ratios Below the Benchmark.* We decline to revise the method by which those LECs with September 1992 special access rates below the 9.6 to 1 benchmark established initial transport rates.

C. Price Cap Service Categories and Price Bands

1. Tandem Switching

10. We decline to place tandem switching and local switching into the same price cap basket, whether that basket is the traffic sensitive basket or a new ''switching'' basket. We note also that this decision does not limit our discretion in addressing the separate record developed in the *LEC Price Cap Review* proceeding. We see no reason to treat tandem switching differently from tandem-switched transport transmission elements, and we retain the tandem switch element in the tandem-switched transport service category.

11. We also reject SW Bell's proposal to place the interconnection charge into a separate ''public policy'' basket. Until

we have completed our evaluation of what underlying costs are recovered in the interconnection charge and how the interconnection charge revenues should be reallocated or otherwise disposed of, we conclude that the interconnection charge service category should be included in the trunking basket.

12. Finally, we decline to price the tandem switching element incrementally, or to eliminate that element. We conclude that such measures would not be in the public interest.

2. Price Cap Service Categories and Pricing Bands

13. In our 1994 *Second Transport Order (Transport Rate Structure and Pricing,* Second Report and Order, 59 FR 10300 (March 4, 1994)), we specifically placed tandem-switched transport, DS1, and DS3 flat-rated services into separate service categories and service subcategories in order to prevent the LECs from offsetting lower rates for services subject to more competition with higher rates for less competitive services. We concluded in that order, and continue to believe, that separate price cap service categories and pricing bands are sufficient to protect against potential anti-competitive behavior. Accordingly, we decline to eliminate the separate service categories and subcategories that apply to transport services.

14. We also decline to put entrance facilities and interoffice facilities into separate service categories. No sufficient reason exists to place entrance facilities and interoffice facilities in separate service categories and to restrict the LECs' pricing flexibility between these services. We decline to eliminate the limited upward pricing flexibility permitted for tandem-switched transport.

D. The Interconnection Charge

1. Mid-Course Adjustment to the Interconnection Charge

15. We clarify that the period to be used in calculating the amount of any mid-course adjustment to the interconnection charge is from the effective date of the initial transport tariffs (December 30, 1993) through December 31, 1994. This calculation will define the amount that will prospectively establish the appropriate level for the interconnection charge. We further clarify that the mid-course adjustment to the interconnection charge permits recoupment of under-recovered interconnection charge revenues from December 30, 1993 to the effective date of the tariff implementing the mid-course adjustment. We intended that the interconnection charge yield only an initial rate restructure that was revenue-neutral. We interpret ''initial'' to apply to the first year after the implementation of the new rates. Subsequent changes to the interconnection charge will be governed by the price cap rules. LECs must file requests for mid-course adjustments to the interconnection charge no later than March 31, 1995. We delegate authority to the Chief, Common Carrier Bureau, to specify the format and content of such filings.

16. The mid-course adjustment to the interconnection charge, should any LEC choose to avail itself of the adjustment, does not constitute retroactive ratemaking. The adjustment will affect only rates in effect after the date of the adjustment. It will not retroactively change the interconnection charge rates that customers already paid before the adjustment date. Nor will the adjustment require recoupment of revenues from customers or refunds to customers without suspension and an accounting order pursuant to Section 204(a) of the Communications Act, 47 U.S.C. 204(a).

17. That the mid-course adjustment will take into account revenues the LECs under-recovered before the date of the adjustment does not convert the adjustment into retroactive ratemaking. All interested parties were on notice prior to the effective date of the transport tariffs that the interconnection charge was subject to adjustment and that the purpose of that adjustment was to achieve more fully our objective of revenue neutrality during the transition from the old to the new rate structure. Therefore, any adjustment at a later date merely constitutes the implementation of a prospectively established obligation affecting the LECs and all access customers. The prior notice that the interconnection charge would be subject to adjustment, and the unique nature of the interconnection charge mid-course adjustment in the context of the major, Commission-required transport rate restructure, distinguish this case from cases in which a carrier generally seeks to adjust its rates prospectively to recoup costs from an earlier period. We do not address whether or not such cases would constitute retroactive ratemaking.

2. Burden of Proof for the Mid-Course Adjustment

18. We decline to modify the burden of proof associated with the mid-course adjustment. The LECs have the burden of demonstrating a significant under-recovery of revenues that justifies an adjustment to the interconnection charge. We affirm our determination that the LECs must prove the extent to which they have not been able to reuse facilities no longer needed after IXC reconfigurations.

19. We clarify, however, that the burden of proving that facilities could not be reused does not apply to facilities that are reused as a result of the transport restructure itself. For example, if a customer reconfigures its LEC entrance facility from 25 DS1 circuits to a lower-priced DS3 circuit running over the same physical facility, the ''reuse'' of that facility in providing DS3 service instead of DS1 service is not excluded from the computation of the interconnection charge. In such a case, the interconnection charge may reasonably include recovery of the difference between the price of the 25 DS1 circuits and the price of the DS3 circuit. The requirement that LECs show that they have been unable to reuse facilities applies to situations in which facilities are no longer used for interstate switched transport, and the LECs have not been able to put the facilities to any alternative uses. For example, if the customer terminates its use of the 25 DS1 circuits because, due to the transport restructure, it has decided to consolidate its points of presence, and the LEC is unable to put the entrance facility to any alternative uses in its network, then the LEC may reasonably include recovery of the lost DS1 revenues in the interconnection charge.

20. We also affirm our determination that the LECs should have the burden of proving that demand losses result from the transport rate restructure rather than competition. While we intend that the transport rate restructure be revenue-neutral to the LECs, competition in the provision of switched transport is likely to result in revenue losses to the LECs. The interconnection charge should not be used to shield LECs from the risks of revenue loss associated with growing competition.

3. Waiver of Non-Recurring Charges

21. We decline to modify the scope of the NRC waiver. As a general matter, we conclude that to broaden the scope of the NRC waiver to include network reconfigurations not related to the rate restructure would be unfair to the LECs and beyond the scope of this proceeding. Specifically, we conclude that six months was ample time for the mandated waiver to be held open, especially since IXCs had more than one year to plan any network reconfigurations before the new rate structure became effective. We reject

CompTel's recommendation that we require waiver of termination penalties in contracts for entrance facilities because we conclude that such a waiver would deny the LECs recovery of capital expenditures made specifically for a particular IXC. We also decline to adopt AT&T's proposal to require LECs to waive NRCs for all IXC consolidations because it is moot and beyond the scope of this proceeding. Moreover, we decline to restrict the NRC waiver to once per trunk, as USTA suggests, because, in light of the limited time period for which the waiver was available, we have no reason to believe that the significant churn envisioned by USTA occurred.

22. Finally, we conclude that, in their mid-course adjustment of the interconnection charge, the LECs are entitled, upon a proper showing, to take into account NRCs waived pursuant to the Commission's requirement. Therefore, if a LEC can demonstrate that, as a result of the Commission-mandated waiver of NRCs, the transport restructure yielded revenues significantly less than the amount it realized previously, in part, because the number of NRCs charged during the year fell short of the demand level used in calculating the initial interconnection charge, the LEC may seek a mid-course adjustment on this basis. We conclude that the Commission has statutory authority to allow this type of recovery through the interconnection charge because it is necessary to maintain revenue neutrality and because carrying out such an adjustment does not constitute retroactive ratemaking.

E. Miscellaneous

1. Pricing Flexibility

23. We reaffirm that the LECs may offer term and volume discounts for switched transport services and may implement density zone pricing of switched transport, as set forth in the Switched Transport Expanded Interconnection Order (Expanded Interconnection with Local Telephone Company Facilities, Second Report and Order and Third Notice of Proposed Rulemaking, 58 FR 48756 (September 17, 1993)), and as reaffirmed and slightly modified by the Expanded Interconnection Remand Order, (Expanded Interconnection with Local Telephone Company Facilities, Memorandum Opinion and Order, 59 FR 38922 (August 1, 1994)). We decided these issues in the expanded interconnection proceeding, based on a separate and complete record. The present record, however, does not refute the need for this additional pricing flexibility in an increasingly competitive access market.

24. With respect to volume and term discounts, we clarify that the rules we adopted in the expanded interconnection proceeding regarding discounted transport offerings (47 U.S.C. 69.110(f)–(h), 69.111(i)–(k), and 69.112(f)–(h)) contemplate only volume discounts (reduced per-unit prices for a particular number of units of service) and term discounts (reduced per-unit prices for a specified service for a particular period of time). These rules do not provide for percentage or growth discounts—reduced per-unit prices for customers that commit to purchase a certain percentage of their past usage from a LEC, or reduced prices based on growth in traffic placed over a LEC's network. With respect to density zone pricing, we reaffirm our requirement that the price subindexes (i.e., the upper and lower pricing bands—not the rate levels) be the same in each zone when a LEC introduces density zone pricing in a study area.

2. Intermediate Hubbing and Tandem-Switched Transport

25. We decline to adopt Sprint's proposal to modify the definition of ''tandem-switched transport'' to include service between any customer-designated telephone company office and an end office, thus permitting IXCs to purchase (1) dedicated facilities to an intermediate hub that is not collocated at the serving wire center or at the tandem office; and (2) tandem-switched transport from that intermediate hub to an end office, rated based on the distance between the hub and the end offices without regard for the actual location of the intervening tandem office. We have already adopted rules that enable tandem-switched transport users to obtain efficiencies through intermediate hubbing. Sprint's proposal would substantially change the transport rate structure, and would lead to the pricing of more services in a manner that does not reflect the way facilities are deployed. Given our doubts about the efficiency benefits of Sprint's request and the fact that the existing rules already provide reasonable opportunities for tandem-switched transport users to compete with direct-trunked transport users, we decline to amend our prior decisions.

3. Meet Point Billing

26. We conclude that specific methods for assessing, and avoiding double billing for, the tandem charge and the interconnection charge under meet point billing arrangements are better left to the individual parties involved, given the wide variety and diversity of such arrangements. If such issues cannot be settled among the parties, we can address them in the future in the tariff process or pursuant to specific complaints filed with the Commission.

4. Prohibition on Ratcheting

27. We continue to believe that ratcheting by interconnectors benefits access customers and competition, and therefore, decline to modify our rules with respect to ratcheting.

Ordering Clauses

28. Accordingly, it is ordered, pursuant to Sections 1, 4(i) and (j), 201–205, 218, 220, 403, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), 201–205, 218, 220, 403, and 405, that the petitions for reconsideration and clarification concerning the rate structure and pricing of local transport are denied, except to the extent indicated herein.

29. It is further ordered that the decisions and policies adopted herein shall be effective thirty days after the date of publication in the **Federal Register**.

30. It is further ordered that WilTel's Motion for Acceptance of Late-Filed Opposition to Petition for Reconsideration is granted.

31. It is further ordered that authority is delegated to the Chief, Common Carrier Bureau, as set forth herein.

List of Subjects in 47 CFR Part 61 and 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–1358 Filed 1–19–95; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 950104001–5001–01; I.D. 092694A]

RIN 0648–AF02

Groundfish of the Bering Sea and Aleutian Island Area; Amendment 21a

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement Amendment 21a to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI), which prohibits the use of trawl gear in specified areas surrounding the Pribilof Islands. This action is necessary to protect areas that are biologically important to certain crab stocks and to reduce potential interference with seabird and marine mammal populations. This action is intended to promote the goals and objectives of the FMP.

EFFECTIVE DATE: January 20, 1995.

ADDRESSES: Copies of Amendment 21a and the Environmental Assessment/ Regulatory Impact Review (EA/RIR) are available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: Ellen R. Varosi, 907–586–7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the BSAI are managed by NMFS in accordance with the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations authorized under the FMP that pertain to the U.S. groundfish fisheries appear at 50 CFR parts 620, 675, and 676.

This action implements Amendment 21a to the FMP. It establishes a trawl closure around the Pribilof Islands to protect sensitive habitat areas for crab, seabird, and marine mammal populations.

A notice of availability of Amendment 21a was published on October 6, 1994 (59 FR 50893), and invited comment on the amendment through November 29, 1994. A proposed rule was published in the **Federal Register** on October 17, 1994 (59 FR 52277); a correction to the proposed rule was published in the **Federal Register** on November 3, 1994 (59 FR 55076). Comments on the proposed rule were invited through November 28, 1994. Written comments are summarized in the ''Response to Comments'' section, below.

After reviewing the reasons for Amendment 21a and the comments on the proposed rule to implement it, NMFS approved Amendment 21a on December 30, 1994, under section 304(b) of the Magnuson Act. Amendment 21a, and this final rule implementing it, prohibits fishing with trawl gear in the area bounded by a straight line connecting the following pairs of coordinates in the following order:

Latitude	*Longitude*
57°57.0′ N.	168°30.0′ W.
56°55.2′ N.	168°30.0′ W.
56°48.0′ N.	169°2.4′ W.
56°34.2′ N.	169°2.4′ W.
56°30.0′ N.	169°25.2′ W.
56°30.0′ N.	169°44.1′ W.
56°55.8′ N.	170°21.6′ W.
57°13.8′ N.	171°0.0′ W.
57°57.0′ N.	171°0.0′ W.
57°57.0′ N.	168°30.0′ W.

The reasons for this action are explained further in the preamble to the proposed rule.

Changes From the Proposed Rule

The proposed rule would have amended § 675.22 by adding the proposed trawl closure as paragraph (i). The final rule amends § 675.24 by adding paragraph (h) to include the trawl closure as the Pribilof Island Area Habitat Conservation Zone.

Response to Comments

Seven letters of comment were received within the comment period. Of these, one letter was submitted by another government agency that acknowledged the action but provided no comment, three letters supported the action, and three letters of comment opposed the action. A summary of comments and NMFS' response follows:

Comment 1: The proposed closure in the specified area around the Pribilof Islands should be disapproved because it includes all trawling, as opposed to bottom trawling, which will cause unnecessary impacts to the midwater pollock fishery. Also, the rock sole and flatfish fisheries will be seriously affected as a result of this closure. Finally, the rationale of protecting seabirds and marine mammals has not been analyzed thoroughly and fails to provide adequate justification for flatfish fisheries.

Response: The inclusion of all trawl gear types provides additional protection for seabirds and marine mammals because all trawl gear is retrieved at the surface. Trawl gear interaction with these species at or near the ocean surface would be eliminated because the incidental takings of these species primarily occur near the surface. In addition, the inclusion of all trawl gear promotes enforcement and, by prohibiting the directed fishing for rock sole and flatfish with trawl gear, eliminates the source of the highest bycatch rates of crab and prohibited species categories. The amount of groundfish caught inside the habitat conservation area is minimal compared to the groundfish caught in the remaining Bering Sea areas. The EA/RIR provides a detailed analysis, which concludes that additional conservation benefits would be achieved with the prohibition of all trawl gear types from the habitat conservation area, which will have minimal adverse impact on the trawl fisheries.

Comment 2: Combined effects of the proposed closure and other closures under consideration by the Council, which directly affect the rock sole fishery, were not adequately considered. An adequate analysis should be developed to determine: (1) The increased bycatch rate of prohibited species catch (halibut and Tanner crab) and other groundfish species due to the necessity for vessels participating in the rock sole fishery to change traditional fishing grounds; (2) the increased probability of a closure of the rock sole fishery before available TAC is harvested due to the attainment of *C. bairdi* Tanner crab or halibut bycatch allowances; (3) the combined effect of other trawl closures, which have made the rock sole fishery dependent on the Pribilof Islands area for higher catch rates, such that a redistribution of fishing effort from this area will result in lower catch rates and poorer utilization of groundfish stocks; and (4) whether a plausible link exists between the flatfish fisheries and seabirds or marine mammals.

Response: The problem statement for this action addressed the habitat concerns for crabs, marine mammals, and seabirds in the ecosystem around the Pribilof Islands. Groundfish fisheries have bycatch, which were predominately blue king crab, in the Pribilof Islands area. Blue king crab exist as isolated populations off the Pribilof Islands, St. Matthew Island, and St. Lawrence Island.

In addition, the northern fur seal population in the Pribilof Islands area comprises nearly two-thirds of the world population; although the population is currently stable, it is listed as depleted under the Marine Mammal Protection Act. Other seabirds and marine mammals that forage and breed in the area off the Pribilof Islands are Steller sea lions, Pacific harbor seals, and red-faced cormorants, murres species, auklets, and horned puffins. Therefore, the area surrounding the Pribilof Islands provides the potential for a marine sanctuary, if all trawling were prohibited. Any fishing with trawl gear, including flatfish, would increase the potential for interaction between the species needing protection and trawl gear, which has the potential to affect

marine mammals and seabirds adversely.

A bycatch simulation model was used initially to examine the potential impact of alternative trawl closure areas around the Pribilof Islands. Results of this analysis suggested that minimal impacts in halibut or Tanner crab bycatch amounts would occur. The EA/RIR prepared for this action states that these results could be due to the relatively small spatial scale of the proposed alternatives that the model could not approximate, or reflect a fairly accurate minimal impact, both economically and in terms of bycatch of prohibited species.

Analysis of the preferred alternative did not make use of the bycatch simulation model, in part because an updated version of the model was not available. Instead, analysts examined historical distribution and observed bycatch rates of prohibited species and the potential displacement of fishing effort from the proposed closed area to other fishing grounds. Based on this information and the previous bycatch simulation model runs, NMFS believes the best available information was used to examine the potential impact of the alternative trawl closures and that the proposed trawl closure would not be anticipated to result in an increase in prohibited species bycatch amounts.

The EA/RIR included adequate analysis of the economic impacts relative to the groundfish fisheries in this area. Amendment 21a will have a larger impact on the flatfish fisheries than on other groundfish fisheries because the highest blue king crab bycatch rate in the groundfish fisheries has occurred in the closed area. Furthermore, the rock sole fishery experiences the highest bycatch rate of blue king crab, which is the species in need of protection.

Comment 3: The proposed Pribilof Island area closure should be approved, because it will protect most of the king crab stocks, and enhance the rebuilding of depressed blue king crab stocks without causing foregone harvest of groundfish.

Response: NMFS concurs with this comment.

Comment 4: Amendment 21a is a conservation measure of significant proportion that is greatly needed and supported by the residents of the Pribilof Islands. Adequate support to minimize the impacts of the trawl fisheries was provided.

Response: NMFS concurs with this comment.

Comment 5: The effects of this closure to protect crab, seabirds, and marine mammals will significantly affect 14 vessels that fish in the Pribilof Islands area for rock sole and flatfish. To the extent that most of the groundfish catch for these fisheries and vessels takes place in the Pribilof Islands area, the displacement of these trawl vessels to other open areas will result in significant adverse economic effects. According to a Report to Industry on Blue and Red King Crab populations in the Pribilof District, the abundance of blue king crab has increased by 425 percent. The EA/RIR included the following points: (1) The abundance of red king crab in the area surrounding the Pribilof Islands has increased despite continued trawl activity, (2) no assessment of past trawl closures for crab has been conducted, (3) justification is lacking for the alleged destructive impact of bottom trawling on blue king crab's habitat and (4) different models were used to analyze different alternatives for the closed area.

Response: The rock sole fishery will be able to continue in areas adjacent to the closed area. The movement of the rock sole fleet to other areas would allow the rock sole fishery to continue without affecting blue king crab stocks, marine mammals, and seabird populations that are dependent on the Pribilof Islands area. Although the NMFS crab survey indicated the abundance of red king crab has increased in the Pribilof Islands area in recent years, the habitat of red king crab covers an extensive portion of the Bering Sea. Blue king crab are present in isolated populations in localized areas near the Pribilof Islands, St. Matthew Island, and St. Lawrence Island. Blue king crab distribution does not extend uniformly across the Bering Sea.

While a 425 percent increase in blue king crab abundance occurred from 1985 to 1993, 1985 marks the lowest annual abundance of blue king crab populations, and when compared to the 1980 abundance, the 1985 abundance is 8,800 percent lower.

The Council developed two sets of alternatives for the trawl closure based on either: (a) Geographic coordinates of existing management areas; or (b) the habitat of blue king crab, seabirds and marine mammals as determined through NMFS trawl survey data. The first set of alternatives was analyzed using a bycatch simulation model. This approach was not used for the second set of alternatives because an updated version of the model was not available. Instead, these alternatives were examined using new technology developed for the global positioning of observer and fishery data.

Classification

The Director, Alaska Region, NMFS, has determined that FMP Amendment 21a is necessary for the conservation and management of the BSAI groundfish fishery and is consistent with the Magnuson Act and other applicable laws.

The Assistant General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities.

NMFS has approved an emergency interim rule prohibiting directed fishing for groundfish by vessels using trawl gear in part of the Bering Sea Subarea to protect red king crab. The emergency rule closure will result in a redistribution of trawl effort for roe-bearing rock sole from historically productive fishing grounds in the Bristol Bay Subarea to other areas of the Bering Sea. The final rule implementing Amendment 21a must become effective concurrent with the emergency rule to prevent an unprecedented increase in trawl effort around the Pribilof Islands that could result from the redistribution of the rock sole fishery under the emergency rule. An increase in trawl effort around the Pribilof Islands would jeopardize the intent of Amendment 21a to protect the important crab, marine mammal, and seabird habitat located in this area. The need to implement Amendment 21a in a timely manner constitutes good cause under authority contained in 5 U.S.C. 553(d)(3), to waive the 30-day delay in effective date and make the rule effective on January 20, 1995.

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

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: January 13, 1994.

Charles Karnella,

Acting Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 675 is amended as follows:

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

1. The authority citation for part 675 continues to read as follows:

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

2. Section 675.24, paragraph (h) is added as follows:

§ 675.24 Gear limitations.

* * * * *

(h) *Pribilof Island Area Habitat Conservation Zone:* Trawling is prohibited at all times in the area bounded by a straight line connecting the following pairs of coordinates in the following order:

Latitude	*Longitude*
57°57.0′ N.	168°30.0′ W.
56°55.2′ N.	168°30.0′ W.
56°48.0′ N.	169°2.4′ W.
56°34.2′ N.	169°2.4′ W.
56°30.0′ N.	169°25.2′ W.
56°30.0′ N.	169°44.1′ W.
56°55.8′ N.	170°21.6′ W.
57°13.8′ N.	171°0.0′ W.
57°57.0′ N.	171°0.0′ W.
57°57.0′ N.	168°30.0′ W.

[FR Doc. 95–1398 Filed 1–13–95; 4:49 pm]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 60, No. 13
Friday, January 20, 1995

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.

FEDERAL ELECTION COMMISSION

11 CFR Part 110

[Notice 1995–1]

Communications Disclaimer Requirements

AGENCY: Federal Election Commission.

ACTION: Notice of public hearing.

SUMMARY: The Federal Election Commission is announcing a public hearing on proposed changes to its regulations governing disclaimers on campaign communications.

DATES: The hearing will be held at 10:00 a.m. on March 8, 1995. Requests to testify must be received on or before February 22, 1995. Persons requesting to testify must also submit written comments by February 22, 1995, if they have not previously filed written comments on the proposed rules.

ADDRESSES: Requests to testify, and any accompanying comments, must be made in writing and addressed to: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463. Commission hearings are held in the Commission's ninth floor meeting room, 999 E Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On October 5, 1994, the Commission published in the **Federal Register** a Notice of Proposed Rulemaking [''NPRM''] on various amendments to the communications disclaimer requirements found at 11 CFR 110.11. 59 FR 50708. The NPRM did not announce a public hearing on these rules, but rather stated that a hearing would be scheduled if sufficient requests to testify were received.

The comment period on this Notice ended on December 5, 1994. The Commission received comments from several sources. Two of the commenters requested to testify at the public hearing, if one is held.

After considering these requests and the other comments received in response to the NPRM, the Commission believes a public hearing would be helpful in considering the issues raised in this rulemaking. The hearing will be held at 10:00 a.m. on March 8, 1995.

Dated: January 17, 1995.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 95–1477 Filed 1–19–95; 8:45 am]

BILLING CODE 6715–01–M

11 CFR Parts 9003, 9004, 9006, 9007, 9033, 9034, 9037, and 9038

[Notice 1995–2]

Public Financing of Presidential Primary and General Election Candidates

AGENCY: Federal Election Commission.

ACTION: Notice of public hearing.

SUMMARY: The Federal Election Commission is announcing a public hearing on proposed changes to its regulations governing publicly financed Presidential primary and general election candidates.

DATES: The hearing will be held at 10 a.m. on February 15, 1995. Requests to testify must be received on or before February 1, 1995. Persons requesting to testify must also submit written comments by February 1, 1995, if they have not previously filed written comments on the proposed rules.

ADDRESSES: Requests to testify, and any accompanying comments, must be made in writing and addressed to: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463. Commission hearings are held in the Commission's ninth floor meeting room, 999 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On October 6, 1994, the Commission published in the **Federal Register** a Notice of Proposed Rulemaking [''NPRM''] on various amendments to the regulations governing publicly financed Presidential primary and general election candidates. 59 FR 51006. The comment period on this Notice originally ended on December 5, 1994, but has since been extended until January 9, 1995.

To date the Commission has received comments from several sources. Although the NPRM did not announce a public hearing on these rules, several commenters have requested to testify at such a hearing, if one is held.

After considering these requests and the other comments received to date in response to the NPRM, the Commission believes a public hearing would be helpful in considering the issues raised in this rulemaking. The hearing will be held at 10 a.m. on February 15, 1995.

Dated: January 17, 1995.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 95–1478 Filed 1–19–95; 8:45 am]

BILLING CODE 6715–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 35

[Docket No. 94–ANE–60; Notice No. 35–ANE–02]

Special Conditions; Hamilton Standard Model 568F Propeller

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Hamilton Standard Model 568F propeller with electronic propeller and pitch control system. The applicable regulations currently do not contain adequate or appropriate safety standards for constant speed propellers with electronic propeller and pitch control. This notice proposes the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that established by the airworthiness standards of part 35 of the Federal Aviation Regulations (FAR).

DATES: Comments must be submitted on or before March 6, 1995.

ADDRESSES: Comments on this proposal may be submitted in triplicate to: Federal Aviation Administration (FAA),

New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–ANE–60, 12 New England Executive Park, Burlington, Massachusetts, 01803–5299. Comments must be marked: Docket No. 94–ANE–60. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Martin Buckman, Engine and Propeller Standards Staff, ANE–110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts, 01803–5229; telephone 238–7112; fax (617) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under **ADDRESSES**. All communications received on or before the closing date for comments, specified under **DATES,** will be considered by the Administrator before taking action on the proposal. The proposal 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 special conditions. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this proposal will be filed in the docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 94–ANE–60.'' The postcard will be date stamped and returned to the commenter.

Availability of Notice of Special Condition

Any person may obtain a copy of this Notice of Special Condition by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–ANE–60, 12 New England Executive Park, Burlington, Massachusetts, 01803–5299.

Discussion

Background

On January 26, 1994, Hamilton Standard applied for type certification for a new Model 568F propeller. This propeller uses a new electronic propeller and pitch control system in place of the primary governor control and synchrophaser unit.

The existing propeller pitch control is normally monitored by a governor which senses propeller speed and adjusts the pitch to absorb the engine power and therefore maintains the propeller at the correct RPM. When the primary governor fails, the propeller pitch is controlled by an overspeed governor.

This type of system is conventional and its airworthiness considerations are addressed by part 35 of the FAR's.

The FAA has determined that special conditions was necessary to install a Hamilton Standard electronic propeller and pitch control in place of the primary governor control and synchrophaser unit for the Model 568F propeller. This control is designed to operate a mechanical and hydraulic interface for the engine and propeller. It commands speed governing, synchrophasing and provides beta scheduling.

Electronic propeller and pitch controls introduce potential failures that can result in hazardous conditions. These types of failures are not addressed by the requirements of part 35. These failures can lead to the following possible hazardous conditions:

(1) Loss of control of the propeller,

(2) Instability of a critical function,

(3) Unwanted change in propeller pitch causing improper thrust/overspeed, and

(4) Unwanted action of a critical control function resulting in propeller flat pitch or reverse.

Certification issues that must be addressed are possible loss of aircraft-supplied electrical power, aircraft supplied data, failure modes, environmental effects including lightning strikes and high intensity radiated magnetic fields (HIRF) and software design.

The FAA finds that under the provisions of section 21.16 of the FAR, additional safety standards must be applied to the Hamilton Standard electronic propeller control for Model 568F propellers to demonstrate that it is capable of acceptable operation.

Type Certification Basis

Under the provisions of section 21.17 of the FAR, Hamilton Standard must show that the Model 568F propeller meets the requirements of the applicable regulations in effect on the date of the application. Those FAR's are section 12.21 and part 35, effective February 1, 1995, as amended.

The Administrator finds that the applicable airworthiness regulations in part 35, as amended, do not contain adequate or appropriate safety standards for the Model 568F propeller. Therefore, the Administrator proposes special conditions under the provisions of section 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with section 11.49 of the FAR's after public notice and opportunity for comment, as required by sections 11.28 and 11.29(b), and become part of the type certification basis in accordance with section 21.101(b)(2).

Novel or Unusual Design Features

Because of the unusual design features of the Hamilton Standard 568F propeller with electronic propeller and pitch control, the FAA proposes special conditions under section 21.16 of the FAR.

Conclusion

This action affects only the Hamilton Standard Model 568F propeller with a new system of electronic propeller and pitch control. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the propeller.

List of Subjects in 14 CFR part 35

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421, 1423; 49 U.S.C. 106(g); and 14 CFR 11.49 and 21.16.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Hamilton Standard 568F Model propeller with electronic propeller and pitch control system.

(a) For purposes of these special conditions, a hazardous condition is considered to exist for each of the following conditions:

(1) Loss of control of the propeller,

(2) Instability of a critical function,

(3) Unwanted change in propeller pitch causing improper thrust/overspeed, and

(4) Unwanted action a critical control function resulting in propeller flat pitch or reverse.

(b) Considering the electronic propeller and pitch controls introduce potential failures that can result in hazardous conditions, the following special conditions are proposed:

(1) Each propeller and pitch control system which relies on electrical and electronic means for normal operation must:

(i) Be designed and constructed so that any failure or malfunction of aircraft-supplied power or data will not result in an unacceptable change in propeller pitch setting or prevent continued safe operation of the propeller.

(ii) Be designed and constructed so that no single failure or malfunction, or probable combination of failures of electrical or electronic components, or mechanical and hydraulic interface of the propeller control system, result in a hazardous condition.

(iii) Be tested to its environmental limits including transients (variations) caused by lightning and high intensity radiated fields (HIRF) and demonstrate no adverse effects on the control system operation and performance or resultant damage. These tests shall include, but not be limited to, the following:

(A) Lightning strikes, such as multiple-stroke and multiple-burst

(B) Pin-injected tests to appropriate wave forms and levels

(C) HIRF susceptibility tests

(iv) Be demonstrated by analysis/tests that associated software is designed and implemented to prevent errors that would result in an unacceptable change in propeller pitch or an hazardous condition.

(v) Be designed and constructed so that a failure or malfunction of electrical or electronic components in the propeller control system could not prevent safe operation of any remaining propeller that is installed on the aircraft.

Issued in Burlington, Massachusetts, on January 12, 1995.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95–1532 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 35

[Docket No. 94–ANE–61; Notice No. 35–ANE–03]

Special Conditions; Hamilton Standard Model 568F Propeller

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This document proposes special conditions for the Hamilton Standard Model 568F propeller. This propeller is constructed using all composite blades, a novel and unusual design feature. Part 35 of the Federal Aviation Regulations (FAR's) currently does not address the airworthiness considerations associated with propellers constructed using all composite blades. This notice proposes additional safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established by the airworthiness standards of part 35 of the FAR's.

DATES: Comments must be received on or before February 21, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–ANE–61, 12 New England Executive Park, Burlington, Massachusetts 01803–5299. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Martin Buckman, Engine and Propeller Standards Staff, ANE–110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803–5229; (617) 273–7079; fax (617) 270–2412.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposes special conditions. 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 No. 94–ANE–61.'' The postcard will be date stamped and returned to the commenter.

Availability of Notice of Special Condition

Any person may obtain a copy of this Notice of Special Condition by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–ANE–61, 12 New England Executive Park, Burlington, Massachusetts 01803–5299.

Discussion

Background

On January 26, 1994, Hamilton Standard applied for type certification for a new Model 568F propeller. This propeller is constructed using all composite blades, a novel and unusual design feature. Propellers constructed entirely of composite material have additional airworthiness considerations not currently addressed by part 35 of the FAR's. Those additional airworthiness considerations associated with propellers constructed using all composite blades are propeller integrity following a bird strike, propeller integrity following a lightning strike, and propeller fatigue strength when exposed to the deteriorating effects of in-service use and the environment.

Type Certificate Basis

Under the provisions of § 21.17 of the FAR's, Hamilton Standard must show that the Model 568F propeller meets the requirements of the applicable regulations in effect on the date of the application. Those FAR's are § 21.21 and part 35, effective February 1, 1965, as amended.

The Administrator finds that the applicable airworthiness regulations in part 35, as amended, do not contain

adequate or appropriate safety standards for the Model 568F propeller because it is constructed using composite material. Therefore, the Administrator proposes special conditions under the provisions of § 21.16 of the FAR's to establish a level of safety equivalent to that established in part 35.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR's after public notice and opportunity for comment, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.101(b)(2).

Novel or Unusual Design Features

The Hamilton Standard Model 568F propeller incorporates propeller blades constructed using composite material. This material has fibers that are woven or aligned in specific directions to give the material directional strength properties. These properties depend on the type of fiber, the orientation and concentration of fiber, and matrix material. Composite materials could exhibit multiple modes of failure. Propellers constructed of composite material must demonstrate airworthiness when considering these novel design features.

The requirements of part 35 of the FAR's were established to address the airworthiness considerations associated with wood and metal propellers used primarily on reciprocating engines. Propeller blades of this type are generally thicker than composite blades, and have demonstrated good service experience following a bird strike. Propeller blades constructed using composite material are generally thinner when used on turbine engines, and are typically installed on high performance aircraft. High performance aircraft generally fly at high airspeeds with correspondingly high impact forces associated with a bird strike. Thus, composite propellers must demonstrate propeller integrity following a bird strike.

In addition, part 35 of the FAR's do not currently require a demonstration of propeller integrity following a lightning strike. No safety considerations arise from lightning strikes on propellers constructed of metal because the electrical current is safely conducted through the metal blade without damage to the propeller. Fixed pitched, wood propellers are generally used on engines installed on small, general aviation aircraft that typically do no encounter fling conditions conducive to lightning strikes. Composite propeller blades, however, may be used on turbine engines and high performance aircraft which have an increased risk of lightning strikes. Composite blades may not safely conduct of dissipate the electrical current from a lightning strike. Severe damage can result if the propellers are not properly protected. Therefore, composite blades must demonstrate propeller integrity following a lightning strike. Information on testing for lightning protection is set out in SAE Report AE4L, entitled, ''Lightning Test Waveforms and Techniques for Aerospace Vehicles and Hardware,'' dated June 20, 1978.

Lastly, the current certification requirements address fatigue evaluation only of metal propeller blades or hubs, and those metal components of non-metallic blade assemblies. Allowable design stress limits for composite blades must consider the deteriorating effects of the environment and in-service use, particularly those effects from temperature, moisture, erosion and chemical attack. Composite blades also present new and different considerations for retention of the blades in the propeller hub.

Conclusion

This action affects only the Hamilton Standard Model 568F propeller and future propeller models within this series. It is not a rule of general application, and it affects only the manufacturer who applied to the FAA for approval of this propeller model.

List of Subjects in 14 CFR Part 35

Air Transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions continues to read as follows:

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

The Proposed Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) proposes the following Special Conditions for the Hamilton Standard Model 568F Propeller.

(a) For purposes of these special conditions, a hazardous condition is considered to exist for each of the following conditions:

(1) Loss of the propeller blade, or a major portion of a blade.

(2) Overspeed of the propellers.

(3) Unintended movement of the blade below the established minimum inflight blade angle, or to an angle that results in excessive drag.

(4) The inability to feather the propeller when necessary.

(b) In addition to the requirements of Federal Aviation Regulation part 35, the following must be shown:

(1) *BIRD STRIKE*

For propeller of composite construction it must be shown that:.

The propeller can withstand a 4 pound bird strike at the blade's critical radial location when operating at takeoff RPM and liftoff (Vr) speed of a typical aircraft, without giving rise to a hazardous condition and while maintaining the capability to be feathered.

(2) *LIGHTNING STRIKE*

A lightning strike a propeller of a composite construction shall not result in a hazardous condition. The propeller shall be capable of continued safe operation.

(3) *FATIGUE EVALUATION*

A fatigue evaluation must be provided and the fatigue limits determined for each propeller hub, blade, and each primary load carrying component of the propeller. The fatigue evaluation must consider all known and reasonable foreseeable vibration and cyclic load patterns that may be encountered in service. The fatigue limits must account for the efforts of in-service deterioration, such as impact damage, nicks, grooves, galling, or bearing wear; for variations in production material properties; for environmental effects such as temperature, moisture, erosion, chemical attack, etc., that cause deterioration. Issued in Burlington, Massachusetts, on January 12, 1995.

Jay Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95–1543 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 94–CE–26–AD]

Airworthiness Directives; SOCATA Groupe AEROSPATIALE TBM 700 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would apply to certain SOCATA Groupe AEROSPATIALE (Socata) TBM 700 airplanes. The proposed action would require installing pneumatic deicers on the elevator horn leading edges. Ice accumulation on one of the affected airplanes during flight testing in icing conditions prompted the proposed action. The actions specified in this

proposed AD are intended to prevent ice accumulation on the elevator horn, which could lead to loss of control of the airplane.

DATES: Comments must be received on or before March 24, 1995.

ADDRESSES: Service information that applies to the proposed AD may be obtained from the SOCATA Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; telephone 62.41.74.26; facsimile 62.41.74.32; or the Product Support Manager, U.S. AEROSPATIALE, 2701 Forum Drive, Grand Prairie, Texas 75053; telephone (214) 641–3614; facsimile (214) 641–3527. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–CE–26–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (322) 513.38.30; facsimile (322) 230.68.99; or Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut Street, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6934; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–CE–26–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Socata TBM 700 airplanes. The DGAC advises that, during flight testing of one of these airplanes in icing conditions, ice accumulation on the elevator horn was discovered. This condition could lead to loss of control of the airplane.

Socata has issued Technical Instruction of Modification No. OPT70 K020–30, dated February 1993, which specifies procedures for installing pneumatic deicers on the elevator horn leading edges of the affected airplanes. The DGAC classified this service bulletin as mandatory and issued DGAC AD 93–041(B), dated March 31, 1993, in order to assure the airworthiness of these airplanes in France.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above.

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

Since this condition could exist or develop in other Socata TBM 700 airplanes of the same type design, the proposed AD would require installing pneumatic deicers on the elevator horn leading edges. The proposed action would be accomplished in accordance with the service information referenced above.

The FAA estimates that 20 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 25 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost $3,710 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $104,200. This figure is based upon the assumption that no affected airplane/operator has accomplished the proposed action. Socata has informed the FAA that it believes all affected airplane owners/operators have already accomplished the proposed installation. With this in mind, the proposed action would impose no cost impact upon U.S. operators.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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 a new AD to read as follows:

Socata Groupe Aerospatiale: Docket No. 94–CE–26–AD.

Applicability: TBM 700 airplanes, serial numbers 1 to 49, certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent ice accumulation on the elevator horn, which could lead to loss of control of the airplane, accomplish the following:

(a) Install pneumatic deicers on the elevator horn leading edges in accordance with Technical Instruction of Modification No. OPT70 K020–30, dated February 1993. This installation is referenced in Socata TBM Service Bulletin SB 70–020–30, dated February 1993.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office (ACO), FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels ACO.

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

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to the SOCATA Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; or the Product Support Manager, U.S. AEROSPATIALE, 2701 Forum Drive, Grand Prairie, Texas 75053; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on January 12, 1995.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–1428 Filed 1–19–95; 8:45 am]

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14 CFR Part 39

[Docket No. 92–CE–63–AD]

Airworthiness Directives; Piper Aircraft Corporation PA–25 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This document proposes to revise an earlier proposed airworthiness directive (AD) that proposed repetitively inspecting the wing forward spar fuselage attachment assembly for cracks or corrosion on certain Piper Aircraft Corporation (Piper) PA–25 series airplanes, and replacing or repairing any cracked or corroded part. Since issuance of the proposal, a second incident where the wing separated from one of the affected airplanes while in flight prompted the Federal Aviation Administration (FAA) to issue AD 93–21–12 (priority letter and subsequent Amendment 39–8763) to require a one-time inspection of the wing forward spar fuselage attachment assembly on these PA–25 series airplanes, with appropriate repair or replacement. The proposed action would retain this initial inspection, and propose a repetitive inspection. The actions specified by the proposed AD are intended to prevent possible in-flight separation of the wing from the airplane caused by a cracked or corroded wing forward spar fuselage attachment assembly.

DATES: Comments must be received on or before March 27, 1995.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–CE–63–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Information that relates to the proposed AD may be inspected at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7362; facsimile (404) 305–7348.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 92–CE–63–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–CE–63–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Piper PA–25 series airplanes was published in the **Federal Register** on September 8, 1993 (58 FR 47227). The action proposes to require repetitively inspecting the wing forward spar fuselage attachment assembly for cracks or corrosion, and replacing or repairing any cracked or corroded part.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the eight comments received from two commenters.

One commenter (referred to as Commenter No. 1 hereon) states that the wings must be removed from the fuselage in order to properly inspect the wing forward spar fuselage attachment assembly. The FAA concurs, and this was the intent of the proposal. The FAA has specified removal of the wings in the supplemental NPRM to eliminate any confusion regarding this matter.

Commenter No. 1 recommends a one-time inspection of the assembly, consisting of removing the wing forward spar fuselage attach fitting from the fuselage structure. The FAA does not concur with this recommendation. The

wing forward spar fuselage attach fitting is an integral part of the tubular fuselage attach cluster, and the FAA believes that rewelding this part to the original structure after removal for inspection would present a safety problem. The proposal is unchanged as a result of this comment.

Commenter No. 1 also states that Appendix D in part 43 of the Federal Aviation Regulations (14 CFR part 43, Appendix D) describes the scope and detail of an annual and 100-hour time in-service (TIS) inspection, and that this inspection includes the same area as that specified in the proposal. The FAA acknowledges that 14 CFR part 43, Appendix D, does address the area of the proposed inspection, but does not specify removing the wings to accomplish the proposed wing forward spar fuselage attachment inspection. The FAA has determined that wing removal must be accomplished in order to detect cracks or corrosion in this assembly. The proposal is unchanged as a result of this comment.

Another commenter (referred to as Commenter No. 2 hereon) recommends that the mechanic saturate the attach bolts with penetrating oil to facilitate removal because they are extremely difficult to remove. The FAA concurs that these bolts could be difficult to remove and has added a NOTE to the proposal to recommend this idea.

Paragraph (b) of the proposal specifies: ''thoroughly clean around the wing forward spar fuselage attachment fittings with water (only).'' Commenter No. 2 states that water will not properly remove all chemical residues. The FAA concurs and has removed this statement from the proposal. The proposed inspection would require preparation to remove paint to ensure a proper inspection surface.

Commenter No. 2 also recommends inspections every two years and any time the wings are removed. The original proposal did not include Commenter No. 2's inspection compliance recommendation because of the inspection criteria available. Since that time, the FAA has established ultrasonic inspection procedures. Confidence in these inspection procedures has allowed the FAA to extend the proposed compliance time to two years and incorporate these procedures into the proposal.

In addition, Commenter No. 2 recommends alternate inspection procedures of magnaflux or x-ray. The FAA believes that magnaflux and x-ray are not viable inspection alternatives because of the design and location of the wing forward spar fuselage attachment fitting. For this reason, the proposal is unchanged as a result of this comment.

Commenter No. 2 suggests that the FAA require only a one-time inspection to those airplanes that have incorporated Supplemental Type Certificate (STC) SA501SW. The FAA does not concur with this suggestion. STC SA501SW does not require modification to the wing forward spar fuselage attachment fittings, and, therefore does not relate to the proposal. The proposal is unchanged as a result of this comment.

No comments were received concerning the FAA's determination of the cost upon the public.

Since issuance of the proposal, the FAA became aware of a similar accident on a Piper Model PA–25–150 airplane. This airplane had accrued over 5,000 hours TIS. Because of the wide variation in hours TIS accrued on the two airlines involved in the referenced accidents (over 10,000 and over 5,000), the FAA determined that immediate initial inspections were required on all Piper Models PA–25–150, PA–25–235, and PA–25–260 airplanes, and issued AD 93–21–12, Amendment 39–8763 (58 FR 65104, December 13, 1993). This AD requires inspecting (one-time) the wing forward spar fuselage attachment assembly for cracks or corrosion, and replacing or repairing any cracked or corroded part.

After examining the circumstances and reviewing all available information related to the accident described above, the FAA has determined that the one-time inspection required by AD 93–21–12 should be repetitive and the comment period for the initial proposal should be reopened to allow the public additional time to comment on this proposed action.

Since an unsafe condition has been identified that is likely to exist or develop in other Piper PA–25 series airplanes of the same type design, the proposed AD would require repetitively inspecting the wing forward spar fuselage attach fittings for cracks or corrosion, and replacing or repairing any cracked or corroded part.

The compliance time for the proposed AD is presented in calendar time instead of hours TIS. The FAA has determined that a calendar time for compliance is the most desirable method because the unsafe condition described by the proposed AD is caused by corrosion. Corrosion can occur on airplanes regardless of whether the airplane is in service or in storage. Therefore, to ensure that corrosion is detected and corrected on all airplanes within a reasonable period of time without inadvertently grounding any airplanes, a compliance schedule based upon calendar time instead of hours TIS is proposed.

The FAA estimates that 1,272 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 30 workhours per airplane to accomplish the proposed inspection, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,289,600. This figure is based on the assumption that no affected airplane owner/operator has accomplished the proposed inspections. This figure also does not reflect the cost of repetitive inspections. The FAA has no way of determining how many repetitive inspections a particular owner/operator may incur.

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rule 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 removing AD 93–21–12, Amendment 39–8763 (58 FR 65104, December 13, 1993), and by adding a new AD to read as follows:

Piper Aircraft Corporation: Docket No. 92–CE–63–AD. Supersedes AD 93–21–12, Amendment 39–8763.

Applicability: Models PA–25–150, PA–25–235, and PA–25–260 airplanes (all serial numbers), certificated in any category.

Compliance: Required within the next 12 calendar months after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 24 calendar months (except as noted in paragraph (h) of this AD).

To prevent possible in-flight separation of the wing from the airplane caused by a cracked or corroded wing forward spar fuselage attachment assembly, accomplish the following:

(a) Gain access to the left and right wing forward spar fuselage attach fittings by removing the screws retaining the wing fairing. Dismantle the wing fillet by removing the screws on the aft edge top and bottom and removing the wing fairing (see Figure 1 of the Appendix to this AD).

(b) Remove the wing attach bolts and wing. Remove paint from the wing forward spar fuselage attachment fittings and surrounding areas; do not sand blast because it may obscure surface indications.

Note 1: Saturation of the bolts with a penetrating oil may facilitate removal.

(c) Visually inspect the wing forward spar tubular fuselage attach cluster for damage (cracks, corrosion, rust, or gouges). Prior to further flight, repair or replace any damaged tubular member with equivalent material in accordance with FAA Advisory Circular (AC) No. 43.13–1A, Acceptable Methods, Techniques, Practices—Aircraft Inspection and Repair.

(d) Inspect (using both dye penetrant and ultrasonic procedures) the wing forward spar fuselage attach fitting assembly, part numbers (P/N) 61005–0 (front spar fitting assembly) and 61006–0 (front spar fitting) for Model PA–25–150; and P/N 64412–0 (front spar fitting assembly) and 64003–0 (front spar fitting) for Models PA–25–235 and PA–25–260, for corrosion and cracks in accordance with the Appendix to this AD.

(1) If any corrosion is found that meets or exceed the parameters presented in the Appendix to this AD or any cracks are found, prior to further flight, replace the forward spar fuselage tubular attach cluster with serviceable parts as specified in the Appendix to this AD.

(2) The inspection procedures in the Appendix of this AD, except for the dye penetrant inspection procedures, must be accomplished by a Level 2 inspector certified using the guidelines established by the American Society for Non-destructive Testing, or MIL–STL–410 or equivalent. A mechanic with at least an Airframe license may perform the dye penetrant inspection.

(e) Replacement parts required by this AD shall be of those referenced and specified in either Figures 3a and 3b, 4a and 4b, or 5a and 5b (as applicable), included as part of the Appendix of this AD.

(f) Prime and paint all areas where parts were replaced or where paint is bubbled or gone. Use epoxy paint and primer, and, after paint has cured, rust inhibit the entire area.

(g) Reinstall all items that were removed.

(h) If a new cluster is installed into the fuselage frame, repetitive inspections are not required until five years after the replacement date on the respective fuselage side. This cluster may be replace every five years as an alternative to the repetitive inspections.

(i) 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.

(j) an alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2–160, College Park, Georgia 30337–2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

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

(k) Appendix 1 of this AD may be obtained from the Atlanta ACO at the address specified in paragraph (j) of this AD. This document or any other information that relates to this AD may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

Appendix—Procedures and Requirements for Wing Forward Spar Attachment Assembly Inspection of Piper PA–25 Series Airplanes

Equipment Requirements

1. A portable combination ultrasonic flaw detector with both an LED thickness readout and an A-trace with thickness gate display.

2. An ultrasonic probe with the following: a 15 MHz 0.25-inch diameter with a 0.375-inch plastic delay line. An equivalent permanent delay line transducer that provides adequate sensitivity and resolution to measure a 0.050-inch steel shim can also be used.

3. Three steel shims within the range of 0.050 to 0.100 inches are required. To ensure proper calibration, the steel shims should be smooth and free of dirt. In order to verify the shim thickness, use a calibrated micrometer to measure the steel shims.

4. Either glycerin, 3-in-1 oil, or equivalent ultrasonic couplants are used to conduct this test set-up and inspection. Water-based couplants are not permitted because of the possibility of initiating long-term corrosion of the wing forward spar fuselage attachment fittings.

Note: Couplant is defined as ''a substance used between the face of the transducer and test surface to improve transmission of ultrasonic energy across this boundary or interface.''

Note: If surface pitting is found on either side of the fitting ears, lightly sand the surface to obtain a smooth working surface. Removal of surface irregularities such as pits, rust, scale, and paint will enhance the accuracy of the inspection technique.

Instrument Calibration

1. Turn the instrument power on and check the battery charge status. The instrument should have at least 40-percent of available battery life. The screen brightness and contrast of the display screen should match the environmental conditions (i.e., outside sunlight or inside a hangar).

2. Depending on the ultrasonic instrument used, select or verify the single element transducer setting from the probe selection menu. If a removable delay line is used, unscrew the plastic delay line from the transducer. Add couplant to the base of the delay line, then reattach the delay line.

3. Obtain steel shims with known or measured thickness at or near 0.050, 0.075, and 0.100 inches. At least one steel shim shall be greater than 0.095 inches, one less than or equal to 0.050 inches, and one between these two values. Place the probe on the thickest steel shim using couplant. Adjust the gain setting to increase the backwall signal from this steel shim. An A-trace will appear on the screen and a thickness readout will appear on the display. The signal on the screen from left to right shows: the initial pulse, the delay line (the front surface of the steel shim) and the backwall echo of the steel shim. A second and third multiple backwall echo may also be seen on the A-trace. Enable the thickness gate. Adjust the thickness gate to initiate at the delay line to steel shim interface and terminate at the first backwall echo.

4. Place the probe on the thinnest steel shim using couplant. Adjust the damping, voltage and pulse width to obtain the maximum signal response and highest resolution on this steel shim. These settings can vary from probe to probe and are somewhat dependent on operator preferences.

5. To stabilize the interface synchronization, adjust the electronic

triggering (blocking gate) to approximately three quarters of the distance between the initial pulse and the delay line interface echo. The thickness gate should initiate at the delay line interface echo and terminate at the first backwall echo.

6. Depending on the instrument and probe, select positive half-wave rectified signal display or negative half-wave rectified signal display. This selection should give the best signal display on the thinnest steel shim. Select the interface synchronization. This selection automatically starts the thickness gate at the delay time corresponding to the tip of the plastic delay line.

7. Couple the probe to the thickest steel shim using couplant. Adjust the range so the A-scan display reads from 0.000 to 0.300 inches. Several multiple backwall echoes will disappear from the screen.

8. Adjust the thickness gate to trigger on the first return signal. If instability of the gate trigger occurs, adjust the gain and/or damping to stabilize the thickness reading. A thickness readout should be present on the screen and near the known steel shim thickness.

9. Adjust the velocity to 0.231 inches/microseconds. The thickness reading should be the known steel shim thickness. Couple the transducer to the thinnest steel shim. If the thickness readout does not agree with the known thickness, adjust the fine delay setting to produce the known thickness. Re-check the thickest step. If the readout does not indicate the correct thickness re-adjust the fine delay setting. After this adjustment is made, record the thickness values for each of the steel shims on a set-up sheet.

10. Calculate the percent error for each measured steel shim. The maximum allowable percent error should not exceed 3-percent.

Inspection Procedures

1. Add couplant to the outside inspection surface (Refer to Figures 3a, 4a and 5a, as applicable). Add the appropriate gain to obtain the backwall echo from the inspection surface. If the gain setting is adjusted, re-check the thickness values on the steel shims. To assure proper coupling to the test sample, twist the probe clockwise and counter-clockwise (with a 45-degree twist) and maintain contact with the test surface. During the articulation of the probe, observe the A-trace on the screen and stop the probe twist at the point of adequate back surface signal amplitude to trigger the thickness gate on the first half-cycle. Measure and record the thickness. Repeat the above process at eight equally-spaced locations around the surface. The weld bead near the spar cluster may be hard to access. Find a suitable location near the weld and measure the thickness.

2. Add couplant to the inside inspection surface (Refer to Figures 3a, 4a and 5a, as applicable). Add the appropriate gain to obtain the backwall echo from the inspection surface. To assure proper coupling to the test sample, twist the probe (clockwise and counter-clockwise with a 45-degree twist). During the articulation of the probe, observe the A-trace on the screen and stop the probe twist at the point of adequate back surface signal amplitude to trigger the thickness gate on the first half-cycle. Measure and record the thickness. Repeat the above process at eight equally-spaced locations around the surface.

3. If a thickness reading in any one of the eight locations from paragraph 1. of the *Inspection Procedures* section (outside section surface) is .085-inch or less for the PA25–150 Model or .055-inch or less for the PA25–235 and PA25–260 Models, or if a thickness reading in any one of the eight locations from paragraph 2. of the *Inspection Procedures* section (inside section surface) is .055-inch or less for the PA25–150 Model or .085-inch or less for the PA25–235 and PA25–260 Models, prior to further flight, replace the forward spar fuselage tubular attach cluster with serviceable parts in accordance with FAA AC No. 43.13–1A, Acceptable Methods, Techniques, Practices—Aircraft Inspection and Repair. This procedure requires the following:

a. Provide for the alignment of the airframe with an appropriate alignment fixture in accordance with FAA AC No. 43.13–1A, Acceptable Methods, Techniques, Practices—Aircraft Inspection and Repair.

b. Cut the tubular members as referenced and specified in Figure 2 and either Figures 3a and 3b; Figures 4a and 4b; or Figures 5a and 5b, as applicable.

c. Fabricate a cluster using all applicable part numbers referenced in Figures 3b, 4b, or 5b, as applicable; and

d. Splice the new cluster into the fuselage frame.

Dye Penetrant Inspection

Inspect the wing forward spar fuselage attach fitting assembly for cracks using FAA-approved dye penetrant methods. If any cracks are found, prior to further flight, replace the forward spar fuselage tubular attach cluster with serviceable parts in accordance with FAA AC No. 43.13–1A, Acceptable Methods, Techniques, Practices-Aircraft Inspection and Repair. This procedure requires the following:

1. Provide for the alignment of the airframe with an appropriate alignment fixture in accordance with FAA AC No. 43.13–1A, Acceptable Methods, Techniques, Practices-Aircraft Inspection and Repair.

2. Cut the tubular members as referenced and specified in Figure 2 and either Figures 3a and 3b; Figures 4a and 4b; or Figures 5a and 5b, as applicable.

3. Fabricate a cluster using all applicable part numbers referenced in Figures 3b, 4b, or 5b, as applicable; and

4. Splice the new cluster into the fuselage frame.

BILLING CODE 4910–13–M

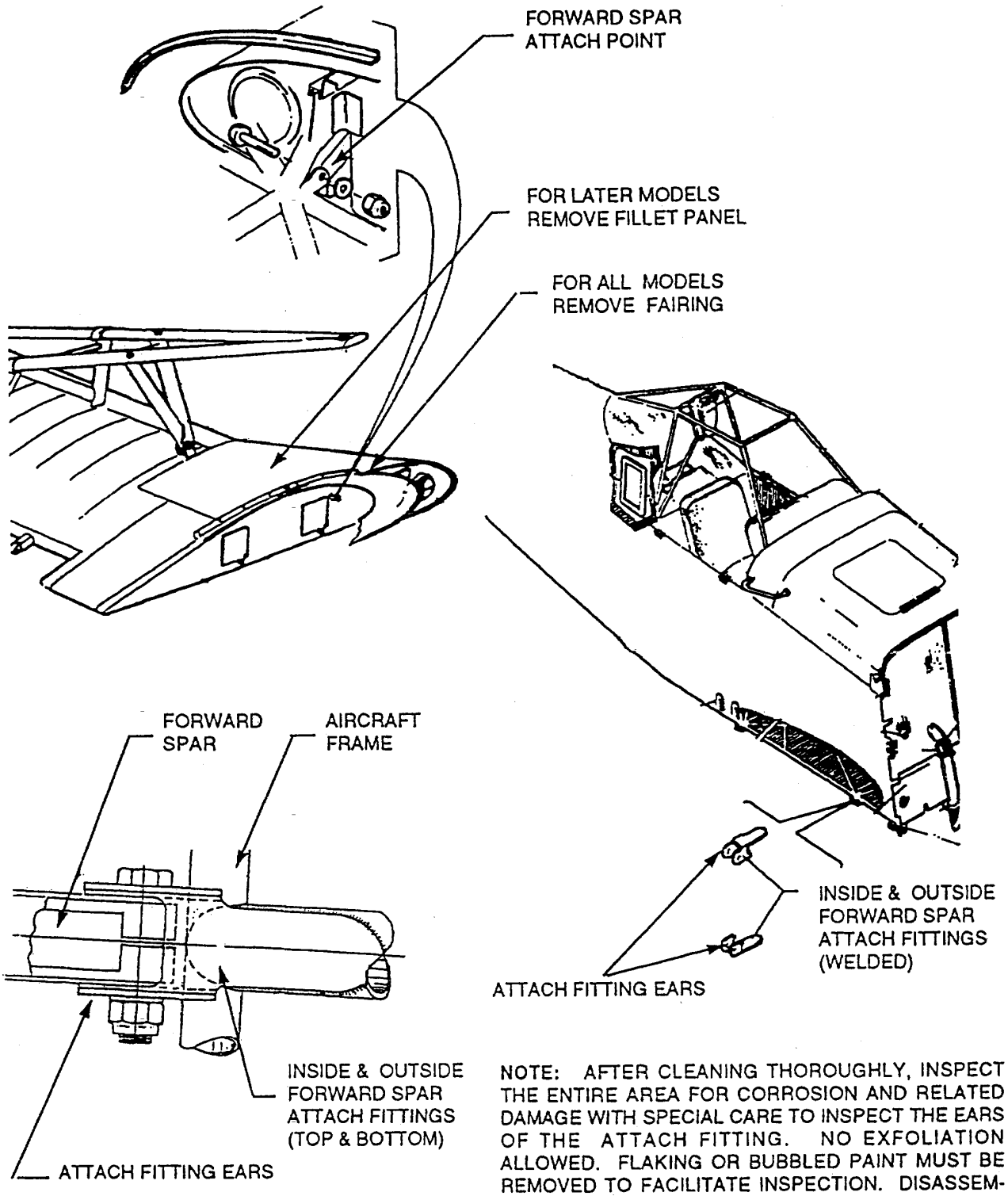

FORWARD SPAR ATTACH POINT
FOR LATER MODELS REMOVE FILLET PANEL
FOR ALL MODELS REMOVE FAIRING
FORWARD SPAR
AIRCRAFT FRAME
INSIDE & OUTSIDE FORWARD SPAR ATTACH FITTINGS (TOP & BOTTOM)
ATTACH FITTING EARS
INSIDE & OUTSIDE FORWARD SPAR ATTACH FITTINGS (WELDED)
ATTACH FITTING EARS
NOTE: AFTER CLEANING THOROUGHLY, INSPECT THE ENTIRE AREA FOR CORROSION AND RELATED DAMAGE WITH SPECIAL CARE TO INSPECT THE EARS OF THE ATTACH FITTING. NO EXFOLIATION ALLOWED. FLAKING OR BUBBLED PAINT MUST BE REMOVED TO FACILITATE INSPECTION. DISASSEMBLY WILL BE AS REQUIRED BASED ON CONDITION. RETURN TO SERVICE INCLUDES PRIME, PAINT AND RUST INHIBITOR.

FIGURE 1

PA-25
Side View of the Front Wing Fitting
and Landing Gear Fittings

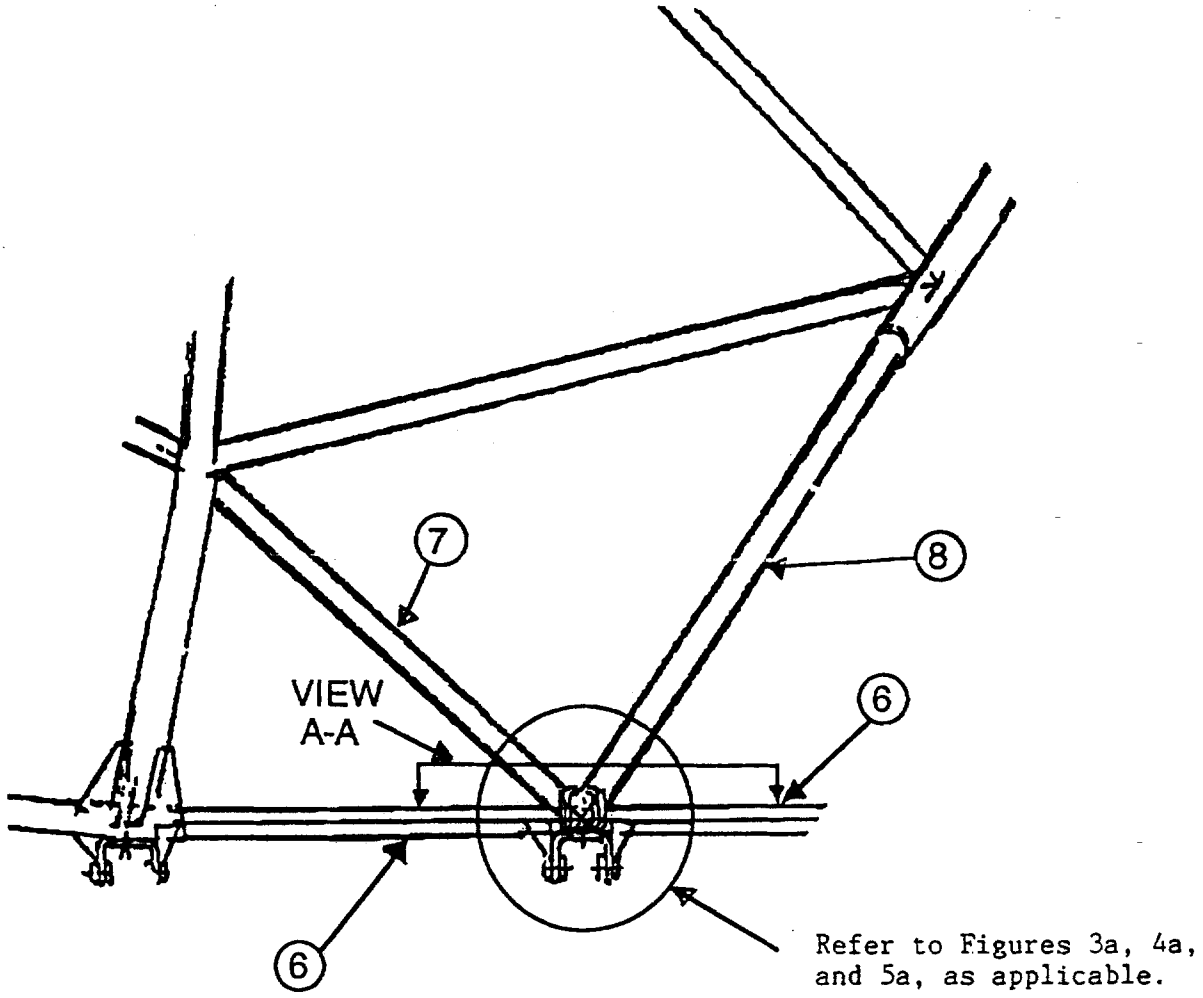
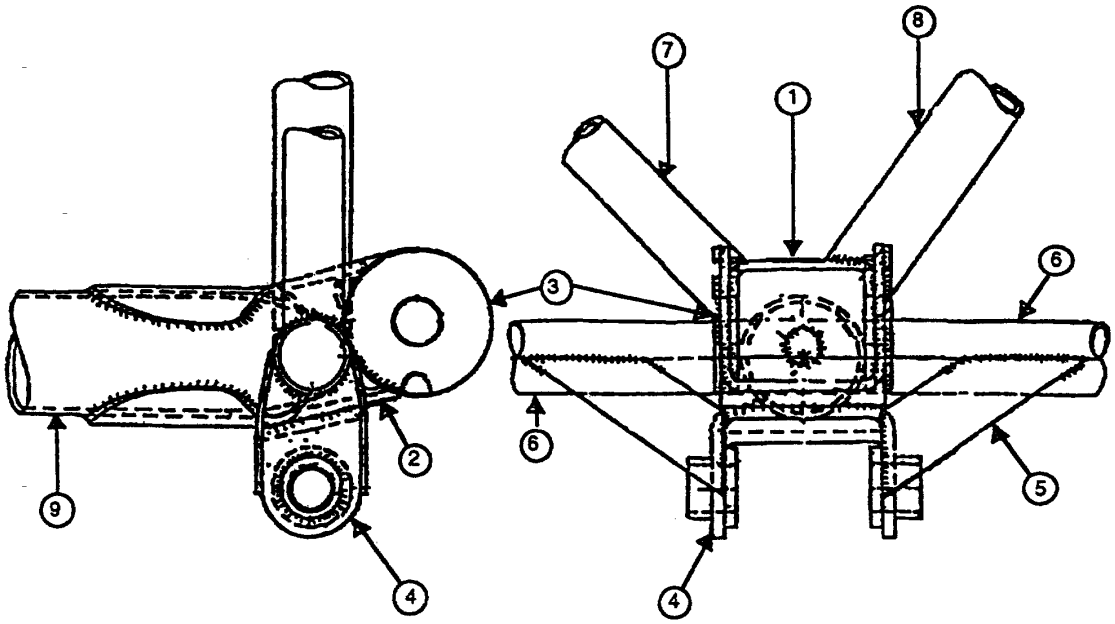


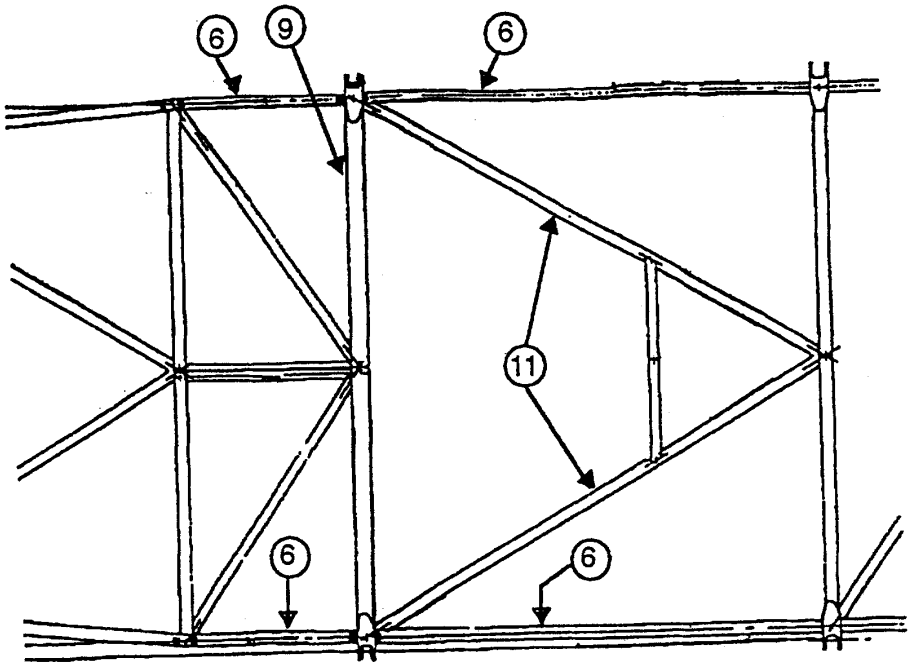
Figure 2

PA-25-150
S/N - ALL



View Looking Aft

Side View



Bottom View (View A-A)
(Both Sides)

Figure 3a

PA-25-150
S/N - ALL
Front Wing Spar Attachment-Fittings and Tubes

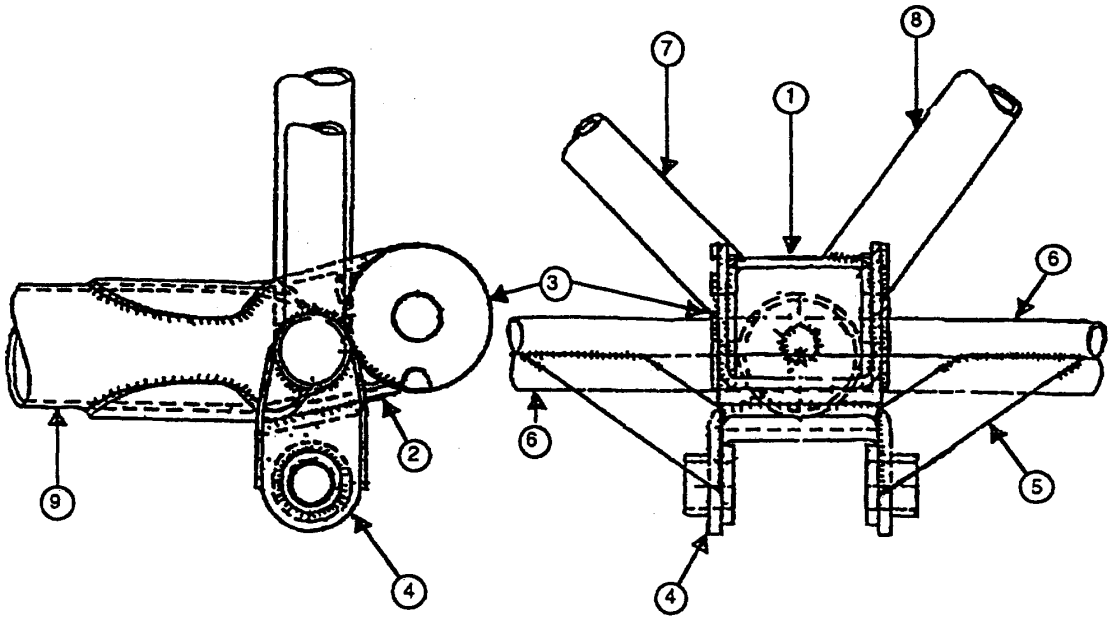
NO.	DESCRIPTION	PART NO./TUBE DIMENSIONS
1	Front Spar Fitting	61006-0
2	Channel	61007-0
3	Fitting Assy-Front Spar	61005-0
4	Fitting Assy-Landing Gear	21242-2
5	Brace-Bracket	11994-28
6	Tube	.75 x .035 (4130) N **
7	Tube	.625 x .035 (4130) N **
8	Tube	.75 x .035 (4130) N **
9	Tube	1.25 x .058 (4130) N **
11	Tube	.625 x .028 (1025)

** - MIL-T-6736 Type 1

Figure 3b

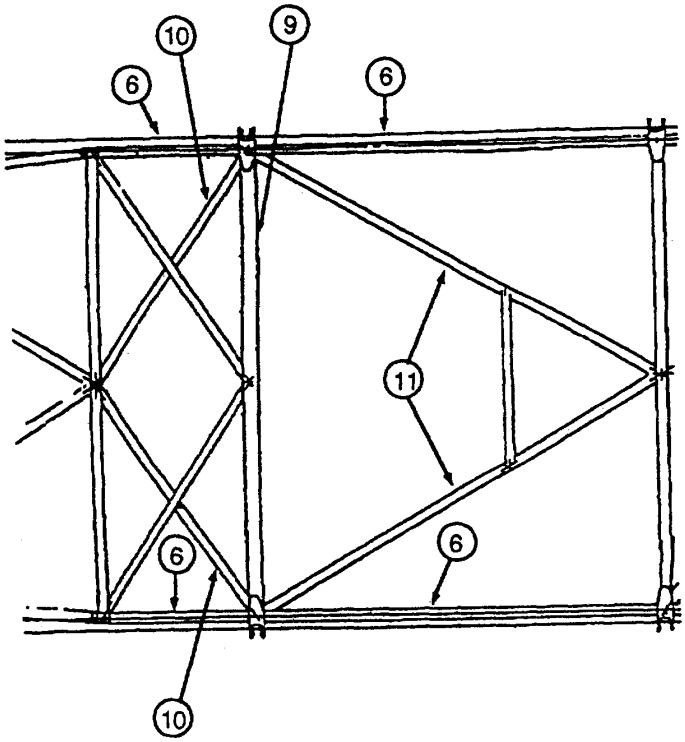
VerDate 01-MAR-95 13:26 Mar 07, 1995 Jkt 010199 PO 00000 Frm 00013 Fmt 4702 Sfmt 4725 E:\XOKREPTS\P20JA2.PT1 20jap1

PA-25-235
(S/N - 25-2000 To 25-2985)



View Looking Aft

Side View



Bottom View (View A-A)
(Both Sides)

Figure 4a

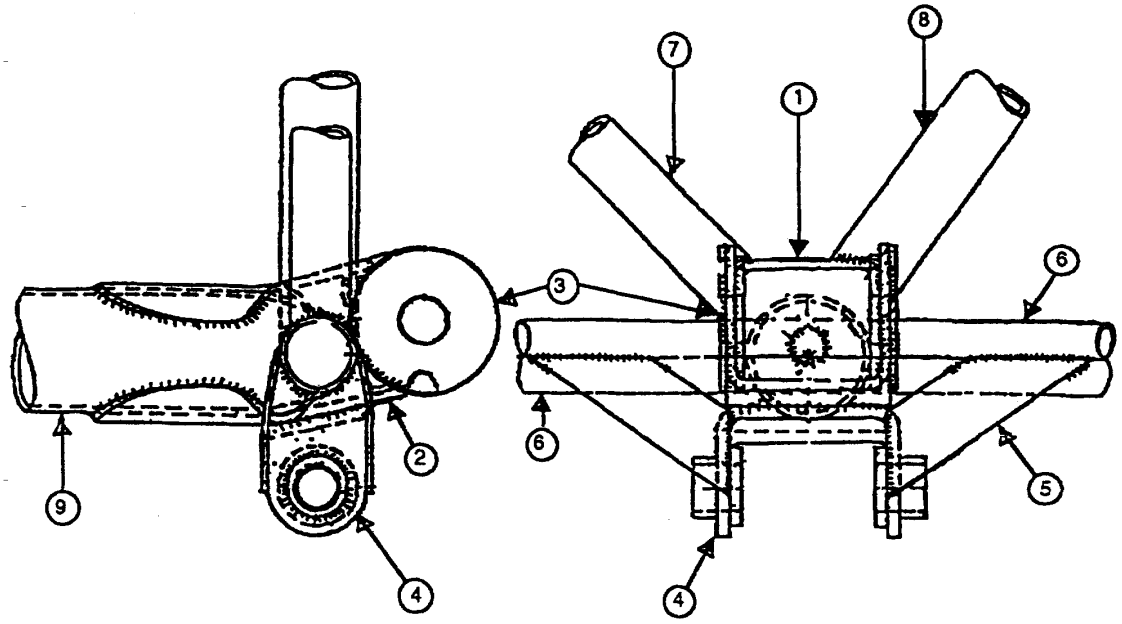
PA-25-235
S/N - 25-2000 to 25-2985
Front Wing Spar Attachment-Fittings and Tubes

NO.	DESCRIPTION	PART NO./TUBE DIMENSIONS
1	Front Spar Fitting	64003-0
2	Channel	64175-0
3	Fitting Assy-Front Spar	64412-0
4	Fitting Assy-Landing Gear	64005-0 (L) 64005-1 (R)
5	Brace-Bracket	11994-28
6	Tube	.75 x .049 (4130) N **
7	Tube	.625 x .049 (4130) N **
8	Tube	.875 x .065 (4130) N **
9	Tube	1.25 x .095 (4130) N **
10	Tube	.75 x .049 (4130) N **
11	Tube	.625 x .028 (1025)

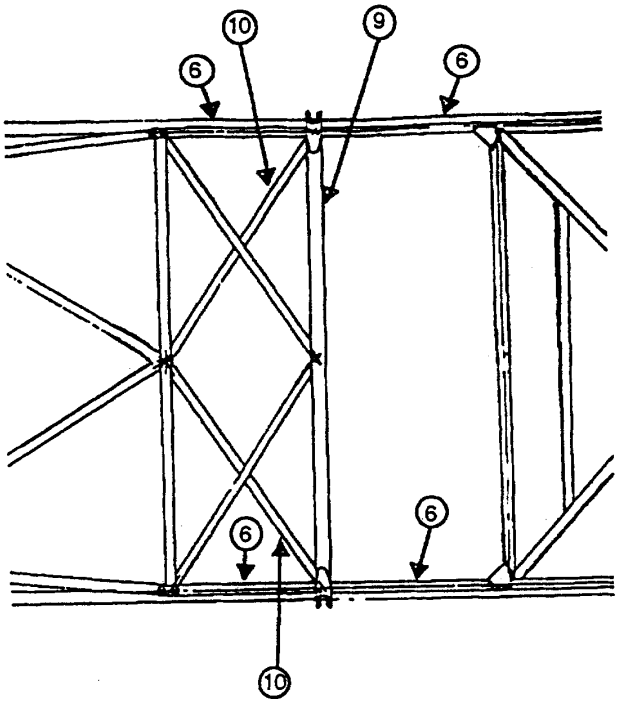
** - MIL-T-6736 Type 1

Figure 4b

PA-25-235, PA-25-260
S/N - 25-2986 and Up



View Looking Aft Side View



Bottom View (View A-A)
(Both Sides)

Figure 5a

PA-25-235,-260
S/N - 25-2986 and Up
Front Wing Spar Attachment-Fittings and Tubes

NO.	DESCRIPTION	PART NO. /TUBE DIMENSIONS
1	Front Spar Fitting	64003-0
2	Channel	64175-0
3	Fitting Assy-Front Spar	64412-0
4	Fitting Assy-Landing Gear	64005-0 (L) 64005-1 (R)
5	Brace-Bracket	11994-28
6	Tube	.75 x .049 (4130) N **
7	Tube	.625 x .049 (4130) N **
8	Tube	.875 x .065 (4130) N **
9	Tube	1.25 x .095 (4130) N **
10	Tube	.75 x .049 (4130) N **

** - MIL-T-6736 Type 1

Figure 5b

Issued in Kansas City, Missouri, on January 12, 1995.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–1427 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–C

14 CFR Part 71

[Airspace Docket No. 95–ASO–1]

Proposed Establishment of Class D Airspace: Cocoa Beach, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class D Airspace at Cocoa Beach, FL. The United States Air Force operates a part time control tower at the Cape Canaveral AS Skid Strip Airport. Additionally there is a TACAN–A Instrument Approach Procedure (IAP) to the airport. Therefore the United States Air Force has requested the establishment of Class D Airspace at this airport.

DATES: Comments must be received on or before March 2, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 95–ASO–1, Manager, System Management Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5586.

FOR FURTHER INFORMATION CONTACT: Michael J. Powderly, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–ASO–1.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at Cocoa Beach, FL. The United States Air Force operates a part time control tower at the Cape Canaveral AS Skid Strip Airport. Additionally there is a TACAN–A IAP to the airport. Therefore the United States Air Force has requested the establishment of Class D airspace for this airport. Designations for Class D airspace are published in Paragraph 5000 at FAA Order 7400.9B dated July 18, 1994 and effective September 16, 1994, which is incorporated by reference in CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994 and effective September 16, 1994, is amended as follows:

Para. 5000 Class D Airspace

* * * * *

ASO FL D Cocoa Beach, FL [New]

Cape Canaveral AS Skid Strip Airport, FL (lat. 28°28′06″ N, long. 80°34′00″ W)

That airspace extending upward from the surface to and including 2500 feet MSL within a 4.4-mile radius of the Cape Canaveral AS Skid Strip Airport. This airspace lies within the confines of R–2932. Contact Patrick Approach on 134.95/358.3 for the status of this Class D airspace area.

* * * * *

Issued in College Park, Georgia, on January 9, 1995.

Michael J. Powderly,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 95–1535 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 93N–0181]

Adverse Experience Reporting Requirements for Human Drug; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of October 27, 1994 (59 FR 54046). The document proposed to amend its current adverse experience reporting regulations for human drug products and for licensed biological products. The document was published with an error in the codified section. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Howard P. Muller, Center for Drug Evaluation and Research (HFD–362), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1049.

In FR Doc. 94–26483, appearing on page 54046 in the **Federal Register** of October 27, 1994, the following correction is made:

§ 310.305 [Corrected]

On page 54056, in the second column, in § 310.305, paragraph (b)(2) is corrected to read as follows:

§ 310.305 Records and reports concerning adverse drug experiences on marketed prescription drugs for human use without approved new drug applications.

* * * * *

(b) * * *

(2) *Adverse drug experience* means any adverse event associated with the use of a drug in humans, whether or not considered drug related, including the following: An adverse event occurring in the course of the use of a drug product in professional practice; an adverse event occurring from drug overdose, whether accidental or intentional; an adverse event occurring from drug abuse; an adverse event occurring from drug withdrawal; and any failure of expected pharmacological action.

* * * * *

Dated: January 5, 1995.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 95–1436 Filed 1–19–95; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

[Docket No. H–049]

RIN 1218–0099

Respiratory Protection; Proposed Rule

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of Comment Period and Rescheduling of Public Hearing.

SUMMARY: By this document the Occupational Safety and Health Administration (OSHA) is extending the comment period and dates for submitting notices of intention to appear, as well as hearing testimony and evidence, and is postponing the public hearing on the proposed rule on respiratory protection which was published on November 15, 1994 (59 FR 58884). The comment period was to end on February 13, 1995; public hearings were scheduled to begin on March 7, 1995. Following publication of the proposal, four written requests to extend the comment period were received. In response to these requests, OSHA is extending the comment period to April 14, 1995. Public hearings will begin on June 6, 1995.

DATES: Comments must be postmarked on or before April 14, 1995. Notices of intention to appear at the public hearing must be postmarked on or before March 31, 1995. Testimony and evidence to be submitted at the hearings must be postmarked by April 14, 1995. The hearing will begin at 9:30 a.m., Tuesday, June 6, 1995 in Washington, DC.

ADDRESSES: Written comments should be submitted in quadruplicate or 1 original (hardcopy) and 1 disk (5 1/4 or 3 1/2) in WordPerfect 5.0, 5.1, 6.0 or ASCII to: Docket Office, Docket H–049, U.S. Department of Labor, Occupational Safety and Health Administration, Room N2625, 200 Constitution Avenue, N.W. Washington, D.C. 20210; (202) 219–7894. Any information not contained on disk, e.g., studies, articles, etc., must be submitted in quadruplicate.

Notices of intention to appear at the informal rulemaking hearing, testimony, and documentary evidence are to be submitted in quadruplicate to: Mr. Thomas Hall, OSHA Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3649, Washington, D.C. 20210; (202) 219–8615. Written comments received, notices of intention to appear, and all other material in the public record will be available for inspection and copying in the Docket Office, Room N2439, at the above address.

The hearing will be held in the auditorium of the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: *Proposal:* Ms. Anne Cyr, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3647, Washington, D.C. 20210; (202) 219–8151.

Hearings: Mr. Thomas Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3649, Washington, D.C. 20210; (202) 219–8615.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1994, OSHA published a notice of proposed rulemaking on it's respiratory protection standard (59 FR 58884 *et seq.*). The proposal is intended to update the current respirator standard to reflect changes in methodology, technology, and approach related to respiratory protection that have occurred since the existing respiratory protection standard was adopted in 1971.

Extension of the Comment Period and Re-scheduling of the Public Hearings

OSHA has received four written requests to extend the comment period for an additional 60 days from: Organization Resources Counselors, Inc. (Ex. 54–13); the American Petroleum Institute (Ex. 54–4); the Dow Chemical Company (Ex. 54–12); and TSI Incorporated (Ex. 54–15). The requesters state that because of the holidays and the press of other year-end business, the opportunity for interested persons to submit extensive comments, and for trade associations to coordinate among their members requires an extension of the time for comment. Based on these requests, the Agency has agreed to extend the comment period. It also has re-scheduled the public hearings.

OSHA's procedures for participating in its rulemaking were printed in the proposal notice (59 FR 58935). All persons interested in participating are requested to review these procedures in their entirety. For convenience these procedures are summarized below.

Notice of Intention to Appear at the Informal Hearing

Pursuant to section 6(b)(3) of the OSH Act, an opportunity to submit oral testimony concerning all issues raised by the proposed standard will be provided at an informal public hearing to be held in Washington, DC from June 6, 1995 and continuing until Friday, June 23.

The hearing will commence at 9:30 a.m. on June 6, 1995, in the auditorium of the Frances Perkins Building, U.S. Department of Labor, 3rd Street and Constitution Avenue N.W., Washington, DC 20210.

All persons desiring to participate at the hearing must file in quadruplicate a notice of intention to appear, postmarked on or before March 31, 1995. The notice of intention to appear, which will be available for inspection and copying at the OSHA Technical Data Center Docket Office (Room N2625), telephone (202) 219–7894, must contain the following information:

1. The name, address, and telephone number of each person to appear;

2. The capacity in which the person will appear;

3. The approximate amount of time required for the presentation;

4. The issues that will be addressed;

5. A brief statement of the position that will be taken with respect to each issue; and

6. Whether the party intends to submit documentary evidence and, if so, a brief summary of it.

The notice of intention to appear shall be mailed to Mr. Thomas Hall, OSHA Division of Consumer Affairs, Docket H–049, Room N3649, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, DC 20210; telephone (202) 219–8617.

A notice of intention to appear also may be transmitted by facsimile to (202) 219–5986, by the same date, provided the original and 3 copies are sent to the same address and postmarked no more than 3 days later.

Any party who has not filed a notice of intention to appear may be allowed to testify for no more than 10 minutes as time permits, at the discretion of the Administrative Law Judge, but will not be allowed to question witnesses.

Filing of Testimony and Evidence Before the Hearing

In addition to a notice of intention to appear, any party requesting more than ten (10) minutes for a presentation, or who will submit documentary evidence, must provide in quadruplicate the complete text of the testimony, including any documentary evidence to be presented. One copy shall not be stapled or bound and be suitable for copying. These materials must be provided to Mr. Thomas Hall, OSHA Division of Consumer Affairs at the address above and be postmarked no later than April 14, 1995.

Each such submission will be reviewed in light of the amount of time requested. In those instances where the information submitted does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact prior to the hearing.

Any party who has not substantially complied with this requirement may be limited to a ten-minute presentation, and may be requested to return for questioning at a later time during the hearing.

Notices of intention to appear, testimony and evidence will be available for inspection and copying at the Docket Office at the address above.

Conduct and Nature of Hearing

The hearing will commence at 9:30 a.m. on the first day. At that time, any procedural matters relating to the proceeding will be resolved.

The nature of an informal rulemaking hearing is established in the legislative history of section 6 of the OSH Act and is reflected by OSHA's rules of procedure for hearings (29 CFR 1911.15(a)). Although the presiding officer is an Administrative Law Judge and limited questioning by persons who have filed notices of intention to appear is allowed on crucial issues, the proceeding is informal and legislative in type. The Agency's intent, in essence, is to provide interested persons with an opportunity to make effective oral presentations which can proceed expeditiously.

Since the hearing is primarily for information gathering and clarification, it is an informal administrative proceeding rather than an adjudicative one. The technical rules of evidence, for example, do not apply. The regulations that govern hearings and the pre-hearing guidelines to be issued for this hearing will ensure fairness and due process and also facilitate the development of a clear, accurate and complete record. Those rules and guidelines will be interpreted in a manner that furthers that development.

The hearing will be conducted in accordance with 29 CFR Part 1911. It should be noted that § 1911.4 specifies the Assistant Secretary may upon reasonable notice issue alternative procedures to expedite proceedings or for other good cause.

The hearing will be presided over by an Administrative Law Judge who makes no decision or recommendation on the merits of OSHA's proposal. The responsibility of the Administrative Law Judge is to ensure that the hearing proceeds at a reasonable pace and in an orderly manner. The Administrative Law Judge, therefore, will have all the powers necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911 including the powers:

1. To regulate the course of the proceedings;

2. To dispose of procedural requests, objections and comparable matters;

3. To confine the presentations to the matters pertinent to the issues raised;

4. To regulate the conduct of those present at the hearing by appropriate means;

5. In the Judge's discretion, to question and permit the questioning of any witness and to limit the time for questioning; and

6. In the Judge's discretion, to keep the record open for a reasonable, stated time (known as the post-hearing comment period) to receive written information and additional data, views and arguments from any person who has participated in the oral proceedings.

OSHA recognizes that there may be interested persons or organizations who, through their knowledge of the subject matter or their experience in the field, would wish to endorse or support the whole proposal or certain provisions of the proposal. OSHA welcomes such supportive comments, including any pertinent data and cost information which may be available, in order that the record of this rulemaking will present a balanced picture of the public response on the issues involved.

Authority and Signature

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655).

Signed at Washington, DC., this 17th day of January, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–1518 Filed 1–19–95; 8:45 am]

BILLING CODE 4510–26–P

29 CFR Part 1926

Steel Erection Negotiated Rulemaking Advisory Committee

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of Committee meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (FACA), notice is hereby given of a meeting of the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC). Notice is also given of the location of the meeting. This meeting will be open to the public. Information on room numbers will be available in the lobby of the designated building. A schedule of additional meetings will be provided in a future notice.

DATES: The meeting is scheduled for February 7–9, 1995. The meeting will begin at 10:00 a.m. on February 7th.

ADDRESSES: Hyatt Hotel at Dulles Airport—2300 Dulles Corner Boulevard, Herndon, VA 22071; telephone (703) 713–1234.

FOR FURTHER INFORMATION CONTACT: Ann Cyr, Acting Director, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Room N–3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone (202) 219–8151.

SUPPLEMENTARY INFORMATION: On May 11, 1994, OSHA announced that it had established the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC)(59 FR 24389) in accordance with the Federal Advisory Committee Act (FACA), the Negotiated Rulemaking Act of 1990 (NRA) and section 7(b) of the Occupational Safety and Health Act (OSH Act) to resolve issues associated with the development of a Notice of Proposed Rulemaking on Steel Erection. Appointees to the Committee include representatives from labor, industry, public interests and government agencies.

SENRAC began negotiations in mid June, 1994, and has met five times since. Initial meetings dealt with procedural matters, including schedules, agendas and the establishment of workgroups. The Committee established workgroups to address issues on Fall Protection, Allocation of Responsibility, Construction Specifications and Scope. During subsequent meetings, foundations for negotiations have been established and preliminary resolutions of issues are now occurring at the meetings.

All interested parties are invited to attend the Committee meetings at the time and place indicated above. No advanced registration is required. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact the Facilitator to obtain appropriate accommodations.

During the meeting, members of the general public may informally request permission to address the Committee.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N–2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; telephone (202) 219–7894. Copies of these materials may be obtained by sending a written request to the Facilitator.

The Facilitator, Philip J. Harter, can be reached at Suite 404, 2301 M Street, NW, Washington, D.C. 20037; telephone (202) 887–1033, FAX (202) 887–1036.

Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.;* and Section 7(b) of the Occupational Safety and Health Act of 1970, 84 Stat. 1597, Title 29 U.S.C. 656.

Signed at Washington, DC., this 17th day of January, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–1514 Filed 1–19–95; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

33 CFR Part 334

Danger Zones, Atlantic Ocean South of the Entrance to the Chesapeake Bay, Virginia Beach, Virginia

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: The Corps of Engineers proposes to amend the regulations which establish a danger zone in the waters of the Atlantic Ocean south of the entrance of the Chesapeake Bay due to the relocation of the Southeast Sea lanes of the Atlantic Federal Project Channel. The relocation of the danger zone is necessary to provide an additional measure of safety for vessels operating in the area. As a result of this amendment, the danger zone will be shifted to the south. The overall size and configuration of the danger zone will remain the same.

DATES: Written comments must be received on or before February 19, 1995.

ADDRESSES: Send written comments on this proposal to HQUSACE, ATTN: CECW–OR, Washington, D.C. 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Henderson at (804) 441–7653 or Mr. Ralph Eppard at (202) 272–1783.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps proposes to amend the danger zone regulations in 33 CFR 334.390.

The Commanding Officer, Fleet Combat Training Center, Atlantic, U.S. Navy, has requested that the danger zones be amended to reflect changes in the routing of the Southeast Sea Lanes. There are no changes which will affect the public's use of the area. As presently configured, the danger zone is in the path of vessels entering and departing the Southeast Sea Lanes south of the entrance to the Chesapeake Bay. This proposed amendment, if approved, will move the entire danger zone to the south.

Economic Assessment and Certification

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of E.O. 12866 do not apply. The relocation of the danger zones will have only minimal impact on recreational, commercial or fishing vessels within the area because the vessels are not prohibited from use of the area except when firing is in process at the range. The configuration of the danger zone is not affected by this amendment. There will be no impacts on small businesses or governments in the area. I hereby certify that this regulation will have no significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 334

Navigation (water), transportation, restricted areas.

In consideration of the above, the Corps is proposing to amend Part 334 of Title 33 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 893; (33 U.S.C. 3).

2. In § 334.390, paragraph (a) is revised to read as follows:

§ 334.390 Atlantic Ocean south of entrance to Chesapeake Bay; firing range.

(a) The danger zone. A section extending seaward for a distance of 12,000 yards between two radial lines bearing 030° True and 083° True, respective, from a point on shore at latitude 36°46′48″ N, longitude 75°57′24″ W; and an adjacent sector extending seaward for a distance of 15 nautical miles between the radial lines bearing 083° True and 150° True, respectively, from the same shore position.

* * * * *

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 95–1469 Filed 1–19–95; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 39

RIN 1090–AA44

Revised Statute 2477 Rights-of-Way

AGENCIES: Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment of period.

SUMMARY: A proposed rule to implement Revised Statute 2477 addressing rights-of-way across lands now administered by the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service was published in the **Federal Register** on August 1, 1994 (59 FR 39216), with a 60-day comment period expiring September 30, 1994. The comment period has been extended twice, until November 15, 1994, and until January 20, 1995, in response to public request. The comment period is being extended again until August 1, 1995.

DATES: The period for the submission of comments is hereby extended until August 1, 1995. Comments postmarked after this date will not be considered as part of the decisionmaking process on issuance of the final rule.

ADDRESSES: Comments should be sent to Regulatory Management Team (160), Bureau of Land Management, Room 5555, Main Interior Building, 1849 C Street NW, Washington, DC 20240. Comments will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management: Ron Montagna, (202) 452–7782. National Park Service: Dennis Burnett, (202) 208–7675. U.S. Fish and Wildlife Service: Duncan Brown, (703) 358–1744.

George T. Frampton, Jr.,

Assistant Secretary of the Interior.

[FR Doc. 95–1596 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7122]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (100-year) flood elevations and proposed base (100-year) flood elevation modifications for the communities listed below. The base (100-year) flood elevations and modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2756.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Arkansas	Poinsett County (Unincorporated Areas).	Brushy Creek Ditch	Approximately 0.66 miles downstream of Swan Pound Road.	None	*242
			Approximately 1.06 miles upstream of Swan Pound Road.	None	*245
		Weiner Outlet Ditch	Approximately 1.0 mile downstream of Sewage Lagoon Road.	None	*233
			At White Slough Road	None	*236
			Approximately 1.6 miles upstream of Sewage Lagoon Road.	None	*241
Maps are available for inspection at the Poinsett County Courthouse, 401 Market Street, Harrisburg, Arkansas.					
Send comments to The Honorable Steve Ryan, Poinsett County Judge, 401 Market Street, Harrisburg, Arkansas 72432.					
	Weiner (City) Poinsett County.	Brushy Creek Ditch	Approximately 0.3 mile downstream of Swan Pound Road.	None	*243
			At Swan Pound Road	None	*244
			Approximately 0.6 mile upstream of Swan Pound Road.	None	*245
		Weiner Outlet Ditch	At White Slough Road	None	*236
			Approximately 0.2 mile upstream of White Slough Road.	None	*237
Maps are available for inspection at the City of Weiner, 101 Washington, Weiner, Arkansas.					
Send comments to The Honorable S. P. Schwarz, Mayor, City of Weiner, P.O. Box 338, Weiner, Arkansas 72479.					
California	Trinity County (Unincorporated Areas).	Trinity River	At confluence with Coffee Creek	None	*2,426
			Approximately 3,000 feet upstream of the confluence of Coffee Creek.	None	*2,441
			Approximately 7,250 feet upstream of the confluence of Coffee Creek.	None	*2,467
		Coffee Creek	At confluence with Trinity River	None	*2,426
			Just upstream of Route 3	None	*2,488
			Approximately 5,750 feet upstream of Route 3.	None	*2,556
		Middle Weaver Creek	At confluence with Ten Cent Gulch	*2,005	*2,004
			Just upstream of Oregon Street	None	*2,018
			Just upstream of Forest Avenue	None	*2,031
		West Weaver Creek	At mouth	None	*1,960
			Approximately 900 feet upstream of mouth.	None	*1,977
		East Weaver Creek	At mouth	None	*1,950
			Approximately 2,200 feet upstream of mouth.	None	*2,002
		Garden Gulch	At mouth	None	*2,031
			Just upstream of Highway 299	None	*2,043
			Just upstream of Easter Avenue	None	*2,072
			Approximately 2,400 feet upstream of Easter Avenue.	None	*2,122
		Sidney Gulch	At mouth	None	*2,031
			Just upstream of Highway 299	None	*2,051
			Just upstream of Memorial Road	None	*2,070
			Approximately 1,300 feet upstream of Memorial Road.	None	*2,088
		Hayfork Creek	At confluence with Salt Creek	None	*2,294

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			Just upstream of Highway 3	None	*2,311
			Just upstream of Bridge Street	None	*2,336
		Kellogg Gulch	At mouth	None	*2,317
			Just downstream of Highway 3	None	*2,321
		Carter Gulch	At mouth	None	*2,319
			Just downstream of Highway 3	None	*2,319
		Ewing Gulch	At mouth	None	*2,321
			Just upstream of Highway 3	None	*2,335

Maps are available for inspection at the Trinity County Courthouse, Board of Supervisor's Office, 101 Court Street, Weaverville, California.

Send comments to The Honorable Stan Plowman, Chairman, Trinity County Board of Supervisors, P.O. Box 1258, Weaverville, California 96093.

Colorado	Adams County (Unincorporated Areas).	Gay Reservior Channel North Tributary.	Approximately 2,100 feet upstream of confluence with Gay Reservoir Channel.	*5,321	*5,321
			Approximately 3,000 feet upstream of confluence with Gay Reservoir Channel.	None	*5,345
			Approximately 3,600 feet upstream of confluence with Gay Reservoir Channel.	None	*5,346
		Clear Creek	100 feet upstream of confluence with the South Platte River.	None	*5,104
			Approximately 80 feet upstream of Washington Street.	None	*5,135
			100 feet upstream of the Colorado and Southern Railroad.	None	*5,190
			Just upstream of Lowell Boulevard	None	*5,228
			Just downstream of Sheridan Boulevard	None	*5,255
		Clear Creek Street	At confluence with Clear Creek	None	*5,120
		Overflow	At divergence from Clear Creek	None	*5,123
		West Lake	Approximately 1,900 feet upstream of Lowell Boulevard.	None	*5,293
			Approximately 2,270 feet upstream of Lowell Boulevard.	None	*5,299
		Gay Reservoir Channel	360 feet upstream of Lowell Boulevard	*5,255	*5,255
			200 feet upstream of the Tom Frost Reservoir Dam.	None	*5,263
			1,050 feet upstream of the Tom Frost Reservoir Dam.	*5,264	*5,264
		Big Dry Creek	Just upstream of Huron Street	*5,171	*5,170
			60 feet downstream of West 128th Avenue.	*5,188	*5,185
			Approximately 1,950 feet upstream of Zuni Street.	*5,194	*5,195
			Approximately 2,900 feet downstream of confluence of Ranch Creek.	*5,202	*5,202

Maps are available for inspection at the Adams County Planning Department, 450 South Fourth Avenue, Brighton, Colorado.

Send comments to The Honorable Guillermo De Herrera, Chairman, Adams County Board of Commissioners, 450 South Fourth Avenue, Brighton, Colorado 80601.

	Brighton (City) Adams County.	South Plane River	Approximately 200 feet upstream of the Union Pacific Railroad.	*4,956	*4,955
			At the intersection of Brighton Street and Miller Avenue.	*4,958	*4,957
			At the intersection of Miller Avenue and East 160th Avenue.	*4,959	*4,961

Maps are available for inspection at City Hall, 22 South Fourth Avenue, Brighton, Colorado.

Send comments to The Honorable Don Hamstra, Mayor, City of Brighton, 22 South Fourth Avenue, Brighton, Colorado 80601.

	Englewood (City) Arapahoe County.	South Platte River	1,550 feet downstream of Dartmouth Avenue.	N/A	*5,263
			Just downstream of Dartmouth Avenue	N/A	*5,267
		West Harvard Gulch	640 feet downstream of South Raritan Street.	N/A	*5,288
			10 feet upstream of South Tejon Street	N/A	*5,313
			At centerline of South Zuni Street	N/A	*5,345

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Maps are available for inspection at the City of Englewood, Engineering Services Department, 3400 South Elati Street, Englewood, Colorado. Send comments to The Honorable Sheri Gulley, Mayor, City of Englewood, 3400 Elati Street, Englewood, Colorado 80110.					
	Thornton (City) Adams County.	Tanglewood Creek	Approximately 750 feet downstream of Interstate 25.	None	*5,160
			140 feet downstream of Interstate 25	None	*5,172
Maps are available for inspection at City Hall, City of Thornton, 9500 Civic Center Drive, Thornton, Colorado. Send comments to The Honorable Margaret Carpenter, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, Colorado 80229.					
Missouri	Columbia (City) Boone County.	Mill Creek	Approximately 2,000 feet downstream of Sinclair Street.	*621	*621
			Approximately 1,000 feet upstream of Sinclair Street.	*642	*638
			Approximately 3,300 feet upstream of Sinclair Street.	*655	*649
			Approximately 2,750 feet downstream of Bethel Street.	*675	*680
			Just downstream of Bethel Street	*697	*697
Maps are available for inspection at the Public Works Department, Third Flood, City of Columbia, 701 East Broadway, Columbia, Missouri. Send comments to The Honorable Mary Anne McCollum, Mayor, City of Columbia, P.O. Box N, Columbia, Missouri 65205.					
	Sedalia (City) Pettis County.	Brushy Creek	At the corporate limits, approximately 640 feet downstream of West Main Street.	None	*793
			Approximately 200 feet upstream of West Main Street.	None	*798
			Just upstream of State Fair Boulevard, eastbound lane.	None	*820
			Just upstream of Barrett Avenue	None	*841
			Just downstream of Ninth Street	None	*855
		Brushy Creek Tributary #1	At confluence with Brushy Creek	None	*794
			Just upstream of culvert at West Treatment Plant.	None	*800
			Approximately 200 feet upstream of State Fair Road.	None	*814
			Approximately 40 feet upstream of U.S. Highway 50.	None	*822
		Sewer Branch	At the north corporate limits, approximately 1,960 feet downstream of U.S. Highway 65.	None	*811
			Just upstream of William Parkhurst Drive	None	*824
			Approximately 100 feet upstream of Missouri Avenue.	None	*844
			Just downstream of Washington Avenue .	None	*861
Maps are available for inspection at the Engineering Department, City of Sedalia, City Hall, Second Floor, 200 South Osage Avenue, Sedalia, Missouri. Send comments to The Honorable Jane Gray, Mayor, City of Sedalia, City Hall, Second Floor, 200 South Osage Avenue, Sedalia, Missouri 65301.					
New Mexico	Carlsbad (City) Eddy County.	Dark Canyon Draw	Approximately 100 feet downstream of the Atchison Topeka and Santa Fe Railroad.	*3,107	*3,103
			Just upstream of the Southern Canal Siphon.	None	*3,132
			Approximately 50 feet downstream of Dark Canyon Road.	None	*3,191
			At the western corporate limit, adjacent to the Carlsbad Army Air Field.	None	*3,265
		Hackberry Draw	Approximately 500 feet north of the intersection of Curry Street and the corporate limits.	None	*3,138
			At the intersection of Fifth Street and Ross.	*3,139	*3,140
			Approximately 100 feet upstream of the intersection of Eighth and Washington Streets.	*3,144	*3,144

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			Approximately 500 feet upstream of Lea Street, and approximately 2,800 feet west and 2,200 feet south of the intersection of Texas and Eleventh Street.	*3,160	*3,161
			At the intersection of Mesquite and Mermod Streets.	None	#2
		Pecos River	Just upstream of the Lower Tansill Dam	*3,107	*3,103
			At North Canal Street	*3,118	*3,114
			At the intersection of George and Riverside Drives.	*3,123	*3,120
			Approximately 200 feet downstream of the Southern Canal Crossing.	*3,131	*3,123
			At the intersection of Bonbright and Main Streets.	*3,112	#1
			At the intersection of Stevens and Main Streets.	*3,110	#2

Maps are available for inspection at City Hall, City of Carlsbad, 101 South Halagueno, Carlsbad, New Mexico.

Send comments to The Honorable Gary Perkowski, Mayor, City of Carlsbad, P.O. Box 1569, Carlsbad, New Mexico 88221–1569.

	Eddy County (Unincorporated Areas).	Dark Canyon Draw	Approximately 100 feet downstream of the Southern Pacific Railroad.	None	*3,103
			At the Southern Canal Siphon	None	*3,132
			Approximately 5.1 miles upstream of the Southern Canal Siphon.	None	*3,269
		Hackberry Draw	At the confluence with Dark Canyon Draw	None	*3,132
			At Southern Canal	*3,139	*3,140
			At Lea Street	*3,157	*3,158
			Approximately 100 feet downstream of Marquess Street.	*3,193	*3,184
			Just downstream of the Hackberry Draw Dam.	None	*2,227
			Approximately 500 feet south of the intersection of Curry and Quay Streets.	None	#2
		Pecos River	Approximately 1,000 feet south of the Atchison Topeka and Santa Fe Railroad.	None	*3,112

Maps are available for inspection at the Eddy County Courthouse, 101 North Canal Street, Carlsbad, New Mexico.

Send comments to The Honorable Steve Massey, County Manager, Eddy County, P.O. Box 1139, Carlsbad, New Mexico 88221–1569.

	Las Cruces (City) and Dona Ana County (Unincorporated Areas)	Flow Path 3 (Alameda Main Arroyo).	Upstream of U.S. Government Dam	*4,105	*4,107
			Approximately 170 feet upstream of Road Runner Parkway.	*4,134	*4,136
			Just upstream of confluence of North Fork (Tributary 2) Alameda Arroyo.	None	*4,218
			Just upstream of Jornada Road South	None	*4,226
			Approximately 2,070 feet upstream of Jornada Road South.	None	*4,250
		South Fork (Tributary 1) Alameda Arroyo.	At confluence with Flow Path 3 (Alameda Main Arroyo).	None	*4,184
		Alameda Arroyo	Just upstream of Jornada Road South	None	*4,234
			Approximately 2,360 feet upstream of Jornada Road South.	None	*4,268
		North Fork (Tributary 2) Alameda Arroyo.	At confluence with Flow Path 3 (Alameda Main Arroyo).	None	*4,218
			Just downstream of an unnamed road located approximately 480 feet upstream of confluence with Flow Path 3 (Alameda Main Arroyo).	None	*4,224
			Just downstream of an unnamed road located just upstream of confluence of North Fork (Tributary 3) Alameda Arroyo.	None	*4,249

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			At the upstream Limit of Detailed Study located approximately 2,550 feet upstream of confluence with North Fork (Tributary 3) Alameda Arroyo.	None	*4,290
		North Fork (Tribuary 3) Alameda Arroyo.	At confluence with North Fork (Tributary 2) Alameda Arroyo.	None	*4,248
			Just downstream of Jornada Road South	None	*4,254
			Approximately 2,270 feet upstream of Jornada Road South.	None	*4,288
		Flow Path 8 (North Fork Las Cruces Arroyo).	Upstream of U.S. Government Dam	*4,105	*4,107
			Just downstream of Road Runner Parkway.	*4,144	*4,144
			Just upstream of Paseo De Onate Road .	None	*4,182
			Approximately 1,570 feet upstream of Paseo De Onate Road.	None	*4,203
		Flow Path 9 (South Fork Las Cruces Arroyo).	Upstream of U.S. Government Dam	4,105	*4,107
		.....	upstream of Road Runner Parkway	*4,146	*4,148
			Just upstream of unnamed road	None	*4,207
		Little Dam Arroyo	Approximately 950 feet downstram of Foothills Road.	None	*4,125
			Approximately 150 feet upstream of Foothills Road.	None	*4,156
			Approximately 80 feet upstream of Paseo De Onate Road.	None	*4,209
			Approximately 3,700 feet upstream of Paseo De Onate Road.	None	*4,268
		North Fork Moreno Arroyo	Approximately 1,320 feet upstream of El Camino Real.	None	*3,928
			Just downstream of Moreno Road	None	*3,976
			Just upstream of northbound Interstate Highway 25.	None	*4,026
			Approximately 75 feet upstream of Del Rey Boulevard.	None	*4,072
			Approximately 5,510 feet upstream of Del Rey Boulevard.	None	*4,217
			Approximately 8,780 feet upstream of Del Rey Boulevard.	None	*4,286
			Ponding area located upstream of El Camino Real (Zone AH).	None	*3,914
			Zone AO located approximately 1,300 feet upstream of El Camino Real.	None	#3
		South Fork Moreno Arroyo	Approximately 1,300 feet upstream of El Camino Real.	None	*3,929
			Approximately 30 feet upstream if Kennedy Road.	None	*3,972
			Just upstream of Elks Road	None	*4,013
			At Del Rey Boulevard	None	*4,073
			Approximately 4,430 feet upstream of Del Rey Boulevard.	None	*4,185
			Approximately 7,450 feet upstream of Del Rey Bouelvard.	None	*4,268
		South Fork Moreno Arroyo Split Flow at Interstate 25.	At Del Rey Boulevard	None	*4,072

Maps are available for inspection at the City Engineer's Office, City of Las Cruces, 200 North Church Street, Las Cruces, New Mexico.
Send comments to The Honorable Ruben Smith, Mayor, City of Las Cruces, 200 North Church Street, Las Cruces, New Mexico 88001.
Maps are available for inspection at the Office of Flood Commission, Dona Ana County, 108 West Amador, Las Cruces, New Mexico.
Send comments to The Honorable Fred Pevea, Compliance Officer, Dona Ana County, 108 West Amador, Las Cruces, New Mexico 88001.

Oklahoma	Goldsby (town) McClain County.	Canadian River	Approximately 23,200 feet downstream of Interstate 35 at the Town of Goldsby corporate limits.	*1,085	*1,085
			At the intersection of State Highway 9 and 74.	*1,103	*1,105

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			Approximately 2,000 feet upstream of the intersection of State Highways 9 and 74, at the Town of Goldsby corporate limits.	*1,105	*1,107

Maps are available for inspection at Town Hall, Town of Goldsby, Route 1, near the intersection of Center Street and Main Street, Goldsby, Oklahoma.

Send comments to The Honorable Gene McPherson, Mayor, Town of Goldsby, Town Hall, Route 1, P.O. Box 54, Washington, Oklahoma 73093.

	Stillwater (city) Payne County.	Stillwater Creek	Approximately 400 feet upstream of South Main Street (U.S. Highway 177).	*861	*863
			Approximately 300 feet downstream of South Western Road.	*869	*870
			Approximately 300 feet downstream of eastbound lane State Highway 51.	*877	*875
			Approximately 600 feet downstream of North Stillwater Road.	*880	*881

Maps are available for inspection at the City Engineer's Office, City of Stillwater, 723 South Lewis, Stillwater, Oklahoma.

Send comments to The Honorable Terry Miller, Mayor, city of Stillwater, P.O. Box 1449, Stillwater, Oklahoma 74076.

	Tulsa (city) Tulsa, Osage, and Rogers Counties.	Mingo Creek	Just upstream of 56th Street North	*591	*591
			Just upstream of 36th Street North	*611	*602
			Just upstream of Pine Street	*614	*613
			Just upstream of 11th North	*628	*624
			Just upstream of 41st Street South	*652	*653
			Just upstream of 51st Street South	*667	*668
			Just upstream of 61st Street South	*690	*690
			Just downstream of Memorial Drive	None	*727
		Mill Creek	At the conclusion with Mingo Creek	*624	*623
			Just upstream of 89th East Avenue	*632	*631
			Just upstream of Memorial Drive	*645	*644
			At 73rd East Avenue	*660	*660
		Jones Creek	At the confluence with Mill Creek	*633	*631
			Just upstream of Memorial Drive	*647	*646
			Just upstream of 71st East Avenue	*670	None
			Approximately 250 feet upstream of 69th East Avenue.	*687	*686
		Audubon Creek	At the confluence with Mingo Creek	*643	*637
			Just upstream of 87th East Avenue	*650	*646
			Just upstream of Interstate Highway 44 ...	*658	*666
			Approximately 2,220 feet upstream of 31st Street South.	*680	*681
		Alsuma Creek	At the confluence with Mingo Creek	*658	*658
			Just upstream of 47th Place South	*665	None
			At 51st Street South	*672	*666
			At Mingo Road	None	*669
		Tupelo Creek	At the confluence with Mingo Creek	*621	*621
			Approximately 500 feet upstream of Mingo Valley Expressway.	*634	*632
			Just upstream of 11th Street	*645	*644
			Just upstream of 14th Street	*654	*649
			At 21st Street	*674	*672
		Tupelo Creek Tributary	At the confluence with Tupelo Creek	*650	*648
			Just upstream of 119th East Avenue	*665	*664
			Just downstream of 124th East Avenue ...	*680	*680
		Brookhollow Creek	At the confluence with Mingo Creek	*643	*641
			Just upstream of Garnett Road	*662	*661
			Approximately 100 feet upstream of South 121st East Avenue.	*680	*680
		Brookhollow Creek Tributary.	At the confluence with Brookhollow Creek	*655	*654
			Approximately 300 feet upstream of Garnett Road	*664	*664
			Just upstream of 121st East Avenue	*679	*678
			Approximately 800 feet upstream of 129th East Avenue.	None	*706
		Tributary to Brookhollow Creek Tributary.	At confluence with Brookhollow Creek Tributary.	None	*693

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			Just upstream of 131st East Avenue	None	*708
			Approximately 1,900 feet upstream of 131st East Avenue.	None	*718
		Southpark Creek	At the confluence with Mingo Creek	*652	*653
			Just upstream of Mingo Valley Expressway.	*656	*659
			At Garnett Road	*666	*666
		Catfish Creek	At the confluence with Mingo Creek	*667	*668
			At 55th Street South	*671	*670
			At 61st Street South	*682	*681
		Douglas Creek	At confluence with Mingo Creek	*613	*612
		Little Creek	At confluence with Mingo Creek	*601	*600
		Quarry Creek	At confluence with Mingo Creek	*612	*604
		Eagle Creek	At confluence with Mingo Creek	*613	*607
		Sugar Creek	At confluence with Mingo Creek	*649	*648
		Ford Creek	At confluence with Mingo Creek	*660	*663
Maps are available for inspection at the City of Tulsa, Department of Public Works, 200 Civic Center, Tulsa, Oklahoma Send comments to The Honorable M. Susan Savage, Mayor, City of Tulsa, 200 Civic Center, Tulsa, Oklahoma 74103.					
Texas	Guadalupe County (Unincorporated Areas).	Santa Clara Creek	At confluence with Cibolo Creek	*559	*556
			Approximately 6,500 feet upstream of confluence with Cibolo Creek.	*559	*559
		Town Creek	Just downstream of Schaefer Road	None	*680
			Approximately 4,600 feet upstream of FM 1103.	None	*732
			Approximately 2,050 feet upstream of County Road 376.	None	*764
			Just downstream of County Road 377	None	*790
		Interstate Highway 10 Diversion.	At convergence with Cibolo Creek	None	*594
			Just upstream of Bolton Road	None	*615
		Cibolo Creek	Approximately 3,600 feet upstream of confluence of Dry Hollow Creek.	None	*483
			Just upstream of confluence of Martinez Creek.	None	*524
			Approximately 6,900 feet downstream of Weir Road.	*638	*636
			Approximately 9,100 feet upstream of Lower Seguin Road (County Road 318).	*666	*666
			Just upstream of Selma Road	*735	*736
		Elm Creek South	Just upstream of County Boundary	*459	*465
			Approximately 2,000 feet upstream of County Road 412D.	*465	*465
Maps are available for inspection at Guadalupe County Sanitation Office, 415 East Center Street, Seguin, Texas. Send comments to The Honorable James Sagebiel, Guadalupe County Judge, 307 West Court, Suite 200, Seguin, Texas 78155.					
		Kaufman County (Unincorporated Areas).	Kings Creek (Upper Reach)	None	*443
			At confluence with Hardin Branch	*452	*450
			At Airport Road	*453	*451
			At College Mound Road	None	*458
			At Fransis Street	None	*486
		Hardin Branch	At Airport Road	*453	*451
Maps are available for inspection at the Kaufman County Courthouse, 3950 South Huston Street, Kaufman, Texas. Send comments to The Honorable Jude Maxine Danst, Kaufman County Judge, Kaufman County Courthouse, Kaufman, Texas 75142.					
	La Vernia (City) Wilson County.	Dry Hollow Creek	Just upstream of confluence with Cibolo Creek.	*477	*479
			Approximately 950 feet upstream of confluence with Cibolo Creek.	*479	*479
		Cibolo Creek	Approximately 4,900 feet downstream of FM 775.	*470	*473
			Just upstream of FM 775	*477	*478
			At confluence of Dry Hollow Creek	*477	*479

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Maps are available for inspection at the City of La Vernia City Hall, 102 East Chihuahua, La Vernia, Texas.					
Send comments to The Honorable Charles Malloy, City of La Vernia, 102 East Chihuahua, La Vernia, Texas 78121.					
	Wilson County (Unincorporated Areas).	Dry Hollow Creek	Just upstream of confluence with Cibolo Creek.	*477	*479
			Approximately 950 feet upstream of confluence with Cibolo Creek.	*479	*479
		Cibolo Creek	Approximately 14,500 feet downstream of FM 775.	None	*459
			Elm Creek at confluence with Cibolo Creek.	None	*464
			Elm Creek at 10,700 feet upstream of confluence with Cibolo Creek.	None	*465
			Approximately 3,600 feet upstream of confluence of Dry Hollow Creek.	None	*483
			Just downstream of confluence of Martinez Creek.	None	*524
Maps are available for inspection at the Wilson County Courthouse, 1420 Third Street, Floresville, Texas.					
Send comments to The Honorable Martha B. Schnabel, Wilson County Judge, Wilson County Courthouse, 1420 Third Street, Floresville, Texas 78114.					
Utah	Riverdale (City) Weber County.	Weber River	Approximately 5,800 feet downstream of Riverdale Road.	*4,328	*4,327
			Approximately 3,350 feet downstream of Riverdale Road.	*4,334	*4,337
			Just upstream of Riverdale Road	*4,350	*4,351
			Approximately 4,000 feet upstream of Riverdale Road.	*4,366	*4,363
			At confluence of Weber Canal	*4,379	*4,371
			Approximately 2,400 feet upstream of Weber Canal.	*4,388	*4,385
			Approximately 3,500 feet upstream of Weber Canal.	*4,393	*4,388
Maps are available for inspection at the Building and Zoning Office, 4600 South Weber River, Riverdale, Utah.					
Please send comments to The Honorable Ben A. Jones, Mayor, City of Riverdale, 4600 South Weber River, Riverdale, Utah 84405–3764.					
	Weber County (Unincorporated Areas).	Weber River	Approximately 2,400 feet upstream of confluence with Weber Canal.	*4,388	*4,385
			Approximately 3,500 feet upstream of confluence with Weber Canal.	*4,393	*4,388
			Approximately 4,000 feet upstream of confluence with Weber Canal.	*4,394	*4,394
Maps are available for inspection at the County Planning Commission, 2510 Washington Boulevard, Ogden, Utah.					
Send comments to The Honorable Joan Helstrom, Chairperson, Weber County Board of Commissioners, 2510 Washington Boulevard, Radisson Hotel, Ogden, Utah 84401.					

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

Dated: January 13, 1995.

Richard T. Moore,

Associate Director for Mitigation.

[FR Doc. 95–1487 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–03–P

DEPARTMENT OF DEFENSE

48 CFR Parts 219 and 252

Defense Federal Acquisition Regulation Supplement; Small Business and Small Disadvantaged Business Concerns

DEFENSE LOGISTICS AGENCY

48 CFR Part 5452

DLA Acquisition Regulation; Small Business and Small Disadvantaged Business Concerns

AGENCY: Department of Defense, Defense Logistics Agency, DOD.

ACTION: Proposed Rule; Extension of public comment period.

SUMMARY: On December 13, 1994, DoD and DLA published a **Federal Register** notice proposing to reduce the Small Disadvantaged Business preference from ten to five percent for domestic bulk petroleum solicitations and contracts. Due to interest in the notice, DoD and DLA have extended the comment period for an additional 30 days.

DATES: Comment period on proposed rule extended until February 17, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Melody Reardon, Defense Logistics Agency, Cameron Station, Alexandria, Virginia 22306–6100, (703) 274–6431. FAX: (703) 274–0310.

Margaret J. Janes,

Assistant Executive Director (Procurement Policy).

[FR Doc. 95–1391 Filed 1–19–95; 8:45 am]

BILLING CODE 5000–04–M

Notices

Federal Register

Vol. 60, No. 13

Friday, January 20, 1995

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

Forms Under Review by Office of Management and Budget

January 13, 1995.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title the information collection; (3) Form number(s), if applicable (4) Who will be required or asked to report; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from:

Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, D.C. 20250, (202) 690–2118.

Revision

- Foreign Agricultural Service

Application for Supplementary Dairy Product Import Licenses—Addendum
FAS 922, 923, 923A, 923B, 924
Individuals or households; Business or other for-profit; 955 responses; 713 hours
Richard Warsack, (202) 720–1342

- Rural Economic & Community Development

7 CFR 1943–A, Insured Farm Ownership Loan Policies, Procedures, and Authorizations
Individuals or households; Farms; 370 responses; 130 hours
Jack Holston, (202) 720–9736

Extension

- Animal Plant and Health Inspection Service

Imported Fire Ant
PPQ 523
State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 39,441 responses; 26,695 hours
Mike Stefan, (301) 436–8247

Reinstatement

- Rural Economic & Community Development

7 CFR 4284–B, Rural Business Enterprise Grants and Television Demonstration Grants
Not-for-profit institutions; State, Local, or Tribal Government; 7,030 responses; 13,695 hours
Jack Holston, (202) 720–9736

New Collection

- Food Safety and Inspection Service

Official Marking Device, Labeling, and Packaging Material—Addendum 5—Use of the Term ''Fresh'' on the Labeling of Raw Poultry Products
FSIS Form 7234–1
Business or other for-profit; 4,800 responses; 3,000 hours
Lee Puricelli, (202) 720–7163

- Agricultural Stabilization and Conservation Service

7 CFR Part 782—End-Use Certificate Program—Final Rule ASCS–750, ASCS–751
Businesses or other for-profit; Farms; 20,579 responses; 37,682 hours
Helen Linden, (202) 690–4321

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 95–1419 Filed 1–19–95; 8:45 am]

BILLING CODE 3410–01–M

Forest Service

Southwestern Region, New Mexico, La Cueva Proposed Projects

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Carson National Forest is planning to prepare an environmental impact statement on a proposal to allocate old growth, apply vegetation treatments and use prescribed fire in certain forested stands, construct new roads and reconstruct roads to access these stands, redesignate an existing motorized trail and construct a new trail for motorized use and close roads on the La Cueva analysis area in the Rio Pueblo Canyon, Camino Real Ranger District. The need for this proposal is based upon the comparison of existing conditions and desired conditions for the La Cueva analysis area.

DATES: Comments in response to this Notice of Intent concerning the scope of the analysis should be received in writing by February 1, 1995.

ADDRESSES: Send written comments to USDA Forest Service, Carson National Forest, PO Box 558, Taos, New Mexico 87571, ATTN: Forest Planner.

RESPONSIBLE OFFICIAL: Leonard Lucero, the Forest Supervisor for the Carson National Forest, will be the responsible official and will decide whether or not to:

- Allocate old growth, if so, how much, where.
- Harvest sawtimber and other wood products, if so, where, what treatments will be used, what associated road construction, what post sale treatments (pre-commercial thinning, prescribed burning, etc.) will occur.
- Allow prescribed fire, if so, where and under what conditions.
- Redesignate the La Cueva Canyon trail to non-motorized use only.
- Construct a new trail for motorized use.
- Physically close roads within the analysis area, if so how many miles, and where.

FOR FURTHER INFORMATION CONTACT: Forest Planner (505) 758–6210.

SUPPLEMENTARY INFORMATION: The following is a summary of the difference between existing and desired conditions. This proposal is designed to move closer to the desired condition.

Twenty percent of forested acres would be allocated to old growth to meet the objectives of the Carson Forest Plan.

Some trees would be harvested for timber, made available for fuelwood and/or thinned for the purpose of:

- Moving towards a desired VSS class distribution that reduces the amount of VSS class 3 and 4 and increases the amount of Class 1, 2 and 5 to create

more biodiversity in the La Cueva analysis area.

- Supplying more forage producing understories for wildlife in summer and winter range and livestock where early seral conditions have been inhibited by tree density and/or dense canopy cover.
- Providing foraging areas for both wildlife and livestock away from springs and riparian areas in order to improve the condition of these special features.
- Regenerating pure aspen stands which would create more habitat diversity and perpetuate a major vegetative component within the analysis area.
- Regenerating ponderosa pine and Douglas-fir trees in their natural range. These forest types provide quality habitat to the hairy woodpecker, turkey, elk and Abert's squirrel.
- Selectively removing some trees infested with mistletoe or damaged by spruce budworm to keep insect and disease populations at a level which does not predispose stands to potential catastrophic damage. Providing a supply of firewood, vigas, aspen products and saw timber to help meet the demand for wood products on the Camino Real Ranger District for a period of five to seven years.

Prescribed fire would be introduced in selected areas fro the purpose of:

- Introducing low intensity fires back into the ecosystem to move the VSS Class distribution towards the desired condition and to perpetuate plant species adapted to periodic episodes of fire.
- Stimulating mature oak to produce palatable, tender shoots for wildlife browse species.
- Creating a mosaic of tree sizes and densities, where clumps of even-aged trees with interlocking branches are dispersed throughout some stands.
- Reducing fuel loading in areas inaccessible to fuelwood gathering to reduce the potential for a catastrophic fire.

Road reconstruction and new construction, including a road down the ridge between La Cueva and Flechado Canyons, would provide access to areas where the VSS class distribution can be moved towards the desired condition, where forage is needed, where various types of wood products could be extracted and where fuel loading is high. These roads would be closed to highway vehicles once proposed activities have ceased.

The redesignation of the La Cueva Canyon Trail as a non-motorized trail would improve the quality of life for residents who have houses at or near the La Cueva trailhead and reduce conflicts between these homeowners and the motorized recreationists who use the area.

The construction of a motorized trial connecting with the new road along the ridge between La Cueva and Flechado would serve as a replacement for the La Cueva Canyon trail which would be removed from the motorized trail system (See previous paragraph), maintaining the same opportunities for motorized use in the analysis area.

All existing and newly constructed roads would be effectively closed after management activities have been completed within the analysis area. This is in keeping with the Carson Forest Plan which has a guideline which specifies that road management/wildlife integration should be managed to provide 60 percent big game habitat effectiveness by leaving approximately 1.0 mile/square mile of roads open to public use in big game summer range.

Preliminary issues include effects on habitat effectiveness along the ridge separating La Cueva and Flechado canyons where a new road is proposed; the long-term effects on wildlife along the ridge where the new road will be designated as a motorized trail; the effects on the function of existing old growth proposed for timber harvesting; and the effects on soil productivity and water quality where a motorized trail is proposed. These issues will be refined and developed in detail as scoping proceeds. Comments on this issues and suggestions for additional issues are welcome in response to this Notice of Intent.

A preliminary scoping meeting was held prior to the development of the desired condition statement and proposal. Several months later, approximately 150 letters were send out to the public and other federal and state agencies for their comments on the proposal and a field trip was held. An interdisciplinary team has been selected to do the environmental analysis, prepare and accomplish scoping and public involvement activities. Comments on the nature and timing of scoping and public participation activities would be beneficial to the team in preparation of the scoping plan. Additional public notice will be given of specific planned activities when the scoping and public involvement plan is developed.

Preliminary alternatives may include continuation of present management in the area (no action); redesignating the La Cueva trail as non-motorized without building a new trail; relocating part of the La Cueva trail; confining harvesting and road building to the northern most part of the analysis area; creating the desired diversity on the ridge top(s) without harvesting or road building; and not treating any existing old growth stands. The interdisciplinary team will be developing the range of alternatives to be considered and comments on the range of alternatives to be considered will be beneficial. Additional opportunities to comment on alternatives will be provided as the process proceeds.

It is anticipated that the environmental analysis and preparation of draft and final environmental impact statement will take about one year. The draft environmental impact statement can be expanded in the summer of 1995 and the final environmental impact statement can be expected in the winter 1995.

A ninety day comment period pursuant to 36 CFR 219.10(b) will be provided for the public to make comments on the draft environmental impact statement. The comment period will begin when the Environmental Protection Agency's Notice of Availability appears in the **Federal Register**. This comment period will be in addition to scoping and other public participation opportunities that will be provided throughout the process. A record of decision will be prepared and filed with the final environmental impact statement. A ninety day appeal period pursuant to 36 CFR 217.8(a) will be applicable.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. To be the most helpful, comments on the draft environmental impact statement should be specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC* 435 US 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel*, (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).

The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: January 4, 1995.

Leonard L. Lucero,

Forest Supervisor, Carson National Forest.

[FR Doc. 95–1374 Filed 1–19–95; 8:45 am]

BILLING CODE 3410–11–M

Natural Resources Conservation Service

Sandy Creek Watershed, North Carolina; Notice to Deauthorize Federal Funding

AGENCY: Natural Resources Conservation Service.

ACTION: Notice of Intent to Deauthorize Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Natural Resources Conservation Service Guidelines (7 CFR 622), the Natural Resources Conservation Service gives notice of the intent to deauthorize Federal funding for the Sandy Creek Watershed project, Cumberland County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Richard A. Gallo, State Conservationist, Natural Resources Conservation Service, 4405 Bland Road, Suite 205, Raleigh, NC 27609, telephone: 919/790–2888.

Sandy Creek Watershed, North Carolina—Notice of Intent to Deauthorize Federal Funding

SUPPLEMENTARY INFORMATION: A determination has been made by Richard A. Gallo that the proposed works of improvement for the Sandy Creek Watershed project will not be installed. Information regarding this determination may be obtained from Richard A. Gallo, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 3, 1995.

Richard A. Gallo,

State Conservationist.

[FR Doc. 95–1470 Filed 1–19–95; 8:45 am]

BILLING CODE 3410–16–M

Rural Utilities Service

Arkansas Electric Cooperative Corporation; Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact (FONSI) with respect to its action related to the construction and operation of a hydropower project on the Arkansas River by Arkansas Electric Cooperative Corporation (AECC). The FONSI is based on a Borrower's Environmental Report submitted to RUS by AECC. RUS conducted an independent evaluation of the report and concurs with its scope and content. In accordance with Environmental Policies and Procedures published by the Rural Electrification Administration, the predecessor of RUS, at 7 CFR 1794.61, RUS has adopted the borrower's environmental report as its environmental assessment for the project.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Wolfe, Chief, Environmental Compliance Branch, Electric Staff Division, RUS, South Agriculture Building, Washington, D.C. 20250, telephone (202) 720–1784.

SUPPLEMENTARY INFORMATION: The hydropower project is to be constructed at the existing Corps of Engineers Dam #2 in Desha County, Arkansas, approximately 12 miles northeast of Dumas, Arkansas. It will have an installed capacity of 108 megawatts. The powerhouse for the project will be located on the west side of the Arkansas River west of the right abutment of Dam #2. The powerhouse will be approximately 180 feet wide and 225 feet long. Water to operate the turbines in the powerhouse will be diverted from the Arkansas River via a headrace channel and back into the river via a tailrace channel. The turbines will operate under a net head ranging from 5 to 37 feet. The project will include a 115 kV switching station and one span of 115 kV transmission line. The entire project will require approximately 180 acres of land all of which is government owned.

RUS considered the alternative of no action as opposed to approving AECC's request to use its general funds or provide a lien accommodation for financing construction of the project. Under the no action alternative, RUS would not approve AECC's use of general funds or provide AECC a lien accommodation. The no action alterative was not the selected alternative as AECC believes that it has an opportunity to construct a renewable generation resource at the Corps of Engineers Dam #2 and reduce its overall dependence on fossil fuel fired generation plants and that such construction is consistent with the objectives of the Energy Policy Act of 1992.

Copies of the environmental assessment and FONSI are available for review at, or can be obtained from, RUS at the address provided herein or from Mr. Curtis Q. Warner, Principle Engineer, Arkansas Electric Cooperative Corporation, 8000 Scott Hamilton Drive, Little Rock, Arkansas, 72219–4208, telephone (501) 570–2462.

Dated: January 13, 1995.

Adam M. Golodner,

Deputy Administrator, Program Operations.

[FR Doc. 95–1421 Filed 1–19–95; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the California Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 2:00 p.m. on February 4, 1995, at the Radisson Huntley Hotel, 1111 Second Street, Santa Monica, California 90403. The purpose of the meeting is discussion of ongoing followup to the media project and planning for the Orange County forum.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Michael C. Carney, or Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, January 12, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 95–1375 Filed 1–19–95; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010595A]

Marine Mammals

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

ACTION: Modification no. 2 to scientific research permit no. 716 (P466).

SUMMARY: Notice is hereby given that a request for modification of scientific research permit no. 716 submitted by Mr. Scott D. Kraus, Edgerton Research Laboratory, New England Aquarium, Central Wharf, Boston, MA 02110–3309 has been granted.

ADDRESSES: The modification and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Suite 13130, Silver Spring, MD 20910 (301/713–2289);

Director, Southeast Region, NMFS, NOAA, 9721 Executive Center Drive North, St. Petersburg, FL 33702 (813/570–5312); and

Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930 (508/281–9200).

SUPPLEMENTARY INFORMATION: On December 14, 1994, notice was published in the Federal Register (59 FR 64393) that a modification of permit no. 716, issued October 29, 1990 (55 FR 46543), had been requested by the above-named individual. The requested modification has been granted 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 (ESA), 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).

Permit no. 466 authorized the permit holder for the inadvertent harassment of up to 350 right whales during the course of photo-identification and aerial survey activities. The permit holder was also authorized to biopsy up to 50 right whales, and to import/export right whale tissues for scientific research purposes. The permit has now been modified to authorize the permit holder to attach radio tags to up to ten right whales, in order to determine their whereabouts while outside of the present survey area.

Issuance of this modification, as required by the ESA, 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 ESA.

Dated: January 12, 1995.

P.A. Montanio,

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

[FR Doc. 95–1409 Filed 1–19–95; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 011095B]

Marine Mammals

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

ACTION: Receipt of applications to modify permit nos. 838 (P535), 717 (P77#44), and 789 (P135C).

SUMMARY: Notice is hereby given that the following permittees have requested a modification to their permits:

Permit No. 838 (File No. P535)—Mr. Stephen J. Insley, Animal Communication Laboratory, University of California, Davis, CA 95616–8761;

Permit No. 717 (File No. P77#44)—The National Marine Mammal Laboratory, Alaska Fisheries Science Center, NMFS, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115; and

Permit No. 789 (File No. P135C)—James H.W. Hain, Ph.D., Northeast Fisheries Science Center, NMFS, 166 Water Street, Woods Hole, MA 02543–1026.

ADDRESSES: The modification requests and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

File No. P535—Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (907/586–7221);

File No. P77#44—Director, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (310/980–4016); and

File No. P135C—Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930 (508/281–9200); and Director, Southeast Region, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702–2432 (813/893–3141).

Written data or views, or requests for a public hearing on these requests should be submitted to the Director, Office of Protected Resources, NMFS, NOAA, U.S. Department of Commerce, 1335 East-West Highway, F/PR1, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on the particular modification request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of these applications to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject modifications to permit Nos. 838 (58 FR 29810) issued May 17, 1993; 717, as modified, (58 FR 27270) issued May 7, 1993; and 789, as modified, (58 FR 6116), issued January 26, 1993, are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), 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.*), the Regulations Governing the Taking, Importing, and Exporting of Endangered Fish and Wildlife (50 CFR part 222), the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*), and the fur seal regulations (50 CFR part 215).

Summary of Permit/Modification Requests

Permit No. 838 (Stephen Insley, P535) authorizes the permit holder to mark/tag up to 100 northern fur seals (*Callorhinus ursinus*) and inadvertently harass up to 110 over a 2-year period. The permit holder requests a 2-year extension of the take authority and an increase of 75 animals per year for inadvertent harassment during vocal playback activities.

Permit No. 717 (National Marine Mammal Laboratory, NMFS, P77#44) authorizes the take of 2,600 California sea lions (*Zalophus californianus*) over

a 5-year period. The permit holder requests an additional ten takes of adult females for instrumentation in 1995.

Permit No. 789 (James H.W. Hain, P135C) authorizes inadvertent harassment of several species of marine mammals and sea turtles during aerial and vessel surveys. The permit holder requests that ten additional species be added to the take authority for opportunistic studies.

Dated: January 13, 1995.

P.A. Montanio,

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

[FR Doc. 95–1410 Filed 1–19–95; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List a commodity and services previously furnished by such agencies.

EFFECTIVE DATE: February 21, 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 August 26, October 14 and December 2, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (59 FR 44133, 52146 and 61881) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48d 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 services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the 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. 46–48d) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Grounds Maintenance, Department of Energy, 19901 Germantown Road, Germantown, Maryland

Medical Transcription, Department of Veterans Affairs Medical Center, Brockton, Massachusetts

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Deletions

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48d and 41 CFR 51–2.4. Accordingly, the following commodity and services are hereby deleted from the Procurement List:

Commodity

Pallet Cover
3990–00–930–1481

Services

Janitorial/Custodial, Lloyd Group Buildings, Portland, Oregon

Tape Cleaning, Wright-Patterson Air Force Base, Ohio

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–1492 Filed 1–19–95; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 20, 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 action.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service 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 service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service 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. 46–48d) in connection with the service 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 service has been proposed for addition to Procurement List for production by the nonprofit agency listed:

Janitorial/Custodial, USARC Moore Hall, Salt Lake City, Utah, NPA: Columbus Community Center, Salt Lake City, Utah

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–1493 Filed 1–19–95; 8:45 am]

BILLING CODE 6820–33–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on the DoD Biological Defense Program

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on the DoD Biological Defense Program will meet in closed session on January 23, 1995, at the Joint Program Office for Biological Defense (JPO–BD), Falls Church, Virginia. In order for the Task Force to obtain time sensitive classified briefings, critical to the understanding of the issues, this meeting is scheduled on short notice.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review the on-going Military Departments research, development, and acquisition programs and provide recommendations to the JPO–BD. The Task Force should also review the biological aspects of the medical research and development program to ensure that the scope of the science and technology is adequate.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: January 13, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–1367 Filed 1–19–95; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Environmental Security

ACTION: Change in Date of Advisory Committee Meeting Notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Environmental Security scheduled for January 12–13, 1995 as published in the **Federal Register** (Vol. 59, No. 228, Page 60958–60959, Tuesday, November 28, 1994, FR Doc. 94–29335) will be held on January 23–24, 1995. In all other respects the original notice remains unchanged.

Dated: January 13, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–1366 Filed 1–19–95; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Defense Acquisition Reform, Phase III

AGENCY: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Defense Acquisition Reform, Phase III will meet in open session on February 6, 1995 at the Pentagon, Room 3E869, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense.

Persons interested in further information should call Mr. Jay Dutcher at (703) 697–5384.

Dated: January 13, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense

[FR Doc. 95–1369 Filed 1–19–95; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Role of Federally Funded Research & Development Centers (FFRDC's) in DoD Mission

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Role of Federally Funded Research & Development Centers (FFRDC's) in DoD Mission will meet in open session on February 7, 1995 at Strategic Analysis, Inc., 4001 N. Fairfax Drive, Suite 175, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense.

Persons interested in further information should call Mr. Robert Nemetz at (703) 756–2096.

Dated: January 13, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–1370 Filed 1–19–95; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board will meet in closed session on February 8–9, May 17–18, and October 25–26, 1995 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition & Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Defense Science Board will discuss interim findings and tentative recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly these meetings will be closed to the public.

Dated: January 13, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–1365 Filed 1–19–95; 8:45 am]

BILLING CODE 5000–04–M

Department of the Air Force

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Human Centered Technology will meet on 6–10 Feb 95 at Brooks AFB, TX from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to fulfill the yearly SAB Science and Technology Review in the area of Human Centered Technology.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–1376 Filed 1–19–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The Avionics & Communication Panel of the USAF Scientific Advisory Board will meet on 13–17 February 1995 at Wright Patterson AFB, OH from 8:00 a.m. to 5:00 p.m.

The purpose of this meeting will be to provide science & technology assessments on issues relating to avionics & communication.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–1380 Filed 1–19–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Advanced Weapons will meet on 20–24 Feb 95 at Kirtland AFB, NM from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to fulfill the yearly SAB Science and Technology Review in the area of Advanced Weapons.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–1377 Filed 1–19–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of M&P, Structures, MFG, Tech, Env, Civil, Engr will meet on 6–10 Mar 95 at Wright Patterson AFB, OH and Tyndall AFB, FL from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to fulfill the yearly SAB Science and Technology Review in the area of M&P, Structures, MFG, Tech, Env, Civil, Engr.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–1378 Filed 1–19–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Propulsion will meet on 21–24 Mar 95 at Wright-Patterson AFB, OH at 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to fulfill the yearly SAB Science and Technology Review in the area of Propulsion.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–1379 Filed 1–19–95; 8:45 am]

BILLING CODE 3910–01–P

Privacy Act of 1974; Amend System of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Amend system of records.

SUMMARY: The Department of the Air Force proposes to amend one system of records notice in its inventory of systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendment will be effective on February 21, 1995, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Assistant Air Force Access Programs Officer, SAF/AAIQ, 1610 Air Force Pentagon, Washington, DC 20330–1610.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Gibson at (703) 697–3491 or DSN 227–3491.

SUPPLEMENTARY INFORMATION: The complete inventory of Department of the Air Force system of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The amendment is not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which requires the submission of an altered system report. The specific changes to the system of records notice is set forth below followed by the system notice, as amended, published in its entirety.

Dated: January 12, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F040 AF MP J

SYSTEM NAME:

Civilian Appeal and Grievance System *(May 23, 1984, 49 FR 21786).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Air Force Appellate Review Office, 1535 Command Drive, Suite E309, Andrews AFB, MD 20331–7002; all Civilian Personnel Flights where appeals and/or grievances are filed. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.'

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Documents pertaining to the appeal or grievance filed by an employee or employee's representative which may contain personal information such as Social Security Number, date of birth, home address, home phone, and nature of appeal or grievance.'

* * * * *

PURPOSE(S):

Delete entry and replace with 'Appeal and grievance files are maintained by the Air Force Civilian Appellate Review Office pending administrative proceedings by management to resolve

the matters in dispute including adjudication proceedings by the Office of Complaint Investigations Examiner and final Air Force decision by management officials authorized to act under current regulations.'

* * * * *

SAFEGUARDS:

Delete entry and replace with 'Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records are destroyed 3 years after case is closed. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Air Force Civilian Appellate Review Office, 1535 Command Drive, Suite E309, Andrews AFB, MD 20331–7002, and Chiefs of Civilian Personnel Flights where appeals and grievances are filed. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.'

NOTIFICATION PROCEDURE:

Delete entry and replace with 'Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Director, Air Force Civilian Appellate Review Office, 1535 Command Drive, Suite E309, Andrews AFB, MD 20331–7002, or Chiefs of Civilian Personnel Flights where appeals and grievances are filed. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.'

RECORD ACCESS PROCEDURES:

Delete entry and replace with 'Individuals seeking to access records about themselves contained in this system should address requests to the Director, Air Force Civilian Appellate Review Office, 1535 Command Drive, Suite E309, Andrews AFB, MD 20331–7002, or Chief of Civilian Personnel Flights where appeals and grievances are filed. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.'

CONTESTING RECORD PROCEDURES:

Delete entry and replace with 'The Department of the Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.'

RECORD SOURCE CATEGORIES:

Add the word 'Flight' between 'Personnel' and 'Officer.'

* * * * *

F040 AF MP J

SYSTEM NAME:

Civilian Appeal and Grievance System.

SYSTEM LOCATION:

Air Force Appellate Review Office, 1535 Command Drive, Suite E309, Andrews AFB, MD 20331–7002; all Civilian Personnel Flights where appeals and/or grievances are filed. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States citizen employees of the Air Force who are paid from appropriated funds and who are either nonbargaining unit employees or bargaining unit employees in a unit where no collective bargaining agreement has been negotiated. The system includes supervisors, civilian personnel officers, and other management officials of the Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to the appeal or grievance filed by an employee or employee's representative which may contain personal information such as Social Security Number, date of birth, home address, home phone, and nature of appeal or grievance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR part 771 and E.O. 9397.

PURPOSE(S):

Appeal and grievance files are maintained by the Air Force Civilian Appellate Review Office pending administrative proceedings by management to resolve the matters in dispute including adjudication proceedings by the Office of Complaint Investigations Examiner and final Air Force decision by management officials authorized to act under current regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records, or information contained therein, may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after case is closed. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Air Force Civilian Appellate Review Office, 1535 Command Drive, Suite E309, Andrews AFB, MD 20331–7002, and Chiefs of Civilian Personnel Flights where appeals and grievances are filed. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Director, Air Force Civilian Appellate Review Office, 1535 Command Drive, Suite E309, Andrews AFB, MD 20331–7002, or Chiefs of Civilian Personnel Flights where appeals and grievances are filed. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Director, Air Force Civilian Appellate

Review Office, 1535 Command Drive, Suite E309, Andrews AFB, MD 20331–7002, or Chief of Civilian Personnel Flights where appeals and grievances are filed. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Documents created by the servicing Civilian Personnel Flight officer; information provided by the individual or representative; reports completed after formal hearings/inquiries; hearing proceedings and legal documentation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 95–1371 Filed 1–19–95; 8:45 am]

BILLING CODE 5000–04–F

Defense Logistics Agency

Privacy Act of 1974; Computer Matching ProgramBetween the Small Business Administration and the Defense Manpower Data Center of the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Department of Defense.

ACTION: Notice of a computer matching program between the Small Business Administration (SBA) and the Department of Defense (DoD) for public comment.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The DoD, as the matching agency under the Privacy Act is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between SBA and DoD that their records are being matched by computer. The record subjects are SBA delinquent debtors who may be current or former Federal employees receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the United States Government under programs administered by SBA so as to permit SBA to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective February 21, 1995, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202094502.

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr. at telephone (703) 607092943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and SBA have concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for debt collection. The match will yield the identity and location of the debtors within the Federal government so that SBA can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between SBA and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Deputy Director, Office of Portfolio Management, Small Business Administration, 409 Third Street, SW, Suite 8300, Washington, DC 20416. Telephone (202) 205096481.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** at 54 FR 25818 on June 19, 1989.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on January 9, 1995, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A09130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated July 15, 1994 (59 FR 37906, July 25, 1994). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: January 13, 1995

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Notice of a Computer Matching Program between the Small Business Administration and the Department of Defense for Debt Collection

A. *Participating Agencies:* Participants in this computer matching program are the Small Business Administration (SBA) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The SBA is the source agency, i.e., the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the match:* Upon the execution of an agreement, the SBA will provide and disclose debtor records to DMDC to identify and locate any matched Federal personnel, employed or retired, who may owe delinquent debts to the Federal Government under certain programs administered by the DOD. The SBA will use this information to initiate independent collection of those debts under the provisions of the Debt Collection Act of 1982 when voluntary payment is not forthcoming. These collection efforts will include requests by the SBA of any employing Federal agency to apply administrative and/or salary offset procedures until such time as the obligation is paid in full.

C. *Authority for conducting the match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97-365), 31 U.S.C. Chapter 37, Subchapter I (General) and Subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C.

136, Assistant Secretaries of Defense, Appointment Powers and Duties; section 206 of Executive Order 11222; 4 CFR Chapter II, Federal Claims Collection Standards (General Accounting Office - Department of Justice); 5 CFR 550.1101 - 550.1108 Collection by Offset from Indebted Government Employees (OPM); 13 CFR part 140, Debt Collection (SBA).

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

The SBA will use personal data from the Privacy Act record system identified as SBA 075, entitled, 'Loan Case File', last published in the **Federal Register** at 56 FR 8022 on February 26, 1991.

DMDC will use personal data from the record systems identified as S322.11 DMDC, entitled 'Federal Creditor Agency Debt Collection Data Base,' last published in the **Federal Register** on February 22, 1993, at 58 FR 10875.

Sections 5 and 10 of the Debt Collection Act (Pub.L. 97-365) authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies must publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act will comprise the necessary authority to meet the Privacy Act's 'compatibility' condition. The systems of records described above contain an appropriate routine use disclosure between the agencies of the information proposed in the match. The routine use provisions are compatible with the purpose for which the information was collected.

E. *Description of computer matching program:* The SBA, as the source agency, will provide DMDC with a magnetic computer tape which contains the names of delinquent debtors in programs the SBA administers. Upon receipt of the magnetic computer tape file of debtor accounts, DMDC will perform a computer match using all nine digits of the SSN of the SBA file against a DMDC computer database. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of employment records of Federal employees and military members, active, and retired. Matching records ('hits'), based on the SSN, will produce the member's name, service or agency, category of employee, and current work or home address. The hits or matches will be furnished to the SBA. The SBA is responsible for verifying and determining that the data on the DMDC reply tape file are consistent with the SBA source file and for resolving any discrepancies or inconsistencies on an individual basis. The SBA will also be responsible for making final determinations as to positive identification, amount of indebtedness and recovery efforts as a result of the match.

The magnetic computer tape provided by SBA will contain data elements of the debtor's name, Social Security Number, debtor status and debt balance, internal account numbers and the total amount owed on approximately 10,000 delinquent debtors.

The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and Guard, and the OPM government wide Federal civilian records of current and retired Federal employees.

F. *Inclusive dates of the matching program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated annually. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between SBA and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for receipt ofpublic comments or inquiries:* Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202094502. Telephone (703) 607092943.

[FR Doc. 95–1372 Filed 1–19–95; 8:45 am]

BILLING CODE 5000–04–F

Privacy Act of 1974; Computer Matching Program Between the Department of Housing and Urban Development and the Defense Manpower Data Center of the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Department of Defense.

ACTION: Notice of a computer matching program between the Department of Housing and Urban Development (HUD) and the Department of Defense (DoD) for public comment.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The DoD, as the matching agency under the Privacy Act is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between HUD and DoD that their records are being matched by computer. The record subjects are HUD delinquent debtors who may be current or former Federal employees receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the United States Government under programs administered by HUD so as to permit HUD to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective February 21, 1995, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202–4502.

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr. at telephone (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and HUD have concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for

debt collection. The match will yield the identity and location of the debtors within the Federal government so that HUD can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between HUD and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Systems Accountant, Control and Analysis Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 2124, Washington, DC 20410–8000. Telephone (202) 708–4256.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** at 54 FR 25818 on June 19, 1989.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on January 9, 1995, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated July 15, 1994 (59 FR 37906, July 25, 1994). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: January 13, 1995

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Notice of a Computer Matching Program between the Department of Housing and Urban Development and the Department of Defense for Debt Collection

A. *Participating Agencies:* Participants in this computer matching program are the Department of Housing and Urban Development (HUD) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The HUD is the source agency, i.e., the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the match:* Upon the execution of an agreement, the HUD will provide and disclose debtor records to DMDC to identify and locate any matched Federal personnel, employed or retired, who may owe delinquent debts to the Federal Government under certain programs administered by the DOD. The HUD will use this information to initiate independent collection of those debts under the provisions of the Debt Collection Act of 1982 when voluntary payment is not forthcoming. These collection efforts will include requests by the HUD of any employing Federal agency to apply administrative and/or salary offset procedures until such time as the obligation is paid in full.

C. *Authority for conducting the match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97-365), 31 U.S.C. Chapter 37, Subchapter I (General) and Subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 136, Assistant Secretaries of Defense, Appointment Powers and Duties; section 206 of Executive Order 11222; 4 CFR chapter II, Federal Claims Collection Standards (General Accounting Office)—Department of Justice); 5 CFR 550.1101—550.1108 Collection by Offset from Indebted Government Employees (OPM); 29 CFR part 17, Administrative Claims, subpart C, 17.60 and 17.125–17.140, Salary Offset Provisions (HUD) implementing 5 U.S.C. 5514(b)(1).

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

HUD will use personal data from the record system identified as HUD/DEPT 2, entitled 'Accounting Records' last published in the **Federal Register** at 59 FR 52985 on October 20, 1994.

DMDC will use personal data from the record systems identified as S322.11 DMDC, entitled 'Federal Creditor Agency Debt Collection Data Base,' last published in the **Federal Register** on February 22, 1993, at 58 FR 10875.

Sections 5 and 10 of the Debt Collection Act (Pub.L. 97-365) authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies must publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act will comprise the necessary authority to meet the Privacy Act's 'compatibility' condition. The systems of records described above contain an appropriate routine use disclosure between the agencies of the information proposed in the match. The routine use provisions are compatible with the purpose for which the information was collected.

E. *Descritpion of computer matching program:* The HUD, as the source agency, will provide DMDC with a magnetic computer tape which contains the names of delinquent debtors in programs the HUD administers. Upon receipt of the magnetic computer tape file of debtor accounts, DMDC will perform a computer match using all nine digits of the SSN of the HUD file against a DMDC computer database. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of employment records of Federal employees and military members, active, and retired. Matching records ('hits'), based on the SSN, will produce the member's name, service or agency, category of employee, and current work or home address. The hits or matches will be furnished to the HUD. The HUD is responsible for verifying and determining that the data on the DMDC reply tape file are consistent with the HUD source file and for resolving any discrepancies or inconsistencies on an individual basis. The HUD will also be responsible for making final determinations as to positive identification, amount of indebtedness and recovery efforts as a result of the match.

The magnetic computer tape provided by HUD will contain data elements of the debtor's name, Social Security Number, debtor status and debt balance, internal account numbers and the total amount owed on approximately 175,000 delinquent debtors.

The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and Guard, and the OPM government

wide Federal civilian records of current and retired Federal employees.

F. *Inclusive dates of the matching program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated annually. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between HUD and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for receipt of public comments or inquiries:* Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202–4502. Telephone (703) 607–2943.

[FR Doc. 95–1373 Filed 1–19–95; 8:45 am]

BILLING CODE 5000–04–F

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. Joseph A. Leary. 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 evaluation 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.

The Board requires the continued services of TRU Engineering Company, Inc. (TRUECO), specifically Dr. Joseph A. Leary, in support of its reviews of operations at defense nuclear facilities involved in the processing and handling of nuclear materials. The Board's efforts in these areas include, but are not entirely limited to, worker safety and the handling and fabrication of nuclear materials such as uranium, plutonium, americium, curium, and neptunium. Dr. Leary's technical support to the Board, which began in 1991, includes the evaluation of documents as a basis for future operations at various defense nuclear facilities. These efforts have included visits to selected facilities to observe the operations and nuclear technologies utilized at those locations.

Dr. Leary has informed the Board of a potential conflict of interest situation. Specifically, Dr. Leary, as a private individual and not through TRUECO, has a consultant relationship with Los Alamos National Laboratory (LANL) to provide expertise regarding plutonium processing and waste management issues. He provides support to LANL's Nuclear Materials Technology Division (NMTD) by serving as a member of the NMTD External Advisory Committee (Committee). The Committee, which is comprised of eight scientists and engineers from academia and industry, provides technical assistance to LANL management in the chemistry and nuclear materials technology areas, to ensure excellence in those activities. The Committee's basic responsibilities include providing advice to management on the quality of the technical activities conducted in the NMTD and their relevance and appropriateness in relation to LANL's mission. Further, the Committee recommends modifications in the mix of research and development activities as appropriate including the identification of new program opportunities. Dr. Leary also participated in a joint Los Alamos/Rocky Flats technology effort and facilitated group interactions within the technical and management areas. Finally, he provides general technical and management support to NMTD managers on nuclear materials processing, utilization, safeguards, waste management, and share management skills on construction and operation of nuclear materials processing facilities for integrated national programs on plutonium applications and technology transfer. All of Dr. Leary's efforts at LANL are provided on a part time, intermittent basis as needs arise.

Following a review of this potential OCI, the Board decided to continue its relationship with TRUECO based on the following circumstances. The Board's need for Dr. Leary's technical support is based on his extensive knowledge and direct experience with uranium, plutonium, americium, curium, and neptunium processing and applications, developed over approximately fifty years in various positions of responsibility. These include positions with LANL, the Atomic Energy Commission (AEC), Department of Energy (DOE), and as President of TRUECO. During this period, he was responsible for technical requirements and the conceptual design of facilities for processing radioactive materials, and radiochemical process engineering. Dr. Leary participated in extensive research in uranium and plutonium chemistry and metallurgy, developed new materials and new processes for all aspects of plutonium utilization, and originated and led the LANL pyrochemistry processing program. Additionally, he managed overall research, development, and demonstration programs for plutonium technology at LANL; directed large and complex programs at the AEC and DOE on nuclear materials processing, utilization, safeguards, and waste management; and managed an AEC program to construct and operate nuclear materials processing facilities for an integrated national program on plutonium applications. Consequently, Dr. Leary's unparalled experience and comprehensive knowledge of nuclear materials processing and handling with the DOE facilities and operations within the Board's oversight authority, makes him a unique source of outside expertise and an invaluable asset to this organization. Further, while the Board has chemical engineers on its staff, Dr.

Leary, with his extensive background and experience, augments the overall level of expertise available to the Board with its efforts in this highly sensitive and critical area of health and safety.

Additionally, the Board believes that a waiver of this potential OCI is proper as the possibilities of a direct conflict, or biased work product from Dr. Leary is remote based on the significant differences between his work for the Board and LANL. Specifically, Dr. Leary's technical efforts for the Board are related to unique problems or issues which exist at various facilities within DOE's nuclear weapons complex. He has provided technical assistance to the Board with its review of Savannah River Site (SRS) F-Canyon, HB-Line, and FB-Line chemical process startup activities and plutonium storage safety issues. Other examples of his work for the Board include an evaluation of the waste characterization program for the Hanford Waste Tanks, plutonium storage matters at Rocky Flats Site (RFS) and Pantex, and alternative decontamination processes at the Idaho Chemical Processing Plant, Idaho National Engineering Laboratory. Conversely, his consulting work at LANL includes the provision of a strategic overview of nuclear materials technology and management issues across a broad scope on an ad hoc basis, and not on specific programs or projects. Further, he has an association with LANL as a member of the Power Systems Subpanel (PSSP) which is a subpanel of the Interagency Nuclear Safety Review Panel. This group, which is comprised of individuals from the Department of Defense, DOE, and National Aeronautics and Space Administration, prepares the final safety evaluations for space flight using spacecraft powered by Radioisotope Thermoelectric Generators which contain significant amounts of plutonium-238. Dr. Leary serves as the nuclear materials expert on this panel which is funded through the Probabilistic Risk and Hazard Analysis Group at LANL. However, as this effort has no connection with the Board's work, and his other work at LANL does not overlap with Board projects, the changes of a OCI are unlikely.

Further, the Board examined Dr. Leary's current financial relationship with LANL, which includes a vested pension program and the consulting work described above, and considered the potential effect it may have on his objectivity in performing the Board's work. Based on this review, the Board determined that these relationships should not interfere with his work for the Board since the pension, and any future increases, is calculated according to fixed formulas and prior contributions and his consulting work for LANL accounts for approximately twenty percent of his total yearly income. Therefore, as the pension is fixed and not subject to adjustment by LANL, and the value of the other work does not constitute a major portion of his income, the Board believes these should not have a negative impact on Dr. Leary's ability to be objective in his work for the Board.

The Board has also recognized that it is unlikely that the work being performed by Dr. Leary could be satisfactorily performed by anyone else whose experience and affiliations would not give rise to a potential conflict of interest question. This is due to the unique problems and technical challenges which exist within the weapons complex related to the processing and handling of nuclear materials. Consequently, those most familiar with these operations, and potentially best able to assist the Board, are those that gained this expertise through previous or current employment or consulting relationships with one or more of the DOE weapons facilities within the Board's oversight authority. The pertinent experience of other qualified individuals would therefore likely raise similar questions and concerns.

Finally, as the Board is required under its OCI Regulations, where reasonably possible, to initiate measures which attempt to mitigate an OCI, Dr. Leary and the Board agreed to the following during contract performance. The Board will not task Dr. Leary with any work which would conflict with his efforts at LANL. Dr. Leary has agreed to promptly notify the Board of and changes with his efforts at LANL which would give rise to a direct OCI with his work for the Board. Additionally, the efforts and products of Dr. Leary will be overseen by experienced technical staff of the Board who are able to ensure that all of his resultant work products are impartial and contain full support for any findings and recommendations issued thereunder.

Accordingly, on the basis of the determination described above and pursuant to the applicable provisions of 10 CFR 1706, the Chairman of the Board granted a waiver of any conflicts of interests (and the pertinent provisions of the OCI Regulations) with the Board's contract with Dr. Joseph A. Leary that might arise out of his existing relationship with LANL.

Dated: January 12, 1995.

Kenneth M. Pusateri,

General Manager.

[FR Doc. 95–1360 Filed 1–19–95; 8:45 am]

BILLING CODE 3670–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

Intent to Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for the Proposed Southern Branch 40-foot Navigation Improvements in the Vicinity of Norfolk Harbor, Hampton Roads, Virginia

AGENCY: U.S. Corps of Engineers, Norfolk District, DOD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers, Norfolk District, prepared a feasibility report and final Environmental Impact Statement in 1980 titled ''Norfolk Harbor and Channels, Virginia, Deepening and Disposal'', which recommended further investigations leading to improvements to the Southern Branch portion of the project.

The recommended improvements consist of increasing the depth of the Southern Branch of the Elizabeth River between Norfolk and Western Railway Bridge at Mile 15 and U.S. Routes 460 and 13 highway crossing at Mile 17.5 from 35 feet to 40 feet over its existing 250- to 500-foot width and providing a new 800-foot turning basin at the terminus of the channel improvement.

ADDRESSES: U.S. Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, Virginia 23510.

FOR FURTHER INFORMATION CONTACT: Comments and questions concerning the proposed action should be addressed to Mr. Richard Klein (804) 441–7125; questions regarding the DSEIS should be addressed to Mr. Terrence Getchell (804) 441–7617.

SUPPLEMENTARY INFORMATION:

1. The DEIS will be prepared in connection with a General Design Memorandum that will document the engineering and design investigations required to complete pans and specifications and actual construction. Authority for the work is provided by Section 201(a) of Public Law 99–662, enacted 17 November 1986. The feasibility report, published as House Document No. 99–85 dated 18 July 1985, recommended the improvements that are the subject of the DSEIS.

2. Deepening the channels, constructing the turning basin and widening the channel between Mile 15 and Mile 17.5 will be considered. Allowing the channels to remain in the present condition will also be considered. Dredged material placement options under consideration include use of the Craney Island Rehandling Basin, placement within the Craney Island Dredged Material Management Area, ocean placement, and other upland locations along the channel.

3. Further input from key federal and state agencies will be solicited both by letter and during scheduled coordination meetings held by the Civil Programs Branch, Norfolk District U.S. Fish and Wildlife Service has agreed to perform work under the Fish and Wildlife Coordination Act. Environmental consultation and review will be conducted in accordance with the National Environmental Policy Act and other applicable laws and regulation, including those pertaining to endangered species and cultural resources.

Schedule

The DEIS is anticipated to be available for public review the fall of 1998.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 95–1467 Filed 1–19–95; 8:45 am]

BILLING CODE 3710–EN–M

DEPARTMENT OF ENERGY

Coal Policy Committee of the National Coal Council; Meeting

AGENCY: U.S. Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following Coal Policy Committee of the National Coal Council (NCC) Meeting:

Date and time: Tuesday, February 21, 1995, 10:00 am.

Place: Omni Mandalay Hotel, 221 East Las Colinas Blvd., Irving, TX 75039.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–5), Washington, D.C. 20585 Telephone: 202/586–3867.

PURPOSE: The purpose of the Coal Policy Committee of the National Coal Council is to provide advice, information, and recommendations to the Secretary of Energy on matters relating to coal and coal industry issues. The purpose of this meeting is to report on the status of the coal utilization study and report on and discuss responses to questions submitted to the Council by the Secretary and Assistant Secretary for Fossil Energy at their November 1994 meeting.

Tentative Agenda

—Opening remarks by Clifford Miercort, Chairman of the Coal Policy Committee.
—Approval of the final agenda.
—Remarks by Department of Energy representative (The Honorable Patricia Fry Godley, Assistant Secretary for Fossil Energy invited).
—Report of the Coal Technology Subcommittee on the coal utilization study.
—Report on and discuss the development of responses to the questions submitted to the Council by the Secretary and Assistant Secretary for Fossil Energy at their November 1994 meeting.
—Discussion of any other business to be properly brought before the Committee.
—Public comment—10-minute rule.
—Adjournment.

Public Participation: The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcript: Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 9:00 am and 4:00 pm, Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on January 17, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee, Management Officer.

[FR Doc. 95–1529 Filed 1–19–95; 8:45 am]

BILLING CODE 6450–01–P

Secretary of Energy Advisory Board; Notice of Open Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board

Date and time: Wednesday, February 1, 1995, 8:30 am–4:00 pm

Place: JW Marriott Hotel, 1331 Pennsylvania Avenue, SW, Salon Ballroom, Washington, D.C. 20004

FOR FURTHER INFORMATION CONTACT: Peter F. Didisheim, Executive Director, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7092.

SUPPLEMENTARY INFORMATION: Purpose of the Committee: The Secretary of Energy Advisory Board was established to serve as the Secretary of Energy's primary mechanism for long-range planning and analysis of major issues facing the Department of Energy. The Board will advise the Secretary on the research, development, energy and national defense responsibilities, activities, and operations of the Department and provide expert guidance in these areas to the Department.

Tentative Agenda

8:30 am—Opening Remarks
9:00 am—DOE's Strategic Realignment
10:00 am—Report of the Task Force on Alternative Futures of the DOE National Laboratories
11:00 am—Break
11:15 am—Public Comment Period
12:15 pm—Break for Lunch
1:30 pm—Discussion of the Strategic Energy Research and Development Task Force
2:15 pm—Other Business
3:00 pm—Adjourn

A final agenda will be available at the meeting.

Public Participation: The Chairman of the Board is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business. Due to the limited time available to discuss Board Activities, the Board requests that all comments be submitted in writing to the Executive Director, Secretary of Energy of Advisory Board, AB–1, 1000 Independence Avenue, SW, Washington, DC 20585. In order to insure that Board members have the opportunity to review written comments prior to the meeting, comments should be received by Tuesday, January 31, 1995. Due to difficulty in locating a meeting space to accommodate approximately 250 people, this notice will be published less than fifteen days prior to the date of the meeting.

Minutes: Minutes and a transcript of the meeting will be available for public

review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9:00 am and 4:00 pm, Monday through Friday except Federal holidays.

Issued at Washington, DC, on January 17, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–1520 Filed 1–19–95; 8:45 am]

BILLING CODE 6450–01–M

Secretary of Energy Advisory Board Task Force on Strategic Energy Research and Development; Notice of Open Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board Task Force on Strategic Energy Research and Development

Date and Time: Wednesday, January 26, 1995, 8:45 am–1:00 pm

Place: Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, Washington, DC 20004, (202) 484–1000

FOR FURTHER INFORMATION CONTACT: Peter F. Didisheim, Executive Director, 1000 Independence Avenue, SW., Washington, DC 230585, (202) 586–7092.

SUPPLEMENTARY INFORMATION: Purpose of the Committee: The Secretary of Energy Advisory Board Task Force on Strategic Energy Research and Development assists the Board in its top-level review of the Department's civilian energy research programs. The Board's Task Force will examine the Department's current research and development portfolio against its strategic goals, policy priorities and national needs will examine the Departments' research and development planning and management process and the first research, development, demonstration, and commercialization management plan, required biennially by the Energy Policy Act of 1992.

Tentative Agenda

8:45 am—Opening Remarks
9:00 am—Panel #1: Oil & Natural Gas—Exploration, Production and Related R&D Needs
10:45 am—Break
11:00 am—Panel #2: Natural Gas—Utilization Technologies and Related R&D Needs
12:45 pm—General Discussion and Public Comment
1:00 pm—Adjourn Public Meeting

A final agenda will be available at the meeting.

Public Participation: The Chairman of the Task Force is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Washington, D.C. the Task Force welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Task Force will make every effort to hear the views of all interested parties. Written comments may be submitted to Peter F. Didisheim, Executive Director, Secretary of Energy Advisory Board, AB–1, 1000 Independence Avenue, SW., Washington, DC 20585. In order to ensure that Task Force members have the opportunity to review written comments prior to the meeting, comments should be received by Monday, January 23, 1995. Due to a last minute change in the meeting location, this notice will be published less than fifteen days prior to the date of the meeting.

Minutes: Minutes and a transcript of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 am and 4 pm, Monday through Friday except Federal holidays.

Issued at Washington, DC, on January 17, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–15222 Filed 1–19–95; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP95–128–000]

East Tennessee Natural Gas Company; Notice of Request for Extension of Time

January 13, 1995.

Take notice that on January 11, 1995, East Tennessee Natural Gas Company (East Tennessee), filed a request for an extension of time in which to make any credits due from excess revenues received pursuant to its cash out mechanism. East Tennessee requests permission to make any credits no later than August 1, 1995.

East Tennessee states that Section 7 of its LMS–MA Rate Schedule requires it to credit any revenues received pursuant to its cash out mechanism in excess of actual costs incurred, within ninety days after each anniversary of the implementation of restructured services. However, as a result of technical difficulties with the volume allocation systems of both East Tennessee and its principal supplier, Tennessee Gas Pipeline Company (Tennessee), East Tennessee states that it does not currently have final, accurate information on which to base credits. Without knowing what it will be charged by Tennessee, East Tennessee can not determine whether it must make any refunds or not. East Tennessee therefore requests an extension and agrees to make any credits found to be due no later than August 1, 1995.

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 January 23, 1995. 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. 95–1399 Filed 1–19–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–124–000]

Gas Research Institute; Notice of Petition To Implement the Funding Target and Related Refund Provisions of the Post-GRI Funding Mechanism

January 13, 1995.

Take notice that on January 10, 1995, the Gas Research Institute (GRI), filed a petition requesting expedited approval of its proposed implementation for the first time of the funding target and related refund provisions of the post-1993 GRI Funding Mechanism approved by the Commission in Docket No. RP92–133–000 for purposes of 1994 and 1995 GRI funding. GRI's proposal relates to

collections for its 1994 RD&D program approved by the Commission in Docket No. RP93–140–000. GRI states that it intends to use this approach so long as GRI funding is accomplished using the post–1993 GRI Funding Mechanism.

GRI proposes a two–tiered methodology, basing funding targets and related refunds associated with 1994 GRI program funding to the maximum extent possible on actual 1994 results. GRI states that its proposal would assure that funding targets and related refunds accurately track contribution and discounting levels, thereby mitigating cost shifting among customer classes and regions of the country that receive less discounted service than the national average. On this basis, after it closes its financial books in March 1995, GRI estimates making refunds totaling approximately $11 million to 31 of its 40 interstate pipelines members.

Any person desiring to be heard or to protest GRI's petition 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 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 385.211. All protests, motions to intervene and comments should be filed on or before January 27, 1995. All comments and 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–1400 Filed 1–19–95; 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

January 13, 1995.

Take notice that an informal settlement conference will be convened in this proceeding on Tuesday, January 24, 1995, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E., Washington, D.C. for the purpose of exploring the possible settlement of the above-referenced dockets.

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) (1994).

For additional information, contact Hollis J. Alpert at (202) 208–0783 or Arnold H. Meltz at (202) 208–2161.

Lois D. Cashell,

Secretary.

[FR Doc. 95–1401 Filed 1–19–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–125–000]

Midwestern Gas Transmission Company; Notice of Rate Filing

January 13, 1995.

Take notice that on January 9, 1995, Midwestern Gas Transmission Company (Midwestern) filed a request for an extension of time in which to file its report of cash out activity for its first year of operation under restructured services. Midwestern requests permission to file its cash out report by July 1, 1995.

Midwestern states that Section 6(f) of its LMS–MA Rate Schedule requires Midwestern to file a report and refund plan if necessary for cash out activity at the end of each annual period. However, as a result of technical difficulties with the volume allocation system, Midwestern does not currently have final, accurate information on which to base a report. Midwestern states that because a report with incomplete and possibly erroneous information would not be useful to anyone, it requests an extension and agrees to file the report no later than July 1, 1995.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commission.

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 NE., Washington, DC 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 January 23, 1995. 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. 95–1402 Filed 1–19–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–47–014]

National Fuel Gas Supply Corp.; Notice of Compliance Filing

January 13, 1995.

Take notice that on January 9, 1995, National Fuel Gas Supply Corporation (National), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, proposed First Revised Sheet No. 216B.

National states that this tariff sheet is filed in compliance with the Letter Order issued on December 23, 1994 (December 23 Order) in the above-captioned proceeding. National further states that the December 23 Order's approval was subject to National filing a revised tariff sheet to clarify Section 20.2(f) of its tariff that interest will be calculated under this provision in accordance with the concerns of Algonquin Gas Transmission Company and the Algonquin Customer Group.

Any person desiring to protest said compliance 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 (18 CFR 385.211). All such protest should be filed on or before January 23, 1995. 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.

Lois D. Cashell,

Secretary.

[FR Doc. 95–1403 Filed 1–19–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–36–011]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

January 13, 1995.

Take notice that on January 11, 1995, Natural Gas Pipeline Company of America (Natural), filed as part of its FERC Gas Tariff, Sixth Revised Volume No. 1 and Second Revised Volume No. 2, revised tariff sheets to be effective February 1, 1995.

Natural states that the purpose of the filing is to set out the base rate levels reflected in Natural's pending ''Stipulation and Agreement'' filed on November 18, 1994 in Docket No. RP93–36.

Natural requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets to become effective February 1, 1995.

Natural states that copies of the filing are being mailed to the parties to this proceeding, jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 814 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before January 23, 1995. 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. 95–1404 Filed 1–19–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–127–000]

Northwest Pipeline Corp.; Petition for Grant of Expedited Limited Waiver of Tariff

January 13, 1995.

Take notice that on January 11, 1995, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(5), Northwest Pipeline Corporation (Northwest) tendered for filing a Petition for Grant of Expedited Limited Waiver of Tariff.

Northwest seeks waiver of Section 25.3(a) of the General Terms and Conditions addressing posting of available pipeline capacity and Section 11.3 of Rate Schedule TF–1 addressing the availability for receipt and delivery changes of capacity associated with expiration of a firm transportation contract, but set forth in the Third Revised Volume No. 1 of Northwest's FERC Gas Tariff, as well as waiver of any other necessary tariff provisions, in order to allow Northwest to repost the availability of 20,000 MMBtu/day of capacity and to defer disposition of such capacity until January 26, 1995.

Any person desiring to be heard or 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 Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 19, 1995. 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. 95–1405 Filed 1–19–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–126–000]

Texas Eastern Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

January 13, 1995.

Take notice that on January 9, 1995, Texas Eastern Transmission Corporation (Texas Eastern), tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets:

First Revised Sheet No. 487
First Revised Sheet No. 487A
First Revised Sheet No. 488
First Revised Sheet No. 488A
First Revised Sheet No. 489

Texas Eastern states that by this filing, it proposes to modify its scheduling procedures in order to permit it to shorten its nomination deadlines for timely and late nominations, thereby increasing the flexibility of its services for its customers.

The proposed effective date of the tariff sheets is February 1, 1995, the effective date of the proposed modifications in the nomination deadlines.

Texas Eastern states that copies of the filing were served on firm customers of Texas Eastern 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 sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 23, 1995. 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. 95–1406 Filed 1–19–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–422–000]

Texas Gas Transmission Corp.; Notice of Technical Conference

January 13, 1995.

In the Commission's order issued on October 28, 1994, in the above captioned proceeding, the Commission held that the filing raises issues for which a technical conference is to be convened. The conference to address these issues has been scheduled for Thursday, January 19, 1995, at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E., Washington, D.C. 20426.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 95–1407 Filed 1–19–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–110–001]

Williston Basin Interstate Pipeline Co.; Notice of Tariff Filing

January 13, 1995.

Take notice that on January 11, 1995, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing, as part of its FERC Gas Tariff, Second Revised Volume No. 1, Substitute Tenth Revised Sheet No. 15.

Williston Basin states that the revised tariff sheet reflects the recalculation of the proposed Rate Schedule FT–1 Gas Supply Realignment Surcharge.

Williston Basin has requested that the Commission accept this revised tariff sheet to become effective February 1, 1995.

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 Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be

filed on or before January 23, 1995. 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. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–1408 Filed 1–19–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–4719–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 19, 1994 through December 23, 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–BLM–K67028–CA Rating EC2, Rand Open Pit Heap Leach Gold Mine Project, Construction, Expansion and Operation, Conditional-Use-Permit and Plan of Operations and Reclamation Plan, Randburg, Kern County, CA.

Summary: EPA expressed environmental concerns regarding potential project impacts to surface water, wildlife habitat, heap leach pad, closure and contingency measures and about the limited range of alternatives presented. The final EIS should include information on the reclamation or maintenance of the heap leach pad after project completion; and discuss the relationship between the project and the recently-signed California Desert Protection Act.

ERP No. D–COE–C36071–PR Rating EO2, Rio Fajardo Flood Control Feasibility Study, Flood Protection, PR.

Summary: EPA had expressed environmental objections to the proposed projects due to potential significant impact to wetland and aquatic ecosystems. In addition EPA expressed concerns about the proposed mitigation, the project's indirect impacts to the Rio Fajardo Vieques Sound estuary system, and the evaluation of non-structural alternatives. EPA requested additional information be presented in the final EIS.

ERP No. D–FAA–C51016–00 Rating EC2, La Guardia and John F. Kennedy International Airports, Implementation of Automated Guideway Transit System by the Port Authority of New York and New Jersey's Airport Access Program, Funding, Airport Layout Plan, COE Section 10 and 404 Permits and US Coast Guard Permit, NY and NJ.

Summary: EPA expressed environmental concerns about this project's potential air quality and noise impacts. Accordingly, additional information should be presented in the final EIS to address these concerns.

ERP No. D–NAS–A12040–00 Rating EC2, Cassini Spacecraft Exploration Mission, Implementation, Explore the Plant Saturn.

Summary: EPA expressed environmental concerns for the cumulative impacts to the groundwater and to the ozone layer from all launch activities. EPA also suggested that NASA consider developing a pharmacy-style acquisition system for hazardous materials.

Final EISs

ERP No. F–BOP–G80001–TX Houston Metropolitan Detention Center, Site Selection, Construction and Operation, City of Houston, Harris County, TX.

Summary: EPA expressed environmental concerns regarding the lack of a full disclosure of cumulative impacts.

ERP No. F–COE–J39021–CO Central City Water Development Project, Implementation, COE Section 404 Permit, Right-of-Way Grant and Special-Use-Permit, North Clear Creek Basin, CO.

Summary: EPA continued to expressed environmental concerns about the cumulative impacts of this project and similar projects serving an adjacent community.

ERP No. F–FHW–E40741–FL Wonderwood Connector Transportation Facility, Construction, connecting the Dame Point Expressway (FL–9A) in the Arlington District to Mayport Road (FL–101), funding, Section 10 and 404 Permits and NPDES Permit, City of Jacksonville, Duval County, FL.

Summary: EPA expressed environmental concerns over wetland impacts and the lack of detailed information on wetland mitigation.

Dated: January 17, 1995.

William D. Dickerson,

Director, Federal Agency Liaison Division, Office of Federal Activities.

[FR Doc. 95–1524 Filed 1–19–95; 8:45 am]

BILLING CODE 6560–50–U–M

[ER–FRL–4719–2]

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 January 09, 1995 Through January 13, 1995 Pursuant to 40 CFR 1506.9.

EIS No. 950007, Final Supplement, FHW, MD, MD–100 Highway Improvements, MD–104 to I–95, Updated Improvements concerning Wetland Avoidance and Minimization Options, Funding and COE Section 404 Permit, Howard County, MD, Due: February 20, 1995, Contact: David Lawton (410) 962–4440.

EIS No. 950008, Draft EIS, NPS, MI, Beaver Basin Rim Road Project, Construction between Legion Lake and the Twelvemile Beach, Pictured Rocks National Lake Shore, Alger County, MI, Due: March 20, 1995, Contact: Jill Medland (402) 221–3481.

EIS No. 950009, Draft EIS, AFS, CA, Elsmere Solid Waste Management Facility, Implementation, Angeles National Forest (ANF) Land Adjustment Plan, Conditional Use and Oak Tree Permit, Los Angeles County, CA, Due: April 28, 1995, Contact: G. Lynn Spague (818) 574–1613.

EIS No. 950010, Final EIS, COE, WA, Auburn Thoroughbred Horse Racing Facility, Construction and Operation, COE Section 404 Permit and NPDES Permit, City of Auburn, King County, WA, Due: February 20, 1995, Contact: Stephen Martin (206) 764–3631.

EIS No. 950011, Draft EIS, AFS, CA, Cottonwood Fire Restoration Project, Implementation, Tahoe National Forest, Sierraville Ranger District, Sierra County, CA, Due: March 01, 1995, Contact: Steve Bishop (916) 994–3401.

EIS No. 950012, Draft EIS, USA, CA, San Onofre Area Sewage Effluent Compliance Project, Cease and Desist Orders, Camp Pendleton Marine Corps Base, San Diego and Orange Counties, CA, Due: March 06, 1995, Contact: Don Hettervik (619) 725–3004.

EIS No. 950013, Final EIS, DOE, CA, Adoption Southeast Regional

Wastewater Treatment Plant and Geysers Effluent Pipeline Injection Project, Improvements, Funding, COE Section 404 Permit and NPDES Permit, City of Clearlake, Lake County, CA Contact: Richard Estabrook (707) 468–4062.

The US Department of Energy has adopted the US Department of the Interior, Minerals Management Service's final EIS filed on 8–18–94. DOE was a Cooperating Agency for the above final EIS. Recirculation of the document is not necessary Under Section 1506.3(c) of the Council on Environmental Quality Regulations.

EIS No. 950014, Draft EIS, MMS, AK, Cook Inlet Planning Area, Alaska Outer Continental Shelf Oil and Gas Sale 149, Leasing Offering, AK, Due: April 13, 1995, Contact: George Valiulis (703) 787–1662.

EIS No. 950015, Final EIS, NPS, MN, Mississippi National River and Recreation Area (NRAA) Comprehensive Management Plan, Implementation, US Coast Guard, COE Section 10 and 404 Permits, Minnesota and St. Croix Rivers, Harriet Island, Anoka, Ramsey, Washington, Dakota and Hennepin Counties, MN, Due: February 20, 1995, Contact: Joanne Kyral (619) 290–4160.

Amended Notices

EIS No. 940444, Final EIS, FHW, IL, IL–13 (FAP–331) Transportation Improvements from west of the Illinois Central Railroad to US 45 east of Harrisburg, Funding, COE Section 404 and EPA NPDES Permits, Williamson and Saline Counties, IL, Due: February 20, 1995, Contact: Jose Garcia (217) 492–4628.

Published FR—11–16–94—Review period extended.

Dated: January 17, 1995

William D. Dickerson,

Director, Federal Agency Liaison Division, Office of Federal Activities.

[FR Doc. 95–1523 Filed 1–19–95; 8:45 am]

BILLING CODE: 6560–50–U

[FRL–5141–9]

Governmental Advisory Committee to the U.S. Representative to the North American Commission on Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (P.L. 92–463), the U.S. Environmental Protection Agency (EPA) gives notice of the second meeting of the Governmental Advisory Committee (NAC) to the U.S. Government Representative to the North American Commission on Environmental Cooperation (NACEC).

The Committee was established within the U.S. Environmental Protection Agency (EPA) to advise the Administrator of the EPA in her capacity as the U.S. Representative to the NACEC. The Committee is authorized under Article 18 of the North American Agreement on Environmental Cooperation, North America Free Trade Implementation Act, Pub. L. 103–182 and is directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation''. The Committee is responsible for providing advice to the U.S. Representative on implementation and further elaboration of the agreement.

The Committee consists of a group of 12 independent representatives drawn from state and local government agencies and tribal governments.

DATES: The Committee will meet on February 7 and 8, 1995 from 8:30 a.m. to 4:30 p.m. each day.

ADDRESSES: Ramada Classic Hotel, 6815 Menaul NE, Albuquerque, New Mexico 87110. The meeting is open to the public, with limited seating on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hardaker, Designated Federal Official, U.S.EPA, Office of Cooperative Environmental Management, telephone 202–260–2477.

Dated: January 11, 1995.

Robert Hardaker,

Designated Federal Official National Advisory Committee.

[FR Doc. 95–1388 Filed 1–19–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5142–1]

National Advisory Committee to the U.S. Representative to the North American Commission on Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (P.L. 92–463), the U.S. Environmental Protection Agency (EPA) gives notice of the second meeting of the National Advisory Committee (NAC) to the U.S. Government Representative to the North American Commission on Environmental Cooperation (NACEC).

The Committee was established within the U.S. Environmental Protection Agency (EPA) to advise the Administrator of the EPA in her capacity as the U.S. Representative to the NACEC. The Committee is authorized under Article 17 of the North American Agreement on Environmental Cooperation, North America Free Trade Implementation Act, Pub. L. 103–182 and is directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation''. The Committee is responsible for providing advice to the U.S. Representative on implementation and further elaboration of the agreement.

The Committee consists of a group of 15 independent representatives drawn from among environmental groups, business and industry, public policy organizations and educational institutions.

DATES: The Committee will meet on February 7 and 8, 1995 from 8:30 a.m. to 4:30 p.m. each day.

ADDRESSES: Ramada Classic Hotel, 6815 Menaul NE, Albuquerque, New Mexico 87110. The meeting is open to the public, with limited seating on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Ms. Lena Nirk, Designated Federal Official, U.S.EPA, Office of Cooperative Environmental Management, telephone 202–260–8169.

Dated: January 11, 1995.

Lena Nirk,

Designated Federal Official National Advisory Committee.

[FR Doc. 95–1389 Filed 1–19–95; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Being Reviewed By The Federal Communications Commission For Extension Under Delegated Authority 5 CFR 1320.9

January 10, 1995.

The Federal Communications Commission is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320.9, authority delegated to the Commission by the Office of Management and Budget (OMB) on October 6, 1994. These collections were all previously approved by OMB and are unchanged.

Public comments are invited on any of these collections for a period ending February 21, 1995. Persons wishing to comment on these information collections should contact Dorothy Conway, Federal Communications Commission, 1919 M Street NW, Room 242–B, Washington, DC 20554. You may also send comments via Internet to DConway@fcc.gov. Upon approval FCC will forward supporting material and copies of these collections to OMB.

Copies of these submissions 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 these submissions contact Dorothy Conway, Federal Communications Commission, (202) 418–0217.

OMB Number: 3060–0224.

Title: Section 90.151 Request for waiver.

Action: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; State, Local or Tribal Government.

Frequency of Response: On occasion.

Estimated Annual Burden: 60 responses; 2 hours burden per response; 120 hours total annual burden.

Needs and Uses: Section 90.151 requires applicants requesting a waiver of various radio spectrum rules submit information justifying the waiver need. The FCC personnel use this information to determine if an exception to the rules is warranted.

OMB Number: 3060–0226.

Title: Section 90.135(d) & (e) Modification of license.

Action: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit; State, Local or Tribal Government.

Frequency of Response: On occasion.

Estimated Annual Burden: 1656 responses; 10 minutes burden per response; 276 hours total annual burden.

Needs and Uses: Section 90.135(d) & (e) requires licensees who change certain parameters (name, address, mobile units, etc) to inform the Commission by form letter. This notification is necessary to maintain accurate data utilized by the Commission, frequency coordinators and the public in corresponding with licensees regarding interference resolution and licensing matters.

OMB Number: 3060–0253.

Title: Part 68 - Connection of Telephone Equipment to the Telephone Network (Sections 68.106, 68.108 and 68.110).

Action: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit; not-for-profit institutions; farms; Federal Government; State, Local or Tribal Government.

Frequency of Response: On occasion.

Estimated Annual Burden: 57,540 responses; .057 hours burden per response; 3,280 hours total annual burden.

Needs and Uses: The requirements in Part 68 are necessary to prevent the degradation of the telephone network. The collections are designed to prevent harm to the telephone network when customer-provided equipment is connected to the telephone company lines and assures that customers will not overload the telephone lines with excessive equipment which would degrade service to the customer and others. Telephone companies and persons connecting certain equipment to the network are the affected public.

OMB Number: 3060–0281.

Title: Section 90.651 Supplemental reports required of licensees authorized under this subpart.

Action: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit; State, Local or Tribal Government.

Frequency of Response: On occasion.

Estimated Annual Burden: 16,408 responses; 10 minutes burden per response; 2,735 hours total annual burden.

Needs and Uses: Section 90.651 requires licensees to report the actual number of mobil units served by each base station. The various subparagraphs of the rule apply to different categories of licensees and define exactly what information is required. The Commission licensing personnel use the information to maintain an accurate data base of frequency users which is used in spectrum planning, interference resolution and licensing activities.

OMB Number: 3060–0284.

Title: Section 94.25(f) & (g) & (i) Filing of applications.

Action: Extension of a currently approved collection.

Respondents: Businesses or other for-profit; not-for-profit institutions; State, Local and Tribal Government.

Frequency of Response: On occasion.

Estimated Annual Burden: 25 responses; 30 minutes burden per response; 13 hours total annual burden.

Needs and Uses: Section 94.25 requires that applicants proposing new or modified microwave transmitting facilities in the vicinity of the National Radio Astronomy Observatory, Naval Radio Research Observatory, Table Mountain Radio Receiving Zone or the FCC monitoring stations, consult with those parties to avoid interference to these sites. The requirement is necessary to preserve interference-free reception at these sites.

OMB Number: 3060–0291.

Title: Section 90.477 Interconnected Systems.

Action: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; State, Local and Tribal Governments.

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 1,000 recordkeepers; 1 hours burden per recordkeeper; 1,000 hours total annual burden.

Needs and Uses: Section 90.477 allows private land mobile radio licensees to use common point telephone interconnection with telephone service costs distributed on a non-profit cost sharing basis. Records of such arrangements must be placed in the licensees station records and made available to participants in the sharing arrangement and the Commission upon request. The information is used by the participating licensees to effect the required cost sharing.

OMB Number: 3060–0300.

Title: Section 94.107 Posting of Station Authorization and Transmitter Identification Cards, Plates or Signs.

Action: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Frequency of Response: Recordkeeping Requirement.

Estimated Annual Burden: 12,140 recordkeepers; 5 seconds per recordkeeper; 17 hours total annual burden.

Needs and Uses: Section 94.107 requires licensees to keep the original of each transmitter authorization posted or immediately available at the address at which the station records are maintained, and to post a copy at the transmitter location. This information is used by field personnel to determine if a transmitter is operating in conformance with its authorization.

OMB Number: 3060–0308.

Title: Section 90.505 Developmental operation showing required.

Action: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; State, Local and Tribal Government.

Frequency of Response: On occasion.

Estimated Annual Burden: 100 responses; 2 hours burden per response; 200 hours total annual burden.

Needs and Uses: Section 90.505 requires licensees proposing development of new uses of the radio communication facilities submit information showing why such an authorization is necessary and its uses. Commission personnel use the information to evaluate the desirability of issuing such an authorization from spectrum use and interference potential considerations.

OMB Number: 3060–0330.

Title: Part 62 - Applications to Hold Interlocking Directorates.

Action: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Frequency of Response: On occasion.

Estimated Annual Burden: 10 responses; 2 hours burden response; 20 hours total annual burden.

Needs and Uses: Part 62 of the Commission Rules requires the Commission to monitor the effect of interlocking directorates on the telecommunications industry and ensure they will not have any anticompetitive impact. The affected public is any entity desiring to occupy such positions.

OMB Number: 3060–0439.

Title: Regulations Concerning Indecent Communications by Telephone.

Action: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit.

Frequency of Response: On occasion.

Estimated Annual Burden: 10,200 responses; 10 minutes burden per response; 1,632 hours total annual burden.

Needs and Uses: Section 64.201 contains several information collections requirements including: (1) a requirement that certain common carriers block access to indecent messages unless the subscriber sees access from the common carrier in writing; (2) a requirement that adult message service providers notify their carriers of the nature of their programming; and (3) a requirement that a provider of adult message services request that their carriers identify it as such in bills to its subscribers. The information requirements are imposed on carriers, adult message service providers and those who solicit their services to ensure that minors are denied access to material deemed indecent.

OMB Number: 3060–0450.

Title: Detariffing the Installation and Maintenance of Inside Wiring Services; Reports on State Regulatory Activities (CC Docket No. 79–105).

Action: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit.

Frequency of Response: On occasion.

Estimated Annual Burden: 68 responses; 2 hours burden per response; 136 hours total annual burden.

Needs and Uses: Certain local exchange carriers are required to file copies of any state statute, rule, order, or other document that regulates, or proposes to regulate, the prices for inside wiring services. This information is used by the Commission to monitor the actions of state agencies to ensure that their actions do not impede federal policies.

OMB Number: 3060–0454.

Title: Regulation of International Accounting Rates (CC Docket No. 90–337).

Action: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Frequency of Response: On occasion.

Estimated Annual Burden: 120 responses; 2 hours burden per response; 240 hours total annual burden.

Needs and Uses: CC Docket No 90–337 implemented rules making it easier for U.S. carriers engaged in international telecommunications to negotiate lower accounting rates. Simple reductions in rates are made pursuant to a notification approach; other changes are subject to ISP waiver approach. Such carriers are required to file copies of operating agreements. The information is used for monitoring and enforcement purposes.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–1452 Filed 1–19–95; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL ELECTION COMMISSION

[Notice 1995–3]

Privacy Act of 1974; New and/or Revised Systems of Records

AGENCY: Federal Election Commission.

ACTION: Notice of effective date.

SUMMARY: On October 27, 1994 (59 FR 53977), the Federal Election Commission published a proposed notice of new and/or revised systems of records. There being no comments or changes made in the proposed and/or revised systems, these proposed systems of records become effective January 20, 1995.

Dated: January 17, 1995.

Danny Lee McDonald,

Chairman.

[FR Doc. 95–1479 Filed 1–19–95; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1039–DR]

Alaska; 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 Alaska (FEMA–1039–DR), dated September 13, 1994, and related determinations.

EFFECTIVE DATE: January 4, 1995.

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 September 15, 1994.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95–1483 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1044–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–1044–DR), dated January 10, 1995, and related determinations.

EFFECTIVE DATE: January 16, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of California dated January 10, 1995, is hereby amended to include the following areas among those areas determined to have been adversely

affected by the catastrophe declared a major disaster by the President in his declaration of January 10, 1995:

Marin and Modoc Counties for Individual Assistance.
Alameda and San Diego Counties for Individual Assistance and Public Assistance.
Riverside, Sacramento, San Mateo, Shasta, Sutter, and Trinity Counties for Public Assistance. (Already designated for Individual Assistance)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95–1481 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1044–DR]

California; 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 California (FEMA–1044–DR), dated January 10, 1995, and related determinations.

EFFECTIVE DATE: January 10, 1995.

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 January 10, 1995, 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 California, resulting from winter storms causing flooding, landslides, mud and debris flows on January 6, 1995, 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 California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance may be added at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance 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 David A. Skarosi of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of California to have been affected adversely by this declared major disaster:

Butte, Colusa, Contra Costa, Del Norte, Glenn, Humboldt, Lake, Lassen, Los Angeles, Mendocino, Monterey, Napa, Orange, Placer, Plumas, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, Tehama, Ventura, Yolo, and Yuba Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 95–1482 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1044–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–1044–DR), dated January 10, 1995, and related determinations.

EFFECTIVE DATE: January 13, 1995.

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 January 13, 1995, the President amended his declaration of January 10, 1995, to define the incident period for this disaster as January 3, 1995 and continuing.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95–1484 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1044–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–1044–DR), dated January 10, 1995, and related determinations.

EFFECTIVE DATE: January 11, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of California dated January 10, 1995, is hereby amended to include Public Assistance in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 10, 1995:

Butte, Colusa, Contra Costa, Del Norte, Glenn, Humboldt, Lake, Lassen, Los Angeles, Mendocino, Monterey, Napa, Orange, Placer, Plumas, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, Tehama, Ventura, Yolo, and Yuba Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 95–1485 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1044–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–1044–DR), dated January 10, 1995, and related determinations.

EFFECTIVE DATE: January 12, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of California dated January 10, 1995, is

hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 10, 1995:

Amador, Kern, Nevada, Riverside, Sacramento, San Bernardino, San Mateo, Shasta, Sutter, and Trinity Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 95–1486 Filed 1–19–95; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL RESERVE SYSTEM

Societe Generale, 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 February 2, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Societe Generale, Paris France; to engage *de novo* through its subsidiary Societe Generale Financial Corp., New York, New York, in higher-residual-value leasing activities to the extent permitted by, and subject to the limitations of, § 225.25(b)(5)(ii) of the Board's Regulation Y.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Nashville Holding Company, Nashville, Georgia; to engage *de novo* in making, acquiring, or servicing loans or other extensions of credit pursuant to section 4(c)(8) of the Bank Holding Company Act and § 225.25(b)(1) of the Board's Regulation Y. The proposed activity will be conducted throughout the State of Georgia.

Board of Governors of the Federal Reserve System, January 13, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–1434 Filed 1–19–95; 8:45 am]

BILLING CODE 6210–01–F

Westdeutsche Landesbank Girozentrale; 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 February 2, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Westdeutsche Landesbank Girozentrale, Dusseldorf, Germany; to acquire Interpayment Services Limited, New York, New York (ISL), and thereby engage in worldwide issuing, selling, redeeming, and refunding U.S. dollar- and foreign currency-denominated traveler's checks, in processing of financial data; and providing compliance, accounting, training, and related management services to ISL's sales pursuant to § 225.25(b)(12) and (7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 13, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–1435 Filed 1–19–95; 8:45 am]

BILLING CODE 6210–01–F

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR); Cancellation and Establishment of Medical Forms

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Standard Form 523B, Medical Record—Authorization for Tissue Donation is being cancelled and replaced by Optional Form 523B, Medical Record—Authorization for Tissue Donation. Most hospitals that offer tissue donations work with a regional consortium. The consortium usually has their own form. Therefore SF 523B is being cancelled and replaced

by OF 523B allowing individual hospitals to use the consortium forms. The optional form is authorized for local reproduction. Upon request, a camera copy of OF 520 will be provided by the General Services Administration (CARM), Attn.: Barbara Williams, (202) 501–0581.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501–0581.

Dated: January 12, 1995.

Theodore D. Freed,

Chief, Forms Management Branch.

[FR Doc. 95–1458 Filed 1–19–95; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

On Fridays, the Department of Health and Human Services, Office of the Secretary publishes a list of information collections 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 are those information collections recently submitted to OMB.

1. Applicant Background Survey—This form will be used to ask applicants for employment how they learned about a vacancy, to make sure that recruitment sources yield qualified women, minority and handicapped applicants in compliance with EEOC Management Directives.

Respondents: Individuals; Annual Number of

Respondents: 310,000; Annual Frequency of Response: one time; Average Burden per Response: 2 minutes;

Total Annual Burden: 10,333 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 619–0511. Written comments and recommendations for the proposed information collection should be sent directly to the OMB disk officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503.

Dated: January 9, 1995.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 94–1163 Filed 1–19–94; 8:45 am]

BILLING CODE 4150–04–M

Notice of a Regional Public Hearing of the Commission on Research Integrity

Pursuant to Pub. L. 92–463, notice is hereby given of a public hearing and meeting, respectively, of the Commission on Research Integrity on Thursday and Friday, February 9 and 10, 1995, from 9:00 a.m. to 5 p.m. at University of California-San Francisco in the auditorium of the Laurel Heights Conference Center at 3333 California Street, San Francisco, CA 94118. The sessions will be open to the public. Interested parties are advised to call the Executive Secretary shortly before the meeting to verify the date, place, and agenda.

The mandate of the Commission is to develop recommendations for the Secretary of the Department of Health and Human Services (DHHS) and the Congress on the administration of Section 493 of the Public Health Service Act, as amended by and added to, by Section 161 of the NIH Revitalization Act of 1993.

It has become increasingly clear to the Commission that the current DHHS and institutional oversight of research integrity deserves serious attention. Also, the Commission has confirmed that there are no quick and easy answers as it searches for fair, effective, and realistic administrative solutions to these issues. Therefore, an essential component of the Commission's information-gathering is to interact extensively with all relevant constituencies of the scientific community—including junior and senior scientists, witnesses, respondents, and academic administrators—to understand their particular experiences and perspectives and to explore possible improvements.

Three major areas are currently of great interest to the Commission:

1. *A New Definition of Research Misconduct.* The Commission believes that any definition needs to address the full extent of serious research misconduct, but must avoid a definition that is too broad, vague, and potentially unfair. In addition, a two-tiered approach for research integrity, and failures thereof, would be useful; it would emphasize institutional responsibility, and reserve an oversight role for the Federal Government.

2. *Assurance for Institutions and Accountability for Federally-Funded Research.* The Commission is considering that each institution receiving Federal funds develop and submit for Federal review and approval assurances concerning the establishment and implementation of: (a) good research practices and professional norms; (b) procedures for disseminating that information throughout its community; and (c) educational activities designed to foster practice of the highest ethical standards in the conduct of research with particular emphasis on beginning researchers. Topics affecting good research practices that might be addressed in institutional assurances include: data recording and retention; supervisory responsibility; authorship practices; protection of witnesses; and other professional conduct bearing directly on the integrity of Federally-supported research.

3. *Bill of Rights for Witnesses.* Testimony from witnesses (also called ''whistleblowers'') who had challenged perceived research misconduct reaffirms the Commission's mandate to propose effective whistleblower protection rules. Witnesses stated that retaliation occurs with sufficient frequency to have a chilling effect on potential witnesses throughout the research community. The Commission is considering a Witness Bill of Rights and procedures for its implementation.

The Commission will also continue its discussion of other issues on which the Commission is planning to make recommendations.

Lengthy statements from witnesses exceeding the 10 or 15 minutes of oral presentation may be submitted in writing to the Executive Secretary before or at the meeting. Each statement will be reviewed by Commission Members.

Henrietta D. Hyatt-Knorr, Executive Secretary, Commission on Research Integrity, at Rockwall II, Suite 700, 5515 Security Lane, Rockville, MD 20852, (301) 443–5300 or (301) 443–9369 (voice mail), will furnish the meeting agenda, the Committee charter, and a roster of the Committee members upon request. Members of the public wishing to make presentations should contact the Executive Secretary. Depending on the number of presentations and other considerations, the Executive Secretary will allocate a reasonable timeframe for each speaker.

Henrietta D. Hyatt-Knorr,

Executive Secretary, Commission on Research Integrity.

[FR Doc. 95–1381 Filed 1–19–95; 8:45 am]

BILLING CODE 4160–17–P–M

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

David F. Eierman, Ph.D., University of North Carolina at Chapel Hill: The Division of Research Investigations (DRI) of the Office of Research Integrity (ORI) reviewed an investigation conducted by the University of North Carolina at Chapel Hill into possible scientific misconduct on the part of Dr. Eierman while a research assistant at the University of North Carolina. Based in part on Dr. Eierman's admission, the University concluded that he committed scientific misconduct by falsifying or fabricating data in biomedical research supported by two Public Health Service grants. The ORI accepted the University's conclusions and found that Dr. Eierman engaged in scientific misconduct.

Dr. Eierman has fully cooperated with the University of North Carolina and ORI in this matter and has signed a Voluntary Exclusion Agreement under which he has agreed to be excluded from support under Federal grants, contracts, and cooperative agreements for a three-year period beginning December 12, 1994, and ending December 11, 1997, and from service on PHS advisory committees, boards, or peer review groups for the same period. ORI notes that Dr. Eierman's cooperation in resolving this matter indicates that he has accepted responsibility for his actions, and this is regarded as a positive factor that was taken into consideration in negotiating the Voluntary Exclusion Agreement. The fabricated and falsified data were reported in two manuscripts that were never published and in Figure 3 of ''β_1 and β_2 Integrin Subunit Regulation of the Monocyte Inflammatory Response,'' Cellular and Cytokine Networks in Tissue Immunity (M. Meltzer, and A. Mantovani, Eds.). (1991). New York: Wiley-Liss.

FOR FURTHER INFORMATION CONTACT: Director. Division of Research Investigations, Office of Research Integrity, 301–443–5330.

Lyle W. Bivens, Ph.D.

Director, Office of Research Integrity.

[FR Doc. 95–1466 Filed 1–19–95; 8:45 am]

BILLING CODE 4160–17–P–M

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

Celia Ryan, R.N., University of Pittsburgh: The Division of Research Investigations (DRI) of the Office of Research Integrity (ORI) reviewed an investigation conducted by the University of Pittsburgh into possible scientific misconduct on the part of Ms. Ryan while an employee of the University. ORI concurred with the factual findings as set forth in the University of Pittsburgh report, and finds that Ms. Ryan committed scientific misconduct by falsifying and fabricating interview data in a research project, ''Assessment of the Variation and Outcomes of Pneumonia,'' supported by a grant from the Agency for Health Care Policy and Research, HS 06468. Ms. Ryan accepted the misconduct finding and agreed to a Voluntary Exclusion and Settlement Agreement under which Ms. Ryan will not apply for, nor permit her name to be used on any application for Federal grant or contract funds, will not receive nor be supported by such funds, and will not serve on PHS advisory committees, boards, or peer review groups for a three-year period beginning January 11, 1995.

FOR FURTHER INFORMATION CONTACT: Director, Division of Research Investigations, Office of Research Integrity, 301–443–5330.

Lyle W. Bivens,

Director, Office of Research Integrity.

[FR Doc. 95–1549 Filed 1–19–95; 8:45 am]

BILLING CODE 4160–17–P

Food and Drug Administration

[Docket No. 94N–0173]

International Drug Scheduling; Convention on Psychotropic Substances; World Health Organization Scheduling Recommendations for Seven Drug Substances

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing interested persons with the opportunity to submit written comments and to request an informal public meeting concerning recommendations by the World Health Organization (WHO) to impose international manufacturing and distributing restrictions, pursuant to international treaties, on certain drug substances. The comments received in response to this notice and/or public meeting will be considered in preparing the U.S. position on these proposals for a meeting of the United Nations Commission on Narcotic Drugs (CND) in Vienna, Austria, on March 14–23, 1995. This notice is issued pursuant to the Controlled Substances Act (CSA).

DATES: Written comments by February 9, 1995; written requests for a public meeting and the reasons for such a request by January 30, 1995.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857; written requests for a public meeting and the reasons for such a request to Nicholas P. Reuter (address below).

FOR FURTHER INFORMATION CONTACT: Nicholas P. Reuter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION:

I. Background

The United States is a party to the 1971 Convention on Psychotropic Substances (the Convention). Section 201(d)(2)(B) of the CSA (21 U.S.C. 811(d)(2)(B)) provides that when the United States is notified under Article 2 of the Convention that CND proposes to decide whether to add a drug or other substance to one of the schedules of the Convention, transfer a drug or substance from one schedule to another, or delete it from the schedules, the Secretary of State must transmit notice of such information to the Secretary of Health and Human Services (HHS).

The Secretary of HHS must then publish a summary of such information in the **Federal Register** and provide opportunity for interested persons to submit comments. The Secretary of HHS shall then evaluate the proposal and furnish a recommendation to the Secretary of State which shall be binding on the representative of the United States in discussions and negotiations relating to the proposal.

As detailed below in this document, the Secretary of State has received a notification from the Secretary-General of the United Nations. This notification reflects the recommendations from the 29th WHO Expert Committee for Drug Dependence (ECDD), which met in September 1994. WHO recommends that the substances aminorex, brotizolam, and mesocarb be added to Schedule IV of the Convention. In addition, WHO recommends that etryptamine and methcathinone be

added to Schedule I of the Convention and that zipeprol be added to Schedule II. WHO also recommends that flunitrazepam, presently controlled in Schedule IV of the Convention, be transferred to Schedule III.

A notice published in the **Federal Register** of June 20, 1994 (59 FR 31639), announced the WHO review of these seven substances and provided an opportunity for interested parties to submit information to be forwarded to WHO. Information submitted in response to that notice was forwarded to WHO and was considered during the 29th meeting of the WHO Expert Committee on Drug Dependence in September, 1994.

The full text of the notification from the Secretary-General of the United Nations is provided below in Section II of this notice. Section 201(d)(2)(B) of the CSA (21 U.S.C. 811(d)(2)(B)) requires the Secretary of HHS, after receiving a notification proposing scheduling, to publish a notice in the **Federal Register** to provide the opportunity for interested parties to submit information and comments on the proposed scheduling action.

II. United Nations Notification

Reference:

NAR/CL.10/1994
UNDCP 421/12(1) 1971 CPS
WHO 29th ECDD
CU 94/231

The Secretary-General of the United Nations presents his compliments to the Secretary of State of the United States of America and has the honour to inform the Government that, pursuant to article 2, paragraphs 1, 4 and 6, of the Convention on Psychotropic Substances of 1971, he has received a notification dated 11 November 1994, from the Director-General of the World Health Organization (WHO), concerning recommendations for international control of the following seven substances: aminorex, brotizolam, etryptamine, flunitrazapam, mesocarb, methcathinone and zipeprol.

In accordance with the provisions of article 2, paragraph 2, of the 1971 Convention, the Secretary-General hereby transmits the text of that notification as an annex to the present note.

As will be seen from the notification and the attached assessments and recommendations, WHO recommends that aminorex, brotizolam and mesocarb be included in Schedule IV of the 1971 Convention; that etryptamine and methcathinone be included in Schedule I; and that zipeprol be included in Schedule II. WHO also recommends that flunitrazepam be transferred from Schedule IV to Schedule III of the Convention.

Pursuant to article 2, paragraph 2, of the Convention, the notification from WHO will be brought to the attention of the Commission on Narcotic Drugs at its thirty-eighth session (14–23 March 1995). Any action or decision taken by the Commission with respect to the notification, pursuant to article 2, paragraph 5 or 6, or the Convention, will be notified to States Parties in due course.

Article 2, paragraph 5, reads:

''The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.''

Article 2, paragraph 6 reads:

''If a notification under paragraph 1 relates to a substance already listed in one of the Schedules, the World Health Organization shall communicate to the Commission its new findings, any new assessment of the substance it may make in accordance with paragraph 4 and any new recommendations on control measures it may find appropriate in the light of that assessment. The Commission taking into account the communication from the World Health Organization as under paragraph 5 and bearing in mind the factors referred in that paragraph, may decide to transfer the substance from one Schedule to another or to delete it from the Schedules.''

The Secretary-General would appreciate it if the Government would submit data on seizures of any of these substances or on the existence of clandestine laboratories manufacturing them. Such data would assist the Commission in its consideration of possible international control of some or all of the substances under review.

In order to further assist the Commission in reaching a decision, it would be appreciated if any economic, social, legal, administrative or other factors the Government may consider relevant to the question of the possible scheduling or rescheduling of these seven substances could be communicated by 15 January 1995 to the United Nations International Drug Control Programme, c/o Secretariat of the Commission on Narcotic Drugs, P.O. Box 500, A–1400 Vienna, Austria (telefax 239397).

7 December 1994

ANNEX

Note dated 11 November 1994 addressed to the Secretary-General by the Director-General of the World Health Organization

The Director-General of the World Health Organization presents his compliments to the Secretary-General of the United Nations and has the honour to transmit, in accordance with article 2, paragraph 1, 4 and 6 of the Convention on Psychotropic Substances, 1971, assessments and recommendations of the World Health Organization, as set forth in the annex hereto, concerning proposed international control in respect of aminorex, brotizolam, etryptamine, flunitrazepam, mesocarb, methcathinone, and zipeprol.

The Director-General of the World Health Organization avails himself of this opportunity to renew to the Secretary-General of the United Nations the assurance of his highest consideration.

Aminorex

1. Substance identification

Aminorex (INN; CAS 2207–50–3), chemically 2-amino-5-phenyl-2-oxazoline, is also known as aminoxaphen and aminozafen, and formerly as Apiquel and Monocil (aminorex fumarate). Aminorex has one asymmetric carbon atom in the molecule, so that two stereoisomeric forms and one racemate are possible.

2. Similarity to already known substances and affects on the central nervous system

Aminorex is chemically similar to 4-methylaminorex, which is included in Schedule I of the Convention on Psychotropic Substances, 1971. Aminorex produces effects that are characteristic of central nervous system stimulants such as amfetamine, and was used clinically for its anorectic effects. Aminorex produces adverse effects similar to those produced by central nervous system stimulants. In addition, when used as an anorectic, aminorex was considered to have been responsible for the occurrence of a significant incidence of pulmonary hypertension. This led to its withdrawal from the market in 1968.

3. Dependence potential

In drug discrimination studies, aminorex generalized to amfetamine and cocaine. Animal self-administration studies indicate that aminorex has some reinforcing effects. These animal studies suggest that aminorex has a moderate dependence potential.

4. Actual abuse and/or evidence of likelihood of abuse

Police and forensic reports indicate that aminorex is illicitly distributed in the United States of America as well as to a limited degree in Germany. These cases document the distribution of aminorex as amfetamine or metamfetamine on the street, suggesting that the population using the drug mainly comprises stimulant abusers. In spite of the limited level of actual abuse, aminorex is assessed to have a moderate abuse liability, taking into account the relative simplicity of its manufacturing in clandestine laboratories.

5. Therapeutic usefulness

Because of serious adverse effects, aminorex is assessed to have very little, if any, therapeutic usefulness.

6. Recommendation

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of aminorex is assessed to be significant. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that aminorex be included in Schedule IV of the Convention on Psychotropic Substances, 1971.

Brotizolam

1. Substance identification

Brotizolam (INN; CAS 57801–81–7), chemically 2-bromo-4-(o-chloropenyl)-9-

methyl-6*H*-thianol[3,2-f]-s-triazolol[4,3-a][1,4]diazepine, is also known as Ladormin, Lendorm, Lendormin, Lindormin, Noctilan, Dormex, and Sintonal.
2. Similarity to already known substances and affects on the central nervous system

Brotizolam produces pharmacological effects typical of the class of benzodiazepines. It binds with high affinity to benzodiazepine receptors. A number of studies have demonstrated the therapeutic effects of brotizolam as a short-acting hypnotic with a mean elimination half-life of 4–5 hours.
3. Dependence potential

Animal studies have shown that brotizolam has barbiturate type subjective effects. It produces alcohol-barbiturate type mild-to-severe withdrawal syndromes, and has some reinforcing effects. The few clinical studies available demonstrate the occurrence of rebound insomnia upon withdrawal of the drug. These findings collectively indicate that brotizolam has a moderate dependence potential similar to other benzodiazepine hypnotics.
4. Actual abuse and/or evidence of likelihood of abuse

In spite of its pharmacological similarity to other benzodiazepine hynotics, and its marketing in 18 countries, actual abuse of brotizolam has been reported only in Germany and Hong Kong. In Germany, although there has been some abuse and illicit activity involving brotizolam, this was not considered serious enough to subject the drug to the distribution control measures which are applicable to controlled drugs. In Hong Kong, following its introduction to the local market in 1988, the abuse of brotizolam increased rapidly among young people, leading to the application of stricter regulatory control measures in 1990. The company withdrew the product from the market in 1992.

Based on the experiences of Germany and Hong Kong with brotizolam, it is assessed that brotizolam has an appreciable abuse liability. The problem may be more acute in situations where prescription requirements for dispensing are not effectively implemented or are not applicable.
5. Therapeutic usefulness

Brotizolam is marketed as a hypnotic in 18 countries and may be considered to have a moderate to great therapeutic usefulness.
6. Recommendation

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of brotizolam is assessed to be significant, in cases where prescription requirements are not effectively implemented or required, a situation which exists in many developing countries. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that brotizolam be included in Schedule IV of the Convention on Psychotropic Substances, 1971.

Etryptamine

1. Substance identification

Etryptamine (INN; CAS 2235–90–7), chemically 3-(2-aminobutyl)indole, is also known as α-ethyltryptamine and Monase. Etryptamine has a single chiral centre, so that two stereoisomeric forms and one racemate are possible.
2. Similarity to already known substances and affects on the central nervous system

Chemically, etryptamine is similar to hallucinogenic tryptamines, some of which are already in Schedule I of the 1971 Convention. Animal studies indicate that etryptamine produces effects similar to those produced by 3,4,-methylenedioxymetamfetamine (MDMA), but its hallucinogenic effects are more pronounced than its stimulant effects. Like amfetamine, etryptamine increases locomotor activity in rodents. In a study using the behaviour pattern monitoring method, etryptamine significantly decreased investigatory behaviour, which is typical of hallucinogens and MDMA-like substances. The stimulant effects of etryptamine are slower in onset and more prolonged in duration than those of amfetamine. In addition, etryptamine inhibits monoamine oxidase.

In the early 1960s, etryptamine acetate was placed on the United States market as an anti-depressant. Soon after its release on the market, it was reported that etryptamine was associated with a high incidence of agranulocytosis, a potentially fatal condition. More recently, there were isolated reports of etryptamine being associated with the deaths of drug abusers in Germany, Spain, and the United States of America.
3. Dependence potential

Animal drug discrimination studies indicate that etryptamine has subjective effects resembling MDMA. Self-administration studies indicate that etryptamine has a moderate dependence potential, which is lower than that of cocaine.
4. Actual abuse and/or evidence of likelihood of abuse

Information available from various sources indicates that there has been some abuse of etryptamine in Germany, Spain and the United States of America. Etryptamine is estimated to have a high abuse liability.
5. Therapeutic usefulness

In view of its association with serious adverse reactions such as agranulocytosis, the therapeutic usefulness of etryptamine is assessed to be very limited, if any.
6. Recommendation

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of etryptamine is assessed to be especially serious. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that etryptamine be included in Schedule I of the Convention on Psychotropic Substances, 1971.

Flunitrazepam

1. Substance identification

Flunitrazepam (INN; CAS 1622–62–4), chemically 5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2*H*-1,4-benzodiazepin-2-one, is also known as Absint, Darkene, Fluninoc, Flunipam, Fluinita, Flunitrazepan-ratiopharm, Hypnodrom, Hipnosedon, Inervon, Narcozep, Parnox, Primun, Rohipnol, Rohypnol and Valsers.
2. Similarity to already known substances and affects on the central nervous system

Flunitrazepam has typical benzodiazepine effects, with a greater sedative-hypnotic potency than diazepam or chlordiazepoxide. Flunitrazepam binds with high affinity to central benzodiazepine receptors. Flunitrazepam is rapidly absorbed after oral administration. The elimination half-life of flunitrazepam following a single oral dose ranges between 9 and 25 hours in humans. Accumulation occurs with chronic administration.
3. Dependence potential

Drug discrimination, drug withdrawal and self-administration studies indicate that flunitrazepam has a dependence potential similar to other benzodiazepines. Rebound insomnia, which is considered a form of withdrawal from sedative-hypnotics, may be contributing to the tendency of continuing the medication. These data do not suggest any substantive difference between flunitrazepam and other benzodiazepine hypnotics.

However, drug preference studies in opiod users have shown that flunitrazepam and diazepam stand out from other benzodiazepines in terms of producing a strong positive reinforcing effect in these subjects.

Based on the above, flunitrazepam is estimated to have a moderate abuse potential which may be higher than other benzodiazepines. The rapid onset and longer duration of action, coupled with the strong sedative-hypnotic effects, may be contributing to its higher abuse potential.
4. Actual abuse and/or evidence of likelihood of abuse

Information available indicates that the non-medical use or abuse of flunitrazepam is widespread among drug abusers, particularly opioid and cocaine abusers. Flunitrazepam is reported to be the most widely abused benzodiazepine by opioid abusers in many large cities in Europe, Asia and Oceania. Flunitrazepam abuse is reported even in the United States of America where the drug is not marketed for therapeutic use.

Reported reasons for the abuse of flunitrazepam include potentiation of opioid effects, substitution for the opioid when it is difficult to obtain, and self-medication for opioid withdrawal. Oral intake is the most common route of administration of flunitrazepam but some abusers take the drug by intravenous injection or by smoking. Health problems associated with the abuse of flunitrazepam include deaths directly or indirectly related with the drug use, drug dependence, withdrawal syndrome, paranoia, amnesia and other psychiatric disorders.

Information on the extent of association of 37 benzodiazepines with illicit activities during the period 1984–1989, available to the 27th meeting of the WHO Expert Committee on Drug Dependence in 1980, clearly indicated a higher incidence of association with illicit activities of both diazepam and flunitrazepam in comparison with other benzodiazepines. At that time, however, the data were not evaluated in relation to drug availability. After and adjustment for the amounts manufactured and for potency, flunitrazepam further stands out in both seizures and the number of illicit cases involving the drug, whereas diazepam is no longer outstanding.

Information on drug involvement in illicit activities after 1980, received from governments in response to the WHO questionnaire in 1994, is limited, and does not allow a comparison among a large number of benzodiazepines. However, the recent report from Interpol and the increasing trend in the United States of America, despite the lack of licit medical supplies in that country, together with several recent reports showing flunitrazepam as being the main non-opioid drug abused by opioid abusers in major European cities, further substantiate its high abuse liability.

5. Therapeutic usefulness

Flunitrazepam is useful for the treatment of insomnia. It is also indicated as a pre-anaesthetic medication to assist in the induction and maintenance of anaesthesia. Flunitrazepam has a therapeutic usefulness similar to other benzodiazepine hypnotics, within the range from moderate to great.

6. Recommendation

Flunitrazepam has a greater likelihood of abuse than other benzodiazepines. Although there is some element of self-medication for opioid withdrawal, the abuse of flunitrazepam by opioid abusers complicates the clinical picture, leading to multiple drug dependence. Its abuse is prevalent also among youths and cocaine abusers. In addition to its oral and intravenous use, abuse by ''snorting'' has recently been reported. As yet, no other benzodiazepine has been reported as being abused by three different routes of administration: oral, nasal and intravenous. Flunitrazepam abuse has been associated with dependence and other behavioural problems. Illicit activities involving flunitrazepam are increasing even in the United States of America, where it is available illegally despite the lack of marketing for therapeutic use.

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, and paying particular regard to the above characteristics, the degree of seriousness of the public health and social problems associated with the abuse of flunitrazepam is assessed to have become substantial. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that flunitrazepam be rescheduled into Schedule III of the Convention on Psychotropic Substances, 1971.

Mesocarb

1. Substance identification

Mesocarb (INN; CAS 34262–84–5), is chemically 3-(α-methlylphenethyl)-*N*-(phenylcarbamoyl)syndone imine, is also known as Pharbamocarb, Sidnocarb and Sydnocarb. Mesocarb has one asymmetric carbon atom in the molecule, so that two stereoisomeric forms and one racemate are possible.

2. Similarity to already known substances and effects on the central nervous system

Chemically, mesocarb is a sydnone imine having an amfetamine-like moiety in its molecule. Of the two optical isomers of mesocarb, only the levorotatory isomer exerts a stimulant effect on the central nervous system. This effect is significantly weaker than that of dexamfetamine. Mesocarb produces locomotor stimulation, anorectic activity, enhancement of conditioned reflexes, and shortening of the period of action of hypnotic agents. In addition, there are several pharmacological studies on mesocarb used in combination with other substances in animals, such as mesocarb-acetylsalicylic acid combination. Mesocarb has been reported to increase work capacity and improve cardiovascular function while maintaining normal oxygen consumption. Adverse reactions are similar to those of other CNS stimulants. Several studies in humans have shown that mesocarb increases resistance to environmental stress such as cold temperature, low gravity, and low oxygen levels in the air.

3. Dependence potential

Animal studies indicate that mesocarb has discriminative stimulus effects similar to CNS stimulants such as dexamfetamine and cocaine, as well as some reinforcing effects in monkeys, suggesting a low to moderate dependence potential.

4. Actual abuse and/or evidence of likelihood of abuse

There is some evidence to indicate that mesocab is abused in sports, and its use has been banned by the International Olympic Committee.

Though reportedly discontinued, information from the International Narcotics Control Board indicated that large quantities of a pharmaceutical preparation containing mesocarb and acetylsalicylic acid were illegally exported to western Africa. Although epidemiological data are not available, it is believed that most, if not all, of the exported combination products was abused. On the basis of available information, mesocarb is assessed to have an appreciable abuse liability.

5. Therapeutic usefulness

Mesocarb is used in several countries, mainly in eastern Europe, as a stimulant to counteract acute intoxication by depressants; for the treatment of hyperactivity and nocturnal enureses in children; and as an ''energizer'' to enhance resistance to environmental stress. The therapeutic usefulness of mesocarb is estimated to be within the range between little and moderate.

6. Recommendation

Although no epidemiological data are available on health problems associated with the actual abuse of mesocarb, mesocarb is abused in sports, and illicit activities involving mesocarb have been reported. Based on this and the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of mesocarb is assessed to be significant. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that mesocarb be included in Schedule IV of the Convention on Psychotropic Substances, 1971.

Methcathinone

1. Substance identification

Methcathinone (CAS 5650–44–2) chemically 2-(methylamino)-1-phenylpropan-1-one, is also know as ephedrone and metylcathinone. It has one chiral centre, so that two stereoisomeric forms and one racemate are possible.

2. Similarity to already known substances and affects on the central nervous system

Methcathinone is the *N*-methyl derivative of cathinone, and is closely related to metamfetamine. Animal studies have shown that methcathinone produces CNS stimulant effects similar to those produces by amfetamine, metamfetamine, cathinone and cocaine. Of the two optical isomers, the levorotatory form is more active.

3. Dependence potential

Drug discrimination and self-administration studies in animal indicate that methcathinone has a dependence potential similar to central nervous system stimulants such as amfetamine and cocaine. Case reports and a study conducted in the United States of America on methcathinone abusers also suggest that methcathinone has a high dependence potential similar to that of metamfetamine.

4. Actual abuse and/or evidence of likelihood of abuse

Significant abuse of methcathinone has been reported in Estonia, Latvia, the Russian Federation, and in some countries of the Commonwealth of Independent States as well as in the United States of America. Methcathinone is readily manufactured from ephedrine by oxidation. Methcathinone is assessed to have a high abuse liability.

5. Therapeutic usefulness

Methcathinone has not been marketed for therapeutic purposes. Its therapeutic usefulness is assessed to be very limited, if any.

6. Recommendation

Studies from the United States of America and the Russian Federation have confirmed that methcathinone abuse results in adverse health effects similar to those associated with the abuse of metamfetamine, including fatal cases of acute intoxication. Illicit activities involving methcathinone, including clandestine manufacturing, are also reported widely.

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, and paying particular regard to the above characteristics, the degree of

seriousness of the public health and social problems associated with the abuse of methcathinone is assessed to be especially serious. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that methcathinone be included in Schedule I of the Convention on Psychotropic Substances, 1971.

Zipeprol

1. Substance identification

Zipeprol (INN; CAS 34758–83–3), chemically o-(α-methoxybenzyl—4-(β-methoxyphenethyl)-1-piperazineethanol, is also know as Antituxil-Z, Carm-3024, Chilvax, Delaviral, Dovavixin, Jactus, Eritos, Mirsol, Ogyline, Rospilene, Respirase, Respirax, Sanotus, Sentus, Silentos, Sousibim, Talasa, Tusigen, Tussiflex and Zitoxil. Zipeprol has three asymmetric carbon atoms in the molecule, so that eight stereoisomeric forms are possible.

2. Similarity to already known substances and affects on the central nervous system

In laboratory animals, zipeprol has been shown to have an antitussive activity weaker than codeine and comparable to dextromethorphan. Its pharmacological properties are different from those of opioid antitussives, such as codeine, in that zipeprol has anti-cholinergic activities. It also does not produce respiratory depression, bile duct constriction or constipation, which are often associated with narcotic antitussives.

Unlike opioids, zipeprol is essentially devoid of analgesic activity, but at higher doses, zipeprol acts like a weak opioid agonist. Zipeprol showed a bi-phasic effect in competing for binding sites in rat brain homogenates.

3. Dependence potential

In rats, lower doses of zipeprol amplify some opioid withdrawal manifestations whereas at higher doses it suppresses several morphine withdrawal symptoms. In the monkey, zipeprol suppresses morphine abstinence. Zipeprol is assessed to have a moderate dependence potential.

4. Actual abuse and/or evidence of likelihood of abuse

There have been a number of reports on the abuse of zipeprol from Brazil, Chile, Italy, Mexico, the Republic of Korea, Switzerland, and the former Yugoslavia. These reports suggest that its sedative, hallucinatory and euphorigenic effects, and its ability to suppress some signs of opioid withdrawal at high doses, may be the reasons for its abuse. Over-the-counter distribution of zipeprol preparations may have contributed to its widespread abuse in some places. Taking this into account, zipeprol is assessed to have a moderate abuse liability.

Adverse health consequences of zipeprol abuse include seizures, hallucinations, confusion and amnesia. Dose escalation is not uncommon and fatal cases from intoxication were reported from several countries. The tablet form has been used for intravenous administration.

5. Therapeutic usefulness

A number of clinical studies have demonstrated the therapeutic efficacy of zipeprol in the treatment of cough. The therapeutic usefulness of zipeprol is assessed to be within the range between little to moderate.

6. Recommendation

Although zipeprol is a weak opioid agonist at high doses, its toxicity, hallucinogenic and other psychotropic effects constitute a significant element in its abuse. It is therefore appropriate to consider its control under the Convention on Psychotropic Substances, 1971.

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of zipeprol is assessed to be substantial. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that zipeprol be included in Schedule II of the Convention on Psychotropic Substances, 1971.

III. Discussion

Although WHO has made specific scheduling recommendations for each of the drug substances, CND is not obliged to follow the WHO recommendations. Options available to CND include:

(1) Acceptance of the WHO recommendations;

(2) acceptance of the recommendations to control but control the drug substance in a schedule other than that recommended; or

(3) reject the recommendations entirely.

Methcathinone, etryptamine and aminorex, are controlled under the CSA in Schedule I. The proposed international drug scheduling actions, if adopted by CND, will result in no greater degree of control of these substances than are currently applied domestically. Flunitrazepam is controlled domestically in Schedule IV of the CSA; additional controls may be necessary if the United Nations moves this substance to Schedule III of the Convention. Brotizolam, mesocarb, and zipeprol are neither controlled domestically nor currently marketed for medical use in the United States. In order to comply with obligations under the Convention, these three substances would have to be controlled under the CSA if the United Nations endorses the WHO recommendations.

FDA, on behalf of the Secretary of HHS, invites interested persons to submit comments on the United Nations notifications concerning these seven drug substances. FDA, in cooperation with the National Institute on Drug Abuse, will consider the comments on behalf of HHS in evaluating the WHO scheduling recommendations. Then, pursuant to section 811(d)(2)(B) of the CSA, HHS will recommend to the Secretary of State what position the United States should take when voting on the recommendations at the CND meeting in March 1995.

IV. Submission of Comments and Opportunity for Public Meeting

Interested persons may, on or before February 9, 1995, submit to the Dockets Management Branch (address above) written comments regarding this notice. FDA does not presently plan to hold a public meeting. If any person believes that, in addition to its written comments, a public meeting would contribute to the development of the U.S. position on any of these two substances, a request for a public meeting and the reasons for such a request should be sent to Nicholas P. Reuter (address above) on or before January 30, 1995. The short time period for the submission of comments and requests for a public meeting is needed to assure that HHS may, in a timely fashion, carry out the required action and be responsive to the United Nations. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch (address above) between 9 a.m and 4 p.m., Monday through Friday.

Dated: January 17, 1995.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 95–1553 Filed 1–19–95; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The

hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Psychopharmacologic Drugs Advisory Committee

Date, time, and place. February 6, 1995, 8:30 a.m., Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; Michael A. Bernstein, Center for Drug Evaluation and Research (HFD–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5521, or FDA Advisory Committee Information Hotline, l–800–741–8l38 (301–443–0572 in the Washington, DC area), Psychopharmacologic Drugs Advisory Committee, code 12544.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before January 30, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the safety and effectiveness of Depakote® tablets (divalproex sodium tablet), new drug application (NDA) 20–320, Abbott Laboratories, for use in the treatment of manic episodes associated with bipolar disorder.

Subcommittee Meeting of the National Task Force on Aids Drug Development/Drug Discovery Issues

Date, time, and place. February 6, 1995, 8:30 a.m., National Institutes of Health, Bldg. 31, rm. 6C–8, 9000 Rockville Pike, Bethesda, MD; and February 7, 1995, 8:30 a.m., Executive Plaza North, conference room G, 6130 Executive Plaza Blvd., Bethesda, MD.

Type of meeting and contact person. Open subcommittee discussion, February 6, 1995, 8:30 a.m. to 4 p.m.; open public hearing, 4 p.m. to 5 p.m., unless public participation does not last that long; open subcommittee discussion, February 7, 1995, 8:30 a.m. to 4 p.m.; open public hearing, 4 p.m. to 5 p.m., unless public participation does not last that long; Jean H. McKay or Kimberley M. Miles, Office of AIDS and Special Health Issues (HF–12), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–0104, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), National Task Force on AIDS Drug Development, code 12602.

General function of the task force. The National Task Force on AIDS Drug Development shall identify any barriers and provide creative options for the rapid development and evaluation of treatments for human immunodeficiency virus (HIV) infection and its sequelae. It also advises on issues related to such barriers, and provides options for the elimination of these barriers.

Open subcommittee discussion. On February 6, 1995, the subcommittee will present, hear, and discuss issues on the use of and access to available animal models in the drug discovery/development process and examine the prospects for the development of new models for such purposes. On February 7, 1995, the subcommittee will identify mechanisms for rapid development and sharing of screening assays and to determine the feasibility of an expanded drug-screening effort, related to the identification of potential therapies for HIV disease.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the task force. Those desiring to make formal presentations should notify the contact person before February 1, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants (Ranch Hand Advisory Committee)

Date, time, and place. February 13 and 14, 1995, 9 a.m., Holiday Inn, 400 Arch St., Philadelphia, PA.

Type of meeting and contact person. Open committee discussion, February 13, 1995, 9 a.m. to 5:30 p.m.; open public hearing, February 14, 1995, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5:30 p.m.; Ronald F. Coene, National Center for Toxicological Research (HFT–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3155, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Ranch Hand Advisory Committee, code 12560.

General function of the committee. The committee shall advise the Secretary and the Assistant Secretary for Health concerning its oversight of the conduct of the Ranch Hand Study by the Air Force and other studies in which the Secretary or the Assistant Secretary for Health believes involvement by the advisory committee is desirable.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before January 31, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their comments.

Open committee discussion. The committee will continue the review of the chapters of the draft report presenting the results of the 1992 health examination of participants in the Air Force Health Study entitled ''An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides.'' This review will include chapters on: Neoplasia, neurology, psychology, gastrointestinal, cardiovascular, hematologic, endocrinologic, and immunologic data, as well as information on quality control, statistical methods, and covariate associations and the summary chapter on conclusions and future directions. A final agenda will be available February 6, 1995, from the contact person.

Oncologic Drugs Advisory Committee

Date, time, and place. February 14, 1995, 8 a.m., Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 4:30 p.m.; Adele S. Seifried, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Oncologic Drugs Advisory Committee, code 12542.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of cancer.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before February 10, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss in the order listed: (1) NDA 50–718, Dox-SL (pegylated liposomal doxorubicin hydrochloride, Liposome Technology, Inc.) for AIDS-related Kaposi's Sarcoma in patients who have failed prior systemic combination chemotherapy either due to progression of disease or unacceptable toxicity; and (2) NDA 20–515, Zoladex® (goserelin acetate implant, Zeneca Pharmaceuticals Group) for palliative treatment of advanced breast cancer in pre- and perimenopausal women.

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. February 23 and 24, 1995, 8:30 a.m., National Institutes of Health, Clinical Center, Bldg. 10, Jack Masur Auditorium, 9000 Rockville Pike, Bethesda, MD. Parking in the Clinical Center visitor area is reserved for clinical center patients and their visitors. If you must drive, please use an outlying lot such as Lot 41B. Free shuttle bus service is provided from Lot 41B to the Clinical Center every 8 minutes during rush hour and every 15 minutes at other times.

Type of meeting and contact person. Open public hearing, February 23, 1995, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5:30 p.m.; open committee discussion, February 24, 1995, 8:30 a.m. to 5:30 p.m.; Joan C. Standaert, Center for Drug Evaluation and Research (HFD–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 419–259–6211, Valerie M. Mealy, Advisors and Consultants Staff, 301–443–4695, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Cardiovascular and Renal Drugs Advisory Committee, code 12533.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in cardiovascular and renal disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before February 6, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On February 23, 1995, the committee will discuss: (1) NDA 09–218, S–76, Dupont Merck, Coumadin® (warfarin), for prevention of death, recurrent myocardial infarction, and thromboembolic events, such as stroke after myocardial infarction; and (2) NDA 20–444, Burroughs Wellcome Co., Flolan® (epoprostenol), for treatment of primary pulmonary hypertension. On February 24, 1995, the committee will discuss antianginal guidelines.

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. February 23 and 24, 1995, 8:30 a.m., Holiday Inn Silver Spring, Plaza Ballroom, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, February 23, 1995, 8:30 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; open public hearing, February 24, 1995, 8:30 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 4 p.m.; Kathleen R. Reedy, Center for Drug Evaluation and Research, Advisors and Consultants Staff, HFD–9, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, FAX (301–443–0699), or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Endocrinologic and Metabolic Drugs Advisory Committee, code 12536.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before February 16, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On February 23, 1995, the committee will hear presentations and discuss data submitted regarding the safety and efficacy of sermorelin acetate, NDA 20–443 (Geref®, Serono), for a growth hormone insufficiency indication. On February 24, 1995, the committee will discuss nilutamide, NDA 20–169 (Anandron®, Roussel Uclaf), for a prostate cancer indication.

Board of Tea Experts

Date, time, and place. February 27 and 28, 1995, 10 a.m., New York Regional Laboratory, rm. 700, 850 Third Ave., Brooklyn, NY.

Type of meeting and contact person. Open public hearing, February 27, 1995, 10 a.m. to 11 a.m., unless public participation does not last that long; open committee discussion, 11 a.m. to 4:30 p.m.; open committee discussion, February 28, 1995, 10 a.m. to 4:30 p.m.; Faith F. Lim, New York Regional Laboratory, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 718–965–5730, or FDA Advisory Committee Information Hotline, 1–800–8138 (301–443–0572 in the Washington, DC area), Board of Tea Experts, code 12601.

General function of the board. The board advises on establishment of uniform standards of purity, quality, and fitness for consumption of all tea

imported into the United States under 21 U.S.C. 42.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open board discussion. The board will discuss and select tea standards.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC, area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Dated: January 13, 1995.

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 95–1552 Filed 1–19–95; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

Privacy Act of 1974; System of Records

AGENCY: Department of Health and Human Services (HHS), Health Care Financing Administration (HCFA).

ACTION: Notice to propose a name change, purpose change, and the addition of new routine uses for an existing system of records.

SUMMARY: HCFA is proposing to amend the system notice for the ''Supplemental Medical Insurance'' (SMI) Accounting Collection and Enrollment System (SPACE),'' System No. 09–70–0505, by revising the system name, revising the purpose, and by adding new routine uses. Also, sections of this notice have been updated to reference current addresses and appropriate HCFA components.

HCFA is proposing to change the system name to better reflect the current function of the SPACE system, which now processes Medicare premium billing information for both Part B, SMI, and Part A, HI. The proposed new name is ''Supplementary Medical Insurance (SMI) and Hospital Insurance (HI) Premium Accounting, Collection and Enrollment System (SPACE).'' Despite the amendment to the system name, the acronym SPACE, which refers to this system, will not be changed.

The purpose of this system of records is being updated to include beneficiaries whose HI benefit premiums are paid by a State Medicaid agency, the U.S. Office of Personnel Management (OPM), or a formal third party group (the latter defined in 42 CFR section 408.80 through section 408.92). The purpose originally only references those beneficiaries whose SMI was paid by these named parties.

HCFA is also proposing to add routine uses, which permit the disclosure of data without the prior written consent of an individual, when the use of a record is for a purpose which is compatible with the purpose for which the record was collected. The proposed new routine uses would permit the disclosure of information to the following parties: OPM, formal third party groups, contractors in connection with the maintenance of automated data processing (ADP) software, and an individual or organization for research. (**SEE SUPPLEMENTARY INFORMATION**)

EFFECTIVE DATES: HCFA filed an altered system report with the Chair of the House Committee on Government Operations, the Chair of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on January 13, 1995. To ensure that all parties have adequate time in which to comment, the revised system of records, including routine uses, will become effective 40 days from the publication of this notice or from the date it is submitted to OMB and the Congress, whichever is later, unless HCFA receives comments which require alterations to this notice.

ADDRESSES: Please address comments to Richard A. DeMeo, HCFA Privacy Act Officer, Office of Customer Relations and Communications, Office of Beneficiary Services, Health Care Financing Administration, Room 2–H–4 East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207–

5187. Comments received will be available at this location.

FOR FURTHER INFORMATION CONTACT: Mr. Samuel N. Guida, Bureau of Program Operations, Office of Contracting and Financial Management, Division of Accounts Management and Collection, Health Care Financing Administration, Room 1–E–5, Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207–5187. His telephone number is (410) 966–7495.

SUPPLEMENTARY INFORMATION: HCFA is proposing to amend the system notice for the ''Supplemental Medical Insurance (SMI) Accounting Collection and Enrollment System (SPACE),'' System No. 09–70–0505, by revising the system name, revising the purpose, and by adding new routine uses.

HCFA is proposing to change the system name to better reflect the current function of the SPACE system, which now processes Medicare premium billing information for both Part B, SMI, and Part A, HI. The proposed new name is ''Supplementary Medical Insurance (SMI) and Hospital Insurance (HI) Premium Accounting, Collection and Enrollment System (SPACE).'' Despite the amendment to the system name, the acronym SPACE, which refers to this system, will not be changed.

The SPACE system contains information on Medicare beneficiaries whose HI benefit and/or SMI benefit premiums are paid by a State Medicaid agency, OPM, or formal third party groups. The purpose of this system of records is being updated to include beneficiaries whose HI benefit premiums are paid by a State Medicaid agency, the U.S. Office of Personnel Management (OPM), or a formal third party group (the latter defined in 42 CFR 408.80 through 408.92). The purpose originally only references those beneficiaries whose SMI was paid by a State Medicaid agency.

Also, HCFA is proposing to add routine uses which would permit the disclosure of information to OPM and formal third party groups when necessary to perform monthly premium billing functions, to identify annuitants for whom premium collections must be initiated and to periodically reconcile third party master records. Formal third party groups are defined in 42 CFR 408.80 through 408.92, which discusses the formal group billing arrangement. OPM and formal third party groups are mandated by law to conduct these activities as detailed in both the Social Security Act and the CFR.

Sections 1818 and 1818A of the Act (42 U.S.C. sections 1395i–2 and 1395i–2a) provide for the payment premiums for HI. Section 1840 of the Act (42 U.S.C. section 1395s) establishes the bases for the payment of premiums for SMI. Also, sections 1818(g) and 1843 of the Act (42 U.S.C. sections 1395i–2(g) and 1395v) provide that a State may enter into a buy-in agreement to secure HI and SMI coverage for certain individuals by paying the premiums on their behalf. These statutory provisions are implemented in HCFA regulations 42 CFR part 406, subpart C; part 408; and part 407, subpart C.

The first proposed new routine use would permit the release of data to OPM when necessary to perform monthly premium billing functions, to identify annuitants for whom premium collections must be initiated and to periodically reconcile third party master records. The second routine use would permit disclosure to formal third party groups for the purpose of paying Medicare premiums on behalf of their members. A third routine use would permit the disclosure of information to a contractor in connection with the maintenance of ADP software. A fourth routine use would permit the disclosure of information to an individual or organization for research. The latter two routine uses are established in all HCFA systems of records and have inadvertently been omitted from the SPACE system. Therefore, we are proposing that they be added to the system at this time.

The proposed new routine uses will be numbered (4), (5), (6) and (7) and will read as follows:

(4) To the Office of Personnel Management in order to perform monthly premium billing functions, to identify annuitants for whom premium collections must be initiated, and to periodically reconcile third party master records.

(5) To formal third party groups pursuant to agreements with the Health Care Financing Administration to pay the Medicare premiums on behalf of their members.

(6) To a contractor for the purpose of collating, analyzing, aggregating or otherwise refining or processing records in this system or for developing, modifying and/or manipulating ADP software. Data would also be disclosed to contractors incidental to consultation, programming, operation, user assistance, or maintenance for ADP or telecommunications systems containing or supporting records in the system.

(7) To an individual or organization for a research, evaluation, or epidemiologic project related to the prevention of disease or disability, or the restoration or maintenance of health, if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained:

b. Determines that the purpose for which the disclosure is to be made:

1. Cannot be reasonably accomplished unless provided in individually identifiable form.

2. Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

3. There is reasonable probability that the objectives for the use would be accomplished:

c. Requires the information recipient to:

1. Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

2. Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

3. Make no further use or disclosure of the record except:

a. In emergency circumstances affecting the health or safety of an individual.

b. For use in another research project, under these same conditions, and written authorization of HFCA.

c. For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

d. when required by law

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by the provisions.

Data maintained in the SPACE system are collected for the following purpose: ''To process changes to HI/SMI premium payments by third parties (such as State agencies, private groups, Office of Personnel Management) on behalf of Medicare beneficiaries; for billing third parties; and for enrolling individuals for HI/SMI coverage under State buy-in agreements.'' The proposed new routine uses for the SPACE system are compatible with this purpose and are therefore consistent with the Privacy Act, 5 U.S.C. 552a.

In accordance with OMB Guidelines (Circular A–130, 58 Fed. Reg. 36077 July

2, 1993), this proposed name change, purpose change, and addition of routine uses constitutes a significant change in the system of records. Accordingly, we have prepared a report of an altered system of records under 5 U.S.C. 552a(r). In addition, for the convenience of the reader, we are publishing the notice in its entirety below.

Dated: January 10, 1995.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

09–70–0505

SYSTEM NAME:

Supplementary Medical Insurance (SMI) and Hospital Insurance (HI) Premium Accounting, Collection and Enrollment System. HHS/HCFA/BPO

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Data Management and Strategy, HCFA Data Center, 7131 Rutherford Road, Baltimore, MD 21244.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Health insurance beneficiaries whose supplementary medical insurance (SMI) benefit and/or hospital insurance (HI) benefit premiums are paid by a State Medicaid agency, the U.S. Office of Personnel Management (OPM), or a formal third party group (the latter defined in 42 CFR 408.80 through 408.92).

CATEGORIES OF RECORDS IN THE SYSTEM:

Beneficiary's name, health insurance claim number, date of birth, sex, amount of premium liability, date agency first became liable for HI benefit or SMI benefit premiums, last month of agency premium liability, agency identification numbers, U.S. Office of Personnel Management annuity number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1818(e) and (g), 1840(d) and (e), and 1843 of Title XVIII of the Social Security Act (42 U.S.C. 1395i–2(e) and (g), 1395s(d) and (e), and 1395v).

PURPOSES:

To process changes to HI/SMI premium payments by third parties (such as State agencies, OPM, formal third party groups) on behalf of Medicare beneficiaries; for billing third parties; and for enrolling individuals for HI or SMI coverage under State buy-in agreements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made:

(1) To State Medicaid agencies pursuant to agreements with the Department of Health and Human Services for enrollment of Medicaid recipients for medical insurance under section 1843 of the Social Security Act.

(2) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(3) To the Department of Justice, to a court or other tribunal, or to another party before such tribunal, when:

(a) HHS, or any component thereof; or

(b) Any HHS employee in his or her official capacity;

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

(4) To the Office of Personnel Management in order to perform monthly premium billing functions, to identify annuitants for whom premium collections must be initiated, and to periodically reconcile third party master records.

(5) To formal third party groups pursuant to agreements with the Health Care Financing Administration to pay the Medicare premiums on behalf of their members.

(6) To a contractor for the purpose of collating, analyzing, aggregating, or otherwise refining or processing records in this system or for developing, modifying and/or manipulating ADP software. Data would also be disclosed to contractors incidental to consultation, programming, operation, user assistance, or maintenance for ADP or telecommunications systems containing or supporting records in the system.

(7) To an individual or organization for a research, evaluation, or epidemiologic project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

(a) Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained:

(b) Determines that the purpose for which the disclosure is to be made:

1. Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

2. Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

3. There is reasonable probability that the objective for the use would be accomplished:

(c) Requires the information recipient to:

1. Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

2. Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

3. Make no further use or disclosure of the record except:

a. In emergency circumstances affecting the health or safety of an individual;

b. For use in another research project, under these same conditions, and with written authorization of HCFA;

c. For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit; or

d. when required by law.

(d) Secures a written statement attesting to the information recipient's understanding of and willingness to abide by the provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic media, microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

Only authorized personnel have direct access to information in the

Third-Party Master Record and all personnel are advised that this information is confidential. For computerized records, safeguards established in accordance with Departmental standards and National Institute of Standards and Technology guidelines (e.g. security codes) will be used, limiting access to unauthorized personnel. Systems securities are established in accordance with HHS Information Resource Management (IRM) Circular #10, Automated Information Systems Security Program; and HCFA Automated Information Systems (AIS) Guide for Systems Security Policies.

RETENTION AND DISPOSAL:

Tape records are retained for 90 days. Monthly microfilm records are destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Program Operations, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above and directed to the attention of the Office of Program Operations Procedures, Division of Appeals and Communications. The individual should furnish his or her health insurance claim number and name as shown as Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (The access procedures are in accordance with Department of Health and Human Services (DHHS) Regulations (45 CFR 5b.5(a)(2))).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with DHHS Regulations (45 CFR 5b.7.)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained from third-party agencies, the Social Security Administration's Master Beneficiary Record, and the Medicare Enrollment Database.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 95–1465 Filed 1–19–95; 8:45 am]

BILLING CODE 4120–03–M

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1995:

Name: National Advisory Council on Migrant Health.

Date and Time: February 24–26, 1994—8:30 a.m.

Place: Radisson Barcelo Hotel, 2121 P Street, N.W., Washington, DC 20037, 202/293–3100.

The meeting is open to the public.

Purpose: The Council is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Resources and Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 329 of the Public Health Service Act.

Agenda: The agenda includes a overview of Council general business activities and priorities. In addition, to a review and discussion of 1995 National Advisory Council on Migrant Health Recommendations.

The Council meeting is being held in conjunction with the National Association of Community Health Centers, Policy and Issues Forum, February 27–March 1, 1995.

Anyone requiring information regarding the subject Council should contact Susan Hagler, Migrant Health Program, Staff Support to the National Advisory Council on Migrant Health, Bureau of Primary Care, Health Resources and Services Administration, 4350 East West Highway, Room 7A6–1, Rockville, Maryland 20857, Telephone (301) 594–4302.

Agenda Items are subject to change as priorities dictate.

Dated: January 17, 1995.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 95–1437 Filed 1–19–95; 8:45 am]

BILLING CODE 4160–15–P

Office of Inspector General

Program Exclusions: December 1994

AGENCY: Office of Inspector General, HHS

ACTION: Notice of program exclusions.

During the month of December 1994, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, Maternal and Child Health Services Block Grant and Block Grants to States for Social Services programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all other Federal non-procurement programs.

Subject, city, state	Effective date
Program-Related Convictions	
Akpaeti, Imo John, Miami Beach, FL	01/03/95
Ali, Mohamed F, Johnson City, TN	01/03/95
Burlingame, Connie M., Newport Beach, CA	01/04/95
Domotor, Tibor, Akron, OH	01/04/95
Ingram, Donna Elliott, Gulfport, MS	01/03/95
Key Management, Inc., Gulfport, MS	01/03/95
Liverman, Carla D., Murfreesboro, NC	01/03/95
McDaniel, Angela R., Jacksonville, FL	01/03/95
Otiti, Abayomi, Stone Mountain, GA	01/03/95
Piacentile, Joseph, Yardley, PA	01/04/95
Pizzi, Wilson B., Waynesburg, PA	01/04/95
Ripps, Daniel N., New York, NY	01/04/95
Rogan, Edward, East Setauket, NY	01/04/95
Runyon, Michael Blake, Calabasas, CA	01/04/95
Teel, Robert Waldo Jr., Gulfport, MS	01/03/95
Tino, Page K., Greeneville, TN	01/03/95
Vogelsong, James D., McDermott, OH	01/04/95
Walling, Sheryl A., Phoenix, AZ	01/04/95
Wilding, Karen Locke, Boulder, CO	01/04/95
Wingate, Spencer A., Decatur, GA	01/03/95
Patient Abuse/Neglect Convictions	
Clarke, Correl E., Palm Bay, FL	01/04/95
Grewal, Jasbir S., El Cajon, CA	01/04/95

Subject, city, state	Effective date
Jones, Larry, Columbus, OH	01/04/95
Jones, Lora Richelle, Spring, TX	01/03/95
Richardson, Atnet, Memphis, TN	01/03/95
Roberts, Cynthia Elaine, Dothan, AL	01/03/95
Watts, Stephanie, Conway, AR	01/03/95
Weathers, Judith M., Sullivan, IN	01/04/95
Conviction for Health Care Fraud	
Lazur, Rosannah, Philadelphia, PA	01/04/95
Controlled Substance Convictions	
Goodapple, Michael F., Texarkana, TX	01/03/95
License Revocation/Suspension/Surrender	
Douglas, Eustace, Kenosha, WI	01/04/95
Krembs, Gregory, Mequon, WI	01/04/95
Lloyd, Wayne A., Flandreau, SD	01/04/95
Mays, Christopher J., McLean, VA	01/04/95
Park, Thomas J., Princeton, WV	01/04/95
Ryason, Bonnie Mae, Springfield, VA	01/04/95
Stoneburner, Kathleen, Hartford, CT	01/04/95
Veley, Robert W., Cedar Rapids, IA	01/04/95
Entities Owned/Controlled by Excluded	
International Humanity Health N Miami Beach, FL	01/03/95
Default on Heal Loan	
Auerbach, Barbara W., Philadelphia, PA	01/04/95
Boley, Glenn E., Winter Garden, FL	01/03/95
Brown, James R., Durham, NC	01/03/95
Coffland, Robert W., Iola, KS	01/04/95
Ditroia, Frederick, Newtown, PA	01/04/95
Foote, Ronald H., Hanford, CA	01/04/95
Garrett, Alex C., Greenville, SC	01/03/95
Gipson, Helen D., Dallas, TX	01/03/95
Gordon, Vernon L., Columbia, MD	01/04/95
Harrison, Nancy A., Katy, TX	01/03/95
Huerta, Debra X., Oakland, CA	01/04/95
Hughes, Marilyn G., Albuquerque, NM	01/03/95
Keith, Rosalyn D., Tempe, AZ	01/04/95
Kirklin, Kenton Keith, Truman, AR	01/03/95
Lack, Ray E., Arvada, CO	01/04/95
Marshall, Kevin S., Wichita, KS	01/04/95
Mayle, Robert Charles, Carrboro, NC	01/03/95
Meyers, Gary M., Malvern, PA	01/04/95
Mitchell, Mike K., Salt Lake City, UT	01/04/95
Molden, Gregory I., New Orleans, LA	01/03/95
Mouton, Marsha E., Oakland, CA	01/04/95
Petty, Michael D., Olathe, KS	01/04/95
Pluto, Eugene M., Greensburg, PA	01/04/95
Press, Zachary D., Randallstown, MD	01/04/95
Radetic, Peter M., Pleasant Hill, CA	01/04/95
Richardson, Joseph M., Silver Spring, MD	01/04/95
Rodriguez, Marlene, Miami Beach, FL	01/03/95
Smith, Dezrie C., Clinton, MD	01/04/95
Smith-Lee, Helen W., Macon, GA	01/03/95
Spangler, Jennifer Gail Reilly, Fleetwood, PA	01/04/95
Springer, George O., El Paso, TX	01/03/95
Stellwagen, John D., Seneca, SC	01/03/95
Stenberg, Brian D., St Cloud, FL	01/03/95
Todorov, Todor, Jacksonville, NC	01/03/95
Waldman, Andrew D., Pittsburgh, PA	01/04/95
Wiegand, Paul J., Danville, PA	01/04/95
Wilcox, Ronald C., Peachtree City, GA	01/03/95
Section 1128Aa	
Brooks, Joseph E., Jonesboro, AR	09/09/92
Ced Med, Inc., Jonesboro, AR	09/09/92
Central Medical Supply, Jonesboro, AR	09/09/92

Dated: January 12, 1995.

James F. Patton,

Director, Health Care Administrative Sanctions, Office of Civil Fraud and Administrative Adjudication.

[FR Doc. 95–1464 Filed 1–19–95; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. R–95–1702; FR–3580–N–05]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information:

(1) the title of the information collection proposal;

(2) the office of the agency to collect the information;

(3) the description of the need for the information and its proposed use;

(4) the agency form number, if applicable;

(5) what members of the public will be affected by the proposal;

(6) how frequently information submissions will be required;

(7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 12, 1995.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Empowerment Zone, Enterprise Communities, and Rural Development Investment Areas Program, (FR–3580).

Office: Community Planning and Development.

Description of the need for the information and its proposed use: The

Empowerment Zone/Enterprise Community Program is authorized by Title XIII of the Omnibus Budget Reconciliation Act of 1993. Eligible applicants apply to HUD for designation of an eligible area in their jurisdiction as an Empowerment Zone or Enterprise Community. Applicants, applying jointly, are units of local government and states.

Form Number: HUD–40003.

Respondents: State or Local Government.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Application	300		1		50		15,000
Annual Report	104		1		16		1,664

Total Estimated Burden Hours: 16,664.

Status: Extension, no charges.

Contact: Michael Savage, HUD, (202) 708–2035; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: January 12, 1995.

[FR Doc. 95–1426 Filed 1–19–95; 8:45 am]

BILLING CODE 4210–01–M

Office of Administration

[Docket No. R–95–1698–N–02]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information:

(1) the title of the information collection proposal;

(2) the office of the agency to collect the information;

(3) the description of the need for the information and its proposed use;

(4) the agency form number, if applicable;

(5) what members of the public will be affected by the proposal;

(6) how frequently information submissions will be required;

(7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 12, 1995.

Kay Weaver,

Acting Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: GNMA Multiclass Securities Program, Multiclass Guide, GNMA Platinum Program Information Package (FR–3554).

Office: Government National Mortgage Association.

Description of the Need for the Information and Its Proposed Use: This information is required in connection with the implementation of the Government National Mortgage Association Multiclass Securities Program. This program will expand the opportunity to participate in the program to a greater number of qualified participants.

Form number: None.

Respondents: Business or Other For-Profit and Federal Government.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	566		1		24		3,860

Total Estimated Burden Hours: 3,860.

Status: Revision.

Contact: Kathy Davies, HUD, (202) 708–1263; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: January 12, 1995.

[FR Doc. 95–1425 Filed 1–19–95; 8:45 am]

BILLING CODE 4210–01–M

Office of Community Viability

[Docket No. I–95–163]

Intended Environmental Impact Statement, The Guadalupe Neighborhood Project, City of Salt Lake City, Utah

The Department of Housing and Urban Development gives notice that the City of Salt Lake City, Utah, Capital Planning and Programming Division, intends to prepare a Draft Environmental Impact Statement (EIS) for the Guadalupe Neighborhood Project having a total of approximately 120 acres. This Notice is in accordance with regulations of the Council on Environmental Quality as described in 40 CFR Parts 1500—1508. Federal agencies having jurisdiction by law, special expertise, or other special interest should report their interests and indicate their readiness to aid in the EIS effort as a ''Cooperating Agency''.

A Daft Environmental Impact Statement will be completed for the proposed action described herein. Comments relating to the Draft EIS are requested and will be accepted by the contact person listed below. When the Draft EIS is completed, a notice will be sent to individuals and groups known to have an interest in the project and to appropriate local, State, and Federal agencies. The purpose of this notice will be to solicit comments on the Draft EIS and particularly on the environmental impact issues identified therein. Any person or agency interested in receiving a notice and making comment on the Draft EIS should contact the person listed below.

Title of action: The Guadalupe Neighborhood Project.

Location: From North Temple Street to 600 North and from 500 West to Interstate 15 in Salt Lake City, Utah. Including 120 acres.

The project currently includes both residential and commercial uses. Commercial areas are located primarily along major street frontages, 600 North, 500 West, and North Temple, while the remainder of the area is occupied by residential uses.

Description of Action

The Draft Environmental Impact Statement will examine the social, economic and environmental impacts on Salt Lake City of projects proposed in the Guadalupe Neighborhood. The EIS will also examine what social, economic, and environmental impact the surrounding area will have on the Guadalupe Neighborhood.

The purpose of the Guadalupe Neighborhood Project is to have a positive impact on the social and economic conditions and trends in the area. This will be accomplished with the assistance of City programs and the use of some Federal funds.

The focus will be on four areas.

1. Demolition of dilapidated residential structures;

2. Rehabilitation of certain other residential structures;

3. Construction of new affordable residential units; and

4. Development of affordable, special use, housing.

Need for the EIS

Environmental Assessments for specific projects within the area have identified certain noise concerns. The project area has a freeway on the west boundary and railroad tracks on the east boundary. The EIS will specifically address noise issues.

Alternatives

Alternative #1—No Project. The project site would remain in its current state under this alternative. A majority of the project area would remain undeveloped with many of the existing residential units in need of repair.

Alternative #2—Relocate Project Area. Federal funds would be used to assist in the development of affordable housing in another target area within the City.

Alternative #3—The Proposed Project. This alternative would include the development of the Guadalupe Neighborhood as outlined above. Incorporating any necessary mitigation identified in the EIS.

Scoping

This Notice is part of the process used for scoping the EIS. Responses will help determine significant environmental issues, identify data which the EIS should address, and help identify cooperating agencies.

The Draft Environmental Impact Statement will be published upon completion and will be on file, and available for public inspection at the address listed below. Copies may also be obtained, upon request, at the same address.

Contact Person: Craig A. Hinckley, Environmental Planner, Salt Lake City Planning Division, 451 South State Street, Room 406 Salt Lake City, Utah 84111

Phone: (801) 535–6409

Facsimile: (801) 535–6174

This Notice shall be effective for one year. If one year after the publication of the Notice in the **Federal Register** a Draft EIS has not been filed on the project, then the Notice for that project shall be cancelled. If a draft EIS is expected more than one year after the publication of this Notice, a new and updated Notice must be published.

Dated: January 12, 1995.

Richard H. Broun,

Director, Office of Community Viability.

[FR Doc. 95–1526 Filed 1–19–95; 8:45 am]

BILLING CODE 4210–29–P

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–95–1917; FR–3778–N–20]

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.

ADDRESSES: 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 Breitman, 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: 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; Dept. of Energy: Tom Knox, Acting Team Leader, Facilities Planning and Acquisition Branch, FM–20, Forrestal Bldg., Room 6H–058, Washington, DC 20585; (202) 586–1191; (These are not toll-free numbers).

Dated: January 13, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 01/20/95

Suitable/To Be Excessed

Land (by State)

Georgia

Lake Sidney Lanier Co: Forsyth GA 30130–
Location: Located on Two Mile Creek adj. to State Route 369
Landholding Agency: COE
Property Number: 319440010
Status: Unutilized
Comment: 0.25 acres, endangered plant species

Lake Sidney Lanier—3 parcels
Gainesville Co: Hall GA 30503–
Location: Between Gainesville H.S. and State Route 53 By-Pass
Landholding Agency: COE
Property Number: 319440011
Status: Unutilized
Comment: 3 parcels totalling 5.17 acres, most recent use—buffer zone, endangered plant species

Indiana

Brookville Lake—Land
Liberty Co: Union IN 47353–
Landholding Agency: COE
Property Number: 319440009
Status: Unutilized
Comment: 6.91 acres, limited utilities

Pennsylvania

Tracts 1373 and 1374
Tioga-Hammond Lakes Project
Mansfield Co: Tioga PA 16933–
Landholding Agency: COE
Property Number: 319440012
Status: Excess
Comment: 0.74 acres in residential area, possible easement restrictions

Wisconsin

Kewaunee Eng. Depot
East Storage Yard
Kewaunee Co: Kewaunee WI 54216–
Landholding Agency: COE
Property Number: 319440013
Status: Excess
Comment: 0.87 acres, limited utilities, secured area w/alternate access

Unsuitable Properties

Buildings (by State)

South Dakota

Bldg.—Huron Airport Hanger
Huron Regional Airport
Huron Co: Beadle SD 57350–
Landholding Agency: Energy
Property Number: 419510005
Status: Unutilized
Reason: Within airport runway clear zone

[FR Doc. 95–1415 Filed 1–19–95; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–030–04–1310–01]

Greater Wamsutter Area II Natural Gas Project Draft EIS

AGENCY: Bureau of Land Management.

ACTION: Notice of Availability of Greater Wamsutter Area II Natural Gas Project Draft Environmental Impact Statement.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Greater Wamsutter Area II (GWA II) Natural Gas Project Draft Environmental Impact Statement analyzing the environmental consequences of a proposed natural gas exploration, development, and production operation in the Wamsutter Area II of southwestern Carbon and southeastern Sweetwater Counties, Wyoming. The project area encompasses approximately 334,919 acres within portions of Townships 16 through 22 North, Ranges 92 through 95 West.

DATES: Written comments will be accepted for 60 days following the date the Environmental Protection Agency publishes the notice in the **Federal Register**.

ADDRESSES: Comments on the Draft Environmental Impact Statement should be sent to Mr. John Spehar, Rawlins District Office, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301.

FOR FURTHER INFORMATION CONTACT: Mr. John Spehar, Rawlins District Office, Bureau of Land Management, P.O. Box

670, Rawlins, Wyoming 83301, phone 307–324–7171.

SUPPLEMENTARY INFORMATION: The Draft Environmental Impact Statement analyzes three project development alternatives and the no action alternative. The proposed project provides a maximum development of 750 wells and 300 locations within the GWA II analysis area, in addition to existing operations. The proposed project would affect 2,416 acres, bringing the total disturbance area within the GWA II area to 14,943 acres of land.

Dated: January 12, 1995.

Gordon Schaffer,

Acting State Director.

[FR Doc. 95–1390 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–84–P

[UT–920–05–1330–00]

Public Review Period of Proposed Classification Standards for Establishing Known Leasing Areas for Gilsonite

SUMMARY: The Secretary of the Interior, through Secretarial Orders 3071 and 3087 transferred the authority under 43 USC 21 to classify public lands for leasable minerals to the Director, Bureau of Land Management. On May 22, 1986, regulations were finalized at 43 CFR part 3500 which provided for prospecting permits for gilsonite on lands that were not known to contain valuable deposits of gilsonite. Lands with known gilsonite deposits will be subject to competitive leasing procedures only. The Utah State Office, Bureau of Land Management (BLM) is requesting the public to review the following proposed standard which would be used to determine whether lands will be subject to competitive leasing for gilsonite. Lands will be defined as a Known Gilsonite Area and subject to competitive leasing if they contain a gilsonite vein that can be mapped as a continuous vein based on surface exposures or other indications of a continuous linear feature. The Known Gilsonite Leasing Area shall be described by aliquot parts generally no smaller than a quarter-quarter section or when appropriate a lot. If any part of the lot or quarter-quarter section contains a portion of a mapped vein meeting the classification standard, that subdivision shall be included within the Known Gilsonite Leasing Area.

Information requested from the public via this notice may be in the form of a letter and should be as specific as possible. Comments submitted in response to this notice will be accepted for a period of 60 days from the date of this **Federal Register** notice, and should be addressed to: Mat Millenbach, State Director, Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah, 84145–0155.

FOR FURTHER INFORMATION CONTACT: James Kohler, Bureau of Land Management, Utah State Office, Division of Mineral Resources, P. O. Box 45155, Salt Lake City, Utah 84145–0155, (801) 539–4037.

Douglas M. Koza,

Deputy State Director, Mineral Resources.

[FR Doc. 95–1521 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–DQ–P

[WY–920–41–5700; WYW121262]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

January 10, 1995.

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW121262 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW121262 effective September 1, 1994, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Supervisory Land Law Examiner.

[FR Doc. 95–1385 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–22–M

[WY–920–41–5700; WYW115954]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

January 10, 1995.

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW115954 for lands in Lincoln County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW115954 effective June 1, 1994, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Supervisory Land Law Examiner.

[FR Doc. 95–1384 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–22–M

[WY–920–41–5700; WYW115958]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

January 10, 1995.

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW115958 for lands in Lincoln County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW115958 effective June 1, 1994, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Supervisory Land Law Examiner.

[FR Doc. 95–1383 Filed 1–19–95; 8:45 am]

BILLNG CODE 4310–22–M

[ID–943–1430–01; IDI–14995C]

Order Providing for Opening of Public Land; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of cancellation of classification and opening of public land.

SUMMARY: This Order revokes the Recreation and Public Purpose Classification for the land in a Recreation and Public Purpose lease issued to Shoshone County for a sanitary landfill which has been closed. This order opens the land to the land and mining laws.

EFFECTIVE DATE: February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706–2500, 208–384–3166.

1. The Recreation and Public Purpose Classification on the following described land is hereby revoked:

Boise Meridian

T. 48 N., R. 3 E.,
Sec. 15, Portion of the N½NE¼ described as follows:

Beginning at a point west of the Polaris Peak Road on the north line of Sec. 15, S. 89° 12′ about 195 feet from the corner common to Sections 10, 11, 14 and 15.

From the initial point
S. 89° 12′ W., along the north line of Sec. 15, 1220 feet;
S. 0° 12′ E., on a line parallel to the east line of Sec. 15, 600 feet;
N. 89° 12′ E., on a line parallel to the north line of Sec. 15, 775 feet, more or less to the point on the west side of the Polaris Peak road;
Northeasterly along the west side of the Polaris Peak Road, 850 feet, more or less to the point of beginning.

The area described above contains 13.19 acres in Shoshone County.

2. At 9:00 a.m. on February 21, 1995, the land described in paragraph 1 will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. on February 21, 1995, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9:00 a.m. on February 21, 1995, the land described in paragraph 1 will be opened to location and entry under the United States mining laws. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: January 13, 1995.

M. William Weigand,

State Office Unit Leader for Realty Unit.

[FR Doc. 95–1546 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–GG–M

[NV–930–1430–01; N–59197]

Notice of Realty Action: Non-Competitive Sale of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Non-Competitive Sale of Public Lands in Clark County, Nevada.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada has been examined and found suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is Section 203 and Section 209 of the Federal Land Policy and Management Act of 1976 (FLPMA).

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 34: SE¼NE¼NW¼NE¼.

Containing 2.50 acres, more or less.

This parcel of land, situated in Las Vegas, Nevada is being offered as a non-competitive sale to Perm-Bilt Homes.

This land is not required for any federal purposes. The sale is consistent with current Bureau planning for this area and would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a $50.00 nonreturnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Oil, gas, sodium, potassium and saleable minerals, and will be subject to an easement 30.00 feet in width on the south and east boundaries, and a 15.00 foot spandrel at the southeast corner, for roads, public utilities and flood control purposes in accordance with the transportation plan for Clark County/the City of Las Vegas.

Upon publication of this notice in the **Federal Register,** the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for sales and disposals under the mineral disposal laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the **Federal Register,** interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA, or other applicable laws. The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register.**

Dated: January 6, 1995.

Gary Ryan,

Acting District Manager, Las Vegas, NV.

[FR Doc. 95–1461 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–HC–M

[ID–942–04–1420–00]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., January 11, 1995.

The supplemental plat, prepared to divide lot 13 into lots 16 and 17 in section 2, T. 8 S., R. 25 E., Boise Meridian, Idaho, was accepted, January 5, 1995.

This plat was prepared 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: January 11, 1995.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 95–1456 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–GG–M

[CA–942–1420–00]

Filing of Plats of Survey; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested state and local government officials of the latest filing of Plats of Survey in California.

EFFECTIVE DATES: Filing was effective at 10:00 a.m. on the date of submission to the Bureau of Land Management (BLM), California State Office, Public Room.

FOR FURTHER INFORMATION CONTACT:

Michael R. Collie, Acting Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), California State Office, 2800 Cottage Way, Room E–2845, Sacramento, CA 95825, 916–979–2890.

SUPPLEMENTARY INFORMATION: The Plats of Survey of lands described below have been officially filed at the California State Office, Sacramento, CA.

Mount Diablo Meridian, California

T. 14 S., R. 26 E.,—Dependent resurvey and subdivision of section 12, (Group 1197) accepted September 20, 1994, to meet certain administrative needs of the Bureau of Indian Affairs, Central California Agency.

T. 35 N., R. 5 W.,—Supplemental plat of the SE ¼ of section 13, accepted September 21, 1994, to meet certain administrative needs of the U.S. Forest Service, Shasta-Trinity National Forest.

T. 8 N., R. 23 E.,—Dependent resurvey and subdivision of sections, (Group 1136) accepted September 30, 1994, to meet certain administrative needs of the BLM, Bakersfield District, Bishop Resource Area.

T. 13 N., R. 17 E.,—Amended Supplemental plat of sections 21 and 28, accepted December 8, 1994, to meet certain administrative needs of the U.S. Forest Service, Lake Tahoe Basin.

T. 12 N., R. 10 E.,—Supplemental plat of the NW ¼ of section 2, accepted December 29, 1994, to meet certain administrative needs of the BLM, Bakersfield District, Folsom Resource Area.

San Bernardino Meridian, California

T. 8 N., R. 2 W.,—Supplemental plat of section 4, accepted October 5, 1994, to meet certain administrative needs of the BLM, California Desert District, Barstow Resource Area.

T. 16 N., R. 13 E.,—Supplemental plat of the SE ¼ Section 11, accepted November 4, 1994, to meet certain administrative needs of the BLM, California Desert District, Needles Resource Area.

T. 16 N., R. 13 E.,—Supplemental plat of the NW ¼ of Section 13, accepted November 4, 1994, to meet certain administrative needs of the BLM, California Desert District, Needles Resource Area.

All of the above listed survey plats are now the basic record for describing the lands for all authorized purposes. The survey plats have been placed in the open files in the BLM, California State Office, and are available to the public as a matter of information. Copies of the survey plats and related field notes will be furnished to the public upon payment of the appropriate fee.

Dated: January 12, 1995.

Michael R. Collie,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 95–1457 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–40–M

[ES–962–4950–10–4041] ES–047066, Group 95, Arkansas

Notice of Filing of Plat of the Dependent Resurvey and Subdivision of Sections and the Survey of the Center Line (as Built) of Arkansas State Highway No. 43 in Sections 1 and 12

The plat of the dependent resurvey of a portion of the south boundary, the east boundary; a portion of the subdivisional lines; the survey of the subdivision of certain sections; and the survey of the center line (as built) of Arkansas State Highway No. 43 in sections 1 and 12, Township 16 North, Range 23 West, Fifth Principal Meridian, Arkansas, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on February 24, 1995.

The survey was made upon request submitted by the National Park Service.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Deputy State Director for Cadastral Survey, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., February 24, 1995.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of $2.75 per copy.

Dated: January 16, 1995.

Stephen G. Kopach,

Chief Cadastral Surveyor.

[FR Doc. 95–1462 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–GJ–M

[ES–960–4730–12; ES–047069, Group 145, Wisconsin]

Notice of Filing of Plat of Survey of Two Islands

The plat of the survey of two islands in the Wisconsin River, in section 24, Township 22 North, Range 5 East, Fourth Principal Meridian, Wisconsin, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on February 27, 1995.

The survey was executed in response to an application submitted by Mr. Joseph Streb, Port Edwards, Wisconsin 54469–1492.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor for Cadastral Survey, Eastern States Office, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 730 a.m., February 27, 1995.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of $2.75 per copy.

Dated: January 12, 1995.

Stephen G. Kopach,

Chief Cadastral Surveyor.

[FR Doc. 95–1463 Filed 1–19–95; 845 am]

BILLING CODE 4310–GJ–M

[OR–943–1430–01; GP5–054; OR–50483]

Proposed Withdrawal and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw 2,090 acres of National Forest System lands to protect the improvements of an administrative site, and the scenic, recreational, historic, and wildlife habitat values of lands in the Rogue River National Forest. This notice closes the lands for up to two years from mining. The lands have been and will remain open to mineral leasing.

DATES: Comments and requests for a public meeting must be received by April 20, 1995.

ADDRESSES: Comments and meeting requests should be sent to the Oregon/Washington State Director, BLM, P.O.

Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon/Washington State Office, 503–952–6171.

SUPPLEMENTARY INFORMATION: On November 28, 1994, the U. S. Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not the mineral leasing laws, subject to valid existing rights:

Willamette Meridian

Rogue River National Forest

Rabbit Ears—Falcon Wildlife Area

T. 29 S., R. 3 E.,
Sec. 26, W½SW¼ and SE¼SW¼;
Sec. 27, E½SW¼ and SE¼;
Sec. 34, NE¼, E½NW¼, E½NE¼SW¼, N½SE¼, and N½S½SE¼;
Sec. 35, W½NE¼, NW¼, N½SW¼, N½SW¼SW¼, and W½NW¼SE¼.

Rogue River Wild and Scenic Corridor

T. 30 S., R. 3 E.,
Sec. 1, E½SE¼;
Sec. 12, NE¼NE¼NE¼;
Sec. 13, E½NW¼;
Sec. 23, NE¼NE¼SE¼ and W½W½SE¼;
Sec. 34, SE¼NE¼SE¼;
Sec. 35, SE¼NE¼NW¼, SW¼SW¼NW¼, and NW¼SE¼NW¼.
T. 31 S., R. 3 E.,
Sec. 17, NE¼NW¼NE¼;
Sec. 19, NW¼NE¼NE¼ and SE¼SE¼NE¼.
T. 29 S., R. 4 E.,
Sec. 10, W½E½NE¼, S½S½SW¼, and E½NW¼SE¼;
Sec. 15, N½NW¼;
Sec. 21, NW¼NE¼;
Sec. 29, SE¼SW¼;
Sec. 32, E½NW¼;
T. 29 S., R. 5 E.,
Sec. 4, S½NE¼.

Union Creek Historic District

T. 31 S, R. 3 E.,
Sec. 2, SW¼SW¼NW¼;
Sec. 3, E½NE¼SE¼, SE¼SW¼SE¼, and NW¼SE¼SE¼;
Sec. 9, N½NE¼SE¼;
Sec. 10, NE¼NW¼NE¼, SW¼NW¼NE¼, and SE¼SE¼NW¼.

Abbott Creek Recreation Site

T. 31 S., R. 3 E.,
Sec. 7, E½SE¼SW¼ and W½SW¼SE¼;
Sec. 18, NW¼NW¼NE¼ and NE¼NE¼NW¼.

Mill Creek Recreation Site

T. 32 S., R. 3 E.,
Sec. 9, SW¼SE¼;
Sec. 16, N½NW¼NE¼.

Prospect Ranger Station Administrative Site

T. 32 S., R. 3 E.,
Sec. 29, W½NE¼NW¼.

The areas described aggregate 2,090 acres in Jackson and Douglas Counties.

The purpose of the proposed withdrawal is to protect recreational values of Abbott Creek and Mill Creek recreation sites, wildlife habitat of Rabbit Ears—Falcon wildlife area, historical values of Union Creek historic district, facilities and improvements of Prospect ranger station administrative site and the scenic values of Rogue River wild and scenic corridor.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director at the address indicated above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director at the address indicated above within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are other National Forest management activities, including permits, licenses, and cooperative agreements, that are compatible with the intended use under the discretion of the authorized officer.

Dated: January 10, 1995.

Robert D. DeViney, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 95–1460 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–33–P

[ID–943–1430–01; IDI–28376, IDI–29282, IDI–28738, IDI–06678]

Idaho; Withdrawal and Reservation of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The temporary segregation of four pending withdrawal applications encompassing 7,087.04 acres has expired. The lands will be open to entry under the general land laws and the mining laws on February 20, 1995. The opening order affects two Forest Service sites (Howell Canyon and the Valbois Resort), the Bureau of Land Management's Centerville Townsite, and the Grandview Wildlife Management Area which is administered jointly by the Bureau of Land Management and the Idaho Department of Fish and Game. The lands have been and will continue to be open to the mineral leasing laws.

EFFECTIVE DATE: February 20, 1995.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706–2500, 208–384–3166.

SUPPLEMENTARY INFORMATION: The Notices of Proposed Withdrawal were published in the **Federal Register** (56 FR 100, May 23, 1991; 57 FR 68, April 8, 1992; 57 FR 118, June 18, 1992; 22 FR 207, October 31, 1995), which segregated the lands described therein from the general land laws and the mining laws, subject to valid existing rights, but not from the mineral leasing laws. The withdrawal applications have been relinquished. The lands are described as follows:

Boise Meridian

(IDI–28376)

Howell Canyon Recreation Complex

T. 12 S., R. 24 E.,
Sec. 36, SW¼NW¼, W½SW¼ and S½SE¼.
T. 12 S., R. 25 E.,
Sec. 31, lot 4, NE¼NE¼, SW¼NE¼, W½SE¼NE¼, SE¼SW¼ and SE¼;
Sec. 32, S½SE¼SW¼NW¼, SE¼NW¼ and N½SW¼.
T. 13 S., R. 24 E.,
Sec. 1, N½ lot 1, lots 2 to 4 inclusive, S½NW¼ and SW¼;
Sec. 2;
Sec. 3, lots 1 to 4 inclusive, S½N½, N½S½ and SW¼SW¼;
Sec. 4, lots 1 and 2, S½NE¼, NE¼SW¼, S½SW¼ and SE¼;
Sec. 9, N½NE¼, SW¼NE¼ and E½NW¼;
Sec. 11, NE¼;
Sec. 12, NW¼.

(IDI–29282)

Valbois Resort

T. 15 N., R. 2 E., those portions of the following described lands lying along and generally to the east of the divide between the Weiser River and Payette River and being in the Payette River watershed.
Sec. 1, those portions lying in Valley County;

Sec. 11, NE¼NE¼, SW¼NE¼, SE¼NE¼, NE¼SE¼, W½SE¼ and SE¼SE¼;
Sec. 12, all except part of NW¼NW¼NW¼NW¼ lying in Adams County;
Sec. 13, all of the N½, except for part of NW¼SW¼NW¼NW¼ lying in Adams County;
Sec. 14, E¼NE¼.
T. 15 N., R. 3 E.,
Sec. 6;
Sec. 7, lots 1 to 4 inclusive, NW¼NE¼ and E½W½;
Sec. 18, lots 1 and 2 and E½NW¼.
(IDI–28738)

Centerville Townsite

T. 7 N., R. 5 E.,
Sec. 29.
(IDI–06678)

Grandview Wildlife Management Area

T. 5 S., R. 3 E.,
Sec. 4, lot 5;
Sec. 9, lots 1 and 4, NE¼SE¼, N½NE¼ and SE¼NE¼.

The areas described aggregate 7,087.04 acres in Elmore, Boise, Adams, Valley and Cassia Counties.

At 9:00 a.m. on February 20, 1995, the lands shall be opened to the general land laws, including location and entry under the United States mining laws, subject to valid existing rights, the provisions of applicable law. Appropriation of lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: January 11, 1995.

M. William Weigand,

State Office Unit Leader for Realty Unit.

[FR Doc. 95–1545 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–GG–M

Fish and Wildlife Service

Receipt of Application(s) for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*)

PRT–798094

Applicant: John T. Baccus, San Marcos, Texas.

The applicant requests a permit to include take activities for golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapillus*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–798107

Applicant: Kenneth J. Kingsley, SWCA Incorporated, Tucson, Arizona.

The applicant requests a permit to include take activities for lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*) from unknown populations in Arizona, and to take specimens of the seven Texas cave invertebrates from unknown locations in Texas, for scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–798104

Applicant: Terrell J. Johnson, Los Alamos, New Mexico.

The applicant requests a permit to include take activities for the bald eagle (*Haliaeetus leucocephalus*), peregrine falcons (*Falco peregrinus anatum*), and Mexican spotted owl (*Strix occidentalis lucida*) at various locations within the State of New Mexico, for scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–798088

Applicant: David Lewis Steed, DLS Associates, Austin, Texas.

The Applicant requests a permit to include take activities for the black-capped vireo, golden-cheeked warbler, and the seven Texas cave invertebrates in Travis and Williamson Counties, Texas, for scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–797466

Applicant: Champion International Corporation/David L. Baggett, Huntsville, Texas.

The applicant(s) request a permit to include take activities for the red-cockaded woodpecker (*Picoides borealis*) on CIC lands and Texas State Forests, and Houston toad (*Bufo houstonensis*) occurring in Bastrop County, Texas, for scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

ADDRESSES: Written data or comments should be submitted to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and must be received by the Assistant Regional Director within 30 days for the date of this publication.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the above office within 30 days of the date of publication of this notice. (See **ADDRESSES** above.)

James A. Young,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–1429 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–55–M

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service.

ACTION: Notice of receipt of applications for permit.

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*):

PRT–798044

Applicant: Dr. Phillip Doerr, North Carolina State University, Raleigh, North Carolina.

The applicant requests a permit to take (trap, survey, and collect blood samples) the endangered red-cockaded woodpecker, *Picoides borealis,* on public and private lands in North Carolina. These activities are proposed for the purpose of enhancement of survival of the species.

PRT–797806

Applicant: Ron Redman, Conway, Arkansas.

The applicant requests a permit to take (trap, survey) the endangered American burying beetle, *Nicropherus americanus,* on public and private lands in Arkansas, Oklahoma, Louisiana, and Texas. These activities are proposed for the purpose of enhancement of survival of the species.

Written data or comments on any of these applications should be submitted to: Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345. All data and comments must be received by the Regional Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the

requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345 (Attn: Permit Coordinator). Telephone: 404/679–7110; Fax: 404/679–7081.

Dated: January 10, 1995.

Judy L. Jones,

Acting Regional Director.

[FR Doc. 95–1430 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–55–M

Notice of Availability of the Agency Draft Recovery Plan for the Royal Snail for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of an agency draft recovery plan for the royal snail. The royal snail is known from only two spring runs on public lands in the Sequatchie River system, Marion County, Tennessee. The Service solicits review and comments from the public on this draft plan.

DATES: Comments on the agency draft recovery plan must be received on or before March 21, 1995 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the agency draft recovery plan may obtain a copy by contacting the Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806 (Telephone 704/665–1195). Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. J. Allen Ratzlaff at the address and telephone number shown above (Ext. 229).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals or plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for recognizing the recovery levels for downlisting or delisting them, and estimate time and cost to implement the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Based upon available information concerning the range, biology, and threats to its continued survival, it is not yet possible to determine if or when full recovery of the royal snail is possible. Accordingly, this draft recovery plan outlines a mechanism that provides for the protection and maintenance of all known populations, with emphasis on determining the autecological factors necessary to manage the species. The royal snail was officially listed as an endangered species on April 15, 1994, primarily because its extremely limited distribution and the limited amount of occupied habitat make this species extremely vulnerable to extirpation. Threats to the species include siltation; road construction; logging; agricultural, municipal, industrial, and mining runoff (both direct and from subsurface flows); vandalism; and pollution from trash thrown in the spring runs. Comments and information provided during this review will be used in preparing the final recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: January 10, 1995.

Robert R. Currie,

Acting Field Supervisor.

[FR Doc. 95–1459 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The supporting statement for a new form, MMS–4402, Notice of Intent to Take Coal Transportation and Washing Allowances, has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the new form and related explanatory material may be obtained by contacting Jeane Kalas at (303) 231–3046. Comments and suggestions on the new form should be made directly to the Bureau Clearance Officer at the telephone number listed below, and to the OMB Paperwork Reduction Project, Washington, D.C. 20503, telephone (202) 395–7340.

Title: Supporting Statement for Notice of Intent To Take Coal Transportation and Washing Allowances.

Abstract: The Minerals Management Service (MMS) is amending its valuation regulations governing coal transportation and washing allowances, particularly as they relate to forms filing requirements and associated sanctions for failure to file required forms on time. Because MMS has experienced numerous problems with administration of the allowance regulations, an Allowance Study Group composed of representatives from MMS, States and Tribes, and industry was formed to evaluate the current regulatory requirements. Based on the recommendations of the Study Group, MMS is amending its valuation regulations and has developed a new form, the Notice of Intent To Take Coal Transportation and Washing Allowances, Form MMS–4402. The new form will be used to notify MMS of a company's intention to take transportation and processing allowances. It will eliminate the need to report estimated allowances and other data and will reduce burden on the payor.

Bureau Form Number: MMS–4402.

Frequency: Annually or during the year prior to claiming an allowance.

Description of Respondents: Coal companies.

Estimated Average Completion Time: 5 minutes.

Annual Responses: 40.

Annual Burden Hours: 3.3.

Bureau Clearance Officer: Arthur Quintana (703) 787–1101.

Dated: December 12, 1994.

James W. Shaw,

Associate Director for Royalty Management.

[FR Doc. 95–1453 Filed 1–19–95; 8:45 am]

BILLING CODE 4310–MR–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

SES Performance Review Board

AGENCY: United States Agency for International Development.

ACTION: Notice of Membership of 1995 Senior Executive Service Performance Review Board.

SUMMARY: The members of the SES Performance Review Board for 1995 are as follows:

Richard McCall, Chairman, Roxann Van Dusen, SES Member, James Govan, SES Member, Richard Nygard, SES Member, James Durnil, SES Member, Lenora Alexander, Public Member.

FOR FURTHER INFORMATION CONTACT: R. Darlene DeWitt, (202) 663–1423.

Dated: January 9, 1995.

Shirley D. Renrick,

Executive Secretary, Performance Review Board.

[FR Doc. 95–1382 Filed 1–19–95; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32644]

Richard J. Corman—Continuance in Control Exemption—R.J. Corman Railroad Company/Cleveland Line

Richard J. Corman (Corman), a noncarrier individual, has filed a notice of exemption to continue in control of R.J. Corman Railroad Company/ Cleveland Line (RJCC), upon RJCC becoming a rail carrier.

RJCC has concurrently filed a notice of exemption in *R.J. Corman Railroad Company/Cleveland Line—Acquisition and Operation Exemption—Rail Line of R.J. Corman Railroad Company/ Memphis Line,* Finance Docket No. 32643, to acquire and operate approximately 48.9 miles of railroad from R.J. Corman Railroad Company/ Memphis Line (RJCM) between Warwick and Uhrichsville, OH.

Corman also controls through stock ownership, three nonconnecting class III rail carriers: (1) RJCM, which owns and operates approximately 72 miles of rail line from Zinc, TN to Memphis Junction, KY, including a branch line between Russellville and Lewisburg, KY; (2) R.J. Corman Railroad Corporation, which owns and operates approximately 20 miles of rail line from Bardstown Junction to Wickland, KY; and (3) R.J. Corman Railroad Company/ Western Ohio Line, which owns and operates approximately 51.5 miles of rail line in Allen, Auglaize, and Mercer Counties, OH.

The transaction is filed under 49 CFR 1180.2(d)(3). Corman indicates that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Kevin: M. Sheys, 1020 Nineteenth Street, NW, Suite 400, Washington, DC 20036.

Decided: January 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–1508 Filed 1–19–95; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32627]

Norfolk Southern Railway Company—Renewal of Lease and Corporate Family Exemption—Southern Railway-Carolina Division

Norfolk Southern Railway Company (NSR) or its predecessors have for over 90 years leased a portion of track in North Carolina and South Carolina from the Southern Railway-Carolina Division (SRCD).[1] NSR owns all the common stock of SRCD. The original lease was executed June 30, 1902 and the present renewal which was executed in 1958 expired on January 1, 1995. The railroads have agreed to extend the lease for successive one-year terms to commence January 1, 1995, until terminated by agreement of parties or operation of law. It is expected that SCRD will be liquidated or merged into NSR. Accordingly, the purpose of this exemption is to extend the lease until such times as this occurs.

This notice is filed under: (1) 49 CFR 1180.2(d)(3) which exempts transactions within a corporate family that do not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family; and (2) 49 CFR 1180.2(d)(4), which exempts renewal of leases and any other matters where the Commission has previously authorized the transaction and only an extension in time is involved. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Any comments must be filed with the Commission and served on: Greg E. Summy, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510–2191.

As a condition to use of this exemption, any employees affected by the lease transaction will be protected pursuant to Mendocino Coast Ry., Inc.—Lease and Operate, 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980) and any employees affected by the corporate family transaction will be protected pursuant to the conditions set forth in New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

Decided: January 17, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–1528 Filed 1–19–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32643]

R.J. Corman Railroad Company/ Cleveland Line—Acquisition and Operation Exemption—Rail Line of R.J. Corman Railroad Company/Memphis Line

R.J. Corman Railroad Company/ Cleveland Line (RJCC), a noncarrier, has filed a notice of exemption to acquire and operate approximately 48.9 miles of rail line extending between Warwick and Uhrichsville, OH. RJCC will purchase approximately 33.8 miles of rail line owned by R.J. Corman Railroad Company/Memphis Line (RJCM) between milepost 108.4 at Warwick, OH and milepost 74.6 at Dover, OH. RJCC

[1] NSR is a class I railroad controlled by Norfolk Southern Corporation, which owns all of NSR's common stock.

will lease approximately 15.1 miles of rail line previously leased by RJCM from CSX Transportation, Inc.[1] between milepost 74.6 at Dover, OH (including certain switching tracks at Dover)[2] and milepost 59.5 at Uhrichsville, OH. The proposed acquisition and operation transactions were expected to be consummated on or after December 29, 1994.

This proceeding is related to *Richard J. Corman—Continuance in Control Exemption—R.J. Corman Railroad Company/Cleveland Line,* Finance Docket No. 32644, wherein Richard J. Corman has concurrently filed a notice of exemption to continue in control of RJCC when RJCC becomes a rail carrier upon consummation of the transaction described in this notice.

Any comments must be filed with the Commission and served on: Kevin M. Sheys, 1020 Nineteenth Street, NW, Suite 400, Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: January 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–1507 Filed 1–19–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32635]

Morris H. Kulmer, Kern W. Schumacher, Troy W. Schumacher and Michael J. Van Wagenen—Continuance in Control Exemption—V&S Railway, Inc.

Morris H. Kulmer, Kern W. Schumacher, Troy W. Schumacher and Michael J. Van Wagenen, noncarrier individuals (applicants), have filed a notice of exemption to continue in control of V&S Railway, Inc. (V&S) upon V&S's becoming a carrier. V&S has concurrently filed a related notice of exemption, *V&S Railway, Inc.—Acquisition and Operation Exemption—Rail Line of St. Louis Southwestern Railway Company,* in Finance Docket No. 32634, in which V&S is seeking to acquire and operate approximately 65.0 miles of rail line in Franklin, Hopkins, Delta, Titus and Hunt Counties, TX.

The control transaction was to have been consummated on or about December 30, 1994.

Applicants also control two other nonconnecting class III rail carriers: Tulare Valley Railroad Company, operating in California, and SF&L Railway, Inc., operating in Texas.

Applicants state that: (1) the properties operated by these three carriers do not connect with each other; (2) the control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Mark H. Sidman, Suite 800, 1350 New York Ave., NW., Washington, DC 20005–4797.

Decided: January 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary

[FR Doc. 95–1510 Filed 1–19–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32595]

The Maryland and Delaware Railroad Company Modified Rail Certificate

On October 3, 1994, as supplemented November 4, 1994 and December 1, 1994, The Maryland and Delaware Railroad Company (MDDE) filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150, subpart C, to operate two lines of railroad owned by the State of Delaware in Sussex County, DE: (1) The Lewes Running Track, a distance of 16.23 miles between milepost 24.16 at Georgetown Yard and milepost 40.39 at Henlopen; and (2) The Milton Industrial Track, a distance of 6.60 miles between milepost 0.00 at Ellendale and milepost 6.60 at Milton.

The line segments comprising the Lewes Running Track (#159 Lewes-Lewes Beach, #160 Broadkill-Lewes, and #161 Georgetown-Lewes) were formerly owned and operated by the Penn Central Corp. MDDE states that the line was not included in the United States Railway Association Final System Plan when the Consolidated Rail Corporation (Conrail) was established, and was abandoned in accordance with Section 304 of the Regional Rail Reorganization Act of 1973, 45 U.S.C. 744. The Milton Industrial Track was formerly owned and operated by Conrail. In *Conrail Abandonment Between Ellendale and Milton, DE,* Docket No. AB–167 (Sub-No. 188N) (ICC served Mar. 26, 1982), the Commission authorized Conrail to abandon this track. The Delaware Department of Transportation acquired both lines, and, effective October 1, 1982, contracted with The Delaware Coast Line Railroad (DCLR) to operate them. The contract with DCLR expired on September 30, 1994, and MDDE commenced operations under a new contract effective October 1, 1994.

The Commission will serve a copy of this notice on the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement, 50 F Street, NW, Washington, DC 20001, and on the American Short Line Railroad1 Association, 1120 G Street, NW, Suite 520, Washington, DC 20005.

Decided: January 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–1506 Filed 1–19–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32437 (Sub-No. 1)]

Rail Partners, L.P., Panama City Beach Office Park, Ltd., K. Earl Durden, Green Bay Packaging, Inc., and Rail Management and Consulting Corporation—Control Exemption—A&G Railroad, L.L.C.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343–11345 the assumption of direct control of A&G Railroad, L.L.C., by petitioners Rail Partners, L.P. (Partners), Panama City Beach Office Park, Ltd. (Office Park), K. Earl Durden (Durden),

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[1] See *R.J. Corman Railroad Company/Memphis Line—Purchase and Lease—CSX Transportation, Inc. Line Between Warwick and Uhrichsville, OH,* Finance Docket No. 31388 (Sub-No. 1), (ICC served June 23, 1989).

[2] TC&O D–2 Track (V.S. 22+81 to V.S. 17+19), Strasburg D–2 Track (V.S. 0+00 to V.S. 86+48), C&P D–2 Track (V.S. 1555+00 to V.S. 1502+50) and Canal Dover D–2 Track (V.S. 0+00 to V.S. 1548+90).

Green Bay Packaging, Inc. (GBP), and Rail Management and Consulting Corporation (RMCC), subject to standard labor protective conditions, upon dissolution of an independent voting trust.[1]

DATES: The exemption is effective on February 19, 1995. Petitions to stay must be filed by January 30, 1995, and petitions to reopen must be filed by February 9, 1995.

ADDRESSES: Send pleadings, referring to Finance Docket No. 32437 (Sub-No. 1), to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) petitioners' representatives, Donald G. Avery and Patricia E. Dietrich, Slover & Loftus, 1224 17th Street, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: 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, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927–5721.]

Decided: January 5, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95–1509 Filed 1–19–95; 8:45 am]

BILLING CODE 7035–01–P

[1] Partners is jointly owned and controlled by Durden, GBP, and RMCC. Together, these entities jointly own and control several class III rail carriers. *See North Carolina Ports Railway Commission—Purchase and Operation—Rail Line of CSX Transportation, Inc. in Wilmington, North Carolina—Exemption from 49 U.S.C. 11343,* Finance Docket No. 32345 (ICC served Nov. 17, 1993); *Wilmington Terminal Railroad, L.P.—Lease and Operation—Rail Line of North Carolina Ports Railway Commission in Wilmington, North Carolina—Exemption from 49 U.S.C. 11343,* Finance Docket No. 32345 (Sub-No. 1) (ICC served Nov. 17, 1993); *Tomahawk Railway, L.P.—Acquisition and Operation Exemption—Marinette, Tomahawk and Western Railroad Company,* Finance Docket No. 31996 (Sub-No. 1) (ICC served Dec. 17, 1992); *Valdosta Railway, L.P.—Acquisition and Operation Exemption—Valdosta Southern Railroad Company,* Finance Docket No. 31996 (Sub-No. 2) (ICC served Dec. 17, 1992); and *Wilmington Term. RR, Inc.—Pur. & Lease—CSX Transp. Inc.,* 6 I.C.C.2d 799 (1990).

[Finance Docket No. 32649]

Southern Pacific Transportation Company—Corporate Family Transaction Exemption—The Denver and Rio Grande Western Railroad Company

Southern Pacific Transportation Company (SPT) and The Denver Rio Grande Railroad Company (DRGW)[1] common carriers by railroad, have jointly filed a notice of exemption to exempt a transaction whereby (1) SPT will purchase DRGW's right-of-way, together with adjoining property and improvements, between DRGW milepost 160.8 at or near Canon City, CO, and DRGW milepost 628.8 at or near Utah Railway Junction, UT; and (2) SPT will purchase DRGW's right-of-way, together with adjoining property and improvements, between DRGW milepost 4.8 at or near C&S Junction, CO, and DRGW milepost 128.8 at or near Orestod, CO, and between DRGW milepost 128.8 and DRGW milepost 231.7 at or near Craig, CO.[2]

The parties state they intended to consummate these transactions on or after December 30, 1994.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. The stated purpose of the transaction is for corporate finance reasons and is intended to result in the prospective reduction of SPT's consolidated income and combined property tax liabilities, thereby improving SPT's financial condition.

As a condition to use of this exemption, any employees adversely affected by this transaction will be protected by conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Louis P. Warchot, Southern Pacific Building, Room 815, One Market Plaza, San Francisco, CA 94105.

Decided: January 17, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–1527 Filed 1–19–95; 8:45 am]

BILLING CODE 7035–01–P

[1] DRGW is within SPT's consolidated group of companies.

[2] DRGW is retaining an easement for rail operations in which DRGW will continue to provide freight rail service over the properties being transferred to SPT. Under the purchase and sale agreements entered into by SPT and DRGW, SPT may not commence rail operations over these rail lines without obtaining additional authorization from the Commission.

[Finance Docket No. 32634]

V&S Railway, Inc.—Acquisition and Operation Exemption—Rail Line of St. Louis Southwestern Railway Company in Franklin, Hopkins, Delta, Titus and Hunt Counties, TX

V&S Railway, Inc. (V&S), a noncarrier, has filed a notice of exemption to acquire and operate approximately 65.0 miles of railroad from St. Louis Southwestern Railway Company (SSW), in Franklin, Hopkins, Delta, Titus and Hunt Counties, TX.[1] V&S will acquire by quitclaim deed or easement the line of railroad known as The Commerce Line, between milepost 490.00, near Winfield, TX, and milepost 555.0, near Simtrott, TX. V&S will acquire trackage rights only over that portion of the line from milepost 535.96 to milepost 537.26, incidental to its acquisition of the remainder of the line from milepost 490.0 to milepost 555.0.

The proposed transaction was to have been consummated on December 31, 1994.

This transaction is related to a concurrently filed notice of exemption, *Morris H. Kulmer, Kern W. Schumacher, Troy W. Schumacher and Michael J. Van Wagenen—Control Exemption—V&S Railway, Inc.,* Finance Docket No. 32635, in which the applicants seek to acquire control of V&S and to continue in control of Tulare Valley Railroad Company and SF&L Railway, Inc., upon V&S becoming a carrier.

Any comments must be filed with the Commission and served on: Mark H. Sidman, Suite 800, 1350 New York Ave., NW, Washington, DC 20005–4797.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: January 11, 1995.

[1] V&S will contract with an agent to assist it in providing rail freight service over this line, and V&S will be the sole common carrier on the line.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–1511 Filed 1–19–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32642]

Rail Partners, L.P., Panama City Beach Office Park, Ltd., K. Earl Durden, Green Bay Packaging, Inc., and Rail Management and Consulting Corporation—Continuance in Control Exemption—Western Kentucky Railway, L.L.C.

Rail Partners, L.P. (Partners), Panama City Beach Office Park, Ltd. (Office Park), K. Earl Durden (Durden), Green Bay Packaging, Inc. (GBP), and Rail Management and Consulting Corporation (RMCC) (collectively, Owners), all noncarriers, have filed a notice of exemption to continue to control Western Kentucky Railway, L.L.C. (WKR),[1] a noncarrier, upon WKR's becoming a carrier. WKR has concurrently filed a notice of exemption in *Western Kentucky Railway, L.L.C.—Acquisition and Operation Exemption—Rail Lines of Costain Coal, Inc., and Tradewater Railway Company,* Finance Docket No. 32641, to acquire and operate approximately 93 miles of rail line owned by Costain Coal, Inc., and operated by Tradewater Railway Company between milepost 28.0, at Princeton, KY, and milepost 97.25, at Waverly, KY; between milepost 0.0, at Blackford, KY, and milepost 3.8, at Pyro Wye, KY; between milepost 0.0, at the Costain Prep Plant and milepost 13.5, at Providence, KY; between milepost 0.0, at the Costain Prep Plant and milepost 5.5, at Caney Creek, KY; and the 1-mile looptrack at Wheatcroft, KY.

Owners jointly control 12 other nonconnecting class III rail carriers.[2] Durden individually controls another short line, the Lakeside Transportation Co.[3] These nonconnecting affiliated rail carriers operate in the States of Alabama, Florida, North Carolina, Georgia, Texas, Missouri, Arizona, Tennessee, Kentucky, Wisconsin, and Arkansas. Owners indicate that: (1) WKR does not connect with any other railroad controlled by Owners; (2) the continuance in control is not a part of a series of anticipated transactions that would connect WKR with any other railroad controlled by Owners; and (3) the transaction does not involve a class I carrier. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Patricia E. Dietrich, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

Decided: January 17, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–1631 Filed 01–19–95; 8:45 am]

BILLING CODE 7035–01–P

[1] WKR is 97% owned and controlled by Partners, a Delaware limited partnership. The remaining ownership rights are as follows: 1% by Office Park, a Florida limited partnership, 1% by Durden, a citizen of the state of Florida, and 1% by GBP, a Wisconsin Corporation.

Partners, Office Park, Durden and GBP are noncarriers. Partners is jointly owned and controlled by Durden, GBP, and RMCC, and with them jointly owns and controls twelve class III railroads, and awaits Commission exemption of its acquisition of direct control of a thirteenth carrier upon the dissolution of an independent voting trust agreement. *See Rail Partners, L.P., Panama City Beach Office Park, Ltd., K. Earl Durden, Green Bay Packaging, Inc. and Rail Management and Consulting Corporation—Acquisition of Control Exemption—A&G Railroad, L.L.C.,* Finance Docket No. 32437 (Sub-No. 1).

[2] *See Green Bay Packaging, Inc.; K. Earl Durden; Galveston Railway, Inc.; Rail Management and Consulting Corporation; and Rail Management and Consulting Corporation; and Rail Partners, L.P.—Continuance in Control Exemption—Galveston Railroad, L.P; LRW RY, L.P.; ET RY, L.P.; ATW RY, L.P.; KWT Railway, Inc.; Copper Basin Railway, Inc.; and Wilmington Terminal Railroad, Inc.,* Finance Docket No. 31869 (ICC served July 5, 1991); *K. Earl Durden, Green Bay Packaging, Inc., Rail Management and Consulting Corporation, and Wilmington Terminal Railroad, Inc.—Continuance in Control Exemption—Wilmington Terminal Railroad, L.P., and Georgia Central Railway, L.P.,* Finance Docket No. 31948 (ICC served Nov. 21, 1991); *Rail Management and consulting Corporation, Green Bay Packaging, Inc., an K. Earl Durden—Continuance in Control Exemption—Tomahawk Railway, L.P. and Valdosta Railway, L.P.,* Finance Docket No. 31996 (ICC served Jan. 28, 1992); Rail Management and Consulting Corp., Green Bay Packaging, Inc., K. Kearl Durden and Rail Partners, L.P.—Continuance in Control Exemption—The Bay Line Railroad, L.L.C., Finance Docket No. 32436 (ICC served Jan. 24, 1994); and *Rail Management and Consulting Corporation, Green Bay Packaging, Inc., K. Karl Durden, Panama City Beach Office Park, Ltd. and Rail Partners, L.P.—Corporate Family and Control Exemptions—Lakeside Transportation, L.L.C.,* Finance Docket No. 32414 (Sub-No. 2) (ICC served Feb. 14, 1994).

[3] *See K. Earl Durden—Continuance in Control Exemption—Lakeside Transportation Co.,* Finance Docket No. 32414 (Sub-No. 1) (ICC served Dec. 17, 1993).

[Finance Docket No. 32641]

Western Kentucky Railway, L.L.C.—Acquisition and Operation Exemption—Rail Lines of Costain Coal, Inc. and Tradewater Railway Company

Western Kentucky Railway, L.L.C. (WKR),[1] a noncarrier, has filed a notice of exemption to acquire and operate approximately 93 miles of rail line owned by Costain Coal, Inc. (Costain) and operated under a lease agreement by Tradewater Railway Company (Tradewater) between milepost 28.0, at Princeton, KY, and milepost 97.25, at Waverly, KY; between milepost 0.0, at Blackford, KY, and milepost 3.8, at Pyro Wye, KY; between milepost 0.0, at the Costain Prep Plant and milepost 13.5, at Providence, KY; between milepost 0.0, at the Costain Prep Plant and milepost 5.5, at Caney Creek, KY; and the 1-mile looptrack at Wheatcroft, KY, together with substantially all of the other railroad operating assets and certain contract rights of Costain and Tradewater. WKR will interchange traffic with Paducah & Louisville Railway, Inc., at Princeton, KY, and with CSX Transportation, Inc., at Providence, KY. The proposed transaction is expected to be consummated shortly after the effective date of this exemption which will result in WKR's becoming a carrier.

This proceeding is related to *Rail Partners, L.P., Panama City Beach Office Park, Ltd., K. Earl Durden, Green Bay Packaging, Inc. and Rail Management and Consulting Corporation—Continuance in Control Exemption—Western Kentucky Railway, L.L.C.,* Finance Docket No. 32642, wherein the owners of WKR have concurrently filed a notice of exemption to continue in control of WKR, upon WKR's becoming a carrier.

Any comments must be filed with the Commission and served on: Patricia E.

[1] WKR is 97% owned and controlled by Rail Partners, L.P. (Partners), a Delaware limited partnership. The remaining ownership rights are as follows: 1% by Panama City Beach Office Park, Ltd. (Office Park), a Florida limited partnership, 1% by Mr. K. Earl Durden (Durden), a citizen of the state of Florida, and 1% by Green Bay Packaging, Inc. (GBP), a Wisconsin corporation.

Partners, Office Park, Durden and GBP are noncarriers. Partners is jointly owned and controlled by Durden, GBP, and Rail Management and Consulting Corporation (RMCC), and with them jointly owns and controls twelve class III railroads, and awaits Commission exemption of its acquisition of direct control of a thirteenth carrier upon the dissolution of an independent voting trust agreement. *See Rail Partners, L.P., Panama City Beach Office Park, Ltd., K. Earl Durden, Green Bay Packaging, Inc. and Rail Management and Consulting Corporation—Control Exemption—A&G Railroad, L.L.C.,* Finance Docket No. 32437 (Sub-No. 1).

Dietrich, Slover & Loftus, 1224 Seventeenth Street, NW, Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: January 17, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–1632 Filed 1–19–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Claims Under the Radiation Exposure Compensation Act.

(2) Civil Division, United States Department of Justice.

(3) Primary = Individuals or households, Others = None. Information is needed to determine whether an applicant is eligible for a statutory compensation payment. Radiation Exposure Compensation Act, 42 United Stated Code Annotated Section 2210 note (Supp. 1994). Applicants are persons who reside near the Nevada Test Site, onsite participants in an atmospheric nuclear weapons test, and persons employed in an underground uranium mine.

(4) 2,000 annual respondents at 2.5 hours per response.

(5) 5,000 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: January 17, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–1431 Filed 1–19–95; 8:45 am]

BILLING CODE 4410–12–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of December, 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–30,470; Gist-Brocades Foods Ingredients, East Brunswick, NJ

TA–W–30,419; Stone Forest Industries, Albany, OR

TA–W–30,483; EFR Crop., Everett, WA

TA–W–30,477; Coombs Vermont Natural Products, Wilmington, VT

TA–W–30,454; Most Manufacturing, Inc., Colorado Springs, CO

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–30,414; Texaco Refining and Marketing, Inc., Fuels Operation, Tulsa, OK

Increased Imports did not contribute importantly to worker separations at the firm.

TA–W–30,159; Elco Corp., Huntington, PA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,451; Robertshaw Controls Co., Grayson Controls Div., El Paso, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,444; Martin Marietta, Utica, NY

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,449; Youngstown Welding & Engineering Co., Youngstown, OH

The decision to shut down was made in April 1994, and all were laid off by June 1994. Prior to shutdown, sales and production at the facility had increased in 1993 compared to 1992.

Affirmative Determinations for Worker Adjustment Assistance

TA–W–30,425; Schoeneman Enterprises, Belair, MD

A certification was issued covering all workers separated on or after October 14, 1993.

TA–W–30,452; Fulton & Lightly, Inc., Timbercraft Products Div., Hayden Lake, ID

A certification was issued covering all workers separated on or after October 26, 1993.

TA–W–30,500; Lennon Foods, Inc., Seattle, WA

A certification was issued covering all workers separated on or after October 23, 1993.

TA–W–30,453; Omni Leisure Design, Medley, FL

A certification was issued covering all workers separated on or after September 12, 1993.

TA–W–30,446; Machine Technology, Inc., Parsippany, NJ

A certification was issued covering all workers separated on or after September 26, 1993.

TA–W–30,424; Tricon Timber, Inc., (Formerly Located in Missoula, Mt), Florence, MT

A certification was issued covering all workers separated on or after October 12, 1993.

TA–W–30,462; Bridge Manufacturing, Inc., Wilkes-Barre, PA

A certification was issued covering all workers separated on or after July 27, 1993.

TA–W–30,388; Lanier Clothes Div., of Oxford Industries, Unadilla, GA

A certification was issued covering all workers separated on or after September 26, 1993.

TA–W–30,416; Zenith Electronics Corp., Springfield, MO

A certification was issued covering all workers separated on or after June 4, 1994.

TA–W–30,447; Fashion Tanning Co., Inc., Gloversville, NY

A certification was issued covering all workers separated on or after August 19, 1993.

TA–W–30,305; Fishing Vessel Hawk of Smith Brothers, Inc., Fairhaven, MA

A certification was issued covering all workers separated on or after August 29, 1993.

TA–W–30,328 & TA–W–30,329; United Technologies Corp., Pratt & Whitney, North Haven, CT and Southington, CT

A certification was issued covering all workers separated on or after September 7, 1993.

TA–W–30,417; Zenith Electronics Corp., Parts Sales Div., Chicago, IL

A certification was issued covering all workers separated on or after October 4, 1993.

TA–W–30,277; Union Oil Co of Calif. (dba Unocal), Sugarland, TX and Operating at Various Locations in the Following States: A; AL, B; IL, C; LA, D; MI, E; MT, F; NM, G; TX, H; UT, I; WY, J; OK.

A certification was issued covering all workers separated on or after September 6, 1993.

TA–W–30,432; C & V Garments, Brooklyn, NY

A certification was issued covering all workers separated on or after October 11, 1993.

TA–W–30,426; Pro Group/Duckster/Div., Lumberton, NC

A certification was issued covering all workers separated on or after October 11, 1993.

TA–W–30,302; McDonnell Douglas Aerospace, Space Station Div., Huntington Beach, CA

A certification was issued covering all workers separated on or after August 5, 1993.

TA–W–30,258; IBM Corp., Glendale Development Laboratory, Endicott, NY

A certification was issued covering all workers separated on or after July 29, 1993.

TA–W–30,473; Bluestone Farming, Inc., San Diego, CA

A certification was issued covering all workers separated on or after October 25, 1993.

TA–W–30,472 & TA–W–30,472A; Exxon Co. USA, Santa Ynez Production Div. Thousand Oaks, CA & Houston/Corpus Christi Production, Houston, TX

A certification was issued covering all workers separated on or after October 25, 1993.

TA–W–30,437; Solomon Sportswear of Tallassee, Inc., Tallassee, AL

A certification was issued covering all workers separated on or after October 4, 1993.

TA–W–30,176; IBM Corp., AS/400 Div., Including The Integrated Technology Laboratory, Rochester, MN

A certification was issued covering all workers separated on or after July 21, 1993.

TA–W–30,429; Greenhill Petroleum Corp., Lovington, NM

A certification was issued covering all workers separated on or after October 14, 1993.

TA–W–30,445; Feuer Leather Corp., Mercersburg Tanning Co., Mercersburg, PA

TA–W–30,458; Feuer Leather Corp., Allied Split Corp., Johnstown, PA

TA–W–30,471; Feuer Leather Corp., Elton Leather, Gloversvilee, NY

A certification was issued covering all workers separated on or after October 24, 1993.

TA–W–30,233; Saba Energy of Texas, Inc., Midland, TX

A certification was issued covering all workers separated on or after August 2, 1993.

TA–W–30,420; Spring City Knitting, Glendale, AZ

A certification was issued covering all workers separated on or after September 26, 1993.

TA–W–30,430; Flowline Div., New Castle, PA

A certification was issued covering all workers separated on or after March 24, 1994.

TA–W–30,438; Flowline Div., Whiteville, NC

A certification was issued covering all workers separated on or after April 14, 1994.

TA–W–30,460; Bollman Hat Co., Adamstown, PA

A certification was issued covering all workers separated on or after October 13, 1993.

TA–W–30,397; International Business Machines, Microelectronics Div., Endicott, NY

A certification was issued covering all workers engaged in the production of printed circuit boards separated on or after September 30, 1993. *Also,* all workers engaged in the production of chip carriers are denied.

TA–W–30,435 & TA–W–30,435A, B; ABEPP Acquisition Corp., D/B/A Abbott & Co., North Baltimore, OH, and Prospect OH & Marion, OH

A certification was issued covering all workers separated on or after October 10, 1993.

TA–W–30,436, TA–W–30,439, TA–W–30,440; Amco Production Co., APC Auditing Dept., Tulsa, OK, Houston, TX and Denver, CO

A certification was issued covering all workers separated on or after October 11, 1993.

TA–W–30,404; Nahama & Weagant Energy Co., Bakersfield, CA

A certification was issued covering all workers separated on or after October 4, 1993.

TA–W–30,457; Idapine Mill, Grangeville, ID

A certification was issued covering all workers separated on or after October 19, 1993.

TA–W–30,450; Roxanne Swim Suits Co., Inc., Corona, NY

A certification was issued covering all workers separated on or after October 21, 1993.

TA–W–30,371; Finch Manufacturing, West Pittston, PA

A certification was issued covering all workers separated on or after September 16, 1993.

TA–W–30,478; Verona Fashions, Inc., Hoboken, NJ

A certification was issued covering all workers separated on or after November 2, 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 December, 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–00292; Northwest Environmental Services, Inc., Seattle, WA

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of the Act. The Department of Labor has consistently determined that the performance of services did not constitute production of an article as required by the Trade Act of 1974.

NAFTA–TAA–00300; Woods Geophysical, Inc., Mt. Pleasant, MI

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of the Act. The Department of Labor has consistently determined that the performance of services did not constitute production of an article as required by the Trade Act of 1974.

NAFTA–TAA–00287; Jervis B. Webb Co., Webb-Norfolk Conveyor Div., Cohasset, MA

The investigation revealed that criteria (3) and criteria (4) were not met. A survey of major customers revealed that the respondents did not increase imports of material, baggage handling and conveyor systems and parts from Mexico and Canada while decreasing purchases from the subject firms.

NAFTA–TAA–00290; California Manufacturing Co., Plant #3, St. James, MO

The investigation revealed that criteria (3) and criteria (4) were not met. A survey of the major customers revealed that the respondents did not increase imports of men's & boys outerwear jackets from Mexico and Canada while decreasing purchases for the subject firm.

NAFTA–TAA–00296; MAC Tools, Inc., (Division of Stanley), Washington Court House, OH

The investigation revealed that criteria (3) and criteria (4) were not met. There was no shirt in production from the subject facility to Mexico or Canada during the period under investigation, nor did the subject firm import from Mexico or Canada any articles that are like or directly competitive with those produced at the subject plant. A corporate decision was made to shut down its Washington Court House plant & transfer its production to other existing domestic plants.

NAFTA–TAA–00285; Telescope Casual Furniture, Granville, NY

The investigation revealed that criteria (3) and criteria (4) were not met. Petitioners allege importation of raw materials from Canada as the reason for the layoffs. Component parts are not the same as finished products, which is casual furniture in this case, and the finished product is not imported by the subject firm.

NAFTA–TAA–00289; Somerville Paperboard Industries, Rochester, NY

The investigation revealed that criteria (3) and criteria (4) were not met. There was no shift in production from the subject facility to Mexico or Canada during the period under investigation, nor did the company import printed folding cartons from Mexico or Canada.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–00291; Mitel, Inc., Mitel Telecommunications Systems, Inc., Mt. Laurel, NJ

A certification was issued covering all workers of Mitel Telecommunications Systems, Inc., of Mitel, Inc., Mt. Laurel, NJ separated on or after December 8, 1993.

NAFTA–TAA–00304; Crouzet Corp., Gordes Div., Rogers, AR

A certification was issued covering all workers of Crouzet Corp., Gordes Div., Rogers, AR separated on or after December 8, 1993.

NAFTA–TAA–00305; Hospitak, Inc., Lindenhurst, NY

A certification was issued covering all workers of Hospitak, Inc., Lindenhurst, NY separated on or after December 8, 1993.

NAFTA–TAA–00295; Brookshire Knitting Mills, Dallas, TX

A certification was issued covering all workers of Brookshire Knitting Mills, Dallas, TX separated on or after December 8, 1993.

NAFTA–TAA–00288; Asten Dryer Fabrics, Inc., Walterboro, SC

A certification was issued covering all workers of Asten Dryer Fabrics, Inc., Walterboro, SC separated on or after December 8, 1993.

NAFTA–TAA–00293; Wirekraft Industries, Inc., Mishawaka, IN

A certification was issued covering all workers of Wirekraft Industries, Inc., Mishawaka, Inc. separated on or after December 8, 1993.

NAFTA–TAA–00281; AlliedSignal, Inc., AlliedSignal Aerospace Electric Power Operations, Orangeburg, SC

A certification was issued covering all workers engaged in the production of convertors at AlliedSignal, Inc., AlliedSignal Aerospace Electric Power Operations, Orangeburg, SC separated on or after December 8, 1993.

NAFTA–TAA–00282; Tecnol Medical Products, Inc., Sports Supports, Inc., Division, Konawa, OK

A certification was issued covering all workers engaged in the employment of backbelts & braces at the Sports Supports, Inc., Div. of the Tecnol Medical Products, Inc., Konawa, OK separated on or after December 8, 1994.

I hereby certify that the aforementioned determinations were issued during the month of December, 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: January 10, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–1491 Filed 1–19–95; 8:45 am]

BILLING CODE 4510–30–M

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 supersede as 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.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determination Issued Under the Davis-Bacon and Related Acts'' are listed by Volume and State:

Volume IV

Indiana:
IN940040 (Jan. 20, 1995)
IN940041 (Jan. 20, 1995)

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

New York: NY940003 (Feb. 11, 1994)

Volume II

Delaware: DE940001 (Feb. 11, 1994)
Maryland:
MD940001 (Feb. 11, 1994)
MD940011 (Feb. 11, 1994)
MD940021 (Feb. 11, 1994)
MD940032 (Feb. 11, 1994)
MD940035 (Feb. 11, 1994)
MD940037 (Feb. 11, 1994)
Pennsylvania: PA940014 (Feb. 11, 1994)
Virginia:
VA940003 (Feb. 11, 1994)
VA940015 (Feb. 11, 1994)
VA940018 (Feb. 11, 1994)
VA940054 (Feb. 11, 1994)
VA940080 (Feb. 11, 1994)
VA940081 (Feb. 11, 1994)
VA940112 (Aug. 12, 1994)
VA940113 (Sep. 02, 1994)
West Virginia:
WV940002 (Feb. 11, 1994)
WV940003 (Feb. 11, 1994)

Volume III

None

Volume IV

Illinois: IL940019 (Feb. 11, 1994)

Volume V

Missouri: MO940001 (Feb. 10, 1994)
Nebraska: NE940002 (Feb. 11, 1994)

Volume VI

Hawaii: HI940001 (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 county. 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, D.C. this 13th day of January 1995.

Alan L. Moss,

Director, Division of Wage Determination.

[FR Doc. 95–1347 Filed 1–19–95; 8:45 am]

BILLING CODE 4515–27–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on February 3–4, 1995. The Council will meet from 9:00 a.m. to 5:30 p.m. on February 3, 1995 and from 9:00 a.m. to 1:00 p.m. on February 4, 1995 in Room MO–9, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C, 20506.

This meeting will be open to the public on a space available basis. Topics of discussions will include: a Legislative Update, program review for the Folk and Traditional Arts and State and Regional Programs, guidelines for Advancement, Arts in Education: Arts Plus, Local Arts Agencies, and Media Arts: Film Preservation, Music: Ensembles and Festivals, Opera-Musical Theatre, Presenting, and Visual Arts: Organizations; application review; reports on the President's Committee on the Arts and the Humanities, and Interagency Partnerships.

If, in the course of application discussion review, it becomes necessary for the Council to discuss nonpublic commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews which are open to the public.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682–5532, TTY 202/682–5496, at least 7 days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Karen Murphy, Office of Public Affairs, National Endowment for the Arts, Washington, D.C. 20506, at 202/682–5570.

Dated: January 13, 1995.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–1468 Filed 1–19–95; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting a notice of information collection that will affect the public. Interested persons are invited to submit comments by February 17, 1995. Copies of materials may be obtained at the NSF address or telephone number shown below.

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Contracts, Policy, and Oversight, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, or by telephone (703) 306–1243.

Comments may also be submitted to:

(B) *OMB Desk Officer.* Officer of Information and Regulatory Affairs, ATTN: Dan Chenok, Desk Officer, OMB 722 Jackson Place, Room 3208, NEOB, Washington, DC 20503.

Title: 1995 Survey of Doctorate Recipients

Affected Public: Individuals

Respondents/Reporting Burden: 25,075 respondents: average 25 minutes per response

Abstract: This survey will collect demographic and laborforce data on PH.D scientists, engineers, and humanists. This information will be used in policy and planning activities by government agencies, educational institutions and private industry

Dated: January 13, 1995.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 95–1413 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Antarctic Conservation Act of 1978 Permit Applications

AGENCY: National Science Foundation.

ACTION: Notice of permit issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required Notice.

FOR FURTHER INFORMATION CONTACT: Robert S. Cunningham or Peter R. Karasik, Permit Office, Office of Polar Programs, National Science Foundation, 4201 Wilson Blvd., Rm 755, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION/PERMIT NO. 96WM1–MCCONNEL: On October 12, 1994, the National Science Foundation published a notice in the **Federal Register** of permit applications received. An environmental assessment addressing the decision to issue the permit entitled, Issuance of Waste Permit for 1995 Antarctic Expedition, Mr. Bob McConnel, Team Leader, was prepared prior to the issuance of the permit and is available for public review. A permit was issued on January 9, 1995 to the following applicant: Mr. Bob McConnel, Team Leader, 1995 Antarctic Expedition, 128 S. Tejon, Suite 410, Colorado Springs, CO 80903.

Effective Date: November 1, 1995.
Expiration Date: March 30, 1996.

Winifred M. Reuning,

Permit Office.

[FR Doc. 95–1386 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Biological Sciences (#1754).

Date and Time: January 26–27, 1995, 8:00 a.m. to 5:00 p.m. each day.

Place: Room 310, National Science Foundation, 4201 Wilson Boulevard, Arlington VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Scott L. Collins, Program Director, Ecological Studies, Room

635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1479.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NFS for financial support.

Agenda: To review and evaluate Conservation and Restoration Biology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government Sunshine Act.

Reason for Late Notice: Difficulty in selecting participants.

Dated: January 17, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–1442 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Civil and Mechanical Systems: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name; Special Emphasis Panel in Civil and Mechanical Systems #1205).

Date & time: February 7 & 8, 1995; 8:30 A.M. to 5:00 P.M.

Place: NSF, Rm. 320, 4201 Wilson Blv., Arlington, VA.

Contact: Dr Devendra P. Garg, Program Director, Room 545, NSF.

Type of meeting: Closed

Purpose of meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Agenda

To review and evaluate Faculty Early Career Development (CAREER) proposals as part of the selection process for awards.

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associate with the proposals. These matters are exempt under 5 U.S.C. 552b (c), (4) and (6) of the Government in the Sunshine Act.

Dated: January 17, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–1444 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Engineering Education and Centers; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Engineering Education and Centers (#173).

Date/Time: February 9–10, 1995, 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 320, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. John Prados, Program Officer, Engineering Education and Centers Division, National Science Foundation, 4201 Wilson Blvd., Room 585, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Engineering Education Coalitions program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: January 17, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–1439 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Committee on Equal Opportunities in Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Engineering (CEOSE) (1173).

Date and Time: February 8, 1995; 10:00 a.m.–5:00 p.m. (Open)
February 9, 1995; 8:30 a.m.–5:00 p.m. (Open)
February 10, 1995; 8:30 a.m.–12:00 Noon (Open)

Place: Room 1235, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Wanda E. Ward, Executive Secretary, CEOSE, National Science Foundation, 4201 Wilson Boulevard, Room 805, Arlington, VA 22230. Telephone: (703) 306–1604.

Summary Minutes: May be obtained from the Executive Secretary at the above address.

Purpose of Meeting: Working sessions to plan/prepare/discuss the Report to Congress and issues that bear on it.

Summary Agenda: February 8: 10:00 a.m. to 5:00 p.m.—Working sessions to plan/discuss/prepare the Report to Congress 5:00 p.m.—Reception, Room 340, February 9: 8:30 a.m. to 5:00 p.m.—Working sessions to plan/discuss/prepare the Report to Congress, February 10: 8:30 a.m. to 12:00 Noon—Working sessions to plan/discuss/prepare the Report to Congress; discussion of NSF future directions

Dated: January 17, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–1440 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in International Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in International Programs.

Date and Time: February 6–7, 1995; 8:30 a.m. to 5:00 p.m. (Alternate date due to bad weather: February 9–10, 1995)

Place: Rooms 365, 370, 380 and 390.

Type of Meeting: Closed.

Contact Person: Janice Cassidy or Susan Parris, Division of International Programs, Room 935, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Telephone: (703) 306–1701 or (703) 306–1711.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate applications submitted to the Division of International Programs for the International Junior Investigator and Postdoctoral Fellowship programs as part of the selection process for awards.

Reason for Closing: The meeting is closed to the public because of the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: January 17, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–1443 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Long-Term Projects in Environmental Biology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science

Foundation announces the following meeting:

Name: Advisory Panel for Long-Term Projects in Environmental Biology (#1752).

Date and Time: February 6–7, 1995: 8:00 am to 5:00 pm each day.

Place: Room 360, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. James R. Estes, Program Director, Long-Term Projects in Environmental Biology, Room 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1479.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Biotic Survey and Inventory proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information: financial data, such as salaries: and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government Sunshine Act.

Reason for Late Notice: Difficulty in selecting participants.

Date: January 17, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–1441 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Physics (1208).

Date and Time: Wednesday, February 8, 1995; 8:30 a.m.–5:00 p.m.

Place: Room 365, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Gino Segre, Program Director for Theoretical Physics, Division of Physics, Room 1015, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1889.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Theoretical Physics Career proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: January 17, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–1438 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Physics (#1208).

Date and time: February 6–7, 1995 from 8:30 a.m. to 5:00 p.m.

Place: Harvard University, Physics Department, Room: Jefferson 462, 17A Oxford Street, Cambridge, MA 02138.

Type of meeting: Closed.

Contact person: Barry I. Schneider, Program Director for Atomic, Molecular and Optical Physics, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone (703) 306–1890.

Purpose of meeting: To advise the National Science Foundation on the project ''Manipulating Matter with Light'' (Light Force Project).

Agenda

To review and evaluate the current state and plans of the Light Force Project and to provide advice and guidance for successful management of the Project in its remaining three years of funding.

Reason for Closing

The project plans being reviewed include information of a proprietary or confidential nature, including technical information; information on personnel and proprietary date for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: January 17, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–1446 Filed 1–19–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and committee code: Special Emphasis Panel in Polar Programs (1209).

Date and time: February 08, 09, 10; 8:30 AM to 5:00 PM.

Place: Room 360, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of meeting: Closed.

Contact person: Dr. Patrick J. Webber, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1029.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda

To review and evaluate Ocean/Atmosphere/Ice Interactions nominations/applications as part of the selection process for awards.

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: January 17, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–1445 Filed 1–19–95: 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–454, STN 50–455, STN 50–456, and STN 50–457]

Commonwealth Edison Company; Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–37 and NPF–66, issued to Commonwealth Edison Company (ComEd, the licensee) for operation of Byron Station, Unit Nos. 1 and 2, located in Ogle County, Illinois, and to Facility Operating License Nos. NPF–72 and NPF–77 for operation of Braidwood Station, Unit Nos. 1 and 2, located in Will County, Illinois.

Environmental Assessment

Identification of Proposed Action

By letter dated November 7, 1994, Commonwealth Edison Company (ComEd, the licensee) requested changes to the technical specifications (TS) for Byron Stations, Units 1 and 2, and Braidwood Station, Units 1 and 2, to permit the use of higher enriched fuel and to specify the spent fuel storage requirements for Regions 1 and 2 of the spent fuel pools.

The proposed changes would allow for the storage of fuel with enrichment not to exceed a nominal 5.0 weight

percent (w/o) Uranium 235 (U–235 in the spent fuel storage racks. An enrichment manufacturing tolerance of ±0.05 percent U–235 about the nominal value was incorporated into the analysis.

The purposed action is in accordance with the licensee's application for amendment dated November 7, 1994, as supplemented by letter dated December 16, 1994.

The Need for Proposed Action

The proposed changes are needed so that the licensee can use higher fuel enrichment to provide the flexibility of extending the fuel irradiation and to reduce the number of new fuel assemblies required per reload which will reduce spent fuel storage space requirements.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revisions to the TS. The proposed revisions would permit use of fuel enriched to a nominal 5.0 weight percent U–235. The safety considerations associated with reactor operation with higher enrichment and extended irradiation have been evaluated by the NRC staff. The staff has concluded that such changes would not adversely affect plant safety. The proposed changes have no adverse effect on the probability of any accident. The higher enrichment, with fuel burnup to 60,000 megawatt days per metric ton Uranium, may slightly change the mix of fission products that might be released in the event of a serious accident, but such small changes would not significantly affect the consequences of serious accidents. No changes are being made in the types or amounts of any radiological effluents that may be released offsite. There is no significant increase in the allowable individual or cumulative occupational radiation exposure.

The environmental impacts of transportation resulting from the use of higher enrichment fuel and extended irradiation were published and discussed in the staff assessment entitled, ''NRC Assessment of the Environmental Effects of Transportation Resulting from Extended Fuel Enrichment and Irradiation,'' dated July 7, 1988, and published in the **Federal Register** (53 FR 30355) on August 11, 1988, as corrected on August 24, 1988 (53 FR 32322) in connection with Shearon Harris Nuclear Power Plant, Unit 1: Environmental Assessment and Finding of No Significant Impact. As indicated therein, the environmental cost contribution of the proposed increase in the fuel enrichment and irradiation limits are either unchanged or may, in fact, be reduced from those summarized in Table S–4 as set forth in 10 CFR 51.52(c). These findings are applicable to Byron, Units 1 and 2, and Braidwood, Units 1 and 2. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed amendment.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed action.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any other alternative would have equal or greater environmental impacts and need not be evaluated.

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in a change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to operation of Byron, Units 1 and 2, and Braidwood, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, the staff consulted with the Illinois State Official regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

For further details with respect to this action, see the application for amendments dated November 7, 1994, as supplemented by letter dated December 16, 1994, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for Byron Station, the Byron Public Library, 109 N. Franklin, P.O. Box 434, Byron, Illinois, and for Braidwood Station, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois.

Dated at Rockville, Maryland, this 13th day of January 1995.

For the Nuclear Regulatory Commission.

Clyde Y. Shiraki,

Acting Director, Project Directorate III–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–1473 Filed 1–19–95; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Thermal Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on January 27, 1995, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss General Electric Nuclear Energy (GENE) proprietary information pursuant to (5 U.S.C. 552b(c)(4)).

The agenda for the subject meeting shall be as follows:

Friday, January 27, 1995—8:30 a.m. Until the Conclusion of Business

The Subcommittee will continue its review of the issues associated with the NRC staff Safety Evaluation Report supporting modifications to the Emergency Procedure Guidelines to address BWR core power stability/ATWS. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer

named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, BWR Owners' Group, GENE, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Paul A. Boehnert (telephone 301/415–8065) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual on the working day prior to the meeting to be advised of any potential changes in the proposed agenda, etc., that may have occurred.

Dated: January 13, 1995.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 95–1471 Filed 1–19–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–237]

Commonwealth Edison Company; (Dresden Nuclear Power Station, Unit 2); Exemption

I

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License No. DPR–19, which authorizes operation of the Dresden Nuclear Power Station, Unit 2 (the facility), at a steady-state power level not in excess of 2527 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Grundy County, Illinois. This license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

By letter dated November 23, 1994, pursuant to 10 CFR 50.12(a), ComEd requested a schedular exemption for Dresden, Unit 2, from the 24-month test interval for the Type B and C local leak rate test (LLRT) as required by 10 CFR Part 50, Appendix J, Sections III.D.2(a) and III.D.3. The exemption is requested to avoid a potential reactor shut down to perform the Type B and C tests.

Due to two forced outages, ComEd has had to reschedule the Dresden, Unit 2, refueling outage from February 1995 to July 1995. Subsequently, ComEd requested a maximum extension of up to an additional 180 days for the most extreme case, from performing the Type B and C testing. The Type B and C tests cannot be performed during power operation.

III

In its letter dated November 23, 1994, ComEd requested a one-time exemption from the 24-month Type B and C test interval requirements of Appendix J for certain volumes (i.e., bellows, manway gasket seals, flanges, and isolation valves) identified in Attachment III of the licensee's submittal. ComEd stated that these volumes cannot be tested while the reactor is at power and provided the basis for this conclusion in Attachment IV of their submittal.

The licensee provided leakage test results and maintenance information on these volumes for the past two refueling outages. The current maximum pathway leakage rate for Dresden, Unit 2, as determined through Type B and C leak rate testing, is 309.46 standard cubic feet per hour (scfh). This value is approximately 63 percent of the Technical Specification (TS) limit of 488.45 scfh ($o.6L_a$). In addition, the previous outage ''as left'' total minimum pathway leakage rate for Type B and C testable penetrations was 173.25 scfh.

The Type A integrated leak rate test, which obtains the summation of all potential leakage paths (including containment welds, valves, fittings, and penetrations) was performed on May 14, 1993. The resulting leakage from the test was 493.36 scfh. This value is approximately 80.8 percent of the limit specified in the TS ($o.75\ L_a$).

In order to provide an added margin of safety and to account for possible increases in the leakage rates of untested volumes during the relatively short period of the exemption, Dresden Nuclear Power Station, United 2, will impose an administrative limit for maximum pathway leakage of 80 percent of $0.6L_a$ for the remaining Unit 2 fuel cycle.

To reduce the number of volumes which need an exemption, ComEd will test the volumes listed in Attachment V of their submittal during reactor operation. In addition, volumes listed in Attachment III of their submittal will be tested should a forced outage of suitable duration occur prior to July 16, 1995.

The staff has reviewed ComEd's submittal regarding the Appendix J test interval exemption request. In summary, the staff finds that, for the specific volumes listed in Attachment III of ComEd's submittal, extending the schedule for the required Type B and C tests by 180 days will not affect containment integrity based on the following:

1. Testing has shown low ''as found'' leakage during the past two outages. The ample margin between the measured leakage and the allowable leakage should accommodate any degradation likely to be experienced for these components during the extended period.

2. The intent of Appendix J was that Type B and C testing be performed during a refueling outage. It is not the intent of Appendix J to require a shutdown solely for surveillance testing. The exemption would provide relief from the requirements of Appendix J to allow a test interval extension for these components which only became necessary as a result of rescheduling the Unit 2, Cycle 14, refueling outage .

Based on the above discussion, the staff finds that for the component volumes identified in Attachment III of ComEd's submittal, an exemption from the LLRT test frequency specified in Appendix J should be granted.

IV

Based on the above, the staff concludes that the licensee's proposed extension of the test intervals for test components identified in its submittal is acceptable. This is a one-time exemption from the Type B and C test interval requirements as prescribed in Appendix J, and is intended to be in effect until July 16, 1995. This approval is based on the assumption that all other tests will be conducted in accordance with the requirements of Appendix J.

The Commission's regulations at 10 CFR 50.12 provide that special circumstances must be present in order for an exemption from the regulations to be granted. According to 10 CFR 50.12(a)(2)(ii), special circumstances are present whenever application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of the requirement to perform Type B and Type C containment leak rate tests at intervals not to exceed 2 years, is to ensure that any potential leakage pathways through the containment boundary are identified within a time span that prevents significant degradation from continuing

or being unknown, and long enough to allow the tests to be conducted during scheduled refueling outages. This interval was originally published in Appendix J when refueling cycles were conducted at approximately annual intervals and has not been changed to reflect 18-month or 2-year operating cycles. It is not the intent of the regulation to require a plant shutdown solely for the purpose of conducting the periodic leak rate tests. As indicated above, based on past local leakage rate testing data, the 180-day extension of the test interval will not affect the performance of the containment. To require a shutdown solely for surveillance testing would not serve the underlying purpose of the rule.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that this exemption is authorized by law and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. In addition, the Commission has found special circumstances in that application of the regulation in these particular circumstances would not serve the underlying purpose of the rule. Therefore, the Commission hereby grants the exemption from 10 CFR Part 50, Appendix J, Sections III.D.2(a) and III.D.3 to the extent that the Appendix J test interval for performing Type B tests (except for air locks) and Type C tests may be extended for 180 days until July 16, 1995, on a one-time only basis, for Dresden, Unit 2, as described in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the quality of the human environment (60 FR 3277).

Dated at Rockville, Maryland this 13th day of January 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–1474 Filed 1–19–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–286]

Power Authority of the State of New York; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–64, issued to the Power Authority of the State of New York (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 3 located in Westchester County, New York.

The proposed amendment would revise Section 3.10.8 and the associated Bases of the Indian Point Nuclear Generating Unit No. 3 Technical Specifications. Specifically, the proposed revision would reduce the maximum allowable control rod drop time from 2.4 to 1.8 seconds. The change would remove, for testing purposes, the allowance for a seismic event (0.6 seconds), which had been integral to the 2.4 second safety analysis basis. Since a seismic event cannot be simulated during the rod drop time test, the more conservative testing acceptance criteria value of 1.8 seconds is needed to ensure that the plant is within its design basis. This proposed revision will support control rod testing which is required during startup from the current outage.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the criteria of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

The proposed amendment will reduce the allowable measured drop time in order to ensure that during a seismic event coincident with a reactor scram, the drop times do not exceed the design basis drop time of 2.4 seconds. Since this change results in a more restrictive drop time requirement, the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

Changing the allowable control rod drop time to a value which does not include a seismic allowance will clarify the operating requirements for the system and ensure that the Technical Specifications are consistent with the safety analysis and the [Final Safety Analysis Report] FSAR.

Therefore, the proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed change to Technical Specification 3.10.8 is more restrictive than the specification as it is currently written. The proposed amendment to the basis for Section 3.10 will clarify the requirements for rod drop testing. Therefore, the proposed amendment would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice

of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 21, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Michael J. Case: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 16, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 13th day of January 1995.

For the Nuclear Regulatory Commission.

Michael J. Case,

Acting Director, Project Directorate I–I, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–1472 Filed 1–19–95; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Federal Acquisition Regulation (FAR) REWRITE

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Core Guiding Principles for the Federal Acquisition System.

SUMMARY: The Board of Directors for the FAR Rewrite Project finalizes the core guiding principles for the federal acquisition system.

DATES: Effective January 20, 1995.

FOR FURTHER INFORMATION CONTACT: Susan E. Alesi, Special Assistant for Regulations, Office of Federal Procurement Policy, 202–395–6803.

SUPPLEMENTARY INFORMATION: On September 7, 1993, the Vice President released the report of the National Performance Review (NPR) which, among other things, requires the Administration to simplify the procurement process through reform of the federal acquisition regulatory system. In response to the report, Steve Kelman, the Administrator for Federal Procurement Policy, established a Board of Directors, comprised of senior level individuals from the Executive Branch, to develop a plan for regulatory reform.

As a first step the Board decided to formulate a set of core guiding principles intended as a vision statement for the federal acquisition system. The Board also decided to supplement the basic principles with accompanying discussion and performance standards for the system.

The first drafts of principles (59 FR 26772 and 59 FR 52844) drew on the concepts espoused by the NPR and what the Board considered to be good business practices such as greater reliance on the good sense and business judgment of the procurement workforce; satisfying the needs of the customer; reducing unnecessary layers of review; emphasizing the importance of timeliness in the procurement process; and an orientation to best value judgments in making contract awards.

The final version of the principles clarifies the principles set forth in the first draft and includes an additional concept, suggested through the public comment process, which the Board believes would significantly increase the opportunity for innovation in procurement. Thus, the revised set of principles make it clear that if a policy is not specifically addressed in the FAR, Government members of the acquisition team should not assume that it is prohibited.

It is intended that the core principles be used in a twofold manner; first, they will be issued in the preface to the FAR not only as a statement of the goals of the system but also to guide future changes to the FAR; and second, they will be used by the drafting teams in the actual rewrite of the FAR.

We encourage agencies to make this statement of core guiding principles available to program customers and contractors, and to make the core principles a part of the basic training materials provided to all personnel involved in the acquisition process.

Statement of Guiding Principles Federal Acquisition System

The vision for the Federal Acquisition System is to deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives. Participants in the acquisition process should work together as a team and should be empowered to make decisions within their area of responsibility.

The Federal Acquisition System will:

* satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service, by, for example,

** maximizing the use of commercial products and services,

** using contractors with a track record of successful past performance or who demonstrate a current superior ability to perform, and

** promoting competition;

* minimize administrative operating costs;

* conduct business with integrity, fairness, and openness; and

* fulfill public policy objectives.

The Acquisition Team consists of all participants in Government acquisition including not only representatives of the technical, supply and procurement communities but also the customers they serve, and the contractors who provide the products and services.

The role of each member of the Acquisition Team is to exercise personal initiative and sound business judgment in providing the best value product or service to meet the customer's needs. In exercising initiative, Government members of the Acquisition Team may assume that if a specific strategy, practice, policy or procedure is in the best interests of the Government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive Order or other regulation, that the strategy, practice, policy or procedure is a permissible exercise of authority.

Discussion

Introduction

The Statement of Acquisition Guiding Principles for the Federal Acquisition System (System) represents a concise statement designed to be user-friendly for all participants in Government acquisition. The following discussion of the principles is provided in order to illuminate the meaning of the terms and phrases used. The framework for the System includes the Guiding Principles for the System and the supporting policies and procedures in the Federal Acquisition Regulation (FAR).

Vision

All participants in the System are responsible for making acquisition decisions that deliver the best value product or service to the customer. Best value must be viewed from a broad perspective and is achieved by balancing the many competing interests in the System. The result is a system which works better and costs less.

Performance Standards

• Satisfy the Customer in Terms of Cost, Quality, and Timeliness of the Delivered Product or Service

The principle customers for the product or service provided by the System are the users and line managers, acting on behalf of the American taxpayer.

The System must be responsive and adaptive to customer needs, concerns, and feedback. Implementation of acquisition policies and procedures, as well as consideration of timeliness, quality, and cost throughout the process, must take into account the perspective of the user of the product or service.

When selecting contractors to provide products or perform services, the government will use contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform.

The government must not hesitate to communicate with the commercial sector as early as possible in the acquisition cycle to help the

government determine the capabilities available in the commercial marketplace. The government will maximize its use of commercial products and services in meeting Government requirements.

It is the policy of the System to promote competition in the acquisition process.

The System must perform in a timely, high quality, and cost-effective manner.

All members of the Team are required to employ planning as an integral part of the overall process of acquiring products or services. Although advance planning is required, each member of the Team must be flexible in order to accommodate changing or unforeseen mission needs. Planning is a tool for the accomplishment of tasks, and application of its discipline should be commensurate with the size and nature of a given task.

• Minimize Administrative Operating Costs

In order to ensure that maximum efficiency is obtained, rules, regulations, and policies should be promulgated only when their benefits clearly exceed the costs of their development, implementation, administration, and enforcement. This applies to internal administrative processes, including reviews, and to rules and procedures applied to the contractor community.

The System must provide uniformity where it contributes to efficiency or where fairness or predictability is essential. The System should also, however, encourage innovation, and local adaptation where uniformity is not essential.

• Conduct Business With Integrity, Fairness, and Openness

An essential consideration in every aspect of the System is maintaining the public's trust. Not only must the System have integrity, but the actions of each member of the Team must reflect integrity, fairness and openness. The foundation of integrity within the System is a competent, experienced, and well-trained, professional workforce. Accordingly, each member of the Team is responsible and accountable for the wise use of public resources as well as acting in a manner which maintains the public's trust. Fairness and openness require open communication among team members, internal and external customers, and the public.

To achieve efficient operations, the System must shift its focus from ''risk avoidance'' to one of ''risk management.'' The cost to the taxpayer of attempting to eliminate all risk is prohibitive. The Executive Branch will accept and manage the risk associated with empowering local procurement officials to take independent action based on their professional judgment.

• Fulfill Public Policy Objectives

The System must support the attainment of public policy goals adopted by the Congress and the President. In attaining these goals, and in its overall operations, the process shall ensure the efficient use of public resources.

Acquisition Team

The purpose of defining the Federal Acquisition Team (Team) in the Acquisition Guiding Principles is to ensure that participants in the System are identified—beginning with the customer and ending with the contractor of the product or service. By identifying the team members in this manner, teamwork, unity of purpose and open communication among the members of the Team in sharing the vision and achieving the goal of the System are encouraged. Individual team members will participate in the acquisition process at the appropriate time.

Role of the Acquisition Team

Government members of the Team must be empowered to make acquisition decisions within their areas of responsibility, including selection, negotiation, and administration of contracts consistent with the Guiding Principles. In particular, the Contracting Officer must have the authority, to the maximum extent practicable and consistent with law, to determine the application of rules, regulations, and policies, o a specific contract.

The authority to make decisions and the accountability for the decisions made will be delegated to the lowest level within the System, consistent with law.

The Team must be prepared to perform the functions and duties assigned. The government is committed to provide training, professional development, and other resources necessary for maintaining and improving the knowledge, skills, and abilities for all Government participants on the Team, both with regard to their particular area of responsibility within the System, and their respective role as a team member. The contractor community is encouraged to do likewise.

The System will foster cooperative relationships between the government and its contractors consistent with its overriding responsibility to the taxpayers.

The FAR outlines procurement policies and procedures that are used by members of the acquisition team. If a policy or procedure, or a particular strategy or practice is in the best interest of the Government and is not specifically addressed in the FAR, nor prohibited by law (statute or case law), Executive Order or other regulation, Government members of the Team should not assume it is prohibited. Rather, absence of direction should be interpreted as permitting the Team to innovate and use sound business judgment that is otherwise consistent with law and within the limits of their authority.

Steven Kelman,

Administrator.

[FR Doc. 95–1397 Filed 1–19–95; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Request for Reclearance of Form RI 38–115

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for reclearance of an information collection. Form RI 38–115, Representative Payee Report, is designed to collect information about how the benefits paid to a representative payee have been used or conserved for the benefit of the incompetent annuitant.

Approximately 12,200 RI 38–115 forms are completed annually. The form requires an estimated 60 minutes to complete. The total annual burden is 12,200 hours.

For copies of this proposal, contact Doris R. Benz on (703) 908–8564.

DATES: Comments on this proposal should be received on or before February 21, 1995.

ADDRESSES: Send or deliver comments to:

Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Group, U.S. Office of Personnel Management, 1900 E Street NW., Room 3349, Washington, DC 20415;

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and

Budget, New Executive Office Building NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief, Forms Analysis & Design Section, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95–1392 Filed 1–19–95; 8:45 am]

BILLING CODE 6325–01–M

Notice of Request for a Revised Clearance of Form RI 92–19

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. C. chapter 35), this notice announces a request for a revised clearance of an information collection. Form RI 92–19, Application for Deferred or Postponed Retirement (FERS), will be used by separated employees to apply for either a deferred or postponed FERS annuity benefit.

Approximately 1,272 forms are completed annually. We estimate that the form requires approximately 60 minutes to complete. The estimated annual burden is 1,272 hours.

For copies of this proposal, contact Doris R. Benz on (703) 908–8564.

DATES: Comments on this proposal should be received on or before February 21, 1995.

ADDRESSES: Send or deliver comments to:

Daniel A. Green, FERS Division, Retirement and Insurance Group, U.S. Office of Personnel Management, 1900 E Street, NW., Room 4429, Washington, DC 20415;

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief, Forms Analysis & Design Section (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95–1393 Filed 1–19–95; 8:45 am]

BILLING CODE 6325–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Columbia River Basin Fish and Wildlife Program; Extension of Deadline

January 11, 1995.

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Extension of deadline for submission of recommendations for amendments to the Columbia River Basis Fish and Wildlife Program (measures for resident fish, wildlife and other matters).

SUMMARY: Pursuant to the Pacific Electric Power Planning and Conservation Act (the Northwest Power Act, 16 U.S.C. section 839, et seq.) the Pacific Northwest Electric Power and Conservation Planning Council (Council) extends the deadline for submitting recommendations for amendments to the resident fish, wildlife and other non-anadromous fish measures in the Columbia River Basin Fish and Wildlife Program (program), from January 13, 1995 to January 27, 1995.

BACKGROUND: In August, 1994, the Council invited fish and wildlife agencies, Indian tribes and others to submit recommendations for amendments to the resident fish, wildlife and other sections of the program not specifically related to anadromous fish. At the request of interested parties, the council has extended the deadline for submitting such recommendations several times. Recently, the Council received additional requests to extend the deadline.

SUBMISSION OF RECOMMENDATIONS: The Council hereby extends the deadline for submitting recommendations for amendments to the program's resident fish, wildlife and other non-anadromous fish measures from January 13, 1995 to January 27, 1995. Recommendations must be submitted by 5 p.m. Pacific time on January 27, 1995, to Rick Applegate, Director, Fish and Wildlife Division, Northwest Power Planning Council, 851 S.W. Sixth Avenue, Portland, Oregon 97204–1348. The form of such recommendations has been addressed in prior notices.

FOR FURTHER INFORMATION CONTACT: Contact the Council's Public Affairs Division, 851 S.W. Sixth Avenue, Suite 1100, Portland, Oregon 97204 or (503) 222–5161, toll free 1–800–222–3355.

Edward W. Sheets,

Executive Director.

[FR Doc. 95–1450 Filed 1–19–95; 8:45 am]

BILLING CODE 0000–00–M

POSTAL SERVICE

Verification Procedures for Second-Class Publications

AGENCY: Postal Service.

ACTION: Proposed procedure.

SUMMARY: The Postal Service proposes to revise its procedures for determining whether authorized second-class publications continue to meet the applicable eligibility requirements and whether the proper amount of postage is paid on the mailings of these publications. Under the revised procedures, the Postal Service will conduct a postage payment review of all publications at least once a year at the time of mailing of one of the issues of the publications to be reviewed. A separate eligibility review will be scheduled only in certain instances. To facilitate the eligibility review, the publisher of an authorized second-class publication will be required to provide circulation data to the Postal Service before the review is undertaken.

DATES: Comments must be received on or before February 21, 1995.

ADDRESSES: Written comments should be mailed or delivered to the Manager, Business Mail Acceptance, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–6808. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8530 at the above address.

FOR FURTHER INFORMATION CONTACT: Edward Mayhew, (212) 613–8747.

SUPPLEMENTARY INFORMATION: In accordance with its statutory responsibilities, the Postal Service must ensure that authorized second-class publications continue to meet the second-class eligibility requirements and that these publications pay the proper amount of postage on mailings. See 39 U.S.C. 404, 3685.

Verifications of publications are one of the means used to achieve these goals. Currently, the Postal Service schedules a second-class publication for review every 1 to 3 years, depending on the number of original entries authorized at the post office conducting the review. The review procedure includes verification of the accuracy of

the mailing statement (postage payment) and the eligibility of the publication to qualify for second-class privileges, particularly, compliance with the circulation requirements.

After examining these procedures, the Postal Service believes that the procedures do not promote the most efficient use of postal resources. On one hand, the Postal Service believes that eligibility reviews need not be conducted for all publications. That is, where other evidence provides assurance that a publication remains eligible for second-class privileges, an on-site verification need not invariably be conducted. On the other hand, the Postal Service believes that postage payment verification for all publications should be conducted at least once a year. Accordingly, the following procedures are proposed.

The Postal Service proposes to separate the postage payment part of the review from the eligibility part. Each second-class publication will receive a postage payment review of one of the issues at least once each calendar year. This review will be conducted at the time of mailing at each post office where second-class postage is paid. Publishers claiming automation and presort rates will be required, at the review, to submit the documentation required by the Postal Service to substantiate the publication's eligibility for automation and presort rate levels.

For those publications subject to circulation standards, the Postal Service proposes using the annual Statement of Ownership, Management, and Circulation (PS Form 3526) as the basis for evaluating whether a second-class publication continues to meet the applicable eligibility requirements of being distributed to 50 percent or more persons who have paid for or requested the publication.

A review will be scheduled based on the percentage of paid or requested circulation shown by the publisher on PS Form 3526. The Postal Service still reserves its right to audit if there is a question about the eligibility of a publication.

When a second-class publication is selected for an eligibility review, the publisher will be notified by the post office serving the known office of publication. The publisher will be advised of the issue to be verified.

In order that the review may be conducted as quickly and efficiently as possible, the publisher will be asked to provide circulation information prior to the review. The Postal Service will revise PS Form 3548, Review and Verification of Circulation, for this purpose.

Accordingly, the original entry post office will mail the publisher a blank Form 3548, with a cover letter asking the publisher to complete the unshaded parts of the form for the issue specified. The publisher will be given 15 days from the receipt of the cover letter to return the completed form to the post office of the original entry office.

The unshaded parts of the Form 3548 will contain information relating to the total distribution of the issue being reviewed. The Postal Service will then send a representative to the known office of publication to examine the circulation records.

Publications that are audited by Postal Service-approved independent audit bureaus will continue to have their eligibility and postage payment reviews conducted by the independent audit bureaus. Publications mailing under the Centralized Postage Payment system will continue to have their postage payment reviews conducted annually by the New York Rates and Classification Service Center.

Appropriate procedures to reflect these changes will be implemented if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–1424 Filed 1–19–95; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Application and Claim for Unemployment Benefits and Employment Service.

(2) *Form(s) submitted:* UI–1 (ES–1), UI–3.

(3) *OMB Number:* 3220–0022.

(4) *Expiration date of current OMB clearance:* November 30, 1996.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 29,000.

(8) *Total annual responses:* 294,000.

(9) *Total annual reporting hours:* 26,916.

(10) *Collection description:* Under Section 2 of the Railroad Unemployment Insurance Act, unemployment benefits are provided for qualified railroad employees. The collection obtains from railroad employees who apply for and claim unemployment benefits the information needed for determining eligibility for and amount of such benefits.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 95–1454 Filed 1–19–95; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–35227; File No. SR–CBOE–94–55]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Short Interest Reporting Requirements

January 13, 1995.

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 January 3, 1995, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. On January 5, 1995, the CBOE filed Amendment No. 1 to the proposed rule change.[1] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to require each member of the Exchange to report their short stock positions if the member meets the following three requirements: (1) The member clears stock transactions, (2) the Exchange is the designated Examining Authority (''DEA'') for the member, and (3) the

[1] *See* letter from Timothy Thompson, attorney, CBOE, to Glen Barrentine, Senior Counsel, Commission, dated January 3, 1995.

member is not otherwise required to report its short stock positions to either the National Association of Securities Dealers, Inc. (the ''NASD'') or to a stock exchange as a result of being a member of such organization. The short stock positions would be required to be furnished to either a stock exchange or to the NASD, as the Exchange may designate. The form, manner, and time of such report shall be specified by the appropriate exchange or the NASD.

The text of the proposed rule change is available at he Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to assure that all broker-dealers who clear stock report their short stock positions to the appropriate regulatory authority, whether it be the NASD or an exchange on which the security is listed or of which the broker-dealer is a member. Reports of short stock interest are an important tool of regulators in monitoring activity in stocks and in detecting possible cases of insider trading or manipulation. Further, some members' customers use the publicly reported short interest information when making investment decisions.

Although the CBOE does not list or trade stock, it is the DEA for at least one member who clears stock transactions. Under current rules of the other self regulatory organizations, the member is not required to report its short stock positions.[2] Consequently, in an effort to assure that no broker-dealer can avoid the responsibility to report short stock interest, the CBOE is adding interpretation .02 to its Rule 15.1, Maintenance, Retention and Furnishing of Books, Records and Other Information. This interpretation would require members for which the CBOE is the DEA to report short stock positions to either a stock exchange or to the NASD, as the CBOE may designate. The specifics of the reporting would be dictated by the entity to which the report would be sent. Because the CBOE does not have as great an interest in reviewing the short stock data as the exchange on which the stock is listed and because there is currently only one member who would be required to report its short stock positions under this interpretation, the CBOE believes it is more practical to have another self regulatory organization receive the short interest report.

The CBOE will enter into an agreement with any self regulatory organization that is to receive a short interest report of our member, specifying that entity's agreement to receive this report. That organization will then use the data, along with the short interest data it receives from its members, for appropriate regulatory purposes.

2. Statutory Basis

The CBOE believes that the proposed rule change is consistent with Section 6 of the Act in general and Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote fair and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed rule change provides for the public disclosure and dissemination of short interest data which is not currently disclosed, thereby augmenting market transparency for the subject securities and enabling investors to make more informed investment decisions. As mentioned above, the proposed rule also assists regulatory efforts in discovering manipulation.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. 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 longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its 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 of the CBOE. All submissions should refer to File No. SR–CBOE–94–55 and should be submitted by February 10, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–1494 Filed 1–19–95; 8:45 am]

BILLING CODE 8010–01–M

[2] CBOE is the DEA for Gill and Co. which is not a member of the NASD or the New York Stock Exchange, both of which have comprehensive short stock reporting rules. Gill and Co. clears stock transactions at the Midwest Clearing Corporation.

[Release No. 34–35229; File No. SR–MSTC–94–20]

Self-Regulatory Organizations; Midwest Securities Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adopting Procedures for Payment of Interest to Participants

January 13, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 28, 1994, the Midwest Securities Trust Company (''MSTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–MSTC–94–20) 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 modifies MSTC's procedures with respect to the payment of interest on bond issues of Orange County, California, related agencies and instrumentalities, and any entity participating in the Orange County Investment Pools (collectively referred to as ''Orange County Bond Issues'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MSTC 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. MSTC 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

MSTC's rules permit MSTC to adopt procedures with respect to the payment of interest to participants.[2] In light of Orange County, California's recent bankruptcy filing, MSTC is changing its procedures with respect to cash payments of interest on any Orange County Bond issue. Specifically, as a result of the bankruptcy filing and the uncertainty as to the effects of this action on Orange County Bond Issues, MSTC will allocate interest payments on these issues as funds are received from the paying agents. Additionally, MSTC will refund to participants any investment earnings on delayed payments received on Orange County Bond Issues in accordance with its established procedures.

MSTC will continue to actively monitor information being released pertaining to events in Orange County, California. However, since it is too early to assess the full impact that the Orange County bankruptcy filing may have on the Orange County Bond Issues, it may become necessary for MSTC to reverse allocated income and principal payments.[3] MSTC will advise participants of specific CUSIP numbers if this action becomes necessary.

MSTC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[4] and the rules and regulations thereunder in that it is designed to assure the safeguarding of securities and funds which are in MSTC's possession or control or for which MSTC is responsible.

(B) Self-Regulatory Organization's Statements on Burden on Competition

MSTC 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

MSTC has not solicited comments with respect to the proposed rule change, and none have been received.

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[5] and subparagraph (e)(1) of Rule 19b–4[6] 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 MSTC. 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 MSTC. All submissions should refer to File No. SR–MSTC–94–20 and should be submitted by February 10, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–1496 Filed 1–19–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35228; File No. SR–PTC–94–09]

Self-Regulatory Organizations; Participants Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Codifying Rules

January 13, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 4, 1995, the Participants Trust Company (''PTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] MSTC Rules, Article IV, Rule 1, Section 3, ''Shareholder Services, Dividends and Interest Payments.''

[3] *See* MSTC Rules, Article III, Rule 1, Section 2(ii), ''Depository Services, Payment, Right to Reverse Credits.''

[4] 15 U.S.C. 78q–1(b)(3)(F) (1988).

[5] 15 U.S.C. 78s(b)(3)(A)(i) (1988).

[6] 17 CFR 240.19b–4(e)(1) (1994).

[7] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. § 78s(b)(1) (1988).

change (File No. SR–PTC–94–09) 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 purpose of the proposed rule change is to codify PTC's rules and provide for the distribution to participants and limited purpose participants.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, PTC 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. PTC 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

Following an inspection of PTC in 1994, the Commission's Northeast Regional Office recommended that PTC file a rule change with the Commission to provide participants with a new set of rules and procedures which encompasses all amendments.[2] The filing of the present proposed rule change to codify PTC's rules and distribute the codified rules to participants and limited purpose participants complies with this recommendation.

Specifically, PTC is distributing to participants and limited purpose participants a fully codified set of rules incorporating all amendments into the text of the rules. In addition, the codified set of rules integrates into the rules PTC's procedures which were formerly appended to the rules as a supplement and which, in certain cases, superseded conflicting provisions in the rules. The integration of the amendments and the procedures into the text of PTC's rules makes them easier to follow and to understand by eliminating the need to refer to several documents at once. In the future, amendments to the rules will be distributed to participants and limited purpose participants in the form of substitute pages that will replace superseded pages in the codified text.

PTC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[3] 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.

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[4] and subparagraph (e)(1) of Rule 19b–4[5] 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, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PTC. All submissions should refer to File No. SR–PTC–94–09 and should be submitted by February 10, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–1495 Filed 1–19–95; 8:45 am]

BILLING CODE 8010–01–M

[2] Letter from Richard H. Walker, Regional Director, Northeast Regional Office, Commission, to John J. Sceppa, President and Chief Executive Officer, PTC (July 7, 1994).

[3] 15 U.S.C. § 78q–1(b)(3)(F) (1988).

[4] 15 U.S.C. § 78(b)(3)(A)(i) (1988).

[5] 17 CFR 240.19b–4(e)(1) (1994).

[6] 17 CFR 200.30–3(a)(12) (1994).

[Release No. IC–20839; 813–132]

Morgan Stanley Capital Investors, L.P. and Morgan Stanley Group Inc.; Notice of Application

January 13, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Morgan Stanley Capital Investors, L.P. (the ''Initial Partnership''; and Morgan Stanley Group Inc. (''MSG'').

RELEVANT ACT SECTIONS: Applicants seek an order under sections 6(b) and 6(e) granting an exemption from all provisions of the Act except section 9, certain provisions of sections 17 and 30, sections 36 through 53, and the rules and regulations thereunder.

SUMMARY OF APPLICATION: Applicants seek an order, on behalf of the Initial Partnership and certain partnerships or investment vehicles organized by MSG (together, the ''Partnerships'') that would grant an exemption from most provisions of the Act, and would permit certain affiliated and joint transactions. Each Partnership will be an employees' securities company within the meaning of section 2(a)(13) of the Act. Partnership interests will be offered to

eligible employees, officers, directors, and advisory directors of MSG and its affiliates.

FILING DATES: The application was filed on May 2, 1994, and amended on July 20, 1994, September 26, 1994, and January 10, 1995.

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 February 8, 1995, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, 1251 Avenue of the Americas, New York, NY 10020.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Senior Attorney, at (202) 942–0656, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. MSG and its subsidiaries (collectively, the ''Morgan Stanley Group'') constitute a global financial services firm. Morgan Stanley & Co. Incorporated (''MS&Co''), a wholly-owned subsidiary of MSG, is the principal broker-dealer affiliate of the Morgan Stanley Group and is registered as a broker-dealer under the Securities Exchange Act of 1934 (the ''Exchange Act''). MS&Co. and MSG are registered as investment advisers under the Investment Advisors Act of 1940 (the ''Advisers Act'').

2. The Initial Partnership is a newly-formed Delaware limited partnership and one of several anticipated investment vehicles that are to be formed for the purpose of enabling certain employees, officers, directors, and advisory directors of the Morgan Stanley Group to pool their investment resources and to participate in various types of investment opportunities, including venture capital and private equity investments. The pooling of resources permits diversification and participation in investments that usually would not be offered to individual investors. The goal of the Partnerships is to reward and retain key personnel by enabling them to participate in investment opportunities that would not otherwise be available to them and to attract other individuals to the Morgan Stanley Group.

3. The Partnerships will operate as non-diversified closed-end management investment companies. The Partnerships will seek to achieve a high rate of return through long-term capital appreciation in risk capital opportunities. The Initial Partnership will co-invest alongside two private equity funds (the ''Equity Funds'') that recently were organized by the Morgan Stanley Group for third-party investors. The Equity Funds are exempt from registration under the Act in reliance upon section 3(c)(1) thereunder.[1] Similarly, subsequent Partnerships primarily will co-invest alongside other private investment funds organized by the Morgan Stanley Group for third-party investors (such private investment funds, collectively with the Equity Funds, are referred to herein as the ''Investment Funds'').

4. The general partner or other manager of each Partnership (the ''General Partner'') will be registered as an investment adviser under the Advisers Act. The General Partner of each Partnership also may serve as the general partner or manager of the related Investment Funds.

5. Interests in each Partnership will be offered without registration under a claim of exemption pursuant to section 4(2) of the Securities Act of 1933 (the ''Securities Act'').[2] Interests will be offered and sold only to (a) ''Eligible Employees'' of the Morgan Stanley Group, or (b) trusts or other investment vehicles for the benefit of such Eligible Employees and/or the benefit of their immediate families (''Limited Partners''). To be an Eligible Employee, an individual must be a current employee, officer, director, or advisory director of an entity within the Morgan Stanley Group and, except for certain individuals described in paragraph 6 below, an ''accredited investor'' meeting the income requirements set forth in rule 501(a)(6) of Regulation D under the Securities Act. The limitations on the class of persons who may acquire interests, in conjunction with other characteristics of the Partnership, will qualify the Partnership as an ''employees' securities company'' under section 2(a)(13) of the Act.

6. Eligible Employees who are not accredited investors but who manage the day-to-day affairs of a Partnership may be permitted to invest their own funds through the General Partner of the Partnership if such individuals had reportable income from all sources in the calendar year immediately preceding such person's participation in excess of $120,000, and have a reasonable expectation of reportable income in the years in which such person will be required to invest his/her own funds of at least $150,000. These individuals will have primary responsibility for operating the Partnership. Such responsibility will include, among other things, identifying, investigating, structuring, negotiating, and monitoring investments for the Partnership, communicating with the Limited Partners, maintaining the books and records of the Partnership, and making recommendations with respect to investment decisions. Accordingly, all such individuals will be closely involved with, and knowledgeable with respect to, the Partnership's affairs and the status of Partnership investments.

7. Only a small proportion of the Morgan Stanley Group's personnel qualify as Eligible Employees. The Eligible Employees are experienced professionals in the investment banking, merchant banking, or securities business, or in administrative, financial, accounting, or operational activities related thereto. No Eligible Employee will be required to invest in any Partnership.

8. The management and control of each Partnership, including all investment decisions, will be vested exclusively in the General Partner. The management and control of the General Partner, in turn, will be vested, directly or indirectly, in MSG. Thus, the business and affairs of each Partnership indirectly will be managed by or under the direction of the board of directors or other committee serving similar functions (the ''Board'') of an entity (the ''MS Subsidiary Corporation'') that is directly or indirectly controlled by MSG and directly controls the Partnership. Each Board, among other things, will act as the investment committee of the Partnership responsible for approving all investment and valuation decisions. Actions by the Board generally will

[1] Section 3(c)(1) exempts from the definition of investment company any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and is not making and does not presently propose to make a public offering of its securities.

[2] Section 4(2) exempts transactions by an issuer not involving any public offering from the Securities Act's registration requirement.

require the vote of a majority of its members. Each Board will be comprised exclusively of directors and officers of the Morgan Stanley Group, each of whom is expected to qualify as an Eligible Employee. The day-to-day affairs of each Partnership will be managed by Eligible Employees who are officers or employees of the Morgan Stanley Group.

9. With respect to the Initial Partnership, the partners thereof currently consist of the General Partner and a wholly-owned subsidiary of MSG, as sole limited partner (the ''MS Limited Partner''). The Initial Partnership has obtained subscriptions from a number of Eligible Employees to acquire limited partnership interests in the Initial Partnership. Such Eligible Employees, however, have not yet been admitted to the Partnership. As promptly as practicable after receipt of the requested order, the Eligible Employees will be admitted to the Initial Partnership as Limited Partners, and the limited partnership interest held by the MS Limited Partner will be redeemed by the Initial Partnership in full. Upon their admission into the Initial Partnership, the Eligible Employees will be allocated their shares of any investment made, and expense incurred, by the Initial Partnership prior to their admission, and will be required to make capital contributions to the Initial Partnership as if they had been Limited Partners from the formation of the Initial Partnership.

10. The terms of each Partnership are expected to be based upon the terms of the related Investment Fund, and corresponding or analogous terms of each (or terms having substantially the same intent or effect) are expected to be substantially identical, except as described below. In addition, if the Partnership is required to co-invest ''lock-step'' with the related Investment Fund (which is generally expected to be the case), various terms designed for the protection of the investors in the related Investment Fund also will accrue to the benefit of the Limited Partners. Such terms may include, for example, (a) limitations with respect to the amounts permitted to be invested in the securities of certain issuers, and the nature of investments permitted to be made, by the related Investment Fund, and (6) limitations on the ability of the General Partner and its affiliates to engage in certain types of activities, such as the formation of a new Investment Fund or the making of certain types of investments for its own account without first having offered the investment opportunity to the related Investment Fund. In any event, the terms of each Partnership will be disclosed to the Eligible Employees at the time they are offered the right to subscribe for interests in the Partnership. To the extent there are differences between the terms of a Partnership and the related Investment Fund, or the Partnership could be affected by the terms of or actions taken with respect to the Investment Fund, such differences or effects also will be disclosed to the Eligible Employees.

11. The General Partner of each Partnership will have all powers necessary, proper, suitable or advisable to carry out the purposes and business of the Partnership. The General Partner of each Partnership also may serve as the general partner or manager of the related Investment Fund and, in such capacity, be vested exclusively with the management and control of the Investment Fund.

12. The General Partner of each Partnership generally will have a capital commitment to the Partnership equal to at least 1% of the Partnership's aggregate capital commitment and thus will be required to make capital contributions to the Partnership. In order for the General Partner to meet its capital contribution requirements, Morgan Stanley Group will be required to capitalize the MS Subsidiary Corporation with sufficient funds (and, if the General Partner is organized as a limited partnership or other non-corporate entity, the individual partners or other investors of the General Partner also will be required to fund their *pro rata* share of such capital contributions).

13. The General Partner of each Partnership, as the general partner or manager of the related Investment Fund, will have a capital commitment to such Investment Fund. Another entity within the Morgan Stanley Group also may participate in such Investment Fund as a limited partner or other investor on the same terms as other third-party investors. In addition, individuals serving on the Board or managing the day-to-day affairs of the Partnership may also elect to invest their own funds as Limited Partners of the Partnership on the same terms as other Eligible Employees.

14. The General Partner of each Partnership will pay its normal operating expenses, including rent and salaries of its personnel and certain expenses. To the extent any expenses are not borne by the General Partner, the Partnership will be required to pay such expenses. Such expenses may include, without limitation, the fees, commissions and expenses of an entity within the Morgan Stanley Group for services performed by such entity for such Partnership such as, for example, brokerage or clearing services in the Partnership's portfolio securities.

15. The General Partner of a Partnership may be paid an annual management fee, generally determined as a percentage of assets under management or aggregate commitments. The General Partner of a Partnership also may be entitled to receive a performance-based fee (or ''carried interest'') of a specified percentage based on the gains and losses of such Partnership's or each Limited Partner's investment portfolio.[3] Such percentage will not exceed that used in calculating the General Partner's carried interest in the related Investment Fund. All or a portion of the carried interest arising from Partnership investments may be paid to the individuals who are partners of or investors in the General Partner. In addition, the General Partner may be entitled to other compensation from the Partnership as provided for in the Partnership Agreement of the Partnership, such as acquisition fees, disposition fees, structuring fees or other fees for additional services rendered by the General Partner to the Partnership in connection with the Partnership's affairs.

16. Each Partnership generally will be required to invest ''lock-step'' in investment opportunities in which the related Investment Fund invests. In connection with any such investment opportunity, the amount of the Partnership's do-investment will be determined in accordance with a specified formula. Such formula is expected to provide that the amount of the Partnership's co-investment will bear the same proportion to the aggregate investments of the related Partnership as the aggregate capital commitments of the Investment Fund and the Partnership as the aggregate capital commitments of the Investment Fund and the Partnership. In addition, the Partnership generally will be required to make any co-investments on terms no more favorable than those applicable to the investments by the related Investment Fund.[4]

[3] A ''carried interest'' is an allocation to the General Partner based on net gains in addition to the amount allocable to the General Partner that is in proportion to its capital contributions. Any carried interest will be structured to comply with the requirements of rule 205–3 under the Advisers Act.

[4] It is anticipated that the economic terms applicable to the Partnership's investments will be substantially the same as those applicable to the corresponding investments by the related Investment Fund; however, it is possible that the related Investment Fund may invest in a different class of securities or that the Investment Fund's

Continued

17. It is possible that a Partnership will not participate in investment opportunities due to regulatory, tax, or other considerations even though the related Investment Fund proceeds to make investments in connection with such investment opportunities. The circumstances, if any, in which a Partnership will or will not make an investment alongside the related Investment Fund will be provided for in the Partnership Agreement. Under no circumstances, however, will a Partnership make an investment unless the related Investment Fund also makes an investment in connection with the applicable investment opportunity.

18. Similarly, each Partnership, except as permitted by condition 3 below, will be given the opportunity to sell or otherwise dispose of its investments prior to or concurrently with, and on the same terms as sales or other dispositions by the related Investment Fund.

19. A Partnership will not invest more than 15% of its assets in securities issued by registered investment companies (with the exception of temporary investments in money market funds), and a Partnership will not acquire any security issued by a registered investment company if immediately after such acquisition the Partnership will own more than 3% of the outstanding voting stock of the registered investment company.

20. The ''lock-step'' investment requirements described above could enable the Limited Partners of each Partnership to derive the benefit of various terms applicable to the related Investment Fund that were designed for the protection of investors in such Investment Fund. It also is possible that the terms of the related Investment Fund will include provisions that would give the investors of the Investment Fund rights that are specifically not made available to the Limited Partners of the Partnership. For example, investors of the Investment Fund may have the right (which will not be available to the Limited Partners) to make additional co-investments outside such Investment Fund in certain investment opportunities.

21. Subject to the terms of each Partnership and the related Investment Fund, the Partnership will be permitted to enter into transactions involving an entity within the Morgan Stanley Group (including without limitation the related Investment Fund), a portfolio company, and partner of or other investor in the related Investment Fund that is not an entity within the Morgan Stanley Group (together with the affiliates (as defined in rule 12b–2 under the Exchange Act) of such partner or other investor, hereinafter referred to as a ''Non-MS Investment Fund Partner''), or any partner or person or entity related to any partner. Such transactions may include, without limitation, the purchase or sale by the Partnership of an investment, or an interest therein, from or to any entity within the Morgan Stanley Group, acting as principal. With respect to any investment purchased by a Partnership from an entity within the Morgan Stanley Group, acting as principal, the Partnership will acquire the investment for no more than the fair value at the time of purchase, plus carrying costs and certain organizational expenses. The fair value at the time of such purchase may be more or less than the price paid by the entity, depending on the appreciation or depreciation in the particular investment.

22. No individual who serves on the Board or manages or is otherwise employed to perform the day-to-day affairs of the Partnership will be permitted to invest his or her own funds in connection with any Partnership investment, except through the related Investment Fund or the Partnership as a partner or other investor of the General Partner, through the Partnership as a Limited Partner of the Partnership, or through the exercise of stock options or warrants granted, on the same terms and amounts, to all outside directors of the entities in which such Partnership invests.

23. An entity within the Morgan Stanley Group (including the General Partner) may provide investment banking, management, or other services and receive fees or other compensation and expense reimbursement in connection therewith from entities in which a Partnership makes an investment or competitors of such entities. Such fees or other compensation may include, without limitation, advisory fees, organization or success fees, financing fees, management fees, performance-based fees, fees for brokerage and clearing services, and compensation in the form of carried interests entitling the entity to share disproportionately in income or capital gains or similar compensation. An entity within the Morgan Stanley Group also may engage in market-making activities with respect to the securities of entities in which a Partnership makes an investment or competitor of such entities. Employees of an entity within the Morgan Stanley Group may serve as officers or directors of such entities pursuant to rights held by a Partnership or the related Investment Fund to designate such officers or directors, and receive officers' and directors' fees and expense reimbursement in connection with such services. The Morgan Stanley Group reserves the right not to charge or to waive all or part of any such fees or other compensation or expense reimbursement that a Partnership otherwise might incur or bear indirectly. However, any such fees or other compensation or expense reimbursement received by an entity within the Morgan Stanley Group generally will not be shared with any Partnership.

24. With regard to the transactions described above into which a Partnership directly or indirectly enters, the Board must determine prior to entering into such transaction that the terms thereof are fair to the partners and the Partnership.

25. Interests in a Partnership will be non-transferable, except with the prior written consent of the General Partner of the Partnership, which consent may be withheld in its sole discretion. In any event, interests will not be transferable to persons other than: (a) Other Eligible Employees; (b) trusts or other investment vehicles for the benefit of such Limited Partner and/or such Limited Partner's immediate family; or (c) an entity within the Morgan Stanley Group.

26. Upon the death of a Limited Partner, or such Limited Partner becoming incompetent, insolvent, incapacitated or bankrupt, such Limited Partner's estate or legal representative will succeed to the Limited Partner's interest as an assignee for the purpose of settling such Limited Partner's estate or administering such Limited Partner's property, and may not become a Limited Partner.

27. Interests in a Partnership may be redeemable by the Partnership upon the Limited Partner's termination of employment from the Morgan Stanley Group. Alternatively, Morgan Stanley Group may have the right to purchase a Limited Partner's interest upon such termination of employment. The terms upon which an interest may be so redeemed or purchased, including the manner in which the redemption or purchase price will be determined, will be fully disclosed to Eligible Employees at the time they are offered the right to subscribe for the interest. In any event, with respect to a redemption, the redemption price will not be less than the lower of (a) the amount invested plus interest calculated at a rate per

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investment may have more favorable non-economic terms (e.g., the right to representation on the board of directors of the portfolio company) in light of differences in legal structure, or regulatory, tax, or other considerations.

annum at least equal to the discounted rate for 90-day Treasury bills for the period since the investment and (b) the then fair value (as determined by the General Partner) of the interest, less amounts, if any, forfeited by the Limited Partner for failure to make required capital contributions.

28. The consequences to a Limited Partner who defaults on his or her obligation to fund a required capital contribution to the Partnership will be described in the applicable Partnership agreement. Such default provisions shall be on terms no less favorable than those applicable to third party investors in the related Investment Fund, will be fully disclosed to Eligible Employees at the time they are offered the right to participate in the Partnership, and the General Partner will not elect to exercise any alternative involving the forfeiture by the defaulting Limited Partner of a portion of his or her capital account if the defaulting Limited Partner is suffering from, or will suffer, severe hardship.

29. During the existence of each Partnership, books and accounts of the Partnership will be kept, in which the General Partner of the Partnership will enter, or cause to be entered, all business transacted by the Partnership and all moneys and other consideration received, advanced, paid out, or delivered on behalf of the Partnership, the results of the Partnership's operations, and each partner's capital. Such books will at all times be accessible to all partners of the Partnership, subject to certain reasonable limitations to address concerns with respect to, among other things, the confidentiality of certain information. In addition, for each fiscal year of a Partnership, the General Partner of the Partnership will cause an examination of the financial statements of the Partnership to be made by a nationally recognized firm of certified public accountants. A copy of the accounts' report with respect to each fiscal year, which will include the Partnership's financial statements, will be mailed or otherwise furnished to each partner of the Partnership within a specified period after the end of such fiscal year. Each Partnership also will supply all information reasonably necessary to enable the partners of the Partnership to prepare their Federal and state income tax returns. The General Partner generally also will furnish information regarding each Partnership to the Partners on a quarterly basis. It is expected that the scope and nature of the information furnished to the Limited Partners of any Partnership will be the same as that furnished to the third party investors of the related Investment Fund.

Applicants' Legal Analysis

1. Section 6(b) provides that the SEC shall exempt employees' securities companies from the provisions of the Act to the extent that such exemption is consistent with the protection of investors. Section 2(a)(13) defines an employees' security company, among other things, as any investment company all of the outstanding securities of which are beneficially owned by the employees or persons on retainer of a single employer or affiliated employers or by former employees of such employers; or by members of the immediate family of such employers, persons on retainer, or former employees.

2. Section 6(e) provides that in connection with any order exempting an investment company from any provision of section 7, certain specified provisions of the Act shall be applicable to such company, and to other persons in their transactions and relations with such company, as though such company were registered under the Act, if the SEC deems it necessary or appropriate in the public interest or for the protection of investors.

3. Applicants request an exemption under sections 6(b) and 6(e) of the Act from all provisions of the Act, and the rules and regulations thereunder, except section 9, sections 17 and 30 (except as described below), sections 36 through 53, and the rules and regulations thereunder.

4. Section 17(a) provides, in relevant part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, knowingly to sell any security or other property to such registered investment company or to purchase from such registered investment company any security or other property. Applicants request an exemption from section 17(a) of the Act to the extent necessary to: (a) Permit an entity within the Morgan Stanley Group, acting as principal, to engage in any transaction directly or indirectly with any Partnership or any company controlled by such Partnership; (b) permit any Partnership to invest in or engage in any transaction with any entity, acting as principal, (i) in which such Partnership, and company controlled by such Partnership, or any member of the Morgan Stanley Group has invested or will invest, or (ii) with which such Partnership, any company controlled by such Partnership, or any entity within the Morgan Stanley Group is or will become otherwise affiliated; and (c) permit a Non-MS Investment Fund Partner, acting as principal, to engage in any transaction directly or indirectly with the related Partnership or any company controlled by such Partnership. The transactions to which any Partnership is a party will be effected only after a determination by the Board that the requirements of Condition 1 below have been satisfied. In addition, these transactions will be effected only to the extent not prohibited by the limited partnership agreements or other organizational agreements of the related Investment Fund and the Partnership in question.

5. The principal reason for the requested exemption is to ensure that each Partnership will be able to invest in companies, properties, or vehicles in which an entity within the Morgan Stanley Group (including without limitation the related Investment Fund), or the entity's employees, officers, directors, or advisory directors, or the partners of or other investors in the related Investment Fund, may make or have already made an investment. The relief also is requested to permit each Partnership the flexibility to deal with its portfolio investments in the manner the General Partner deems most advantageous to all partners of or investors in such Partnership, or as required by the related Investment Fund or the Partnership's other co-investors. Furthermore, the requested exemption is sought to ensure that a Non-MS Investment Fund Partner will not directly or indirectly become subject to a burden, restriction, or other adverse effect by virtue of the related Partnership's participation in an investment opportunity. Without this exemption, a Non-MS Investment Fund Partner may be restricted in its ability to engage in transactions with the related Partnership's portfolio companies, which would not have been the case had such Partnership not invested in such portfolio companies.

6. The partners of or investors in each Partnership will have been fully informed of the possible extent of such Partnership's dealings with the related Investment Fund or another entity within the Morgan Stanley Group or with a Non-MS Investment Fund Partner and, as professionals employed in the securities business, will be able to understand and evaluate the attendant risks. Applicants assert that the community of interest among the partners of or other investors in each Partnership, on the one hand, and the related Investment Fund or another entity within the Morgan Stanley Group or the Non-MS Investment Fund

Partners, on the other hand, is the best insurance against any risk of abuse.

7. Applicants state that a Partnership will not make loans to the related Investment Fund or any other entity within the Morgan Stanley Group, or to any employee, officer, director, or advisory director of the Morgan Stanley Group, with the exception of short-term repurchase agreements or other fully secured loans to an entity within the Morgan Stanley Group. In addition, a Partnership will not sell or lease any property to the related Investment Fund or any other entity within the Morgan Stanley Group, except on terms at least as favorable as those obtainable from unaffiliated third parties.

8. Section 17(d) makes it unlawful for any affiliated person of a registered investment company, acting as principal, to effect any transaction in which the company is a joint or joint and several participant with the affiliated person in contravention of such rules and regulations as the SEC may prescribe for the purpose of limiting or preventing participation by such companies. Rule 17d–1 under section 17(d) prohibits most joint transactions unless approved by order of the SEC. Applicants request an exemption from section 17(d) and rule 17d–1 thereunder to the extent necessary to permit affiliated persons of each Partnership (including without limitation the General Partner, the related Investment Fund, and other entities within the Morgan Stanley Group) or affiliated persons of any of these persons (including without limitation the Non-MS Investment Fund Partners) to participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which such Partnership or a company controlled by such Partnership is a participant. The exemption requested would permit, among other things, co-investments by each Partnership and individual partners or other investors or employees, officers, directors, or advisory directors of the Morgan Stanley Group making their own individual investment decisions apart from the Morgan Stanley Group.

9. Compliance with section 17(d) would prevent each Partnership from achieving its principal purpose. Because of the number and sophistication of the potential partners of or investors in a Partnership and persons affiliated with such partners or investors, strict compliance with section 17(d) would cause a Partnership to forego investment opportunities simply because a partner or investor or other affiliated person of the Partnership (or any affiliate of such a person) also had, or contemplated making, a similar investment. In addition, attractive investment opportunities of the types considered by a Partnership often require each participant in the transaction to make available funds in an amount that may be substantially greater than may be available to the Partnership alone. As a result, the only way in which a Partnership may be able to participate in such opportunities may be to co-invest with other persons, including its affiliates. The flexibility to structure co-investments and joint investments in the manner described above will not involve abuses of the type section 17(d) and rule 17d–1 were designed to prevent. The concern that permitting co-investments or joint investments by the related Investment Fund or another entity within the Morgan Stanley Group or by the Non-MS Investment Fund Partners on the one hand, and a Partnership on the other, might lead to less advantageous treatment of the Partnership, should be mitigated by the fact that: (a) The Morgan Stanley Group, in addition to its substantial stake as a general partner or manager in such Investment Fund and such Partnership, will be acutely concerned with its relationship with the key personnel who invest in the Partnership; and (b) senior officers and directors of the Morgan Stanley Group will be investing in such Partnership.

10. Section 17(f) provides that the securities and similar investments of a registered management investment company must be placed in the custody of a bank, a member of a national securities exchange, or the company itself in accordance with SEC rules. Applicants request an exemption from section 17(f) and rule 17f–1 to the extent necessary to permit an entity within the Morgan Stanley Group to act as custodian without a written contract. Because there is such a close association between each Partnership and the Morgan Stanley Group, requiring a detailed written contract would expose the Partnership to unnecessary burden and expense. Furthermore, any securities of a Partnership held by the Morgan Stanley Group will have the protection of fidelity bonds. An exemption is requested from the terms of rule 17f–1(b)(4), as applicants do not believe the expense of retaining an independent accountant to conduct periodic verifications is warranted given the community of interest of all the parties involved and the existing requirement for an independent annual audit.

11. Section 17(g) and rule 17g–1 generally require the bonding of officers and employees of a registered investment company who have access to securities or funds of the company. Applicants request an exemption from section 17(g) and rule 17g–1 to the extent necessary to permit each Partnership to comply with rule 17g–1 without the necessity of having a majority of the members of the related Board who are not ''interested persons'' take such actions and make such approvals as are set forth in rule 17g–1.

12. Section 17(j) and rule 17j–1 make it unlawful for certain enumerated persons to engage in fraudulent, deceitful, or manipulative practices in connection with the purchase or sale of a security held or to be acquired by an investment company. Rule 17j–1 also requires every registered investment company, its adviser, and its principal underwriter to adopt a written code of ethics with provisions reasonably designed to prevent fraudulent activities, and to institute procedures to prevent violations of the code. Applicants request an exemption from section 17(j) and rule 17j–1 (except rule 17j–1(a)) because the requirements contained therein are burdensome and unnecessary in the context of the Partnerships. Requiring each Partnership to adopt a written code of ethics and requiring access persons to report each of their securities transactions would be time consuming and expensive, and would serve little purpose in light of, among other things, the community of interest among the partners of or investors in such Partnership by virtue of their common association in the Morgan Stanley Group; the substantial and largely overlapping protections afforded by the conditions with which applicants have agreed to comply; the concern of the Morgan Stanley Group that personnel who participate in each Partnership actually receive the benefits they expect to receive when investing in such Partnership; and the fact that the investments of the Partnerships will be investments that usually would not be offered to the investors, including those investors who would be deemed access persons, as individual investors. Accordingly, the requested exemption is consistent with the purposes of the Act, because the dangers against which section 17(j) and rule 17j–1 are intended to guard are not present in the case of any Partnership.

13. Sections 30(a), 30(b) and 30(d), and the rules under those sections, generally require that registered investment companies prepare and file with the SEC and mail to their shareholders certain periodic reports

and financial statements. The forms prescribed by the SEC for periodic reports have little relevance to a Partnership and would entail administrative and legal costs that outweigh any benefit to partners of or investors in the Partnerships. Exemptive relief is requested to the extent necessary to permit each Partnership to report annually to its investors in the manner described above in paragraph 29. An exemption also is requested from section 30(f) to the extent necessary to exempt the General Partner, the managing general partner or manager, if any, of such General Partner, members of the related Board, and any other persons who may be deemed members of an advisory board of such Partnership from filing reports under section 16 of the Exchange Act with respect to their ownership of interests in the Partnership.

14. Applicants submit that the exemptions requested are consistent with the protection of investors in view of the substantial community of interest among all the parties and the fact that each Partnership is an ''employees' securities company'' as defined in section 2(a)(13). Each Partnership will be conceived and organized and managed by persons who will be investing, directly or indirectly, or are eligible to invest, in such Partnership, and will not be promoted by persons outside the Morgan Stanley Group seeking to profit from fees or investment advice or from the distribution of securities. Applicants also submit that the terms of the proposed affiliated transactions will be reasonable and fair and free from overreaching.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Each proposed transaction otherwise prohibited by section 17(a) or section 17(d) and rule 17d–1 to which a Partnership is a party (the ''Section 17 Transactions'') will be effected only if the Board, through the General Partner of such Partnership, determines that: (a) The terms of the transaction, including the consideration to be paid or received, are fair and reasonable to the partners of or investors in such Partnership and do not involve overreaching of the Partnership or its partners or investors on the part of any person concerned; and (b) the transaction is consistent with the interests of the partners of or investors in such Partnership, such Partnership's organizational documents and such Partnership's reports to its partners or investors. In addition, the General Partner of each Partnership will record and preserve a description of such affiliated transactions, the Board's findings, the information or materials upon which the Board's findings are based and the basis therefor. All such records will be maintained for the life of such Partnership and at least two years thereafter, and will be subject to examination by the SEC and its staff.[5]

2. In connection with the Section 17 Transactions, the Board, through the General partner, will adopt, and periodically review and update, procedures designed to ensure that reasonable inquiry is made, prior to the consummation of any such transaction, with respect to the possible involvement in the transaction of any affiliated person or promoter of or principal underwriter for such Partnership, or any affiliated person of such a person, promoter, or principal underwriter.

3. The General Partner of each Partnership will not invest the funds of such Partnership in any investment in which a ''Co-Investor,'' as defined below, has or proposes to acquire the same class of securities of the same issuer, where the investment involves a joint enterprise or other joint arrangement within the meaning of rule 17d–1 in which such Partnership and the Co-Investor are participants, unless any such Co-Investor, prior to disposing of all or part of its investment, (a) gives the General Partner sufficient, but not less than one day's, notice of its intent to dispose of its investment; and (b) refrains from disposing of its investment unless such Partnership has the opportunity to dispose of the Partnership's investment prior to or concurrently with, and on the same terms as, and *pro rata* with the Co-Investor. The term ''Co-Investor,'' with respect to any Partnership, means any person who is: (a) An ''affiliated person'' (as such term is defined in the Act) of such Partnership; (b) an entity within the Morgan Stanley Group; (c) an officer or director of an entity within the Morgan Stanley Group; or (d) a company in which the General Partner of such Partnership acts as a general partner or has a similar capacity to control the sale or other disposition of the company's securities (including without limitation the related Investment Fund). The restrictions contained in this condition, however, shall not be deemed to limit or prevent the disposition of an investment by a Co-Investor: (a) To its direct or indirect wholly-owned subsidiary, to any company (a ''parent'') of which the Co-Investor is a direct or indirect wholly-owned subsidiary, or to a direct or indirect wholly-owned subsidiary of its parent; (b) to immediate family members of such Co-Investor or a trust or other investment vehicle established for any such family member; (c) when the investment is comprised of securities that are listed on any exchange registered as a national securities exchange under section 6 of the Exchange Act; or (d) when the investment is comprised of securities that are national market system securities under section 11A(a)(2) of the Exchange Act and rule 11Aa2–1 thereunder.

4. Each Partnership and the General Partner or manager of such Partnership will maintain and preserve, for the life of the Partnership and at least two years thereafter, such accounts, books, and other documents as constitute the record forming the basis for the audited financial statements that are to be provided to the partners of or investors in such Partnership, and each annual report of such Partnership required to be sent to such partners or investors, and agree that all such records will be subject to examination by the SEC and its staff.[6]

5. The General Partner of each Partnership will send to each partner of or investor in such Partnership who had an interest in any capital account of such Partnership at any time during the fiscal year then ended Partnership financial statements audited by such Partnership's independent accountants. At the end of each fiscal year, the General Partner will make a valuation or have a valuation made of all of the assets of the Partnership as of such fiscal year end in a manner consistent with customary practice with respect to the valuation of assets of the kind held by the Partnership. In addition, within 90 days after the end of each fiscal year of the Partnership or as soon as practicable thereafter, the General Partner of such Partnership will send a report to each person who was a partner or investor in such Partnership at any time during the fiscal year then ended, setting forth such tax information as shall be necessary for the preparation by the partner or investor of his or its federal and state income tax returns and a report of the investment activities of such Partnership during such year.

6. In any case where purchases or sales are made by a Partnership from or

[5] Each Partnership will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

[6] Each Partnership will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

to an entity affiliated with the Partnership by reason of a 5% or more investment in such entity by a Morgan Stanley Group advisory director, director, officer or employee, such individual will not participate in the Partnership's determination of whether or not to effect such purchase or sale.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–1497 Filed 1–19–95; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended January 6, 1995

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 49989
Date filed: January 4, 1995
Parties: Members of the International Air Transport Association
Subject: TC123 Reso/P 0121 dated November 11, 1994; North/Mid/South Atlantic Resos r-1 to r-29
Proposed Effective Date: March 1, 1995

Docket Number: 49990
Date filed: January 4, 1995
Parties: Members of the International Air Transport Association
Subject: TC23 Reso/P 0666 dated October 18, 1994; Africa-TC3 Resos r-1 to r-34
Proposed Effective Date: April 1, 1995

Docket Number: 49991
Date filed: January 4, 1995
Parties: Members of the International Air Transport Association
Subject: TC23 Reso/P 0672 dated November 18, 1994; Middle East-TC3 Resos r-1 to r-31
Proposed Effective Date: April 1, 1995

Docket Number: 49992
Date filed: January 4, 1995
Parties: Members of the International Air Transport Association
Subject: TC23 Reso/P 0669 dated November 4, 1994; Europe-Southwest Pacific Resos r-1 to r-23
Proposed Effective Date: April 1, 1995

Docket Number: 49993
Date filed: January 4, 1995
Parties: Members of the International Air Transport Association
Subject: Telex TC12 Mail Vote 724; Amend Europe-USA SPEX fares
Proposed Effective Date: April 1, 1995

Docket Number: 50000
Date filed: January 6, 1995
Parties: Members of the International Air Transport Association
Subject: PSC/Reso/077 dated December 5, 1994; Resolution 762 r-1
Proposed Effective Date: June 1, 1995

Myrna F. Adams,

Acting Chief, Documentary Services Division.

[FR Doc. 95–1517 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–62–M

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended January 6, 1995

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 49995
Date filed: January 4, 1995
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 1, 1995
Description: Application of Imperial Airlines, Ltd., pursuant to Title 49 of the United States Code and Subpart Q of the Regulations, applies for a foreign air carrier permit to engage in the foreign charter air transportation of persons and property between a point or points in the United Kingdom and any point or points in the United States, either directly or via intermediate or beyond points in other countries, with or without stop overs as well as other charter foreign air transportation pursuant to Part 212 of the Department's Regulations.

Docket Number: 50001
Date filed: January 6, 1995
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 3, 1995
Description: Joint Application of Northwest Airlines, Inc. and Delta Airlines, Inc., pursuant to 49 U.S.C. Section 41105 and Subpart Q of the Regulations, requests approval of the transfer to Northwest of the authority held by Delta to transport persons, property and mail between Detroit, Michigan and London (Gatwick), United Kingdom, pursuant to segment 13 of Delta's Certificate of Public Convenience and Necessity for Route 616, as amended by Final Order 92–4–33 issued on April 14, 1992.

Docket Number: 49912
Date filed: January 4, 1995
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 1, 1995
Description: Amendment to Application of Florida Cargo Express, Ltda., pursuant to Section 402 of the Act and Subpart Q of the Regulations for a Foreign Air Carrier Permit to seek authority to engage in the scheduled air transportation of property and mail from the points La Paz; Santa Cruz; and Cochabamba, Bolivia, on the one hand, to the point Miami, Florida, on the other hand.

Myrna F. Adams,

Acting Chief, Documentary Services Division.

[FR Doc. 95–1516 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–62–M

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended December 30, 1994

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 49987
Date filed: December 28, 1994
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 25, 1995
Description: Application of Challengair, S.A. pursuant to Section 41302, and Subpart Q of the Regulations, requests a Foreign Air Carrier Permit to authorize charter foreign air transportation of persons, property and/or mail between a point or points in the Kingdom of Belgium and a point or points in the United States.

Docket Number: 49339
Date filed: December 30, 1994
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 27, 1994
Description: Application of Czechoslovak Airlines, pursuant to Section 41302, applies for renewal of its permit authority so as to permit CSA to continue to conduct its operations to and from the United States fully in accordance with the terms of the Bilateral Aviation Agreement in effect between the United States and the Czech Republic the various amendments thereto.

Myrna F. Adams,

Acting Chief Documentary Services Division.

[FR Doc. 95–1515 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Critical Parts Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of the Critical Parts Working Group.

SUMMARY: Notice is given of the Critical Parts Working Group and new tasks assigned to the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Schilling, Manager, Rotorcraft Standards Staff, 2601 Meacham Boulevard, Fort Worth, Texas, telephone number (817) 222–5110.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has established an Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991; and 58 FR 9230, February 19, 1993). One area the ARAC deals with is rotorcraft issues. These issues involve the airworthiness standards for normal and transport category rotorcraft in parts 27 and 29 of the Federal Aviation Regulations, which are the responsibility of the Director, Aircraft Certification Service, FAA.

Task

The Critical Parts Working Group is charged with recommending to ARAC new or revised requirements for a critical parts plan that would control the design, substantiation, manufacture, maintenance, and modification of critical parts. The products of this exercise are intended to be harmonized standards, acceptable to both the FAA and the Joint Aviation Authorities.

Specifically, the task is as follows:

Reveiw Title 14 Code of Federal Regulations, parts 27 and 29, and supporting policy and guidance material for the purpose of determining the course of action to be taken for rulemaking and/or policy relative to the issue of identification of the critical parts for consideration under design, production and maintenance, according to a critical part plan to be prepared by the manufacturer. Consider adding new Section 27.602 and 29.602 to Title 14.

ARAC recommendations to the FAA should be accompanied by appropriate documents. Recommendations for rulemaking should be accompanied by a complete draft of the notice(s) of proposed rulemaking, including the benefit/cost analysis and other required analyses. Recommendations for the issuance of guidance material should be accompanied by a complete draft advisory circular.

ARAC working groups are comprised of technical experts on the subject matter. A working group member need not necessarily be a representative of one of the member organizations of ARAC. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and the expertise he or she would bring to the working group. The request will be reviewed by the assistant chair and working group leader, and the individual will be advised whether or not the request can be accommodated.

Working Group Reports

Each working group formed to consider ARAC tasks are expected to comply with the procedures adopted by ARAC and given to the working group chair. As part of the procedures, the working group is expected to:

A. Recommend time line(s) for completion of the task, including rationale, for consideration at the meeting of the ARAC to consider rotorcraft issues held following publication of this notice.

B. Give a detailed conceptual presentation on the task to the ARAC before proceeding with the work stated under item C below.

C. Give a status report on the task at each meeting of ARAC held to consider rotorcraft issues.

The Secretary of Transportation has determined that the formation and use of the ARAC are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of ARAC will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Critical Parts Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on January 13, 1995.

Chris A. Christie,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 95–1547 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Avaition Rulemaking Advisory Committee; Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of the Alternative Methods of Compliance (AMOC) Working Group.

SUMMARY: Notice is given of the establishment of the Alternative Methods of Compliance (AMOC) Working Group and a new task assigned to the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

FOR FURTHER INFORMATION CONTACT: Stewart R. Miller, Manager, Transport Standards Staff, ANM–110, Transport Airplane Directorate, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055–4056; telephone (206) 227–2190; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has established an Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991; and 58 FR 9230, February 19, 1993). One area the ARAC deals with is transport airplane and engine issues. These issues involve the airworthiness standards for transport category airplanes and engines in 14 CFR parts 25, 33, and 35 and parallel provisions in 14 CFR parts 121 and 135.

Task

The Alternative Methods of Compliance (AMOC) Working Group is charged with the following task and making its recommendations to ARAC:

Develop industry and FAA methods for improving the timeliness of approvals for alternative methods of compliance with Airworthiness Directives (AD), while maintaining at least the same level of safety.

The objectives of the task are to evaluate the process for issuing alternative means of compliance (AMOC) and to develop recommendations for improving that process in order to accomplish the following:

(1) Improve the timeliness of the AMOC issuance;

(2) Maintain at least the same level of safety achieved under the existing process;

(3) Reduce the need for AMOC while maintaining legal enforceability of ADs;

(4) Standardize the process for issuing AMOCs throughout the FAA; and

(5) Accomplish the foregoing in a cost effective manner for industry and without increasing the need for FAA resources.

ARAC is forming the Alternative Methods of Compliance (AMOC) Working Group to analyze and recommend to its solutions to issues contained in the assigned task. If ARAC accepts the working group's recommendations, it forwards them to the FAA.

ARAC working groups are comprised of technical experts on the subject matter. A working group member need not necessarily be a representative of one of the member organizations of ARAC. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and the expertise he or she would bring to the working group. The request will be reviewed by the ARAC assistant chair, the working group leader, and the assistant executive director, and the individual will be advised whether or not the request can be accommodated.

Working Group Reports

Each working group formed to consider an ARAC task is expected to comply with the procedures adopted by ARAC and given to the working group chair. As part of the procedures, the working group is expected to:

A. Recommend a work plan for completion of the task, including rationale for consideration at the meeting of the ARAC to consider transport airplane and engine issues held following publication of this notice.

B. Give a detailed conceptual presentation on the task to the ARAC before proceeding with the task.

C. Give a status report on the task at each meeting of ARAC held to consider transport airplane and engine issues.

The Secretary of Transportation has determined that the formation and use of the ARAC are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of ARAC will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Alternative Methods of Compliance (AMOC) Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on January 13, 1995.

Chris A. Christie,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 95–1544 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee; Performance and Handling Qualities Requirements Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of the Performance and Handling Qualities Requirements Working Group.

SUMMARY: Notice is given of the establishment of the Performance and Handling Qualities Requirements Working Group and new tasks assigned to the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of the ARAC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Schilling, Manager, Rotorcraft Standards Staff, 2601 Meacham Boulevard, Fort Worth Texas, telephone number (817) 222–5110.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has established an Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991; and 58 FR 9230, February 19, 1993). One area the ARAC deals with is rotorcraft issues. These issues involve the airworthiness standards for normal and transport category rotorcraft in parts 27 and 29 of the Federal Aviation Regulations, which are the responsibility of the Director, Aircraft Certification Service, FAA.

Task

The Performance and Handling Qualities Requirements Working Group is charged with recommending to ARAC new or revised standards for flight test procedures and requirements. The products of this exercise are intended to be harmonized standards, acceptable to both the FAA and the Joint Aviation Authorities.

Specifically, the task is as follows:

Review Title 14 Code of Federal Regulations part 27 and Appendix B and part 29 and Appendix B, and supporting policy and guidance material for the purpose of determining the course of action to be taken for rulemaking and/or policy relative to the issue of harmonizing performance and handling qualities requirements.

ARAC recommendations to the FAA should be accompanied by appropriate documents. Recommendations for rulemaking should be accompanied by a complete draft of the notice(s) of proposed rulemaking, including the benefit/cost analysis and other required analyses. Recommendations for the issuance of guidance material should be accompanied by a complete advisory circular.

ARAC has formed the Performance and Handling Qualities Requirements Working Group to analyze and recommend to it solutions to issues contained in the assigned tasks. If ARAC accepts the working group's recommendations, it forwards them to the FAA.

ARAC working groups are comprised of technical experts on the subject matter. A working group member need not necessarily be a representative of one of the member organizations of ARAC. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing the desire, describing his or her interest in the task, and the expertise he or she would bring to the working group. The request will be reviewed by the assistant chair and working group leader, and the individual will be advised whether or not the request can be accommodated.

Working Group Reports

Each working group formed to consider ARAC tasks is expected to comply with the procedures adopted by ARAC and given to the working group chair. As part of the procedures, the working group is expected to:

A. Recommend time line(s) for completion of the task, including rationale, for consideration at the meeting of the ARAC to consider rotorcraft issues held following publication of this notice.

B. Give a detailed conceptual presentation on the task to the ARAC before proceeding with the work stated under item C below.

C. Give a status report on the task at each meeting of ARAC held to consider rotorcraft issues.

The Secretary of Transportation has determined that the formation and use of the ARAC are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of ARAC will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meeting of the Performance and Handling Qualities Requirements Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on January 13, 1995.

Chris A. Christie,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 95–1536 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee; Rotorcraft Gross Weight and Passenger Issues Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of the Rotorcraft Gross Weight and Passenger Issues Working Group.

SUMMARY: Notice is given of the establishment of the Rotorcraft Gross Weight and Passenger Issues Working Group and new tasks assigned to the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Schilling, Manager, Rotorcraft Standards Staff, 2601 Meacham Boulevard, Fort Worth, Texas, telephone number (817) 222–5110.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has established an Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991; and 58 FR 9230, February 19, 1993). One area the ARAC deals with is rotorcraft issues. These issues involve the airworthiness standards for normal and transport category rotorcraft in parts 27 and 29 of the Federal Aviation Regulations, which are the responsibility of the Director, Aircraft Certification Service, FAA

Task

The Gross Weight and Passenger Issues for Rotorcraft Working Group is charged with recommending to ARAC new or revised requirements for increasing the gross weight and passenger limitations for normal category rotorcraft. The products of this exercise are intended to be harmonized standards, acceptable to both the FAA and the Joint Aviation Authorities.

Specifically, the task is as follows:

Review Title 14 Code of Federal Regulations part 27 and supporting policy and guidance material to determine the appropriate course of action to be taken for rulemaking and/or policy relative to the issue of increasing the gross weight and passenger limitations for normal category rotorcraft.

ARAC recommendations to the FAA should be accompanied by appropriate documents. Recommendations for rulemaking should be accompanied by a complete draft of the notice(s) of proposed rulemaking, including the benefit/cost analysis and other required analyses. Recommendations for the issuance of guidance material should be accompanied by a complete draft advisory circular.

ARAC has formed the Rotorcraft Gross Weight and Passenger Issues Working Group to analyze and recommend to it solutions to issues contained in the assigned tasks. If ARAC accepts the working group's recommendations, it forwards them to the FAA.

ARAC working groups are comprised of technical experts on the subject matter. A working group member need not necessarily be a representative of one of the member organizations of ARAC. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and the expertise he or she would bring to the working group. The request will be reviewed by the assistant chair and working group leader, and the individual will be advised whether or not the request can be accommodated.

Working Group Reports

Each working group formed to consider ARAC tasks is expected to comply with the procedures adopted by ARAC and given to the working group chair. As part of the procedures, the working group is expected to:

A. Recommend time line(s) for completion of the task, including rationale, for consideration at the meeting of the ARAC to consider rotorcraft issues held following publication of this notice.

B. Give a detailed conceptual presentation on the task to the ARAC before proceeding with the work stated under item C below.

C. Give a status report on the task at each meeting of ARAC held to consider rotorcraft issues.

The Secretary of Transportation has determined that the formation and use of the ARAC are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of ARAC will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Rotorcraft Gross Weight and Passenger Issues Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on January 13, 1995.

Chris A. Christie,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 95–1537 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee; Harmonization of Miscellaneous Rotorcraft Regulations Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of the Harmonization of Miscellaneous Rotorcraft Regulations Working Group.

SUMMARY: Notice is given of the establishment of the Harmonization of Miscellaneous Rotorcraft Regulations Working Group and new tasks assigned to the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

FOR FURTHER INFORMATION CONTACT:

Mr. Mark Schilling, Manager, Rotorcraft Standards Staff, 2601 Meacham Boulevard, Fort Worth, Texas, telephone number (817) 222–5110.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has established an Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991; and 58 FR 9230, February 19, 1993). One area the ARAC deals with is rotorcraft issues. These issues involve the airworthiness standards for normal and transport category rotorcraft in parts 27 and 29 of the Federal Aviation Regulations, which are the responsibility of the Director, Aircraft Certification Service, FAA.

Tasks

The Harmonization of Miscellaneous Rotorcraft Regulations Working Group is charged with recommending to ARAC new or revised requirements for pilot indication of autopilot operating mode; burn test for electrical wire; seats, berths, and litters; and other rotorcraft issues. The products of this exercise are intended to be harmonized standards, acceptable to both the FAA and the Joint Aviation Authorities.

Specifically, the tasks are as follows:

1. Review Title 14 Code of Federal Regulations, §§ 27.1329 and 29.1329, and supporting policy and guidance material for the purpose of determining the course of action to be taken for rulemaking and/or policy relative to the issue of requiring pilot indication of autopilot operating mode similar to parts 23 and 25 requirements.

2. Review parts 27 and 29 to determine if clarification is needed for the burn test requirements for transport category rotorcraft and whether a new requirement for burn test for electrical wire for normal category rotorcraft is needed. Consider whether § 29.1351(d)(3) should be deleted and if new §§ 27.1365(c) and 29.1359(c) should be created to specify electrical wire insulation burn test requirements.

3. Review §§ 27.785(f)(2) and 29.785(f)(2) to determine if these sections should be revised to specify whether the 1.33 fitting factor for seats should also apply to berths and litters.

4. Review and make recommendations regarding the disharmonizations introduced by the New Rotorcraft 30 Second/2 Minute One-Engine Inoperative Power Ratings and the Rotorcraft Crash Resistant Fuel Systems final rules.

ARAC recommendations to the FAA should be accomplished by appropriate documents. Recommendations for rulemaking should be accompanied by a complete draft of the notice(s) of proposed rulemaking, including the benefit/cost analysis and other required analyses. Recommendations for the issuance of guidance material should be accompanied by a complete draft advisory circular. ARAC has formed the Harmonization of Miscellaneous Rotorcraft Regulations Working Group to analyze and recommend to it solutions to issues contained in the assigned tasks. If ARAC accepts the working group's recommendations, it forwards them to the FAA.

ARAC working groups are comprised of technical experts on the subject matter. A working group member need not necessarily be a representative of one of the member organizations of ARAC. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and the expertise he or she would bring to the working group. The request will be reviewed by the assistant chair and working group leader, and the individual will be advised whether or not the request can be accommodated.

Working Group Reports

Each working group formed to consider ARAC tasks is expected to comply with the procedures adopted by ARAC and given to the working group chair. As part of the procedures, the working group is expected to:

A. Recommend time line(s) for completion of the tasks, including rationale, for consideration at the meeting of the ARAC to consider rotorcraft issues held following publication of this notice.

B. Give a detailed conceptual presentation on the tasks to the ARAC before proceeding with the work stated under item C below.

C. Give a status report on the tasks at each meeting of ARAC held to consider rotorcraft issues.

The Secretary of Transportation has determined that the formation and use of the ARAC are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of ARAC will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Harmonization of Miscellaneous Rotorcraft Regulations Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on January 13, 1995.

Chris A. Christie,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 95–1538 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New Tasks

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignments for the Aviation Rulemaking Advisory Committee.

SUMMARY: Notice is given of new tasks assigned to the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

FOR FURTHER INFORMATION CONTACT: Stewart R. Miller, Manager, Transport Standards Staff, ANM–110, Transport Airplane Directorate, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, Washington, 98055–4056; telephone (206) 227–2190; (206) 227–1320.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has established an Aviation Rulemaking Advisory Committee (56 FR 2190, January 22, 1991; and 58 FR 9230, February 19, 1993). One area the ARAC deals with is transport airplane and engine issues. These issues involve the airworthiness standards for transport category airplanes and engines in parts 25, 33, and 35 of the Federal Aviation Regulations (FAR) and parallel provisions in parts 121 and 135 of the FAR.

The FAA announced at the Joint Aviation Authorities (JAA)-Federal Aviation Administration (FAA) Harmonization Conference in Toronto, Canada, June 2–5, 1992, that it would consolidate within the ARAC structure an ongoing objective to ''harmonize'' the Joint Aviation Requirements (JAR) and the Federal Aviation Regulations (FAR).

Tasks

The following three new harmonization tasks are being assigned to ARAC:

Task 1—Material Strength Properties and Design Values

Review Title 14 Code of Federal Regulations, Section 25.613, corresponding Paragraph 25.613 of the European Joint Aviation Requirements (JAR), and supporting policy and guidance material, and recommend to the FAA appropriate revisions for harmonization, including advisory material.

Task 2—Proof of Structure

Review Title 14 Code of Federal Regulations, Section 25.307, corresponding Paragraph 25.307 of the JAR, and supporting policy and guidance material, and recommend to the FAA appropriate revisions relative to the issue concerning limit load tests, ultimate load tests, and structural testing for harmonization, including advisory material.

Task 3—Damage Tolerance and Fatigue

Review Title 14 Code of Federal Regulations, Section 25.571,

corresponding Paragraph 25.571 of the JAR, and supporting policy and guidance material and recommend to the FAA appropriate revisions for harmonization, including advisory material.

ARAC recommendations to the FAA should be accompanied by appropriate documents. Recommendations for rulemaking should be accompanied by a complete draft of the notice of proposed rulemaking, including the Benefit/Cost Analysis and other required analyses. Recommendations for the issuance of guidance material should be accompanied by a complete draft advisory circular.

ARAC normally forms working groups to analyze and recommend to it solutions to issues contained in assigned tasks. If ARAC accepts the working group's recommendations, it forwards them to the FAA. At this point, ARAC has not identified working groups for these tasks.

ARAC working groups are comprised of technical experts on the subject matter. A working group member need not necessarily be a representative of one of the member organizations of ARAC. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and the expertise he or she would bring to the working group. The request will be reviewed by the ARAC assistant chair and working group leader, and the individual will be advised whether or not the request can be accommodated.

Working Group Reports

Each working group formed to consider ARAC tasks is expected to comply with the procedures adopted by ARAC and given to the working group chair. As part of the procedures, the working group is expected to:

A. Recommend time line(s) for completion of the tasks, including rationale, for consideration at the meeting of the ARAC to consider transport airplane and engine issues held following publication of this notice.

B. Give a detailed conceptual presentation on the tasks to the ARAC before proceeding with the work stated under item C below.

C. Give a status report on the tasks at each meeting of ARAC held to consider transport airplane and engine issues.

The Secretary of Transportation has determined that the formation and use of the ARAC are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of the ARAC will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the working group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on January 13, 1995.

Chris A. Christie,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 95–1539 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Federal Aviation Administration Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on February 8, 1995, at 10 a.m. Arrange for oral presentations by January 27, 1995.

ADDRESSES: The meeting will be held at the Regional Airline Association, 1201 19th Street, NW., Suite 300, Washington, DC, 10 a.m.

FOR FURTHER INFORMATION CONTACT: Miss Jean Casciano, Federal Aviation Administration (ARM–25), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9683; fax (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Executive Committee to be held on February 8, 1995, at the Regional Airline Association, 1201 19th Street, NW., Suite 300, Washington, DC, 10 a.m. The agenda will include:

- Feedback on the ARAC procedures.
- ARAC mailouts and use of the bulletin board.
- Followup FAA action resulting from ARAC recommendations.
- An update on the ARAC charter.
- Possible ARAC tasks resulting from the DOT/FAA Aviation Safety Conference.
- A follow-up on open action items.
- Notable comments on specific issues.
- Other business.

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by January 27, 1995, to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on January 13, 1995.

Chris A. Christie,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 95–1540 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc., Special Committee 147, Forty-Eighth Meeting; Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix I), notice is hereby given for Special Committee 147 meeting to be held March 1–2, 1995, starting at 9 a.m. The meeting will be held at the RTCA conference room, 1140 Connecticut Avenue NW., Suite 1020, Washington, DC 20036.

Agenda will be as follows: (1) Chairman's introductory remarks; (2) Review of meeting agenda; (3) Approval of the minutes of the forty-seventh meeting held on November 28–29, 1994; (4) Chairman's report regarding SATF status; (5) Report of working group activities: (a) Operations Working Group (OWG) discussion of status of WG Chairman, (b) Requirements Working Group, (c) Enhancements Working Group; (6) Report on FAA TCAS Program Activities: (a) TCAS I, (b) TCAS II, (c) TCAS IV, (d) ATC applications activities, (e) Report on outline of proposed DO–185A (Change 7); (7) Review of international activities/issues; (8) Review and update of verification and validation process; (9) Review of action items from last meeting: (a) Update on Miss Distance Filter—MITRE, (b) Status of proposal to issue MOPS on electronic media—RTCA; (10) Other business; (11) Date and place of next meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue NW., Suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 10, 1995.

David W. Ford,

Designated Officer.

[FR Doc. 95–1530 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Pago Pago International Airport, Pago Pago, American Samoa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Pago Pago International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508 as recodified by Title 49 U.S.C. 40117 [C(3)]) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before February 21, 1995.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Honolulu Airports District Office, P.O. Box 50244, Honolulu, HI 96850–0001; Street Address: 300 Ala Moana Blvd., Room 7116, Honolulu, HI 96813.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Fepulea'i Sila Poasa, Director of the Department of Port Administration at the following address: Department of Port Administration, P.O. Box 639, Pago Pago, American Samoa 96799.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Department of Port Administration under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: David J. Welhouse, Honolulu Airports District Office, P.O. Box 50244, Honolulu, HI 96850; Street Address: 300 Ala Moana Blvd., Room 7116, Honolulu, HI 96813; Telephone: (808) 541–1243. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Pago Pago International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508 as recodified by Title 49 U.S.C. 40117 [C(3)]) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 4, 1995, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Department of Port Administration was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 7, 1995.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: June 1, 1995

Proposed charge expiration date: December 1, 2000

Total estimated PFC revenue: $1,410,360.00

Brief description of proposed projects: Improvements and modification of terminal buildings including reroofing of two terminal buildings ($1,160,360) and improvement of the baggage claim area and baggage conveyer belts ($250,000).

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: None.

AVAILABILITY OF APPLICATION: Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Western-Pacific Region, Airports Division, Room 3E24, 15000 Aviation Blvd., Hawthorne, CA 90261.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Department of Port Administration.

Issued in Hawthorne, California on January 4, 1995.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 95–1541 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Philadelphia International, Airport, Philadelphia, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to Impose and use the revenue from a PFC at Philadelphia International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before February 21, 1995.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. L. W. Walsh, Manager Harrisburg Airports District Office, 3911 Hartzdale Drive, Suite 1, Camp Hill, Pennsylvania 17011.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mary Rose Loney, Director of Aviation for the City of Philadelphia at the following address: Philadelphia International Airport, Terminal E, Philadelphia, Pennsylvania 19153.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Philadelphia under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. L. W. Walsh, Manager Harrisburg Airports District Office, 3911 Hartzdale Drive, Suite 1, Camp Hill, Pennsylvania 17011 (Tel (717)–975–3423). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Philadelphia International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On November 14, 1994, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Philadelphia was substantially complete within the requirements of § 158.25 of Part 158.

The FAA will approve or disapprove the application, in whole or in part, no later than February 25, 1995.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: September 1, 1992.

Proposed charge expiration date: August 31, 1997.

Total estimated PFC revenue: $116,700,000.

Brief description of proposed projects:

—Terminals B, C, D, & E—General Renovation (impose & use)
—Airfield Expansion program (use only)
—Terminal B & C—Consolidation (use only)
—Terminal A, D & E Expansion and Upgrading (use only)

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ACTO) Filing FAA From 1800–31

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York, 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Philadelphia International Airport.

Issued in Jamaica, New York state on January 13, 1995.

William DeGraff,

Manager, Planning and Programming Branch, Airports Division, Eastern Region.

[FR Doc. 95–1531 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at San Luis Obispo County Airport McChesney Field, San Luis Obispo, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at San Luis Obispo County Airport McChesney Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508 as recodified by Title 49 U.S.C. 40117 [c(3)]) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before February 21, 1995.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, or San Francisco Airports District Office, 831 Mitten Road, room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Paul A. Gimer, Airport Manager of the San Luis Obispo Airport McChesney Field, at the following address: County of San Luis Obispo, County Government Center, room 460, San Luis Obispo, California 93408. Air carriers and foreign air carriers may submit copies of written comments previously provided to the County of San Luis Obispo under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph R. Rodriguez, Supervisor, Planning and Programming Section, Airports District Office, 831 Mitten Road, room 210, Burlingame, CA 94010–1303, telephone: (415) 876–2805. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from San Luis Obispo County Airport McChesney Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508 as recodified by Title 49 U.S.C. 40117 [C(3)]) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On December 22, 1994, the FAA determined that the application to impose and use a PFC submitted by the County of San Luis Obispo was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than March 31, 1995.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: April 1, 1995.

Proposed charge expiration date: March 31, 1997.

Total estimated PFC revenue: $700,000.

Brief description of the proposed projects: Provided local match share to maximum PFC participation of $100,000 for construction of holding bays, installation of high intensity runway lighting and purchase aircraft rescue fire fighting vehicle and ancillary equipment; provide local match share to a maximum PFC participation of $600,000 for overlay and gradient correction of runway 11/29 and rehabilitation of taxiway E.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Unscheduled Part 135 Air Taxi Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the County of San Luis Obispo.

Issued in Hawthorne, California, on December 28, 1994.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 95–1542 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement; City of Detroit, Wayne County, Michigan

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement and a major investment study will be prepared for the proposed design and rehabilitation of I–94 in Detroit, Michigan from the vicinity of the I–94/I–96 interchange easterly to the vicinity of Conner Avenue.

FOR FURTHER INFORMATION CONTACT: Mr. Norman Stoner, Program Operations Engineer, Federal Highway Administration, 315 W. Allegan Street, Room 207, Lansing, Michigan 48933, Telephone (517) 377–1880 or Mr. Ronald Kinney, Manager, Environmental Section, Bureau of Transportation Planning, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone (517) 335–2621.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Michigan Department of Transportation, (MDOT), is preparing an Environmental Impact Statement (EIS) and a Major

Investment Study (MIS) to determine the alternatives, cross-section, geometric design, and right-of-way requirements for the proposed rehabilitation of I–94, from approximately 0.8 kilometers (one-half mile) west of the I–94/I–96 interchange, easterly 12.9 kilometers (8 miles) to approximately 0.8 kilometers (one-half mile) east of the Conner Avenue interchange. The potential for implementing High Occupancy Vehicle (HOV) lanes on an extended section of I–94, from Wyoming Avenue easterly approximately 30.6 kilometers (19 miles) to I–696 will also be evaluated.

The purpose of the rehabilitation is to modernize I–94 to achieve transportation improvements in the I–94 corridor and to better provide access to the freeway. Increasing access to key areas, such as the New Center area and Wayne State University, from the freeway will also be considered.

The I–94 corridor, from Wyoming Avenue northeasterly 30.6 kilometers (19 miles) to I–696, is in an air quality non-attainment area. Consequently, any improvements within this portion of I–94 will require consideration of alternatives to single occupant vehicle usage, such as reserved lanes for high occupant vehicle use. The study will identify any impediments or constraints that may exist to the future implementation of HOV lanes along this entire portion of I–94. The development of acceptable geometrics for entering and exiting HOV lanes at the Central Business District area (between I–96 and M–3) will be part of this study.

The alternatives under consideration include:

(1) No Action;

(2) Transportation System Management (TSM) alternatives;

(3) Mass transit alternatives; and

(4) Upgrading and rehabilitating the existing facility on the existing alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies with scoping information attached. Letters will also be sent to organizations and citizens who have previously expressed interest or are known to have interest in this proposal to provide them the opportunity to comment. A steering committee will be formed from interested, Federal, state, and local representatives with citizen input. The process will include meetings, informal coordination, review sessions and discussions at regularly scheduled coordination meetings. A public hearing will also be held. Public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or the MDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

A. George Ostensen,

Division Administrator, Lansing, Michigan.

[FR Doc. 95–1455 Filed 1–19–95; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

January 10, 1995.

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.

Special Request: In order to conduct the survey described below in a in February 1995, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approve this information collection by January 24, 1995. To obtain a copy of this survey, please contact the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1432

Survey Project Number: IRS PC:V 95–001–G

Type of Review: Revision

Title: Fresno Point of Contact Interviews

Description: The Internal Revenue Service is in a major organization-wide change as a result of the reinvention of government.

This change is intended to increase its effectiveness in tax administration through the operation of its three business objectives: (1) Increase voluntary compliance, (2) reduce taxpayer burden, and (3) improve quality-driven productivity and customer satisfaction.

Therefore, the primary purpose of the interviews is to determine what currently unavailable products and/or services are needed by tapxayers or what changes or improvements to current products and/or services taxpayers perceive as being beneficial.

Respondents: Businesses or other for-profit, small businesses or organizations

Estimated Number of Respondents: 2,800

Estimated Burden Hours Per Respondent: 1 minute, 30 seconds

Frequency of Response: Other

Estimated Total Reporting Burden: 70 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. 95–1447 Filed 1–19–95; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

January 10, 1995.

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.

Special Request: In order to conduct the survey described below in February 1995, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approve this information collection by January 24, 1995. To obtain a copy of this survey, please contact the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1432.

Survey Project Number: IRS PC:V 95–002–G.

Type of Review: Revision.

Title: Pittsburgh Homebuilders Survey.

Description: The Pittsburgh District Compliance 2000 Prototype Team decided to focus on improving compliance in the filing of Forms 1099Misc and W–2 in the metropolitan Pittsburgh homebuilding industry. Because building permits are filed within each municipality in Pennsylvania and to establish a manageable population to study, the Prototype Team decided that the eleven townships in four counties surrounding Pittsburgh would constitute the metropolitan Pittsburgh homebuilding industry.

To provide further information about the level of satisfaction these homebuilders are experiencing with IRS products and services, a questionnaire has been developed to help ascertain the reasons for noncompliance in the homebuilding industry.

Respondents: Businesses or other for-profit, small businesses or organizations.

Estimated Number of Respondents: 1,000.

Estimated Burden Hours Per Respondent: 4 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 67 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. 95–1448 Filed 1–19–95; 8:45 am]

BILLING CODE 4830–01–M

UNITED STATES INFORMATION AGENCY

Rule of Law

ACTION: Notice—request for proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) announces a competitive grants program for nonprofit organizations in support of projects on the theme of RULE OF LAW for audiences in the following geographical areas: American Republics; East Asia (Peoples Republic of China, Hong Kong, Indonesia, Regional GATT); Eastern Europe and the NIS (excluding Russia); Middle East (Egypt, Jordan, and Morocco); and Western Europe (Greece). USIA particularly is seeking projects which link American institutions and specialists with partners overseas. New and creative approaches to the issue of rule of law will be especially welcome. Proposals which request USIA funding of less than $135,000 and which include significant cost sharing will be deemed more competitive.

Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquiries to the Office or submitting their proposals.

After the deadline for submitting proposals, USIA officers may not discuss this competition in any way with applicants until final decisions are made.

ANNOUNCEMENT NAME AND NUMBER: All communications concerning this announcement should refer to the Rule of Law Grant Program, announcement number E/P–95–42. Please refer to title and number in all correspondence or telephone calls to USIA.

DATES: Deadline for Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, D.C. time on March 3, 1995. Faxed documents will not be accepted, nor will documents postmarked on March 3, 1995, but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions must contact the Office of Citizen Exchanges, E/PL, Room 216, United States Information Agency, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 619–5326, fax (202) 260–0437, to request detailed application packets, which include award criteria, all application forms, and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Please direct inquiries on programmatic matters to the USIA Officer identified under each geographic heading.

ADDRESSES: Applicants must follow all instructions given in the Proposal Submission Instructions and send only complete applications to: U.S. Information Agency, REF: E/P–95–42 Rule of Law Grant Competition, Grants Management Division (E/XE), 301 Fourth Street SW., Room 336, Washington, D.C. 20547.

SUPPLEMENTARY INFORMATION: Pursuant to the legislation authorizing the Bureau of Education and Cultural Affairs, 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 Office of Citizen Exchanges works with U.S. private sector non-profit organizations on cooperative international group projects that introduce American and foreign participants to each others' social, economic, and political structures; and international interests.

Guidelines

Applicants should carefully note the following restrictions and recommendations for proposals in specific geographical areas:

American Republics

Enhancing Good Governance Through Rule of Law

USIA seeks to promote the strengthening of the rule of law in the American Republics region through engaging American legal institutions, particularly law schools and bar associations, in working with their hemispheric counterparts to strengthen the legal structures essential to an enduring democratic society. The continuance of the region's peaceful transition to democratic rule depends upon the continued growth of strong legal systems and legal institutions firmly committed to the rule of law. Preference will be given to projects in countries or logical groups of countries that have recently made significant changes in their legal systems, or that are contemplating doing so. Inquiries should be directed to Program Specialist Laverne Johnson, (202) 619–5326, Internet LJOHNSON@USIA.GOV

East Asia

Chinese Private Attorneys Project

Proposals are invited to conduct a project that would bring attorneys from Chinese state and private law firms to the U.S. for short-term professional programs to enhance understanding of the private practice of law in an open society and to familiarize them with the

role of arbitration and the court system in resolving disputes.

Hong Kong Journalists

Proposals are invited to conduct a project for journalists in Hong Kong that would focus on press freedom, the press-government relationship, and the role of a free press in society. Projects may consist of but are not limited to workshops, site tours, seminars and internships.

Judicial Programs for Indonesia

Proposals are invited to conduct a project for Indonesia that would focus on either the development of a responsible judiciary or the development of free and independent labor organizations.

Impact of GATT

Proposals are invited to conduct a regional or subregional project on the importance of implementing GATT rules, such as rules protecting intellectual property rights, to the continuing stability of the multilateral trading system. Inquiries should be directed to Program Specialist Elroy Carlson, (202) 619–5326, Internet ECARLSON@USIA.GOV

Eastern Europe and the NIS (Excluding Russia)

Rule of Law in the Emerging Central and Eastern European Democracies

USIA will accept proposals related to the rule of law in Central and Eastern Europe and the NIS excluding Russia. The focus of the proposals should be on the development of an independent judiciary. Activities may include workshops in-country or in the U.S.; in-country consultation by judicial experts; and the development of materials in local languages useful in training of legal scholars. Projects must focus on a single country. Inquiries should be directed to Program Specialist Steve Sutton, (202) 619–5326, Internet SSUTTON@USIA.GOV

Middle East

The Legal Environment for Market Economies in the Middle East

Proposals are invited for a professional exchange program to address issues faced by Middle Eastern countries attempting to move from centralized, command economies to more open systems driven by private sector initiative and market mechanisms. Crucial to the success of these efforts will be the development of a legal environment which is conducive to reform and respectful of due process. Issues to be addressed might include: the nature and extent of government regulation appropriate to a market economy, the constructive role of labor movements and business associations, the regulation and monitoring of stock trading and financial reporting, the development and standardization of rules and procedures for the adjudication of private enterprise-public sector conflicts, the development of equitable and enforceable taxation codes, codification of property rights, and methods of detecting corruption and implementing reform. Proposals focussing on Egypt, Jordan, and Morocco are particularly encouraged. The proposed program should include at least two phases, one of which would bring Middle East specialists to the United States for two or more weeks and one of which would send U.S. specialists to the Middle East. Participants should include representatives of business and of government (executive and legislative). Inquiries should be directed to Program Specialist Thomas Johnston, (202) 619–5319, Internet TJOHNSTO@USIA.GOV

Western Europe

Greek Legal Development

USIA proposes a legal exchange program which would provide for American jurists to visit Athens and demonstrate the basic procedures in American commercial law (early neutral evaluation, case management, mediation, judicial settlement, arbitration) to their Greek counterparts. In return, a delegation of Greek judges would visit the United States to attend the annual conference of U.S. judges and visit the Americans who had participated in the Athens program, in their courts and law offices. Inquiries should be directed to Program Specialist Christina Miner, (202) 619–5319, Internet CMINER@USIA.GOV

Program Parameters

The Office of Citizen Exchanges strongly encourages the coordination of activities with respected universities, professional associations, and major cultural institutions in the U.S. and abroad, but particularly in the U.S. Projects should be intellectual and cultural, not technical. Vocational training (an occupation other than one requiring a baccalaureate or higher academic degree; i.e., clerical work, auto maintenance, etc. and other occupations requiring less than two years of higher education) and technical training (special and practical knowledge of a mechanical or a scientific subject which enhances mechanical, narrowly scientific, or semi-skilled capabilities) are ineligible for support. In addition, scholarship programs are ineligible for support.

The Office does not support proposals limited to conferences or seminars (i.e., one to fourteen-day programs with plenary sessions, main speakers, panels, and a passive audience). It will support conferences only insofar as they are part of a larger project in duration and scope which is receiving USIA funding from this competition. USIA-supported projects may include internships; study tours; short-term, non-technical training; and extended, intensive workshops taking place in the United States or overseas. The themes addressed in exchange programs must be of long-term importance rather than focused exclusively on current events or short-term issues. In every case, a substantial rationale must be presented as part of the proposal, one that clearly indicates the distinctive and important contribution of the overall project, including where applicable the expected yield of any associated conference. No funding is available exclusively to send U.S. citizens to conferences or conference-type seminars overseas; neither is funding available for bringing foreign nationals to conferences or to routine professional association meeting in the United States. Projects that duplicate what is routinely carried out by private sector and/or public sector operations will not be considered. The Office of Citizen Exchanges strongly recommends that applicants consult with host country USIS posts, *prior* to submitting proposals.

Selection of Participants

All grant proposals should clearly describe the types of persons who will participate in the program as well as the process by which participants will be selected. It is recommended that programs in support of U.S. internships include letters tentatively committing host institutions to support the internships. In the selection of foreign participants, USIA and USIS posts retain the right to nominate all participants and to accept or deny participants recommended by grantee institutions. However, grantee institutions are often asked by USIA to suggest names of potential participants. The grantee institution will also provide the names of American participants and brief (two pages) biographical data on each American participant to the Office of Citizen Exchanges for information purposes. Priority will be given to foreign participants who have not previously travelled to the United States.

Additional Guidance

The Office of Citizen Exchanges offers the following additional guidance to prospective applicants:

1. Except where noted in the text, the Office of Citizen Exchanges encourages project proposals involving more than one country. Pertinent rationale which links countries in multi-country projects should be included in the submission. Single-country projects that are clearly defined and possess the potential for creating and strengthening continuing linkages between foreign and U.S. institutions are also welcome.

2. Proposals for bilateral programs are subject to review and comment by the USIS post in the relevant country, and pre-selected participants will also be subject to USIS post review.

3. Bilateral programs should clearly identify the counterpart organization and provide evidence of the organization's participation.

4. The Office of Citizen Exchanges will consider proposals for activities which take place exclusively in other countries when USIS posts are consulted in the design of the proposed program and in the choice of the most suitable venues for such programs.

5. The Office of Citizen Exchanges grants are not given to support projects whose focus is limited to technical or vocational subjects, or for research projects, for publications funding, for student and/or teacher/faculty exchanges, for sports and/or sports related programs. Nor does this office provide scholarships or support for long-term (a semester or more) academic studies.

Funding

Proposals which request USIA funding of less than $135,000 and which include significant cost sharing will be deemed more competitive. organizations with less than four years of successful experience in managing international exchange programs are limited to $60,000. Applicants are invited to provide both an all-inclusive budget as well as separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding. While an all-inclusive budget must be provided with each proposal, separate component budgets are optional. Since USIA grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of financial and in-kind support. 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 as being 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.

Eligible Costs

The following project costs are eligible for consideration for funding:

1. International and domestic air fares; visas; transit costs; ground transportation costs.

2. Per diem. For the U.S. program, organizations have the option of using a flat $140/day for program participants or the published U.S. Federal per diem rates for individual American cities. For activities outside the U.S., the published Federal per diem rates must be used.

Note: U.S. escorting staff must use the published Federal per diem rates, not the flat rate.

3. Interpreters: If needed, interpreters for the U.S. program are provided by the U.S. State Department Language Service Division. Typically, a pair of simultaneous interpreters is provided for every four visitors who need interpretation. USIA grants do not pay for foreign interpreters to accompany delegations from their home country. Grant proposal budgets should contain a flat $140/day per diem for each Department of State interpreter, as well as home-program-home air transportation of $400 per interpreter plus any U.S. travel expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget.

4. Book and cultural allowance: Participants are entitled to and escorts are reimbursed a one-time cultural allowance of $150 per person, plus a participant book allowance of $50. U.S. staff do not get these benefits.

5. Consultants. May be used to provide specialized expertise or to make presentations. Daily honoraria generally do not exceed $250 per day. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal.

6. Room rental, which generally should not exceed $250 per day.

7. Materials development. Proposals may contain costs to purchase, develop, and translate materials for participants.

8. One working meal per project. Per capital costs may not exceed $5–$8 for a lunch and $14–$20 for a dinner; excluding room rental. The number of invited guests may not exceed participants by more than a factor of two to one.

9. A return travel allowance of $70 for each participant which is to be used for incidental expenditures incurred during international travel.

10. In most cases, USIA-funded delegates will be covered under the terms of a USIA-sponsored health insurance policy with the premium is paid by USIA directly to the insurance company. For additional information on insurance coverage, contact the E/P program officer.

11. Other costs necessary for the effective administration of the program, including salaries for grant organization employees, benefits, and other direct and indirect costs per detailed instructions in the application package.

Note: the 20 percent limitation of ''administrative costs'' included in previous announcements does not apply to this RFP.

Please refer to the Proposal Submission Instructions for complete budget guidelines.

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 established herein and in the Proposal Submission Instructions. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the budget and contract offices, as well the USIA geographic regional office and the USIS post overseas, where appropriate. Proposals may also be reviewed by the USIA's Office of 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 USIA's contracting officer.

Review Criteria

USIA will consider proposals based on their conformance with the objectives and considerations already stated in this RFP, as well as the following criteria:

1. *Quality of Program Idea:* Proposals should exhibit originality, substance, precision, and relevance to the Agency mission.

2. *Program Planning:* Detailed agenda and relevant work plan should demonstrate substance 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. Proposal should clearly demonstrate how the institution will meet the program objectives and plan.

4. *Multiplier Effect:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. *Value to U.S.—Partner Country Relations:* Proposed projects should receive positive assessments by USIA's geographic area desk and overseas officers of program need, potential impact, and significance in the partner.

6. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goal.

7. *Institution Reputation/Ability:* Proposal 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 ensures that USIA supported programs are not isolated events.

9. *Evaluation Plan:* Proposals should provide a plan for a thorough and objective evaluation of the program/project by the grantee institution.

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. *Support of Diversity:* Proposal should demonstrate the recipients' commitment to promoting the awareness and understanding of diversity throughout the program. This can be accomplished through documentation (such as a written statement or account) summarizing past and/or on-going activities and efforts that further the principle of diversity within both their organization and their activities.

Notice

The Office of Citizen Exchanges reserves the right to reduce, revise, or increase the grant award. The terms and conditions published in the Request for Proposal (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. Final awards cannot be made until funds have been fully appropriated by the 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 28, 1995. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: January 12, 1995.

Dell Pendergrast,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 95–1411 Filed 1–19–95; 8:45 am]

BILLING CODE 8230–01–M

Third World Journalism Seminar

ACTION: Notice—Request for Proposals.

SUMMARY: The Office of Citizen Exchanges of the United States Information Agency's Bureau of Education and Cultural Affairs announces an open competition for an assistance award program. Public or private non-profit organizations meeting the provisions described in IRS regulation 501(c)(3) may apply to develop a project to provide logistical support and American speaker recruitment services for the 1995 Annual ''Third World Journalism Seminar,'' which will bring 18 professional institutional spokespersons to Tunis to discuss professionalism in public relations.

Overall grant-making and funding authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 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 Solicitation Package. The 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/P–95–34.

DATES: Deadline for proposals: All copies must be received at the U.S. Information Agency by 5:00 p.m. Washington, D.C. time on Friday, February 17, 1995. Faxed documents will not be accepted, nor will documents postmarked on February 17, 1995, but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline.

FOR FURTHER INFORMATION CONTACT: The Division of African Affairs and North African/Near Eastern/South Asian Affairs of the Office of Citizen Exchanges (E/PS), Room 224, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 29547, telephone number: (202) 619–5319, fax number: (202) 619–4350, internet address: CPeterso@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 USIA Program Officer/Specialist Charlotte Peterson on all inquiries and correspondence. Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the Office of Citizen Exchanges or submitting their proposals. Once the RFP deadline has passed, the Office of Citizen Exchanges may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

ADDRESSES: Applicants must follow all instructions given in the Solicitation Package and send only complete applications (the original and 14 copies) to: U.S. Information Agency, Ref.: E/P–95–34, Office of Grants Management, E/XE, Room 336, 301 4th Street, S.W., Washington, D.C. 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. The Agency encourages proposals from eligible non-profit organizations whose staff reflects a broad variety of ethnic backgrounds, whose programs encompass a range of diversity interests, and/or whose mission is to further the interests of traditionally under-represented groups. Selection of program participants should reflect all forms of diversity, including race, gender, and geographic region.

Overview

From June 10–24, 1995, the African Center for the Training of Journalists and Communicators (CAPJC), a Tunis-based NGO, will sponsor the twelfth in a series of seminars to enhance journalistic skills and the journalistic environment in the region of North Africa and Sub-Saharan Africa. CAPJC will, as in other years, work closely with the U.S. Information Service Office of the U.S. Embassy in Tunis in organizing the seminar. The title of the 1995 seminar will be ''Professionalism in Public Relations: Promoting Democracy and Market Economies through Better Institutional Accountability.'' The seminar will be conducted in French. The recipient of this grant will be responsible for providing general administrative and logistical support to CAPJC and USIS Tunis, and for recruiting three American speakers.

Background

For the past eleven years CAPJC has been sponsoring seminars that are geared towards teaching hands-on, practical journalistic skills to third-world journalists. Each year USIS Tunis has worked closely with CAPJC to design the seminars and select the participants. An American NGO has provided logistical support. Past themes have included news agency writing, newspaper reporting, radio journalism, economic reporting, and investigative journalism, all of which are part of an effort to promote more capable and responsible journalists.

The June 1995 seminar will address the parallel need for responsible and responsive institutions with which the journalists can interact, the overall concept of accountability, and the right to public information which journalists need in order to fulfill their responsibility to the public. The seminar will be conducted in French, led by a team of American and Tunisian professionals.

Eighteen institutional communicators/press spokespersons from both government and the private sector will be invited to participate in this seminar. Twelve participants will come from French-speaking African and Arab countries, and six participants will be residents of Tunisia. CAPJC and USIS Tunis, in consultation with the USIS posts in the region, will be responsible for selection of these individuals.

Guidelines

1. Working closely with CAPJC and USIS Tunis, the grantee will provide administrative and logistical support for the June 1995 ''Third World Journalism Seminar'' in Tunis, specifically including the following services:

—Recruitment of three American professional and/or academic speakers/instructors for the seminar, under the guidance of USIS Tunis and CAPJC.

—Air travel reservations and ticketing, ground transportation, and accommodation arrangements for the America speakers and the twelve participants from Arab and African countries.

—On-site services to participants and speakers during the seminar including airport reception and per diem disbursements.

—Registration costs for Tunisian participants.

—Accounting for disbursements.

2. All proposals should demonstrate substantial experience with seminar organization and with North Africa, preferably Tunisia.

3. Applicants should employ French-speaking staff or consultants available to travel to Tunis as necessary for consultations with CAPJC before and during the seminar.

4. Applicants are strongly encouraged to consult the U.S. Information Service office at the U.S. Embassy in Tunis before submitting proposals.

5. The U.S. recipient should try to maximize cost-sharing in all facets of the program and stimulate private-sector support. Since USIA grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of financial and in-kind support. Cost-sharing may be in the form of allowable direct or indirect costs.

6. All USIA-funded delegates (outside their home countries, i.e. not the Tunisians) and the American speakers will be covered under the terms of a USIA-sponsored health insurance policy.

7. Drafts of all printed materials developed for this program should be submitted to the Agency for review and approval. All official documents should highlight the U.S. Government's role as program sponsor and funding source. USIA requests that it receive the copyright use and be allowed to distribute the material as it sees fit.

Proposed Budget

USIA will consider providing funding of up to approximately $80,000. 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. Please refer to the Application Package for complete formatting instructions. For better understanding or further clarification, applicants may provide separate sub-budgets for each program component or activity to facilitate USIA decisions on funding.

Allowable costs for the program include the following:

(1) International and domestic air fares; visas; transit costs; and ground transportation costs.

(2) Per Diem. The published Federal per diem rates must be used.

(3) Consultants may be used to provide specialized expertise or to make presentations. Daily honoraria generally do not exceed $250. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal.

(4) One working meal per project. Per capita costs may not exceed $5–8 for a lunch and $14–20 for a dinner; this includes room rental if applicable. The number of invited guests may not exceed participants by more than a factor of two to one.

(5) Materials development. Proposals may contain costs to purchase, develop and reproduce materials for participants.

(6) Other costs necessary for the effective administration of the program, including salaries for grant organization employees, benefits, and other direct and indirect costs per detailed instructions in the application package.

Please refer to the Solicitation 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 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 Office of North African, Near Eastern, and South Asian Affairs; the USIA Office of African Affairs; and USIS Tunis. 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 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. *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 describe above.

2. *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.

3. *Support of Diversity:* Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity.

4. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

5. *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.

6. *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.

7. *Cost-sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

8. *Area expertise:* Proposals should give evidence of relevant knowledge of the geographic area.

Notice

The terms and conditions published in this RFP are binding and may not be modified by an 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 March 17, 1995. Awards made will be subject to periodic reporting and evaluation requirements.

Dated: January 12, 1995.

Dell Pendergrast,

Deputy Associate Director, Educational and Cultural Affairs.

[FR Doc. 95–1412 Filed 1–19–95; 8:45 am]

BILLING CODE 8230–01–M

Republic of El Salvador; Receipt of Cultural Property Request

AGENCY: United States Information Agency.

ACTION: Notice of Receipt of Cultural Property Request from the Republic of El Salvador.

The Republic of El Salvador has submitted a cultural property request to the Government of the United States under Article 9 of the 1970 UNESCO Convention. The request was received on January 13, 1995, by the United States Information Agency. The request seeks U.S. protection of certain categories of archaeological material the pillage of which, it is alleged, jeopardizes the national cultural patrimony of El Salvador. In accordance with the provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603 et al) the request will be reviewed by the Cultural Property Advisory Committee which will develop recommendations before a determination is made.

Dated: January 17, 1995.

Penn Kemble,

Deputy Director, United States Information Agency.

[FR Doc. 95–1573 Filed 1–19–95; 8:45 am]

BILLING CODE 8230–01–M

Cultural Property Advisory Committee; Meetings

AGENCY: United States Information Agency.

ACTION: Notice of Meeting of the Cultural Property Advisory Committee.

SUMMARY: The Cultural Property Advisory Committee will meet on Monday, January 30, 1995, from approximately 2:00 to 5:00 PM, and on January 31, 1995, from approximately 9:00 AM to 5:00 PM at USIA headquarters, 301 4th Street, S.W., Washington, D.C. The agenda on January 30, will include administrative briefings and will be open to the public. The agenda on January 31, will include deliberation of a cultural property request from El Salvador seeking U.S. protection of certain archaeological resources. This request, submitted under Article 9 of the 1970 UNESCO Convention will be considered in accordance with the provisions of the Convention on Cultural Property Implementation Act (19 U.S.C., 2601 et al, P.L. 97–446). Since discussion of this matter will involve information the premature disclosure of which would be likely to significantly frustrate implementation of proposed actions, this portion of the meeting will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h) (see attachment).

Due to security requirements and limited space, persons wishing to attend the open portion of the meeting on January 30, should telephone (202) 619–6612 by 5 PM (EST) on Friday, January 27, 1995. A list of public attendees will be posted at the security desk of USIA in order to facilitate access to the meeting room.

Dated: January 17, 1995.

Penn Kemble,

Deputy Director, United States Information Agency.

Attachment—Determination To Close the Meeting of the Cultural Property Advisory Committee January 31, 1995

In accordance with 5 U.S.C. 552b(c)(9)(B), and 19 U.S.C. 2605(h), I hereby determine that the portion of the Cultural Property Advisory Committee meeting on January 31, 1995, devoted to deliberations about possible

U.S. protection of archaeological material originating in El Salvador, may be closed to the public.

Dated: January 17, 1995.

Penn Kemble,

Deputy Director, United States Information Agency.

[FR Doc. 95–1572 Filed 1–19–95; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 13

Friday, January 20, 1995

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).

ASSASSINATION RECORDS REVIEW BOARD

TIME AND DATE: 10:00 A.M., January 25, 1995.

PLACE: 600 E Street NW., Washington, DC 20530.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Document Review and Administrative Matters.

CONTACT PERSON FOR MORE INFORMATION: Sheryl L. Walter, General Counsel, Room 205, 600 E Street NW., Washington, DC 20530, Telephone: (202) 724–0088, FAX: (202) 724–0457.

David G. Marwell,

Executive Director.

[FR Doc. 95–1611 Filed 1–18–95; 11:58 am]

BILLING CODE 6820–TD–M

U.S. COMMISSION ON CIVIL RIGHTS

DATE AND TIME: Friday, January 27, 1995, 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 December Meeting
III. Announcements
IV. Staff Director's Report
V. State Advisory Committee Appointments for Florida, Georgia and Virginia
VI. Future Agenda Items
VII. Planning for FY 1997

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: January 17, 1995.

Emma Monroig,

Solicitor.

[FR Doc. 95–1581 Filed 1–18–95; 10:25 am]

BILLING CODE 6335–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, January 17, 1995, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's supervisory activities.

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 Tigert Helfer, 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)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: January 17, 1995.

Federal Deposit Insurance Corporation.

Leneta G. Gregorie,

Acting Assistant Executive Secretary.

[FR Doc. 95–1597 Filed 1–18–95; 11:54 am]

BILLING CODE 6714–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, January 25, 1995.

Place: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. 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: January 18, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–1598 Filed 1–18–95; 11:55 am]

BILLING CODE 6210–01–P

INTER-AMERICAN FOUNDATION BOARD MEETING

TIME AND DATE: February 2, 1995, 11:30 a.m.–3:30 p.m.

PLACE: 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

STATUS: Open except for the portions specified as closed session as provided in 22 CFR Part 1004.4(b).

MATTERS TO BE CONSIDERED:

1. Approval of the Minutes of the October 4, 1994, Board Meeting.
2. President's Report.
3. Presentation by Staff of Consortia Proposals.
4. Discussion on Future of the Foundation.
5. Executive Session on Personnel Issues (closed session).

CONTACT PERSON FOR MORE INFORMATION: Adolfo A. Franco, Secretary to the Board of Directors, (703) 841–3894.

Dated: January 17, 1995.

Adolfo A. Franco,

Sunshine Act Officer.

[FR Doc. 95–1599 Filed 1–18–95; 11:56 am]

BILLING CODE 7025–01–M

INTERSTATE COMMERCE COMMISSION

Postponement of Commission Voting Conference

On January 18, 1995 at 60 FR 3699 the Commission published a notice stating that a Voting Conference was going to be held at the Commission on January 24, 1995.

The Voting Conference has been postponed. When the conference is rescheduled further information will be published in the **Federal Register**.

Vernon A. Williams,

Secretary.

[FR Doc. 95–1630 Filed 1–18–95; 3:41 pm]

BILLING CODE 7035–01–P

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Audit and Appropriations Committee Meeting

TIME AND DATE: The Legal Services Corporation Board of Directors Audit and Appropriations Committee will meet on January 27, 1995. The meeting will commence at 9:00 a.m.

PLACE: The Washington Marriott, 1221 22nd Street, NW., Thomas Salon, Washington, DC 20037, (202) 872–1500.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of December 12, 1994 Meeting.
3. Report By Thompson, Cobb, Bazillo & Associates, P.C., Regarding the Corporation's Fiscal Year 1994 Financial Audit.
4. Consider and Act on Permanent Consolidated Operating Budget for Fiscal Year 1995.
5. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: January 18, 1995.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 95–1678 Filed 1–18–95; 3:42 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Provision for the Delivery of Legal Services Committee Meeting

TIME AND DATE: The Legal Services Corporation Board of Directors Provision for the Delivery of Legal Services Committee will meet on January 27, 1995. The meeting will commence at 9:00 a.m.

PLACE: The Washington Marriott, 1221 22nd Street, N.W., Logan Salon, Washington, D.C. 20037, (202) 872–1500.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of December 12, 1994 Meeting.
3. Consider and Act on Status Report on the Client Engagement Initiative.
4. Consider and Act on Proposed Policy Statement on Private Attorney Involvement/ Engagement.
5. Consider and Act on Status Report on the Law School Clinical Grant Initiative,
6. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date issued: January 18, 1995.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 95–1679 Filed 1–18–95; 3:42 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION

Board of Directors Annual Meeting Notice

TIME AND DATE: The Legal Services Corporation Board of Directors will meet on January 27–28, 1995. The annual meeting will commence at 1 p.m., on January 27th and at 9 a.m., on January 28th.

PLACE: Washington Marriott, 1221 22nd Street, NW., DuPont Ballroom, Washington, DC 20037, (202) 872–1500.

STATUS OF MEETING: *Open*, except that a portion of the meeting may be closed pursuant to a vote of a majority of the Board of Directors to hold an executive session. At the closed session, in accordance with the aforementioned vote, the Board may hear and consider the General Counsel's report on litigation in which the Corporation is or may become a party. Finally, the Board may be briefed by the Inspector General on Office of the Inspector General Activities.[2] The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Section 552b(c)(10)], and the corresponding regulation of the Legal Services Corporation [45 CFR Section 1622.5(h)]. The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 750 First Street, NE., Washington, DC 20002, in its eleventh floor reception area, and will otherwise be available upon request.

[2] Briefings do not constitute ''meetings'' as defined by the Government in the Sunshine Act. Notice of this briefing is being provided solely as a courtesy to the public.

January 27, 1995 Agenda

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda
2. Approval of Minutes of December 11–12, 1994 Meeting
3. Approval of Minutes of December 12, 1994 Executive Session
4. Election of Board Chair
5. Election of Board Vice Chair
6. Consider and Act on Board Committee Assignments
7. Chairman's and Members' Reports
8. Inspector General's Report
9. President's Report
10. Presentation by Eli Segal, Director, White House Office of National Service, on Status of Corporation for National Service Act Grant Initiative

CLOSED SESSION:

11. Consideration of the General Counsel's Report on Litigation
12. Briefing of Board by the Inspector General on Office of the Inspector General Activities

January 28, 1995 Agenda

OPEN SESSION:

13. Consider and Act on Ad Hoc Committee On Governance Report
14. Consider and Act on Audit and Appropriations Committee Report
    a. Consider and Act on Permanent Fiscal Year 1995 Consolidated Operating Budget
15. Consider and Act on Provision for the Delivery of Legal Services Committee Report
16. Consider and Act on Operations and Regulations Committee Report
    a. Consider and Act on Proposed Changes to the Corporation's Bylaws[3]
17. Public Comment
18. Consider and Act on Other Business

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: January 18, 1995.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 95–1680 Filed 1–18–95; 3:42 pm]

BILLING CODE 7050–01–M

[3] Copies of the proposed revisions to the bylaws will be available at the meeting site or may be obtained in advance by calling the Office of the General Counsel at (202) 336–8810.

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Operations and Regulations Committee Meeting

TIME AND DATE: The Legal Services Corporation Board of Directors Operations and Regulations Committee will meet on January 27–28, 1995. The meeting will commence at 9:00 a.m. on January 27th, and 1:00 p.m. or following immediately adjournment of the Board of Directors meeting, whichever occurs first.

PLACE: The Washington Marriott, 1221 22nd Street, N.W., Dupont Ballroom, Washington, D.C. 20037, (202) 872–1500.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED: [1]

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of December 12, 1994 Meetings.
3. Consider and Act Proposed Changes to the Corporation's Bylaws.
4. Consider and Act on Comments on Proposed Changes to Part 1608 of the Corporation's Regulations.
5. Consider and Act on Comments on Proposed Changes to Part 1621 of the Corporation's Regulations.
6. Consider and Act on Other Business.

[1] Matters noticed which are not considered fully on January 27, 1995, will be given further consideration on January 28, 1995.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: January 18, 1995.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 95–1681 Filed 1–18–95; 3:42 pm]

BILLING CODE 7050–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

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 meeting during the week of January 23, 1995.

A closed meeting will be held on Monday, January 23, 1995, at 10:30 a.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 Wallman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Monday, January 23, 1995, at 10:30 a.m., will be:

Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Opinions.

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: January 18, 1995.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–1605 Filed 1–18–95; 11:57 am]

BILLING CODE 8010–01–M

Friday
January 20, 1995

Part II

Department of Health and Human Services

National Institutes of Health

Privacy Act of 1974; Annual Publication of Systems of Records; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Public Health Service, DHHS.

ACTION: Privacy Act: Annual republication of notices of revised systems of records.

SUMMARY: The National Institutes of Health (NIH) has conducted a comprehensive review of all Privacy Act systems of records and is publishing the resulting revisions. None of the revisions meet the OMB criteria for a new or altered system of records requiring an advance period for public comment. These changes are in compliance with Circular A–130, Appendix 1. The notices republished below are complete and accurate as of January 5, 1995.

SUPPLEMENTARY INFORMATION:

The following information summarizes the current status of systems of records which had minor modifications during 1994 and lists all systems maintained by NIH:

A. **System name.** The following systems have been updated to reflect a change in the name of the system:

09–25–0093, Administration: Administration Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI.
09–25–0105, Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Others who Receive Medical Care Through the Employee Health Unit, HHS/NIH/ORS.
09–25–0165, National Institutes of Health Loan Repayment Program, HHS/NIH/OD.
09–25–0166, Administration: Radiation and Occupational Safety and Health Management Information System, HHS/NIH/ORS.
09–25–0170, Diabetes Control and Complications Trial (DCCT) Data System, HHS/NIH/NIDDK.
09–25–0203, National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Research Files, HHS/NIH/NIDA.
09–25–0207, Subject—Participants in Pharmacokinetic Studies on Drugs of Abuse and on Treatment Medications, HHS/NIH/NIDA.
09–25–0209, Subject—Participants in Drug Abuse Research Studies on Drug Dependence and in Research Supporting New Drug Applications, HHS/NIH/NIDA.

B. **System location.** The following systems have been updated to reflect a change in the system locations or location address. These changes do not affect the access by the individual to the individual's records.

09–25–0011, Clinical Research: Blood Donor Records, HHS/NIH/CC.
09–25–0012, Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC.
09–25–0014, Clinical Research: Student Records, HHS/NIH/CC.
09–25–0042, Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR.
09–25–0044, Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR.
09–25–0054, Administration: Property Accounting, HHS/NIH/ORS.
09–25–0099, Clinical Research: Patient Medical Records, HHS/NIH/CC.
09–25–0102, Administration: Grants Associates Program Working Files, HHS/NIH/OER.
09–25–0112, Grants and Cooperative Agreements: Research, Research Training, Fellowship and Construction Applications and Related Awards, HHS/NIH/OD.
09–25–0118, Contracts: Professional Services Contractors, HHS/NIH/NCI.
09–25–0154, Biomedical Research Records of Subjects: (1) Cancer Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI; and (2) Women's Health Initiative (WHI) Studies, HHS/NIH/OD.
09–25–0165, National Institutes of Health Loan Repayment Program, HHS/NIH/OD.
09–25–0166, Administration: Radiation and Occupational Safety and Health Management Information System, HHS/NIH/ORS.
09–25–0168, Invention, Patent and Licensing Documents Submitted to the Public Health Service by its Employees, Grantees, Fellowship Recipients and Contractors, HHS/PHS/NIH/OTT.
09–25–0170, Diabetes Control and Complications Trial (DCCT) Data System, HHS/NIH/NIDDK.
09–25–0202, Patient Records on PHS Beneficiaries (1935–1974) and Civilly Committed Drug Abusers (1967–1976) Treated at the PHS Hospitals in Fort Worth, Texas, or Lexington, Kentucky, HHS/NIH/NIDA.
09–25–0203, National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Research Files, HHS/NIH/NIDA.
09–25–0209, Subject—Participants in Drug Abuse Research Studies on Drug Dependence and in Research Supporting New Drug Applications, HHS/NIH/NIDA.

C. **Categories of individuals covered by the system.** The following systems have been updated to reflect a change in the categories covered by the system. This change does not alter the character or purpose of the system.

09–25–0105, Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Others who Receive Medical Care Through the Employee Health Unit, HHS/NIH/ORS.
09–25–0154, Biomedical Research Records of Subjects: (1) Cancer Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI; and (2) Women's Health Initiative (WHI) Studies, HHS/NIH/OD.
09–25–0165, National Institutes of Health Loan Repayment Program, HHS/NIH/OD.
09–25–0166, Administration: Radiation and Occupational Safety and Health Management Information System, HHS/NIH/ORS.
09–25–0170, Diabetes Control and Complications Trial (DCCT) Data System, HHS/NIH/NIDDK.
09–25–0207, Subject-Participants in Pharmacokinetic Studies on Drugs of Abuse and on Treatment Medications, HHS/NIH/NIDA.

D. **Categories of records.** The following systems have been updated to reflect a change in the categories of records in the system. This change does not alter the character or purpose of the system.

09–25–0166, Administration: Radiation and Occupational Safety and Health Management Information System, HHS/NIH/ORS.
09–25–0170, Diabetes Control and Complications Trial (DCCT) Data System, HHS/NIH/NIDDK.

E. **Authority.** The following system has been updated to reflect a change in the authority. This change does not alter the character or purpose of the system.

09–25–0165, National Institutes of Health Loan Repayment Program, HHS/NIH/OD.

F. **Storage.** The following systems have been updated to reflect a change in system storage practices:

09–25–0026, Clinical Research: Nervous System Studies, HHS/NIH/NINDS.
09–25–0028, Clinical Research: Patient Medical Histories, HHS/NIH/NINDS and HHS/NIH/NIDCD.
09–25–0077, Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI.
09–25–0140, International Activities: International Scientific Researchers in Intramural Laboratories at the National Institutes of Health, HHS/NIH/FIC.
09–25–0166, Administration: Radiation and Occupational Safety and Health Management Information System, HHS/NIH/ORS.
09–25–0209, Subject-Participants in Drug Abuse Research Studies on Drug Dependence and in Research Supporting New Drug Applications, HHS/NIH/NIDA.

G. **Retrieval.** The following systems have been updated to reflect a change in retrieval practices.

09–25–0140, International Activities: International Scientific Researchers in Intramural Laboratories at the National Institutes of Health, HHS/NIH/FIC.
09–25–0142, Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA.
09–25–0203, National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Research Files, HHS/NIH/NIDA.
09–25–0209, Subject-Participants in Drug Abuse Research Studies on Drug

Dependence and in Research Supporting New Drug Applications, HHS/NIH/NIDA.

H. **Safeguards.** The following systems have been updated to reflect a change in safeguard practices.

09–25–0028, Clinical Research: Patient Medical Histories, HHS/NIH/NINDS and HHS/NIH/NIDCD.
09–25–0093, Administration: Administration Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI.
09–25–0166, Administration: Radiation and Occupational Safety and Health Management Information System, HHS/NIH/ORS.
09–25–0207, Subject-Participants in Pharmacokinetic Studies on Drugs of Abuse and on Treatment Medications, HHS/NIH/NIDA.
09–25–0209, Subject-Participants in Drug Abuse Research Studies on Drug Dependence and in Research Supporting New Drug Applications, HHS/NIH/NIDA.

I. **Retention and disposal.** The following systems have been updated to reflect a change in retention and disposal:

09–25–0152, Biomedical Research: Records of Subjects in National Institute of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR.
09–25–0207, Subject-Participants in Pharmacokinetic Studies on Drugs of Abuse and on Treatment Medications, HHS/NIH/NIDA.
09–25–0209, Subject-Participants in Drug Abuse Research Studies on Drug Dependence and in Research Supporting New Drug Applications, HHS/NIH/NIDA.
09–25–0212, Clinical Research: Neuroscience Research Center Patient Medical Records, HHS/NIH/NIMH.

J. **System manager(s) and address(es).** The following systems have been updated to reflect a change in the system manager or the address of the system manager. These changes do not affect the access by the individual to the individual's records.

09–25–0001, Clinical Research: Patient Records, HHS/NIH/NHLBI.
09–25–0005, Administration: Library Operations and User I.D. File, HHS/NIH/OD.
09–25–0011, Clinical Research: Blood Donor Records, HHS/NIH/CC.
09–25–0012, Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC.
09–25–0014, Clinical Research: Student Records, HHS/NIH/CC.
09–25–0026, Clinical Research: Nervous System Studies, HHS/NIH/NINDs.
09–25–0028, Clinical Research: Patient Medical Histories, HHS/NIH/NINDS and HHS/NIH/NIDCD.
09–25–0042, Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR.
09–25–0044, Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR.
09–25–0054, Administration: Property Accounting, HHS/NIH/ORS.
09–25–0078, Administration: Consultant File, HHS/NIH/NHLBI.
09–25–0093, Administration: Administration Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI.
09–25–0099, Clinical Research: Patient Medical Records, HHS/NIH/CC.
09–25–0102, Administration: Grants Associates Program Working Files, HHS/NIH/OER.
09–25–0106, Administration: Office of the NIH Director and Institute/Center/Division Correspondence Records, HHS/NIH/OD.
09–25–0112, Grants and Cooperative Agreements: Research, Research Training, Fellowship and Construction Applications and Related Awards, HHS/NIH/OD.
09–25–0118, Contracts: Professional Services Contractors, HHS/NIH/NCI.
09–25–0126, Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI.
09–25–0128, Clinical Research: Neural Prosthesis and Biomedical Engineering Studies, HHS/NIH/NINDS.
09–25–0129, Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NIDCD.
09–25–0140, International Activities: International Scientific Researchers in Intramural Laboratories at the National Institutes of Health, HHS/NIH/FIC.
09–25–0148, Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological Disorders and Stroke and the National Institute on Deafness and Other Communication Disorders, HHS/NIH/NINDS and HHS/NIH/NIDCD.
09–25–0152, Biomedical Research: Records of Subjects in National Institute of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR.
09–25–0153, Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD.
09–25–0154, Biomedical Research Records of Subjects: (1) Cancer Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI; and (2) Women's Health Initiative (WHI), Studies, HHS/NIH/OD.
09–25–0156, Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the Public Health Service, HHS/PHS/NIH/OD.
09–25–0161, Administration: NIH Consultant File, HHS/NIH/DRG.
09–25–0166, Administration: Radiation and Occupational Safety and Health Management Information System, HHS/NIH/ORS.
09–25–0168, Invention, Patent and Licensing Documents Submitted to the Public Health Service by its Employees, Grantees, Fellowship Recipients and Contractors, HHS/PHS/NIH/OTT.
09–25–0170, Diabetes Control and Complications Trial (DCCT) Data System, HHS/NIH/NIDDK.
09–25–0202, Patient Records on PHS Beneficiaries (1935–1974) and Civilly Committed Drug Abusers (1967–1976) Treated at the PHS Hospitals in Fort Worth, Texas, or Lexington, Kentucky, HHS/NIH/NIDA.
09–25–0203, National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Research Files, HHS/NIH/NIDA.
09–25–0205, Alcohol, Drug Abuse, and Mental Health Epidemiologic and Biometric Research Data, HHS/NIH/NIAAA, HHS/NIH/NIDA and HHS/NIH/NIMH.
09–25–0208, Drug Abuse Treatment Outcome Study (DATOS), HHS/NIH/NIDA.

K. **Record access.** The following systems have been updated to reflect a change in the record access procedures.

09–25–0012, Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC.
09–25–0156, Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the Public Health Service, HHS/PHS/NIH/OD.

L. **Notification procedures.** The following systems have been updated to reflect a change in the office, official, and/or address to write to in order to determine whether or not the system contains a record about the individual.

09–25–0042, Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR.
09–25–0044, Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR.
09–25–0078, Administration: Consultant File, HHS/NIH/NHLBI.
09–25–0112, Grants and Cooperative Agreements: Research, Research Training, Fellowship and Construction Applications and Related Awards, HHS/NIH/OD.
09–25–0152, Biomedical Research: Records of Subjects in National Institute of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR.
09–25–0153, Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD.
09–25–0156, Records of Participants in Programs and Respondents in Surveys Used To Evaluate Programs of the Public Health Service, HHS/PHS/NIH/OD.

M. The following systems have been changed for clarity and editing purposes.

09–25–0036, Extramural Awards and Chartered Advisory Committees: IMPAC (Grant/Contract/Cooperative Agreement/Chartered Advisory Committee, HHS/NIH/DRG and HHS/NIH/CMO.
09–25–0093, Administration: Administration Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI.
09–25–0154, Biomedical Research Records of Subjects: (1) Cancer Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI; and (2) Women's Health Initiative (WHI) Studies, HHS/NIH/OD.

09–25–0165, National Institutes of Health Loan Repayment Program, HHS/NIH/OD.
09–25–0166, Administration: Radiation and Occupational Safety and Health Management Information System, HHS/NIH/ORS.
09–25–0168, Invention, Patent and Licensing Documents Submitted to the Public Health Service by its Employees, Grantees, Fellowship Recipients and Contractors, HHS/PHS/NIH/OTT.
09–25–0170, Diabetes Control and Complications Trial (DCCT) Data System, HHS/NIH/NIDDK.
09–25–0207, Subject-Participants in Pharmacokinetic Studies on Drugs of Abuse and on Treatment Medications, HHS/NIH/NIDA.
09–25–0209, Subject-Participants in Drug Abuse Research Studies on Drug Dependence and in Research Supporting New Drug Applications, HHS/NIH/NIDA.
09–25–0212, Clinical Research: Neuroscience Research Center Patient Medical Records, HHS/NIH/NIMH.

N. **Organization name change.** There are no changes in this category.

O. **Deleted systems of records.** The following systems of records which appeared in the December 29, annual publication are now being deleted because:

09–25–0100, Clinical Research: Neuropharmacology Studies, HHS/NIH/NINDS. The records have been destroyed.
09–25–0151, Administration: Public Health Service ALERT Records Concerning Individuals Under Investigation for Possible Misconduct In Science or Subject to Sanctions for Such Misconduct, HHS/PHS/OSR. The system has been officially transferred to the Office of the Assistant Secretary for Health (OASH), Office of Research Integrity (ORI).

The following is a list of active systems of records maintained by NIH. Table of Contents.

09–25–0001, Clinical Research: Patient Records, HHS/NIH/NHLBI, published **Federal Register**, Vol. 56, Number 247, December 24, 1991.
09–25–0005, Administration: Library Operations and User I.D. File, HHS/NIH/OD, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0007, Administration: NIH Safety Glasses Issuance Program, HHS/NIH/ORS, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0010, Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0011, Clinical Research: Blood Donor Records, HHS/NIH/CC, published **Federal Register**, Vol. 56, Number 247, December 24, 1991.
09–25–0012, Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC, published, **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0014, Clinical Research: Student Records, HHS/NIH/CC, published **Federal Register**, Vol. 56, No. 8, January 11, 1991.
09–25–0015, Clinical Research: Collaborative Clinical Epilepsy Research, HHS/NIH/NINDS, published **Federal Register**, Vol. 56, No. 8, January 11, 1991.
09–25–0016, Clinical Research: Collaborative Perinatal Project HHS/NIH/NINDS, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0026, Clinical Research: Nervous System Studies, HHS/NIH/NINDS, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0028, Clinical Research: Patient Medical Histories, HHS/NIH/NINDS and HHS/NIH/NIDCD, published **Federal Register**, Vol. 58, No. 8, January 13, 1993.
09–25–0031, Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINDS, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0033, International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0034, International Activities: Scholars-in-Residence Program, HHS/NIH/FIC, published **Federal Register**, Vol. 56, No. 8, January 11, 1991.
09–25–0035 International Activities: Health Scientist Exchange Programs, HHS/NIH/FIC, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0036, Extramural Awards and Chartered Advisory Committees: IMPAC (Grant/Contract/Cooperative Agreement/Chartered Advisory Committee, HHS/NIH/DRG and HHS/NIH/CMO, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0037, Clinical Research: The Baltimore Longitudinal Study of Aging, HHS/NIH/NIA, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0038, Clinical Research: Patient Data, HHS/NIH/NIDDK, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0039, Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians, HHS/NIH/NIDDK, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0040, Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIDDK, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0041, Research Resources: Scientists Requesting Hormone Distribution, HHS/NIH/NIDDK, published **Federal Register**, Vol. 56, No. 8, January 11, 1991.
09–25–0042, Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0044, Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0046, Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0053, Clinical Research: Vision Studies, HHS/NIH/NEI, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0054, Administration: Property Accounting, HHS/NIH/ORS, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0057, Clinical Research: Burkitts's Lymphoma Registry, HHS/NIH/NCI, published **Federal Register**, Vol. 56, No. 8, January 11, 1991.
09–25–0060, Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0067, Clinical Research: National Cancer Incidence Surveys, HHS/NIH/NCI, published **Federal Register**, Vol. 56, No. 8, January 11, 1991.
09–25–0069, NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0074, Clinical Research: Division of Cancer Biology and Diagnosis Patient Trials, HHS/NIH/NCI, published **Federal Register,** Vol. 56, No. 8, January 11, 1991.
09–25–0077, Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI, published **Federal Register,** Vol. 56, No. 247, December 24, 1991.
09–25–0078, Administration: Consultant File, HHS/NIH/NHLBI, published **Federal Register,** Vol. 56, No. 8, January 11, 1991.
09–25–0087, Administration: Senior Staff, HHS/NIH/NIAID, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0091, Administration: General Files on Employees, Donors and Correspondents, HHS/NIH/NEI, published **Federal Register,** Vol. 56, No. 247, December 24, 1991.
09–25–0093, Administration: Administration Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI, published **Federal Register,** Vol. 56, No. 8, January 11, 1991.
09–25–0099, Clinical Research: Patient Medical Records, HHS/NIH/CC, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0102, Administration: Grants Associates Program Working Files, HHS/NIH/OER, published **Federal Register,** Vol. 56, No. 8, January 11, 1991.
09–25–0105, Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Relatives of Inpatients, HHS/NIH/ORS, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0106, Administration: Office of the NIH Director and Institute/Center/Division Correspondence Records, HHS/NIH/OD, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0108, Personnel: Guest Researchers, Special Volunteers, and Scientists Emeriti, HHS/NIH/OHRM, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.

09–25–0112, Grants and Cooperative Agreements: Research, Research Training, Fellowship and Construction Applications and Related Awards, HHS/NIH/OD, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0115, Administration: Curricula Vitae of Consultants and Clinical Investigators, HHS/NIH/NIAID, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0118, Contracts: Professional Services Contractors, HHS/NIH/NCI, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0121, International Activities: Senior International Fellowships Program, HHS/NIH/FIC, published **Federal Register,** Vol. 56, No. 247, December 24, 1991.
09–25–0124, Administration: Pharmacology Research Associates, HHS/NIH/NIGMS, published **Federal Register,** Vol. 58, No. 8, January 13, 1993.
09–25–0126, Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, published **Federal Register,** Vol. 58, No. 8, January 13, 1993.
09–25–0128, Clinical Research: Neural Prosthesis and Biomedical Engineering Studies, HHS/NIH/NINDS, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0129, Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NIDCD, published **Federal Register,** Vol. 56, No. 247, December 24, 1991.
09–25–0130, Clinical Research: Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, published **Federal Register,** Vol. 56, No. 8, January 11, 1991.
09–25–0134, Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0140, International Activities: International Scientific Researchers in Intramural Laboratories at the National Institutes of Health, HHS/NIH/FIC, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0142, Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA, published **Federal Register,** Vol. 58, No. 8, January 13, 1993.
09–25–0143, Biomedical Research: Records of Subjects in Clinical, Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID, published **Federal Register,** Vol. 58, ′No. 248, December 29, 1993.
09–25–0145, Clinical Trials and Epidemiological Studies Dealing with Visual Disease and Disorders in the National Eye Institute, HHS/NIH/NEI, published **Federal Register,** Vol. 58, No. 248, December 29, 1993.
09–25–0148, Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological Disorders and Stroke and the National Institute on Deafness and Other Communication Disorders, HHS/NIH/NINDS and HHS/NIH/NIDCD, published **Federal Register,** Vol. 56, No. 247, December 24, 1991.
09–25–0152, Biomedical Research: Records of Subjects in National Institute of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR, published **Federal Register,** Vol. 58, No. 8, January 13, 1993.
09–25–0153, Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HHS/NIH/NICHD, published **Federal Register**, Vol. 58, No. 8, January 13, 1993.
09–25–0154, Biomedical Research Records of Subjects: (1) Cancer Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI; and (2) Women's Health Initiative (WHI) Studies, HHS/NIH/OD, published **Federal Register**, Vol. 58, Number 8, January 13, 1993.
09–25–0156, Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the Public Health Service, HHS/PHS/NIH/OD, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0158, Administration: Records of Applicants and Awardees of the NIH Intramural Research Training Awards Program, HHS/NIH/OD, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0160, United States Renal Data System (USRDS), HHS/NIH/NIDDK published **Federal Register**, Vol. 56, No. 8, January 11, 1991.
09–25–0161, Administration: NIH Consultant File, HHS/NIH/DRG, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0165, National Institutes of Health Loan Repayment Program, HHS/NIH/OD, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0166, Administration: Radiation and Occupational Safety and Health Management Information System, HHS/NIH/ORS, published **Federal Register**, Vol. 56, No. 247, December 24, 1991.
09–25–0167, National Institutes of Health (NIH) Transhare Program, HHS/NIH/OD, published **Federal Register**, Vol. 57, No. 171, September 2, 1992.
09–25–0168, Invention, Patent and Licensing Documents Submitted to the Public Health Service by its Employees, Grantees, Fellowship Recipients and Contractors, HHS/PHS/NIH/OTT, published **Federal Register**, Vol. 58, No. 164, August 26, 1993.
09–25–0169, Medical Staff Credentials Files, HHS/NIH/CC, published **Federal Register**, Vol. 59, No. 207, October 27, 1994.
09–25–0170, Diabetes Control and Complications Trial (DCCT) Data System, HHS/NIH/NIDDK, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0201, Clinical Research: National Institute of Mental Health Patient Records, HHS/NIH/NIMH, published **Federal Register**, Vol. 58, No. 8, January, 13, 1993.
09–25–0202, patient Records on PHS Beneficiaries (1935–1974) and Civilly Committed Drug Abusers (1967–1976) Treated at the PHS Hospitals in Fort Worth, Texas, or Lexington, Kentucky, HHS/NIH/NIDA, published **Federal Register**, Vol. 58, No. 8, January 13, 1993.
09–25–0203, National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Research Files, HHS/NIH/NIDA, published **Federal Register**, Vol. 58, No. 8, January 13, 1993.
09–25–0205, Alcohol, Drug Abuse, and Mental Health Epidemiologic and Biometric Research Data, HHS/NIH/NIAAA, HHS/NIH/NIDA and HHS/NIH/NIMH, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0207, Subject-Participants in Pharmacokinetic Studies on Drugs of Abuse and on Treatment Medications, HHS/NIH/NIDA, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0208, Drug Abuse Treatment Outcome Study (DATOS), HHS/NIH/NIDA, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0209, Subject-Participants in Drug Abuse Research Studies on Drug Dependence and in Research Supporting New Drug Applications, HHS/NIH/NIDA, published **Federal Register**, Vol. 58, No. 8, January 13, 1993.
09–25–0210, Shipment Records of Drugs of Abuse to Authorized Researchers, HHS/NIH/NIDA, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0211, Intramural Research Program Records of In- and Out-Patients with Various Types of Alcohol Abuse and Dependence, Relatives of Patients With Alcoholism, and Healthy Volunteers, HHS/NIH/NIAAA, published **Federal Register**, Vol. 58, No. 248, December 29, 1993.
09–25–0212, Clinical Research: Neuroscience Research Center Patient Medical Records, HHS/NIH/NIMH, published **Federal Register**, Vol. 58, No. 8, January 13, 1993.

Dated: January 10, 1995.

Cdr. Cheryl A. Seaman,

Acting Director, Division of Management Support, OMA, OA, OD, National Institutes of Health.

09–25–0001

SYSTEM NAME:

Clinical Research: Patient Records, HHS/NIH/NHLBI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Building 10, 9000 Rockville Pike, Bethesda, MD 20892

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients of the National Heart, Lung, and Blood Institute (NHLBI) under study at the National Institutes of Health (NIH).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories, diagnostic studies, laboratory data, treatment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 USC 241(e), 287, 287a.

PURPOSE(S):

(1) For use by physicians in evaluation and treatment of patients under study at NIH. (2) To furnish patient data to patients, their families, and with patients' consent, to their private physicians.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

2. Certain diseases and conditions, including infectious diseases, may be reported to appropriate representatives of State or Federal Government as required by State or Federal law.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity: (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

4. (a). PHS may inform the sexual and/or needle-sharing partner(s) of a subject individual who is infected with the human immunodeficiency virus (HIV) of their exposure to HIV, under the following circumstances: (1) The information has been obtained in the course of clinical activities at PHS facilities carried out by PHS personnel or contractors; (2) The PHS employee or contractor has made reasonable efforts to counsel and encourage the subject individual to provide the information to the individual's sexual or needle-sharing partner(s); (3) The PHS employee or contractor determines that the subject individual is unlikely to provide the information to the sexual or needle-sharing partner(s) or that the provision of such information cannot reasonably be verified; and (4) The notification of the partner(s) is made, whenever possible, by the subject individual's physician or by a professional counselor and shall follow standard counseling practices.

(b). PHS may disclose information to State or local public health departments, to assist in the notification of the subject individual's sexual and/or needle-sharing partner(s), or in the verification that the subject individual has notified such sexual or needle-sharing partner(s).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card index, laboratory books, computer memory.

RETRIEVABILITY:

Indexed by name or patient number.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location. Each site implements personnel, physical, and procedural safeguards such as the following:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to authorized physicians and their assistants.

2. *Physical safeguards:* Records are kept in secure locked metal or wood file cabinets and, in some instances, in locked offices.

3. *Procedural safeguards:* Access to files is strictly controlled by files staff. Access to computerized records is controlled by keyword codes available only to authorized users.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific conditions on disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Division of Intramural Research, National Heart, Lung, and Blood Institute, 10/7N220, 10 Center Drive, MSC 1670, Bethesda, MD 20892–1670

NOTIFICATION PROCEDURE:

To determine if a record exists, contact: National Institutes of Health, Privacy Act Coordinator, NHLBI, Building 31, Room 5A08, 9000 Rockville Pike, Bethesda, MD 20892.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORDS ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Referring physicians, hospitals and medical centers, patients and families, results of procedures and tests of NIH patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0005

SYSTEM NAME:

Administration: Library Operations and User I.D. File, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system of records is an umbrella system comprising separate sets of

records located in National Institutes of Health (NIH) facilities in Bethesda, Maryland, or facilities of contractors of the NIH. Write to the appropriate system manager listed below for list of current contractor locations.

National Institutes of Health, Building 10, Room 1L07, 9000 Rockville Pike, Bethesda, MD 20892

and

National Institutes of Health, Building 12A, Room 3018, 9000 Rockville Pike, Bethesda, MD 20892

and

National Institutes of Health, Building 38, Room 1S33, 8600 Rockville Pike, Bethesda, MD 20894

and

National Institutes of Health, Building 38, Room 1N21, 8600 Rockville Pike, Bethesda, MD 20894

and

National Institutes of Health, Building 38, Room B1E21, 8600 Rockville Pike, Bethesda, MD 20894

and

National Institutes of Health, Building 38A, Room 4N419, 8600 Rockville Pike, Bethesda, MD 20894

and

National Technical Information Service, Accounting Department, 8001 Forbes Place, Room 208F, Springfield, Virginia 22151

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Users of Library Services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, organization, address, phone number, user code and identification number; and when applicable, credit card number and billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301 of the Public Health Service Act, describing the general powers and duties of the Public Health Service relating to research and investigation (42 U.S.C. 241).

PURPOSES

(1) To monitor library material, services, and circulation control; (2) to provide user documentation; (3) to provide copying services (duplication of library materials); and (4) to manage invoice and billing transactions for library services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the government party, provided, however that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. Disclosure may be made to contractors and staff to monitor library material, services, circulation control; to provide user documentation; and to process or refine the records. Recipients are required to maintain Privacy Act safeguards with respect to those records.

4. Disclosure may be made for billing purposes to: (a) Contractors providing copying services: and (b) NTIS for Medlars Services.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer tape and disc, microfiche, paper and file cards.

RETRIEVABILITY:

Records are retrieved by name, user code and/or identification number.

SAFEGUARDS:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to Library staff members who need to verify that Library identification cards have been issued to those Library users requesting services such as MEDLINE and other computer online bibliographic searches, translations and interlibrary loans. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager. The contractor maintains a list of personnel having authority to access records to perform their duties.

2. *Physical safeguards:* The offices housing the cabinets and file drawers for storage of records are locked during all library off-duty hours. During all duty hours offices are attended by employees who maintain the files. The contractor has secured records storage areas which are not left unattended during the working hours and file cabinets which are locked after hours.

3. *Procedural safeguards:* Access to the file is strictly controlled by employees who maintain the files. Records may be removed from files only at the request of the system manager or other authorized employees. Access to computerized records is controlled by the use of security codes known only to authorized users. Contractor personnel receive instruction concerning the significance of safeguards under the Privacy Act.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 8000–D–2, which allows records to be kept until superseded or for a maximum period of 6 years. Refer to the NIH Manual Chapter for specific conditions on disposal.

SYSTEM MANAGER(S) AND ADDRESS:

The Policy Coordinating Official for this system is the Management Analyst, Office of Administration, National Library of Medicine; Building 38, Room 2N21; 8600 Rockville Pike; Bethesda, MD 20894.

Chief, Reference and Bibliographic Services Section, Library Branch, National Center for Research Resources, National Institutes of Health, Building 10, Room 1L21, 9000 Rockville Pike, Bethesda, MD 20892

and

Chief, Division of Computer Research and Technology Library, National Institutes of Health, Building 12A, Room 3018, 9000 Rockville Pike, Bethesda, MD 20892

and

Supervisory Librarian, Preservation and Collection Management Section, Public Services Division, Library Operations, National Library of Medicine, National Institutes of Health, Building 38, Room B1E21, 8600 Rockville Pike, Bethesda, MD 20894

and

Chief, Public Services Division, Library Operations, National Library of Medicine, National Institutes of Health, Building 38, Room 1S33, 8600 Rockville Pike, Bethesda, MD 20894

and

Head, Prints and Photographs Collection, History of Medicine Division, NLM, NIH, Building 38, Room 1N21, 8600 Rockville Pike, Bethesda, MD 20894

and

Chief, Medlars Management Section, Bibliographic Services Division, Library Operations, National Institutes of Health, National Library of Medicine, Building 38A, Room 4N419, 8600 Rockville Pike, Bethesda, MD 20894

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Individual, NIH Library ID card data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0011

SYSTEM NAME:

Clinical Research: Blood Donor Records, HHS/NIH/CC.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

National Institutes of Health, Transfusion Medicine Department, 10 Center Drive MSC 1184, Bethesda, MD 20892–1184

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Donors of blood and blood components to be used in the NIH Clinical Center for patient infusions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Past donations, blood types, phenotypes. Laboratory results of hepatitis testing, serologic reactions on all blood samples, donations of blood or blood components.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

''Preparation of Biological Products'' of the Public Health Service Act (42 U.S.C. 263).

PURPOSE(S):

(1) To provide a means for contacting blood donors for patient care and research. (2) To provide a medical history of all donors for the transfusion records of each blood unit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors and their staff in order to accomplish the purposes for which the records are collected. The recipients are required to comply with the requirements of the Privacy Act with respect to such records.

2. Certain diseases and conditions, including infectious diseases, may be reported to State or Federal government as required by State or Federal law.

3. Disclosure may be made to a congressional office from the record of individual in response to an inquiry from the congressional office made at the request of that individual.

4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or here official capacity; (b) the United States where the Department determines that claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

5. (a). PHS may inform the sexual and/or needle-sharing partner(s) of a subject individual who is infected with the human immunodeficiency virus (HIV) of their exposure to HIV, under the following circumstances: (1) The information has been obtained in the course of clinical activities at PHS facilities carried out by PHS personnel or contractors; (2) The PHS employee or contractor has made reasonable efforts to counsel and encourage the subject individual to provide the information to the individual's sexual or needle-sharing partner(s); (3) The PHS employee or contractor determines that the subject individual is unlikely to provide the information to the sexual or needle-sharing partner(s) or that the provision of such information cannot reasonably be verified; and (4) The notification of the partner(s) is made, whenever possible, by the subject individual's physician or by a professional counselor and shall follow standard counseling practices.

(b). PHS may disclose information to State or local public health departments, to assist in the notification of the subject individual's sexual and/or needle-sharing partner(s), or in the verification that the subject individual has notified such sexual or needle-sharing partner(s).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in a computer file, on donor cards, and on microfilm.

RETRIEVABILITY:

Records are retrieved by a unique control number assigned to each individual donor.

SAFEGUARDS:

Access is granted only to authorized employees in the Department of Transfusion Medicine including

physicians, nurses, technologists, computer operators, and the department's administrative officer.

1. *Authorized users:* Access is granted only to authorized employees of the Department of Transfusion Medicine including physicians, nurses technologists, computer operators and the secretary to the Chief.

2. *Physical safeguards:* Record facilities are locked when system personnel are not present.

3. *Procedural safeguards:* Access to manual files is limited to authorized users. Access to computerized records is controlled by the use of security codes known only to the authorized users.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the HIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–E–50. Refer to the NIH Manual Chapter for specific conditions on disposal.

SYSTEM MANAGER AND ADDRESS:

Chief, Tranfusion Medicine Department, National Institutes of Health, 10 Center Drive MSC 1184, Bethesda, MD 20892–1184.

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identify by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

To obtain access to a record, contact the system manager at the address specified above. Requestors should provide the same information as is required under the notification procedures above. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Data are collected from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0012

SYSTEM NAME:

Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Social Work Department, 10 Center Drive MSC 1160, Bethesda, MD 20892–1160.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Normally healthy individuals who volunteer to participate in NIH studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Program application, health questionnaire and record of participation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 263.

PURPOSE(S) OF THE SYSTEM:

(1) To determine suitability for participation in the normal volunteer program, (2) to document remuneration of normal volunteers, (3) to provide a record of participation to be used (a) in writing letters of recommendation/reference for the volunteer, and (b) preparing reports on the normal volunteer program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

2. Certain diseases and conditions, including infectious diseases, may be reported to appropriate representatives of State or Federal Government as required by State or Federal law.

3. Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Program applications and health questionnaires are stored in file folders. Records of participation are stored on index cards.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical, procedural safeguards such as the following:

1. *Authorized users:* Access is granted only to the Normal Volunteer Program staff and to NIH physicians who have requested the recruitment of volunteers for their clinical research projects.

2. *Physical safeguards:* Access to the files is strictly controlled by the files staff. Records may be removed from the file only at the request of the system manager or other authorized employees. Record facilities are locked when system personnel are not present.

3. *Procedural safeguards:* Access to the files is strictly controlled by the files staff. Records may be removed from the file only at the request of the system manager or other authorized employees.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–E–61, which allows records to be kept until

superseded for a maximum period of 3 years. Refer to the NIH Manual Chapter for specific conditions on disposal.

SYSTEM MANAGER AND ADDRESS:

Chief, Social Work Department, National Institutes of Health, Social Work Department, 10 Center Drive MSC 1160, Bethesda, MD 20892–1160.

NOTIFICATION PROCEDURES:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURE:

To obtain access to a record, contact: Chief, Social Work Department, National Institutes of Health, Social Work Department, 10 Center Drive MSC 1160, Bethesda, MD 20892–1160 and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Volunteer, sponsoring contractor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0014

SYSTEM NAME:

Clinical Research: Student Records, HHS/NIH/CC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Office of Education, 10 Center Drive MSC 1158, Bethesda, MD 20892–1158.

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential and accepted Medical Staff and Research Fellows, medical students, and other students in NIH training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application form, transcripts, references, evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241.

PURPOSE(S):

(1) To identify candidates for Medical Staff and Research Fellow, clinical elective, and other training positions. (2) To maintain a permanent record of those individuals who have received clinical research training at the NIH for historical and reference uses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information may be used to respond to congressional inquiries for constituents concerning admission to the program.

2. Information may be used to respond to prospective future employers of these individuals who wish to confirm their presence at NIH.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and year.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical, procedural safeguards such as the following:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to health care personnel of the NIH who are involved in the evaluation and selection of training candidates.

2. *Physical safeguards:* Records are maintained in locked cabinets with access limited to authorized personnel, including the systems manager and staff of the Normal Volunteer Program.

3. *Procedural safeguards:* Access to the files is strictly controlled by the files staff. Records may be removed from the file only at the request of the system manager or other authorized employees.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), items 2300–320–1–13, which allows records to be kept up to a maximum period of 10 years. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Education, National Institutes of Health, 10 Center Drive MSC 1158, Bethesda, MD 20892–1158.

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

To obtain access to a record, contact the system manager at the above address and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Write to the system manager at the address specified above, and reasonably identify the record and specify the information to be contested, the

corrective action sought, and the reasons for the correction, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Applicants, universities and teachers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0026

SYSTEM NAME:

Clinical Research: Nervous System Studies, HHS/NIH/NINDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 36, Room 5B20, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research patients in NIH-related studies having nervous system disorders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical and demographic data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Clinical research by HHS scientists on patients with special diseases of the nervous system, with particular emphasis on those diseases known or thought to be caused by slow or latent viruses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

2. Certain diseases and conditions, including infectious diseases, may be are reported to appropriate representatives of State or Federal Government as required by State or Federal law.

3. Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center. In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the Untied States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, in computer-accessible forms, bound notebooks, graphs, and imaging films.

RETRIEVABILITY:

Records are retrieved by name, disease and attending physician name.

SAFEGUARDS:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant access only to scientists on the staff of the Central Nervous System Studies Laboratory and their assistants.

2. *Physical safeguards:* Records are kept in a locked location.

3. *Procedural safeguards:* Personnel having access to system are informed of Privacy Act requirements.

This system of records will be protected according to the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Assistant Director, CNP, DIR, NINDS, NIH, Building 10, Room 5N226, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, contact: Chief, Administrative Services Branch, NINDS, Building 31, Room 8A49, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Attending physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0028

SYSTEM NAME:

Clinical Research: Patient Medical Histories, HHS/NIH/NINDS and HHS/NIH/NIDCD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Building 31, and Building 36, NIH, 9000 Rockville Pike, Bethesda, MD 20892.

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present patients of the National Institute of Neurological Disorders and Stroke (NINDS) and the National Institute on Deafness and Other Communication Disorders (NIDCD), and individuals being referred for admission to the NIH Clinical Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories and diagnoses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Clinical research on various diseases of the nervous system and hearing, hearing loss, and communication disorders by HHS scientists and their authorized collaborators, with the specific aim of improving patient care and treatment by evaluating therapeutic procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees. Certain diseases and conditions, including infectious diseases, may be reported to appropriate representatives of State or Federal Government as required by State or Federal law.

2. Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

3. In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders and in computer-accessible forms, bound notebooks, charts, graphs, and imaging films.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant access only to HHS researchers and their authorized collaborators.

2. *Physical safeguards:* Records are kept locked in file cabinets when not in use and in locations which are locked during non-working hours. Data stored in computer-accessible form is accessed through the use of codes and key words known only to principal investigators or authorized personnel.

3. *Procedural safeguards:* Records are returned to the files at the close of each working day and are used only in the system location or in a designated work area.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Assistant Director, Clinical Neurosciences Program, Building 10, Room 5N226, NIH, 9000 Rockville Pike, Bethesda, MD 20892

and

Acting Director of Intramural Research, NIDCD, Building 31, Room 3C02, NIH, 9000 Rockville Pike, Bethesda, MD 20892

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Chief, Administrative Services Branch, NINDS, Building 31, Room 8A49, NIH, 9000 Rockville Pike, Bethesda, MD 20892

or

Chief, Administrative Management Branch, NIDCD, Building 31, Room 3C21, NIH, 9000 Rockville Pike, Bethesda, MD 20892

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Referring and attending physicians, hospital records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0036

SYSTEM NAME:

Extramural Awards and Chartered Advisory Committees: IMPAC (Grant/Contract/Cooperative Agreement Information/Chartered Advisory Committee Information), HHS/NIH/DRG and HHS/NIH/CMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892, and Building 12, NIH Computer Center, 9000 Rockville Pike, Bethesda, MD 20892.

For information pertaining to the chartered advisory committees of the National Institutes of Health: Building 31, Room 3B–55, 9000 Rockville Pike, Bethesda, MD 20892.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicant and Principal Investigators; Program Directors; NRSA Trainees and Fellows; Research Career Awardees; and Chartered Advisory Committee members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, awards, associated records, trainee appointments, and current and historical information pertaining to chartered advisory committees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241c, 58 Stat. 691c & d repealed.

PURPOSE(S):

(1) To support centralized grant programs of the Public Health Service. Services are provided in the areas of grant application assignment and referral, initial review, council review, award processing and grant accounting. The data base is used to provide complete, accurate, and up-to-date reports to all levels of management.

(2) To maintain communication with former fellows and trainees who have incurred a payback obligation through the National Research Service Award Program.

(3) To maintain current and historical information pertaining to the establishment of chartered advisory committees of the National Institutes of Health and the appointment or designation of their members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to the National Technical Information Service (NTIS), Department of Commerce, for dissemination of scientific and fiscal information on funded awards (abstract of research projects and relevant administrative and financial data).

2. Disclosure may be made to the cognizant audit agency for auditing.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made to qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process.

5. Disclosure may be made to a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision in the matter.

6. A record may be disclosed for a research purpose, when the Department: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

7. The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

8. Disclosure may be made to the grantee institution in connection with performance or administration under the conditions of the award.

9. Disclosure may be made to the Department of Justice, or to a court or other tribunal, from this system of records when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has any interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on discs and magnetic tapes.

RETRIEVABILITY:

Records are retrieved by name, application, grant or contract ID number.

SAFEGUARDS:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to PHS extramural and committee management staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. *Physical safeguards:* Physical access to DRG work areas is restricted to DRG employees.

3. *Procedural safeguards:* Access to source data is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee. Access to computer files is controlled by the use of registered accounts, registered initials, keywords, etc. The computer system maintains an audit record of all attempted and successful requests for access.

These practices are in compliance with the standards of Chapter 45–13 of

the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 4000–A–2, which allows records to be destroyed when no longer needed for administrative purposes. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems Branch, Division of Research Grants, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892

and

For chartered advisory committees of the National Institutes of Health:

NIH Committee Management Officer, Building 31, Room 3B–55, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists write to:

Privacy Act Coordinator, Division of Research Grants, Westwood Building, Room 449, 5333 Westbard Avenue, Bethesda, MD 20892

and

For information pertaining to the chartered advisory committees of the National Institutes of Health:

NIH Committee Management Officer, Building 31, Room 3B–55, 9000 Rockville Pike, Bethesda, MD 20892.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Individual, individual's educational institution and references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0042

SYSTEM NAME:

Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Building 10, Room 1B01, 10 Center Drive MSC 1190, Bethesda, MD 20892–1190.

Write to system manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients and other participants in current and past research projects of the National Institute of Dental Research (NIDR).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical and dental histories, dental pathologies and therapies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 301, 401, 405 and 453 of the Public Health Service Act (42 U.S.C. 241, 281, 284, 285h). These sections establish the National Institute of Dental Research and authorize the conduct and support of dental oral research and related activities.

PURPOSE(S):

(1) To record the diagnosis and treatment of patients with diseases of the mouth, tongue, teeth and surrounding tissues; (2) To record the normal condition of the mouth, tongue, teeth and surrounding tissues of individuals referred to the dental clinic; (3) To provide clinical data for research into the etiology, treatment and prevention of oral diseases; (4) For review and planning of the NIDR clinical program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the clinical and research purposes for which the records are collected. The recipients are required to maintain Privacy Act safeguards with respect to these records.

2. Certain diseases and conditions, including infectious diseases, may be reported to appropriate representatives of State or Federal Government as required by State or Federal law.

3. Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and hospital ID number.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical, and procedural safeguards such as the following:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to dentists, physicians, dental hygienists, dental assistants and other health care personnel involved in the care and treatment of patients in the NIDR dental clinic, and to referring professionals. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. *Physical safeguards:* Records are stored in a cabinet which is locked at all times when not in use.

3. *Procedural safeguards:* Access is controlled by clerical staff of the Dental Clinic during clinic hours, and by the Officer of the Day when the clinic is closed.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

National Institutes of Health, Deputy Clinical Director, NIDR, Building 10, Room 1N–113, 10 Center Drive MSC 1190, Bethesda, MD 20892–1190

NOTIFICATION PROCEDURE:

To determine if a record exists contact:

NIDR Privacy Act Coordinator, Building 31, Room 2C–35, 10 Center Drive MSC 1190, Bethesda, MD 20892–1190.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Individual, parents or guardians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0044

SYSTEM NAME:

Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Building 10, Room 1–N–114, 10 Center Drive, MSC 1190, Bethesda, MD 20892–1190.

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Infants, children and adults participating in the Sensory Testing Research Program of the National Institute of Dental Research (NIDR).

CATEGORIES OF RECORDS IN THE SYSTEM:

Test results, extracts from medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 301, 401, 405 and 453 of the Public Health Service Act (42 U.S.C. 241, 281, 284, 285h). These sections establish the National Institute of Dental Research and authorize the conduct and support of dental and oral research and related activities.

PURPOSE(S)

(1) To record the medical/dental histories of individuals participating in the Sensory Testing Research Program; (2) To record the results of chemosensory tests of individuals participating in the Sensory Testing Research Program; (3) For research on sensitivity to oral nasal stimulation; (4) For review and planning of the Clinical Investigations and Patient Care Branch program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees, referring health professionals and collaborating researchers and their staff in order to accomplish the clinical and research purposes for which the records are collected. The recipients are required to maintain Privacy Act safeguards with respect to these records.

2. Certain diseases and conditions, including infectious diseases, may be reported to appropriate representatives of State or Federal Government as required by State or Federal law.

3. Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, data books and in a mini-computer maintained by the NIDR Scientific Systems Section.

RETRIEVABILITY:

Records are retrieved by name, date of observation and age of subject.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical and procedural safeguards such as the following:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to Clinical Investigations Section staff, to scientist colleagues by invitation of the principal investigator and to referring professionals. Other one time and special access by other employees is granted on a need to know basis as specifically authorized by the System Manager.

2. *Physical safeguards:* Records are stored in rooms which are locked at all times when not in use. Computer terminals are in secured areas. Access to computer file is controlled by software protection codes associate with each site.

3. *Procedural safeguards:* Access is controlled by Clinical Investigation Section staff.

These safeguards are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Research Psychologist, Clinical Investigations, NIDR, Building 10, Room 1N114, 10 Center Drive, MSC 1190, Bethesda, MD 20892–1190.

NOTIFICATION PROCEDURE:

To determine if a record exists contact: NIDR Privacy Act Coordinator, 31 Center Drive, MSC 2290, Building 31, Room 2C–35, Bethesda, MD 20892–2290.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Subject individual, cooperating clinician or health agency, family members

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0054

SYSTEM NAME:

Administration: Property Accounting, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Building 13, Room 2E43, 9000 Rockville Pike, Bethesda, MD 20892

and

National Institutes of Health, Computer Center, Building 12, 9000 Rockville Pike, Bethesda, MD 20892

and

National Institutes of Health, Building 31, Room B3B16, 9000 Rockville Pike, Bethesda, MD 20892

and

National Institute of Environmental Health Sciences, Office of Facilities Engineering, 102–01, P.O. Box 12233, Research Triangle Park, N.C. 27709

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the National Institutes of Health who are issued tools or card keys.

CATEGORIES OF RECORDS IN THE SYSTEM:

Property management.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 5901; 5 U.S.C. 7903; 40 U.S.C. 318a; 42 U.S.C. 241.

PURPOSE OF THE SYSTEM:

Used for tool and card keys issuance and control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, and on magnetic media.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to officials whose duties require use of the information. Other one time and special access by other employees is granted on a need to know basis as specifically authorized by the system manager.

2. *Physical safeguards:* Textual records are stored in offices which are locked when not in use.

3. *Procedural safeguards:* Computer files are password protected.

This system of records will be protected according to the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 1300–C–14, which allows records to be destroyed after all listed credentials are accounted for or 3 months after the return of credentials to the issuing office. Refer to the NIH Manual Chapter for specific instructions.

SYSTEM MANAGER AND ADDRESS:

For tools: National Institutes of Health, Administrative Officer, DES, Building 13, Room 13/2E43, 9000 Rockville Pike, Bethesda, MD 20892.

For card keys:

National Institutes of Health, Chief, Crime Prevention Branch, Division of Security Operations, ORS, Building 31, Room B3B16, 9000 Rockville Pike, Bethesda, MD 20892.

National Institute of Environmental Health Sciences, Chief, Office of Facilities Engineering, 102–01, P.O. Box 12233, Research Triangle Park, NC 27709

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Data is obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0077

SYSTEM NAME:

Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Executive Plaza North, Rm. 540, 6130 Executive Blvd., Bethesda, MD 20892

and at private organizations under contract. Write to the system manager for a list of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cancer and other patients, and normal donors of biopsy and tumor specimens, who are seen at clinically-oriented organizations under contract to the National Cancer Institute. Both adults and children are covered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history and diagnostic information about the donor, information on the type of specimen, location of repository (if specimen is stored before use), and distribution record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 282: ''Research and Investigation,'' ''National Cancer Institute,'' and ''Cancer Research and Other Activities.''

PURPOSE(S):

(1) For cancer research, using by-products of cancer treatment, such as biopsy and tumor specimens that would normally be discarded, to allow interpretation of experimental results; (2) To project future research needs; (3) To monitor and evaluate the NCI distribution system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The Department contemplates that it may contract with a private firm for storage and preservation of specimens. Records necessary for identification, retrieval and research use will be disclosed to such a contractor. The contractor will be required to comply with the requirements of the Privacy Act with respect to such records.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that

Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and discs.

RETRIEVABILITY:

Retrieved by name of donor and cross-referenced by identifying number, procurement source, and various epidemiological characteristics.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical and procedural safeguards such as the following:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute, or its contractors, whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. *Physical safeguards:* Records, computers and computer terminals are kept in limited access areas. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

3. *Procedural safeguards:* Access to manual files is strictly controlled by files staff. Files may be accessed only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users.

Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records in this system are instructed to make no disclosure of the records except as authorized by the system manager.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Program Director, Research Resources, Biological Carcinogenesis Branch, Division of Cancer Etiology, NCI, National Institutes of Health, Executive Plaza North, Room 540, 6130 Executive Blvd., Bethesda, MD 20892

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Specimen Report Form filled out by the organization providing specimens.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0078

SYSTEM NAME:

Administration: Consultant File, HHS/NIH/NHLBI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

List of consultants available for use in evaluation of National Heart, Lung, and Blood Institute special grants and contracts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and résumés.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(d), 281.

PURPOSE(S):

(1) To identify and select experts and consultants for program reviews and evaluations. (2) For use in evaluation of NHLBI special grants and contracts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to

represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc and file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

1. *Authorized users:* Data on computer files is accessed by keyword known only to authorized users.

2. *Physical safeguards:* Rooms where records are stored are locked when not in use.

3. *Procedural safeguards:* During regular business hours, rooms are unlocked but are controlled by on-site personnel.

This system of records will be protected according to the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 1100–G. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Chief, Review Branch, National Heart, Lung, and Blood Institute, Westwood Building, Room 557A, 5333 Westbard Avenue, Bethesda, MD 20892

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Privacy Act Coordinator, NHLBI, National Institutes of Health, 31/5A10, 31 Center Drive, MSC 2490, Bethesda, MD 20892–2490

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0093

SYSTEM NAME:

Administration: Authors, Reviewers, Editorial Board, and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 82, Room 239, 9030 Old Georgetown Road, Bethesda, MD 20814.

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authors and manuscript reviewers and members of the Journal of the National Cancer Institute (JNCI) editorial board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accepted, rejected and pending manuscripts and review comments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281.

PURPOSE(S):

Manuscript review by NCI staff of manuscripts submitted for possible publication in the Journal of the National Cancer Institute or JNCI Monographs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made to qualified experts not within the definition of Department employees for opinions as a part of the review of manuscripts.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and manuscript number.

SAFEGUARDS:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant access only to JNCI staff personnel, the Editor in Chief, and members of the Board of Editors whose duties require the use of such information.

2. *Physical safeguards:* Records are kept in a limited access area where an employee is present at all times during working hours. The Building is locked during off-duty hours.

3. *Procedural safeguards:* Access to manual files is tightly controlled by office staff. Only authorized users may have access to the files.

Information that identifies reviewers is not maintained in computer files.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records

Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 8000–A–1(b), which allows records to be kept for a maximum period of one year after year in which published or presented. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

System Specialist, Scientific Publications Branch, Building 82, Room 239, 9030 Old Georgetown Road, Bethesda, MD 20814.

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Authors and reviewers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0099

SYSTEM NAME:

Clinical Research: Patient Medical Records, HHS/NIH/CC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Medical Record Department, 10 Center Drive MSC 1192, Bethesda, MD 20892–1192.

and at private organizations under contract. Write to the system manager for a list of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registered Clinical Center patients. Some individuals not registered as patients but seen in Clinical Center for diagnostic tests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical treatment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 248: ''Research and Investigation,'' and ''Hospitals, Medical Examination, and Medical Care.''

PURPOSE(S):

(1) To provide a continuous history of the treatment afforded individual patients in the Clinical Center; (2) To provide a data base for the clinical research conducted within the hospital.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information may be used to respond to Congressional inquiries for constituents concerning their admission to NIH Clinical Center.

2. Social Work Department may give pertinent information to community agencies to assist patients or their families.

3. Referring physicians receive medical information for continuing patient care after discharge.

4. Information regarding diagnostic problems, or having unusual scientific value may be disclosed to appropriate medical or medical research organizations or consultants in connection with treatment of patients or in order to accomplish the research purposes of this system. For example, tissue specimens may be sent to the Armed Forces Institute of Pathology; X-rays may be sent for the opinion of a radiologist with extensive experience in a particular kind of diagnostic radiology. The recipients are required to maintain Privacy Act safeguards with respect to these records.

5. Records may be disclosed to representatives of the Joint Commission on Accreditation of Hospitals conducting inspections to ensure that the quality of Clinical Center medical record-keeping meets established standards.

6. Certain diseases and conditions, including infectious diseases, may be reported to appropriate representatives of State or Federal Government as required by State or Federal law.

7. Medical information may be disclosed to tumor registries for maintenance of health statistics.

8. The Department contemplates that it may contract with a private firm for transcribing, updating, copying, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the requirements of the Privacy Act with respect to such records.

9. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

10. (a). PHS may inform the sexual and/or needle-sharing partner(s) of a subject individual who is infected with the human immunodeficiency virus (HIV) of their exposure to HIV, under the following circumstances: (1) The information has been obtained in the course of clinical activities at PHS facilities carried out by PHS personnel or contractors; (2) The PHS employee or contractor has made reasonable efforts to counsel and encourage the subject individual to provide the information to the individual's sexual or needle-sharing partner(s); (3) The PHS employee or contractor determines that the subject individual is unlikely to provide the information to the sexual or needle-sharing partner(s) or that the provision of such information cannot reasonably be verified; and (4) The notification of the partner(s) is made, whenever possible, by the subject individual's physician or by a professional counselor and shall follow standard counseling practices.

(b). PHS may disclose information to State or local public health departments, to assist in the notification of the subject individual's sexual and/or needle-sharing partner(s), or in the verification that the subject individual has notified such sexual or needle-sharing partner(s).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders and/or on microfiche, and on computer tapes.

RETRIEVABILITY:

Records are retrieved by unit number and patient name.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical, and procedural safeguards such as the following:

1. *Authorized users:* Employees maintaining records in this system are instructed to grant regular access only to physicians and dentists and other health care professionals officially participating in patient care, to contractors, or to NIH researchers specifically authorized by the system manager.

2. *Physical safeguards:* All record facilities are locked when system personnel are not present.

3. *Procedural safeguards:* Access to files is strictly controlled by the system manager. Records may be removed only by system personnel following receipt of a request signed by an authorized user. Access to computerized records is controlled by the use of security codes known only to the authorized user. Codes are user- and function-specific.

Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records in this system are instructed to make no disclosure of the records except as authorized by the system manager.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–E–22, which allows records to be kept until no longer needed for scientific reference. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Chief, Medical Record Department, National Institutes of Health, 10 Center Drive MSC 1192, Bethesda, MD 20892–1192.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the system manager at the above address. The requester must provide tangible proof of identify, such as a driver's license. If no identification papers are available, the requester must verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. The representative may be a physician, or other health professional, or other responsible individual. The subject individual will be granted direct access unless it is determined that such access is likely to have an adverse effect on him or her. In that case, the medical/dental record will be sent to the designated representative.

The individual will be informed in writing if the record is sent to the representative.

A parent or guardian who requests notification of or access to a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent personas well as his/her own identity.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably identify the specific reports and related dates pertaining to the information to be released. There may be a fee for reproducing more than 20 pages of material. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Referring physicians, other medical facilities (with patient's consent), patients, relatives of patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0102

SYSTEM NAME:

Grants Associates Program Working Files, HHS/NIH/OER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Extramural Staff Training Office, National Institutes of Health, Building 31, Room 5B35, 9000 Rockville Pike, Bethesda, Maryland 20892.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grants Associates Training Program Participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, curriculum vitae, reports on assignments, critiques of courses, supervisors endorsements, summary of assignments, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Part III; 42 U.S.C. 241c.

PURPOSE(S): THE PURPOSE OF THE SYSTEM IS FOR PROGRAM MANAGEMENT INCLUDING:

1. Assisting participants in obtaining maximum benefits from the Program;

2. Providing information to current Grants Associates about assignments and opportunities;

3. Providing résumés to other HHS components for possible employment of the Grants Associates trainee;

4. Reviewing and evaluating the Programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. Disclosure may be made to the Office of Personnel Management for salary approval.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made to the Department of Justice, or to a court or other tribunal from this system of records, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such record by the Department of Justice, the court or the tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS has determined that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

1. *Authorized users:* Access limited to system manager and staff. Other one-time and special access by other employees is granted on a need to know basis as specifically authorized by the system manager.

2. *Physical safeguards:* Records are stored in local cabinets in offices which are locked during off-duty hours.

3. *Procedural safeguards:* Access to the files is strictly controlled by employees who maintain the files. Records may be removed from files only at the request of the system manager or other authorized personnel.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 2300–320–1, which allows records to be destroyed after a maximum period of 2 years after completion of grants associate appointment.

SYSTEM MANAGER AND ADDRESS:

Director, HSA Development Programs, NIH, Building 31, Room 5B35, 9000 Rockville Pike, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her own identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Write to the official specified under the notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought and your reason for requesting the correction, along with supporting information showing how the record is inaccurate, incomplete, untimely, irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

The subject individual, educational institutions attended by the individual, personal references; and the Office of Personnel Management.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0105

SYSTEM NAME:

Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Others who Receive Medical Care Through the Employee Health Unit, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10 and 13, NIH, 9000 Rockville Pike, Bethesda, MD 20892;
Westwood Building, 5333 Westbard Ave., Bethesda, MD 20892;
Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857;
Rocky Mountain Laboratories, Hamilton, Montana 59840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, fellows, visiting scientists, relatives of inpatients, visitors, contractors, and others who receive medical care through the Employee Health Unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901.

PURPOSE(S):

1. For medical treatment;

2. Upon researcher request with individual's written permission, release of record for research purposes to medical personnel;

3. Upon request by HHS personnel offices for determination of fitness for duty, and for disability retirement and other separation actions;

4. For monitoring personnel to assure that safety standards are maintained.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to Federal, State, and local government agencies for adjudication of benefits under workman's compensation, and for disability retirement and other separation actions.

2. To district office of OPEC, Department of Labor with copies to the U.S. Office of Personnel Management for processing of disability retirement and other separation actions.

3. Upon non-HHS agency request, for examination to determine fitness for duty with copies to requesting agency and to the U.S. Office of Personnel Management.

4. Disclosure may be made to a congressional office from the record of an individual in response to any inquiry from the congressional office made at the request of the individual.

5. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the

Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has any interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and SSN.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project.

Each site implements personnel, physical and procedural safeguards such as the following:

1. *Authorized users:* Access is limited to authorized personnel (system manager and staff; Occupational Medicine Service staff; and personnel and administrative officers with need for information for fitness for duty, disability, and other similar determinations.)

2. *Physical safeguards:* Files are maintained in locked cabinets.

3. *Procedural safeguards:* Access to files is strictly controlled by authorized staff.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule, Manual Chapter 1743 (HHS Records Management Manual, Appendix B–361), item 2300–792–3.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Division of Safety, NIH, Building 31, Room 1C02, 9000 Rockville Pike, Bethesda, MD 20892

Chief, Rocky Mountain Operations Branch, Rocky Mountain Laboratories (RMS), National Institutes of Health, Hamilton, MT 59840.

NOTIFICATION PROCEDURE:

Contact System Manager at appropriate treatment location listed above, to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to 5,000 dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requester should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Records contain data resulting from clinical and preventative services provided at treatment location, and data received from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0106

SYSTEM NAME:

Administration: Office of the NIH Director and Institute/Center/Division Correspondence Records, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Executive Secretariat, Office of the Director, Building 1, Room B1–55, 9000 Rockville Pike, Bethesda, MD 20892

Office of Legislative Policy and Analysis, Office of the Director, Building 1, Room 244, 9000 Rockville Pike, Bethesda, MD 20892

and

Institute/Center/Division Staff Offices that retain correspondence files. Write to the appropriate system manager listed in Appendix I for a list of current locations and for the address of the Federal Records Center where records are stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted the NIH Director or his/her subordinates, or have been contacted in writing by one of these officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and other supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 44 USC 3101.

PURPOSE(S):

1. To control and track all correspondence documents addressed or directed to the NIH Director or his/her subordinates, as well as documents/supporting documents initiated by them, in order to assure timely and appropriate attention.

2. Incoming correspondence and supporting documentation is forwarded to other HHS components when a response from them is warranted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from this system of records by the Department of Health and Human Services (HHS) to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has any interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored by computer index, optical image and in file folders.

RETRIEVABILITY:

Records are retrieved by name, document number, date, and subject.

SAFEGUARDS:

1. *Authorized users:* Access to textual records is limited to authorized personnel (system managers and staff).

2. *Physical safeguards.* Physical access to records is restricted to authorized personnel.

3. *Procedural safeguards:* Access to textual records is strictly controlled by system managers and staff. Records may be removed from files only at the request of system managers or other authorized employees. Computer files are password protected.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 1700–C, which allows records to be kept for a maximum period of 6 years. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

System Managers are listed in Appendix I; each maintains full responsibility for their specific correspondence system.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the appropriate system manager as listed in Appendix I. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Records are derived from incoming and outgoing correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I: System Managers

Director, Executive Secretariat, Office of the Director, Building 1, Room B1–55, 9000 Rockville Pike, Bethesda, MD 20892
Acting Associate Director, Office of Legislative Policy and Analysis, Office of the Director, Building 1, Room 244, 9000 Rockville Pike, Bethesda, MD 20892
National Cancer Institute (NCI), Secretary to the Director, Building 31, Room 11A48, Bethesda, MD 20892
National Heart, Lung and Blood Institute (NHLBI), Secretary to the Director, OD, Director's Office, Building 31, Room 5A52, 31 Center Drive, MSC 2486, Bethesda, MD 20892–2486
National Institute of Diabetes and Digestive and Kidney (NIDDK), Director, OHRR, Building 31, Room 9A04, Bethesda, MD 20892
National Institute of Environmental Health Sciences (NIEHS), Executive Secretariat, PO Box 12233, South Campus, Building 2, Room B201, Research Triangle Park, NC 27709
National Eye Institute (NEI), Administrative Officer, Building 31, Room 6A19, 31 Center Drive MSC 2510, Bethesda, MD 20892–2510
National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS), Director, Office of Scientific and Health Communications, Building 31, Room 4C05, Bethesda, MD 20892
National Institute on Deafness and Other Communication Disorders (NIDCD), Chief, Administrative Management Branch, Building 31, Room 3C21, Bethesda, MD 20892
National Institute of General Medical Science (NIGMS), Secretary to the Director, Westwood Building, Room 926, Bethesda, MD 20892
National Library of Medicine (NLM), Executive Assistant, Office of the Director, Building 38, Room 2E17, Bethesda, MD 20894
Fogarty International Center (FIC), Secretary to the Director, Building 31, Room B2C06, Bethesda, MD 20892
Office of Aides Research (OAR), Special Assistant for Liaison Activities, Building 31, Room 5C12, Bethesda, MD 20892
National Institute on Drug Abuse (NIDA), Executive Secretariat, Room 10–15, Parklawn Building, Rockville, MD 20857
National Institute on Alcohol Abuse and Alcoholism (NIAAA), Executive Secretariat, Willco Building, Suite 400, 6000 Executive Blvd. MSC 7003, Bethesda, MD 20892–7003
National Institute of Mental Health (NIMH), Executive Secretariat, Room 17C–25, Parklawn Building, Rockville, MD 20857
Washington National Records Center, 4205 Suitland Road, Washington, DC 20857

09–25–0112

SYSTEM NAME:

Grants and Cooperative Agreements: Research, Research Training, Fellowship and Construction Applications and Related Awards, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grant applicants and Principal Investigators; Program Directors; Institutional and Individual Fellows; Research Career Awardees; and other employees of Applicant and/or grantee institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant and cooperative agreement applications and review history, awards, financial records, progress reports, payback records, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

''Research and Investigation,'' ''Appointment and Authority of the Directors of the National Research Institutes,'' ''National Institute of Mental Health,'' ''National Institute on Drug Abuse,'' ''National Institute on Alcohol Abuse and Alcoholism,'' ''National Cancer Institute,'' ''National Heart, Lung and Blood Institute,'' ''National Institute of Diabetes, and Digestive and Kidney Diseases,'' ''National Institute of Arthritis and Musculoskeletal and Skin Diseases,'' ''National Institute on Aging,'' ''National Institute on Allergy and Infectious Diseases,'' ''National Institute of Child Health and Human Development,'' ''National Institute of

Dental Research,'' ''National Eye Institute,'' ''National Institute of Neurological Disorders and Stroke,'' National Institute of General Medical Sciences,'' ''National Institute of Environmental Health Sciences,'' ''National Institute on Deafness and Other Communication Disorders,'' ''National Institute of Nursing Research,'' and the ''National Library of Medicine,'' of the Public Health Service Act. (42 U.S.C. 241, 284, 285, 285(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), 286b–286b–7.

PURPOSE(S):

1. Information provided is used by NIH staff for review, award, and administration of grant programs.

2. Information is also used to maintain communication with former fellows who have incurred an obligation through the National Research Service Award Program.

3. Staff may also use curriculum vitae to identify candidates who may serve as ad hoc consultants or committee and council members in the grant peer review process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made of assignments of research investigators and project monitors to specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange, Inc.

2. Disclosure may be made to the cognizant audit agency for auditing.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made to qualified experts not within the definition of Department employees as prescribed in Department Regulations, 45 CFR 56.2, for opinions as a part of the application review and award administration processes.

6. Disclosure may be made to a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

7. A record may be disclosed for a research purpose, when the Department: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected; or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

8. Disclosure may be made to a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records;

9. Disclosure may be made to the grantee institution in connection with the review of an application or performance or administration under the terms and conditions of the award, or in connection with problems that might arise in performance or administration if an award is made on a grant proposal.

10. Disclosure may be made to the profit institution's president or official responsible for signing the grant application in connection with the review or award of a grant application and in connection with the administration and performance of a grant under the terms and conditions of the awards.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

The Department may disclose to consumer reporting agencies information on individuals who have failed to meet payback obligations incurred under awards made under authority of the National Research Service Awards Program (41 U.S.C. 289l–1). Information disclosed includes data identifying the individual, the amount, status and history of the obligation, and that the obligation arose from an award made under the National Research Service Awards Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders, on computer tapes and discs, cards and in notebooks.

RETRIEVABILITY:

Retrieved by name and grant number.

SAFEGUARDS:

A variety of physical and procedural safeguards are implemented, as appropriate, at the various locations of this system:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to officials whose duties require use of the information. These officials include review groups, grants management staff, other extramural program staff, health scientist administrators, data processing and analysis staff and management officials with oversight responsibilities for extramural programs. Other one-time and special access is granted on an individual basis as specifically authorized by the system manager. Authorization for access to

computerized files is controlled by the system manager or designated official and is granted on a need-to-know basis. Lists of authorized users are maintained.

2. *Physical safeguards:* Secured facilities, locked rooms, locked cabinets, personnel screening; records stored in order of grant numbers which are randomly assigned.

3. *Procedural safeguards:* Access to file rooms and files is strictly controlled by files staff or other designated officials; charge-out cards identifying users are required for each file used; inactive records are transferred to controlled storage in Federal Records Center in a timely fashion; retrieval of records from inactive storage is controlled by the system manager or designated official and by the NIH Records Management Officer; computer files are password protected and access is actively monitored by the Computer Center to prevent abuse. Employees are given specialized training in the requirements of the Privacy Act as applied to the grants program.

These particular safeguards are developed in accordance with Chapter 45–13, ''Safeguarding Records Contained in Systems of Records,'' of the HHS General Administration Manual, supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security'', of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), items: 4000–B–1; 4000–B–4; 4000–C–1 and, 4600–D–1. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

See Appendix II.

NOTIFICATION PROCEDURE:

Write to Official at the address specified in Appendix II to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Write to the official at the address specified in Appendix IV to obtain access to a record, and provide the same information as is required under the Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official at the address specified in Appendix II, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information by applicant; supplemented by outside reviewers and internal staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I: System Location

National Cancer Institute, Executive Plaza South, Suite T–42, 6120 Executive Boulevard, Bethesda, MD 20892
National Heart, Lung, and Blood Institute, Westwood Building, Room 4A09, 5333 Westbard Avenue Bethesda, MD 20892
National Library of Medicine, Building 38A, Room 5N509, 8600 Rockville Pike, Bethesda, MD 20894
National Institute of Allergy and Infectious Diseases, Chief, Grants Management Branch, DEA, Solar Bldg., Room 4C–09, 6003 Executive Blvd., Rockville, MD 20892
National Institute of Allergy and Infectious Diseases, Chief, Management Information Systems Section, FMISB, OAM, Solar Building, Room 4A–03, 6003 Executive Blvd., Rockville, MD 20892
National Institute of Diabetes and Digestive and Kidney Diseases, Westwood Building, Room 610, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Arthritis and Musculoskeletal and Skin Diseases, Westwood Building, Room 5A03, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Child Health and Human Development, 6100 Executive Blvd., Room 7A07, Bethesda, MD 20892
National Institute on Aging, Gateway Building, Room 2N–212, 7201 Wisconsin Avenue, Bethesda, MD 20892
National Institute of Dental Research, Grants Management Officer, Natcher Building, Room 4AS–55, 45 Center Drive, MSC 6402, Bethesda, MD 20892–6402
National Institute of Environmental Health Sciences, Grants Management Officer, Building 2, Room 204, 104 Alexander Drive, Research Triangle Park, NC 27709
National Institute of General Medical Sciences, Grants Management Officer, Natcher Building, Room 2AN52, 9000 Rockville Pike, Bethesda, MD 20892
National Institute of Neurological Disorders and Stroke, Federal Building, Room 10A12, 7550 Wisconsin Avenue, Bethesda, MD 20892
National Institute on Deafness and Other Communication Disorders, Executive Plaza South, Room 400B, 6120 Executive Boulevard, Rockville, MD 20852
National Eye Institute, Executive Plaza South, Room 350, 6120 Executive Boulevard, Bethesda, MD 20892
National Center for Research Resources, Westwood Building, Room 853, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Nursing Research, Building 45, Room 3AN32 MSC 6301, Bethesda, MD 20892–6301
Fogarty International Center, Building 31, Room B2C32, 9000 Rockville Pike, Bethesda, MD 20892
Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409
National Institute on Drug Abuse, Grants Management Branch, Room 8A–54, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857
National Institute on Alcohol Abuse and Alcoholism, Grants Management Branch, Willco Building, Suite 504, 6000 Executive Blvd. MSC 7003, Bethesda, MD 20892–7003
National Institute of Mental Health, Grants Management Branch, ORM, Room 7C–15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Appendix II: System Manager and Address

National Cancer Institute, Grants Management Analyst, Executive Plaza South, Suite 234, 6120 Executive Boulevard, Bethesda, MD 20892
National Heart, Lung, and Blood Institute, Chief, Grants Operations Branch, Division of Extramural Affairs, Westwood Building, Room 4A10, 5333 Westbard Avenue, Bethesda, MD 20892
National Library of Medicine, Associate Director for Extramural Programs, Building 38A, Room 5N505, 8600 Rockville Pike, Bethesda, MD 20894
National Institute of Allergy and Infectious Diseases, Chief, Grants Management Branch, DEA, Solar Bldg., Room 4B–21, 6003 Executive Blvd., Bethesda, MD 20892
National Institute of Allergy and Infectious Diseases, Chief, Management Information Systems Section, FMISB, OAM, Solar Building, Room 4A–03, 6003 Executive Blvd., Bethesda, MD 20892
National Institute of Arthritis and Musculoskeletal and Skin Diseases, Grants Management Officer, Westwood Building, Room 407, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Diabetes and Digestive and Kidney Diseases, Grants Management Officer, Room 637, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20892

National Institute of Child Health and Human Development, Chief, Office of Grants & Contracts, 6100 Executive Blvd., Room 8A01, Bethesda, MD 20892
National Institute on Aging, Grants Management Officer, Gateway Building, Room 2N–212, 7201 Wisconsin Avenue, Bethesda, MD 20892
National Institute of Dental Research, Grants Management Officer, NIDR, Natcher Building, Room 4AS–55, 45 Center Drive MSC 6402, Bethesda, MD 20892–6402
National Institute of Environmental Health Sciences, Grants Management Officer, Building 2, Room 204, 104 Alexander Drive, Research Triangle Park, NC 27709
National Institute of General Medical Sciences, Grants Management Officer, NIGMS, Natcher Building, Room 2AN24, 9000 Rockville Pike, Bethesda, MD 20892
National Institute of Neurological Disorders and Stroke, Grants Management Officer, Federal Building, Room 1004A, Bethesda, MD 20892
National Institute on Deafness and Other Communication Disorders, Grants Management Officer, Executive Plaza South, Room 400B, 6120 Executive Boulevard, Rockville, MD 20852
National Institute of Nursing Research, Grants Management Officer, Building 45, Room 3AN32 MSC 6301, Bethesda, MD 20892–6301
National Eye Institute, Grants Management Officer, Executive Plaza South, Room 350, 6120 Executive Boulevard, Bethesda, MD 20892
National Center for Research Resources, Director, Office of Grants and Contracts Management, Westwood Building, Room 853, 5333 Westbard Avenue, Bethesda, MD 20892
Fogarty International Center, Scientific Review Administrator, International Studies Branch, Building 31, Room B2C32, 9000 Rockville Pike, Bethesda, MD 20892
National Institute on Drug Abuse, Chief, Grants Management Branch, Room 8A–54, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857
National Institute on Alcohol Abuse and Alcoholism, Chief, Grants Operation Section, Willco Building, Suite 504, 6000 Executive Blvd. MSC 7003, Bethesda, MD 20892–7003
National Institute of Mental Health, Grants Management Officer, ORM, Room 7C–15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Appendix III: Notification Procedures

National Cancer Institute, See Appendix II
National Heart, Lung, and Blood Institute, Privacy Act Coordinator, Building 31, Room 5A10, 31 Center Drive, MSC 2490, Bethesda, MD 20892–2490
National Library of Medicine, See Appendix II
National Institute of Allergy and Infectious Diseases, See Appendix II
National Institute of Diabetes and Digestive and Kidney Diseases, Administrative Officer, Building 31, Room 9A46, 9000 Rockville Pike, Bethesda, MD 20892
National Institute of Child Health and Human Development, See Appendix II
National Institute of Aging, See Appendix II
National Institute of Dental Research, NIDR Privacy Act Coordinator, Building 31, Room 2C–35, 9000 Rockville Pike, Bethesda, MD 20892
National Institute of Environmental Health Services, See Appendix II
National Institute of General Medical Sciences, See Appendix II
National Institute of Neurological Disorders and Stroke, See Appendix II
National Institute on Deafness and Other Communication Disorders, See Appendix II
National Eye Institute, See Appendix II
National Center for Nursing Research, See Appendix II
National Center for Research Resources, See Appendix II
Fogarty International Center, See Appendix II
National Institute on Drug Abuse, See Appendix II
National Institute on Alcohol Abuse and Alcoholism, See Appendix II
National Institute of Mental Health, Privacy Act Coordinator, Room 15–81, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Appendix IV: Records Access Procedures

Naitonal Cancer Institute, Privacy Act Coordinator, Building 31, Room 10A30, 9000 Rockville Pike, Bethesda, MD 20892
National Heart, Lung, and Blood Institute, See Appendix III
National Library of Medicine, See Appendix II
National Institute of Allergy and Infectious Diseases, Privacy Act Coordinator, Solar Bldg., Room 3C–23, Bethesda, MD 20892
National Institute of Diabetes and Digestive and Kidney Diseases, See Appendix II
National Institute of Child Health and Human Development, See Appendix II
National Institute on Aging, See Appendix II
National Institute of Dental Research, Grants Management Officer, Westwood Building, Room 518, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute of Environmental Health Sciences, See Appendix II
National Institute of General Medical Sciences, Privacy Act Coordinator, Natcher Building, Room 3AS43, 9000 Rockville Pike, Bethesda, MD 20892
National Institute of Neurological Disorders and Stroke, Chief, Administrative Services Branch, Building 31, Room 8A49, 9000 Rockville Pike, Bethesda, MD 20892
National Institute on Deafness and Other Communication Disorders, Chief, Administrative Management Branch, Building 31, Room 3C02, 9000 Rockville Pike, Bethesda, MD 20892
National Eye Institute, Administrative Officer, Building 31, Room 6A17, 9000 Rockville Pike, Bethesda, MD 20892
National Center for Research Resources, Privacy Act Coordinator, Westwood Building, Room 10A15, 5333 Westbard Avenue, Bethesda, MD 20892
Fogarty International Center, See Appendix II
National Institute on Drug Abuse, See Appendix II
National Institute on Alcohol Abuse and Alcoholism, See Appendix II
National Institute of Mental Health, See Appendix II
National Institute of Nursing Research, See Appendix II.

09–25–0118

SYSTEM NAME:

Contracts: Professional Services Contractors, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 31, Room 3A44, DCT, 9000 Rockville Pike, Bethesda, MD 20892
Building 31, Room 11A33, OD, 9000 Rockville Pike, Bethesda, MD 20892
Executive Plaza North, Room 604, DEA, 9000 Rockville Pike, Bethesda, MD 20892
Building 31, Room 11A11, DCE, 9000 Rockville Pike, Bethesda, MD 20892
Building 31, Room 10A50, DCPC, 9000 Rockville Pike, Bethesda, MD 20892

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals under contract with the National Cancer Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Professional Services Contracts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(d), 281.

PURPOSE(S):

Used by staff for general administrative purposes to assure compliance with contract program requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to

enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

1. *Authorized users:* Access is limited to authorized personnel (system manager and staff).

2. *Physical safeguards:* Records are maintained in offices which are locked when not in use.

3. *Procedural safeguards:* Access to files is strictly controlled by system manager and staff.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 2600–A–4, which allows records to be destroyed after a maximum period of 6 years and 3 months after final payment. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Administrative Officer, DCT, Building 31, Room 3A44, 9000 Rockville Pike, Bethesda, MD 20892

Administrative Officer, OD, National Institutes of Health, Building 31, Room 11A33, 9000 Rockville Pike, Bethesda, MD 20892

Administrative Officer, DEA, Executive Plaza North, Room 604, 9000 Rockville Pike, Bethesda, MD 20892

Administrative Officer, DCE, Building 31, Room 11A11, 9000 Rockville Pike, Bethesda, MD 20892

Administrative Officer, DCPC, Building 31, Room 10A50, 9000 Rockville Pike, Bethesda, MD 20892

NOTIFICATION PROCEDURE:

Write to the appropriate System Manager listed above to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Individuals in the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0126

SYSTEM NAME:

Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system are located in hospitals, universities, research centers, research foundations, and coordinating centers under contract with the National Heart, Lung, and Blood Institute, and in NHLBI facilities in Bethesda, Maryland. Write to the system manager at the address below for a list of locations, including the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in these studies include (1) individuals who have been or who are presently being treated by the National Heart, Lung, and Blood Institute, for diseases or conditions of the heart, lung, blood vessels and blood; (2) individuals whose physical, genetic, social, economic, environmental, behavioral or nutritional conditions or habits are being studied in relation to the incidence of heart, lung, blood vessel and blood diseases among human beings; and (3) normal volunteers who have agreed to provide control data germane to these studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, medical, and statistical information resulting from or contained in research findings, medical histories, vital statistics, personal interviews, questionnaires, or direct observation. The system also includes records of current addresses of study participants, photographs, fingerprints, and correspondence from or about participants in these studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 412, 413 of the Public Health Service Act (42 U.S.C. 287a, 287b).

PURPOSE(S):

(1) Summaries of data resulting from these studies are used by the National Heart, Lung, and Blood Institute to monitor and evaluate the incidence of the diseases or the conditions under investigation and the relationship of various factors to the occurrence of these diseases.

(2) The summaries are also used for program planning and evaluation purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

3. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

4. Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

5. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

7. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

8. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. A record may be disclosed for a research purpose, when the Department: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, magnetic tapes or discs, punched cards, bound note books.

RETRIEVABILITY:

Name and/or participant identification number.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical and procedural safeguards such as the following:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to authorized researchers, physicians and their assistants whose duties require the use of such information.

2. *Physical safeguards:* Records are kept in locked file cabinets and in some instances in locked offices or guarded buildings. Locations are locked during non-working hours, and are attended at all times during working hours.

3. *Procedural safeguards:* Access to the data is controlled by the System Manager and the Project Officer. Data stored in computers is accessed through the use of key words known only to principal investigators or authorized personnel.

The particular safeguards implemented at each site are developed in accordance with Chapter 45–13, ''Safeguarding Records Contained in Systems of Records,'' of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45–13, and Part 6, ''ADP Systems Security'', of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Senior Scientific Advisor, OD, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute, Federal Building, Room 220, 7550 Wisconsin Avenue, Bethesda, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, contact: NHLBI Privacy Coordinator, Building 31, Room 5A–08, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Requesters must provide the following information in writing:

1. Full name

2. Name and location of research study

3. Approximate dates of enrollment.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Write to System Manager as indicated above. The contestor must reasonably

specify in writing the record contents at issue and state the corrective action sought and the reasons for the correction. The right to contest with supporting justification. The record is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants and from medical and clinical research observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0128

SYSTEM NAME:

Clinical Research: Neural Prosthesis & Biomedical Engineering Studies, HHS/NIH/NINDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Building, Room 9C02, 7550 Wisconsin Ave., Bethesda, MD 20892 and: (1) At hospitals and medical centers under contract, and (2) Federal Records Centers. A list of locations is available upon request from the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients and normal volunteers, males and females, participating in clinical studies to determine the feasibility of neural prostheses, and in clinical studies related to the development of instrumentation for diagnosis and treatment of neurological and sensory disorders conducted under contract for the National Institute of Neurological Disorders and Stroke (NINDS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Clinical research data as related to studies which seek to determine the feasibility of neural prostheses and to develop instrumentation for diagnosis and treatment of neurological and sensory disorders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 421, 289a, 289c.

PURPOSE(S):

(1) Clinical research on the development of neural prosthesis (artificial devices) to enhance function of individuals with various disorders of the central nervous system.

(2) Research on the development of new instruments to improve diagnosis and treatment of disorders of the nervous system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. In the event of litigation where the defendant is (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant access only to HHS scientists and their authorized collaborators.

2. *Physical safeguards:* Records are kept in a locked room when not in use.

3. *Procedural safeguards:* Personnel having access to this system are informed of Privacy Act requirements.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Head, Neural Prosthesis Program, NINDS, Federal Building, Room 916, 7550 Wisconsin Ave., Bethesda, MD 20892

NOTIFICATION PROCEDURE:

Write to:

Chief, Administrative Services Branch, NINDS, Building 31, Room 8A49, 9000 Rockville Pike, Bethesda, MD 20892

and ask if a file with your name exists in the Neural Prosthesis or Biomedical Engineering Studies. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Write to system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

RECORD SOURCE CATEGORIES:

Patients, patients' families, hospital records and clinical investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0129

SYSTEM NAME:

Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NIDCD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Deafness and Other Communication Disorders (NIDCD); 6120 Executive Boulevard, Rockville, MD 20852

and at hospitals, medical centers, universities and educational settings under contract. Inactive records may be stored at a Federal Records Center. A list of locations is available upon request from the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients and normal volunteers participating in clinical research studies dealing with hearing, speech, language and chemosensory disorders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical findings, clinical research data, medical and educational histories and research data on the hearing, speech, language, cognition and chemosensory systems of subjects being tested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S)

Clinical research on the disorders of speech, language, and hearing to discover factors leading to these disorders and to improve prevention, diagnoses, and treatment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as its deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Name or identifier code.

SAFEGUARDS:

1. *Authorized users:* Employees who maintain the system are instructed to grant access only to the principal investigator and staff assigned to a particular project, and to other authorized personnel (project officer, contracting officer).

2. *Physical safeguards:* Records are locked in cabinets when not in actual use and system location is locked during non-working hours.

3. *Procedural safeguards:* Personnel having access to system are trained in Privacy Act requirements. Records are returned to locked file cabinets at end of working day.

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–3610, item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Human Communication, NIDCD, Executive Plaza South, Room 400B, 6120 Executive Boulevard, Rockville, MD 20852

NOTIFICATION PROCEDURE:

Write to:

Chief, Administrative Management Branch, NIDCD, Building 31, Room 3C21, 9000 Rockville Pike, Bethesda, MD 20892

and ask if a file exists with your name in studies of the Division of Communication Sciences and Disorders. Please supply the following information:

1. Approximate date and place of examination and/or treatment.

2. Name of the study, if known.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Write to system manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought and the reasons for the correction. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information provided by patients, patients' families, hospital records, school records, and clinical investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0140

SYSTEM NAME:

International Activities: International Scientific Researchers in Intramural Laboratories at the National Institutes of Health, HHS/NIH/FIC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Fogarty International Center, Building 16A, Room 101, 9000 Rockville Pike, Bethesda, MD 20892

and

Division of Computer Research and Technology, Building 12A, Room 3061, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892

Ancillary records are located in the Office of the Associate Director for Intramural Affairs, laboratories, administrative and personnel offices where participants are assigned. Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Health scientists at all levels of their postdoctoral or equivalent research careers who are invited to the National Institutes of Health for further training or to conduct research in their biomedical specialties under the auspices of FIC's administration of International Activities. Most of these scientists are foreign, however, some may be resident aliens or U.S. citizens.

Individuals in these categories include Visiting Associates, Visiting Scientists, Foreign Special Experts who are employees and Visiting Fellows, Guest Researchers, Exchange Scientists, International Research Fellows, Fogarty Scholars, Special Volunteers, Adjunct Scientists and Residents who are not employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

History of fellowship, employment and/or stay at NIH; education, immigration data and references. For payroll purposes, social security numbers are requested of all applicants accepted into the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 USC 2421 and section 307 of the Public Health Service Act.

PURPOSE(S)

To document the individual's presence at the NIH, to record immigration history of the individual in order to verify continued eligibility in existing programs, and to meet requirements in the Code of Federal Regulations (8 CFR, ''Aliens and Nationality,'' and 22 CFR, ''Foreign Relations'').

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information is made available to authorized employees and agents of the U.S. Government including, but not limited to, the General Accounting Office, the Internal Revenue Service, and the FBI and Immigration and Naturalization Service, Department of Justice, for purposes of investigations, inspections and audits.

2. Disclosures may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

3. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has any interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, computer tapes, and computer disks.

RETRIEVABILITY:

By name, country of citizenship, country of birth, gender, fellowship case number, visa and immigration status, program category, NIH Institute and lab, sponsor, degree attained, stipend or salary level, dates of stay at NIH, termination date, work address and telephone number, and home address.

SAFEGUARDS:

A variety of safeguards is implemented for the various sets of records included under this system according to the sensitivity of the data they contain.

1. *Authorized users:* NIH administrative and personnel staff screened by FIC staff to access information on a need-to-know basis. Only FIC staff are authorized to add, change, or delete data. Access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

2. *Physical safeguards:* The records are maintained in file cabinets in offices that are located during off-duty hours.

3. *Procedural safeguards.* Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employees. For computerized records, access is controlled by the use of security codes known only to authorized users; access codes are changed periodically. The computer system maintains an audit record of all requests for access.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 2300–320, which allows records to be destroyed after a maximum period of 6 years after the close of a case. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Chief, International Services and Communications Branch, National Institutes of Health, Fogarty International Center, Building 16A, Room 101, 16A Center Drive MSC 6710, Bethesda, MD 20892–6710

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an

individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURE:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official listed under notification procedure above, and reasonably identify the record, and specify the information to be contested, and state the corrective action sought and the reasons for the correction. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Subject individuals and other federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0142

SYSTEM NAME:

Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system will be located in hospitals and clinics, research centers and research foundations, and in facilities of the National Institute on Aging (NIA) in Bethesda, MD. They may be stored at Federal Records Centers. A list of locations is available upon request from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in these studies will include: (1) Individuals whose physical, genetic, social, psychological, cultural, economic, environmental, behavioral, pharmacological, or nutritional conditions or habits are studied in relationship to the normal aging process and/or diseases and other normal or abnormal physical or psychological conditions of the aged, and (2) normal volunteers who are participants in such studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system will consist of a variety of health, demographic, and statistical information resulting from or contained in research findings, medical histories, vital statistics, personal interviews, questionnaires, or direct observations. The system will also include records of current addresses of study participants, and correspondence from or about participants in the studies. When supplied on a voluntary basis, Social Security numbers will also be included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority is provided by Section 301, Research Contracting, and 463–4, Health Research Extension Act of 1985, Pub. L. 99–158.

PURPOSE(S):

The National Institute on Aging will use the data collected; (1) in research projects on (a) the health status of individuals and changes in health status over time, (b) the incidence and prevalence of certain diseases and problems of the aged in certain populations, and (c) the changes that take place as individuals age; (2) and for program planning and evaluation.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Records may be disclosed to HHS contractors, collaborating researchers and their staffs in order to accomplish the basic research purpose of this system. The recipients will be required to maintain Privacy Act safeguards with respect to such records.

2. Data may be disclosed to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

3. A record may be disclosed for a research purpose, when the Department: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

5. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, boxes, network drives, magnetic tapes or discs, punched cards, or bound notebooks. Stored data may include textual, photographic, X-ray, or other material.

RETRIEVABILITY:

Information will be retrieved by personal identifiers such as name, code number and/or Social Security number, when this is supplied on a voluntary basis.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical and procedural safeguards such as the following:

1. *Authorized users:* Access will be limited to principal investigators, collaborating researchers and necessary support staff.

2. *Physical safeguards:* Hard copy data will be maintained in locked file cabinets. Information stored in computer systems will be accessible only through proper sequencing of signal commands and access codes specifically assigned to the Project Officer or contractor.

3. *Procedural safeguards:* Access to the information will be controlled directly by the Project Officer or his or her representative at remote locations, and by the system manager at NIA locations. Contractors and collaborating researchers will be notified that they are subject to the provisions of the Privacy Act, and will be required to make formal agreements to comply with these provisions.

The particular safeguards implemented in each project are developed in accordance with Chapter 45–13 and supplementing Chapter PHS hf: 45–13 of the HHS General Administration Manual and Part 6, ADP Systems Security, of the HHS Information Resources Management Manual, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Associate Director, Epidemiology, Demography and Biometry Program, National Institute on Aging, Gateway Building, Suite 3C309, 7201 Wisconsin Avenue, Bethesda, MD 20892

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address and provide the following information in writing:

1. Full name at time of participation in the study.

2. Date of birth.

3. Home address at the time of study.

4. The facility where the examination was given or where information was collected.

5. Approximate date or dates of participation.

6. Name of study, if known.

7. Current name, address and telephone number.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical or dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

Contact the system manager at the above address and provide the same information as outlined under the notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the System Manager at the above address. The contestor must reasonably identify the record, specify in writing the information being contested, and state the corrective action sought and the reasons for the correction. The right to contest records is limited to information which is incomplete, irrelevant, incorrect or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information will be obtained directly from individual participants and from medical and clinical research observations, or indirectly from existing source documents such as disease registries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0148

SYSTEM NAME:

Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological Disorders and Stroke and the National Institute on Deafness and Other Communication Disorders, HHS/NIH/NINDS and HHS/NIH/NIDCD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At National Institutes of Health facilities in Bethesda, Maryland, and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating Federal agencies. Inactive records may be retired to Federal Records Centers. A list of locations is available upon request from the respective System Managers of the subsystems included in this notice.

CATAGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with neurological diseases, communicative disorders, stroke, hearing loss, chemosensory deficits, and related diseases; normal, healthy volunteers who serve as controls for comparison with patients, relatives of patients; and other individuals whose characteristics or conditions are suited for possible connections with the occurrence of the diseases and disorders under investigations. Subject individuals include both adults and children.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, biomedical, and epidemiological information resulting from or contained in direct observations, medical records and other histories, vital statistics reports, records on biological specimens (e.g., blood, urine, etc.), personal interviews, questionnaires, progress reports, correspondence, or research findings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 241, Research and Investigation, and 289a, Establishment of Institutes, of the Public Health Service Act (42 U.S.C. 301, 431).

PURPOSE(S):

This system will be used to support (1) contracted and contract-related epidemiological, clinical and biometric investigations into the causes, nature, outcome, therapy, prevention and cost of neurological and communicative

disorders, hearing loss, chemosensory deficits, and stroke; (2) review and evaluation of the progress of these research projects, and identification and planning for improvements or for additional research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

3. A record may be disclosed for a research purpose, when the Department: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

5. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, computer-accessible forms (e.g. tapes or discs), punched cards, bound notebooks, microfilm, charts, graphs and X-rays.

RETRIEVABILITY:

Information is retrieved by name and/or patient identification number.

SAFEGUARDS:

1 *Authorized users:* Access to or disclosure of information is limited to collaborating researchers, contractors and employees, and other authorized biomedical researchers who are involved in the conduct, support or review and evaluation of the research activities supported by this system.

2. *Physical safeguards:* Data are kept in secured areas (e.g. rooms which are locked when not in regular use, buildings with controlled access). Data stored in computer-accessible form is accessed through the use of key words known only to principal investigators or authorized personnel; all other information is stored in locked files.

3. *Procedural safeguards:* Contractors and collaborating or other researchers are required to comply with the provisions of the Privacy Act and with HHS Privacy Act regulations.

These and other appropriate safeguards are implemented in each project in accordance with Chapter 45–13, ''Safeguarding Records Contained in Systems of Records,'' of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45–13, and Part 6, ''ADP Systems Security'', of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

NINDS and NIDCD research activities are divided, functionally and administratively. In effect, there are six subsystems within this single umbrella system. NINDS has five programs and NIDCD one. System Managers have been designated for each subsystem as follows:

Director, Division of Human Communication, NIDCD, NIH, Executive Plaza South, Room 400B, 620 Executive Boulevard, Rockville, MD 20852

and

Director, Division of Fundamental Neurosciences, NINDS, NIH, Federal Building, Room 916, 7550 Wisconsin Avenue, Bethesda, MD 20892

and

Deputy Director, Division of Convulsive, Developmental and Neuromuscular, Disorders, NINDS, NIH, Federal Building, Room 816, 7550 Wisconsin Avenue, Bethesda, MD 20892

and

Director, Division of Demyelinating Atrophic, and Dementing Disorders, NINDS, NIH, Federal Building, Room 810, 7550 Wisconsin Avenue, Bethesda, MD 20892

and

Director, Division of Stroke and Trauma, NINDS, NIH, Federal Building, Room 8A08, 7550 Wisconsin Avenue, Bethesda, MD 20892

and

Assistant Director, Clinical Neurosciences Program, DIR, NIH, Building 10, Room 5N226, 9000 Rockville Pike, Bethesda, MD 20892

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

NINDS Privacy Act Coordinator, Federal Building, Room 816, 7550 Wisconsin Avenue, Bethesda, MD 20892

or

NIDCD Privacy Act Coordinator, Building 31, Room 3C02, 9000 Rockville Pike, Bethesda, MD 20892

and provide the following information:

1. System name,

2. Complete name and home address at the time of the study,

3. Birth date,

4. Facility conducting the study,

5. Disease type (if known),

6. Approximate dates of enrollment in the research study.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) of whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURE:

Same as notifications procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Write to the system manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information in these records is obtained directly from individual participants, and from physicians, research investigators and other collaborating persons, and from medical records and clinical research observations at hospitals, HHS agencies, universities, medical schools, research institutions, commercial institutions, state agencies, and collaborating Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0152

SYSTEM NAME:

Biomedical Research: Records of Subjects in National Institute of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system are collected by contractors and are located in hospitals and clinics; research centers; educational institutions; commercial; local, State and Federal government agencies; and in National Institute of Dental Research (NIDR) facilities. Inactive records may be stored at Federal Records Centers. A list of locations and contracts is available upon request from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary participants in epidemiological and biometric studies sponsored by NIDR, including adults and minors, both males and females, with known or suspected diseases or disorders of the teeth and supporting structures, as well as normal or nonsuspect individuals in control or study groups for purposes of comparison.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of medical and dental records and information resulting from personal interviews, questionnaires, or direct observation. The system may also include current addresses of study participants, radiographs, records on biological specimens (e.g., teeth, plaque, etc.), study models, computerized epidemiological data and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 301, 401, 405 and 453 of the Public Health Service Act (42 U.S.C. 241, 281, 284, 285h). These sections establish the National Institute of Dental Research and authorize the conduct and support of dental and oral research and related activities.

PURPOSE(S):

This system is used to: (1) Support research on diseases and disorders of the oral cavity (teeth and their supporting structures); their causes and treatment; the incidence and prevalence of these diseases and disorders; and familial, demographic and behavioral factors related to their causes and treatment; (2) provide data for program review, evaluation, planning, and administrative accountability.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff for the purpose of analyzing data and preparing scientific reports and articles in order to accomplish the research purpose for which the records are collected. The recipients are required to maintain Privacy Act safeguards with regards to such records.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

3. A record may be disclosed for a research purpose, when the Department: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose, (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to, (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the

purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to records.

5. Disclosure may be made to a congressional office from the record to an individual in response to an inquiry from the congressional office made at the request of the individual.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee, for example, in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, magnetic tapes or disks, punched cards, or bound notebooks.

RETRIEVABILITY:

Information is retrieved by name and/or a participant identification number.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical and procedural safeguards such as the following:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to contractor personnel; consultants to the contractor; the NIDR project officer; and NIDR employees whose duties require the use of such information. Access to the data controlled by the Project Director, the NIDR Project Officer, and/or the System Manager.

2. *Physical safeguards:* Records are stored in locked files or secured areas. Computer terminals are in secured areas.

3. *Procedural safeguards:* Names and other identifying particulars are deleted when data from original records is encoded for analysis. Encoded data is indexed by code numbers. Tables linking these code numbers with actual identifiers are maintained separately. Code numbers and identifiers are linked only if there is a specific need. Data stored in computers is accessed through the use of keywords known only to the principal investigators or authorized personnel. These keywords are changed frequently.

The particular safeguards implemented in each project will be developed in accordance with Chapter 45–13, ''Safeguarding Records Contained in Systems of Records,'' of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45–13, and Part 6, ''ADP Systems Security'', of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Chief, Contract Management Section, Extramural Program, National Institute of Dental Research, Natcher Building, Room 4AN–44B, 45 Center Drive MSC 6402, Bethesda, MD 20892–6402

NOTIFICATION PROCEDURE:

Write to:

Privacy Act Coordinator, National Institute of Dental Research, 31 Center Drive MSC 2290, Building 31, Room 2C–35, Bethesda, MD 20892–2290

and provide the following information in writing:

1. Full name at time of participation in the study.

2. Name and description of the study.

3. Location and approximate dates of participation.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of, or access to, a medical or dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, the medical record of a child or incompetent person shall designate a family physician or other health professional (other than a family member) to whom the records, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above. The contestor must reasonably identify the record, specify in writing the information being contested, and state the corrective action sought, and the reason(s) for the corrective action, with supporting justification. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants and from medical/dental and clinical research observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0153

SYSTEM NAME:

Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development, HSS/NIH/NICHD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system in this system are located in hospitals and clinics, research centers, educational institutions, commercial organizations, local and State agencies, and other Executive Branch agencies of the Federal Government under contract to the National Institute of Child Health and Human Development (NICHD), and in NICHD facilities in Bethesda, Maryland. Inactive records may be stored at Federal Records Centers. A list of specific locations and contractors is available upon request from the System Manager, whose address is listed below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in these studies include adults and children (a) who are presently or have been treated by the NICHD, (b) whose physical, genetic, social, economic, environmental, behavioral or nutritional conditions or habits are being studied by the NICHD, or (c) normal volunteers who have agreed to provide control data for purposes of comparison.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, medical, and statistical information collected in biomedical and behavioral research studies, such as medical histories, vital statistics, personal interviews, questionnaires, current addresses of study participants, radiographs, records on biological specimens, study models, and correspondence from or about participants in these studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301, Research and Investigation, and section 441, National Institute of Child Health and Human Development, of the Public Health Service Act as amended (42 U.S.C. sections 241, 298d).

PURPOSE(S):

This system is used: (1) For program review, evaluation, planning, and administrative management for research on child health and human development; (2) to monitor the incidence, prevalence or development of the disease, condition, behavior, or health status under investigation; (3) to determine the relation of various factors (e.g., social, economic, environmental, physical, and medical) to the occurrence of the disease, condition, development, behavior, or health status under investigation; (4) to identify abnormal disease, condition, or health status and inform the Centers for Disease Control (CDC) or the Food and Drug Administration (FDA) of the existence of such conditions. CDC uses this information in fulfilling its congressionally mandated responsibility for the monitoring of disease and prevention of epidemics. FDA use this information in carrying out its congressional mandate for controlling certain potentially harmful products.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff for the purposes of analyzing data and preparing scientific reports and articles in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the requirements of the Privacy Act with respect to such records.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

3. The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the requirements of the Privacy Act with respect to such records.

4. Certain diseases and conditions, including infectious diseases, may be reported to appropriate representatives of State or Federal Government as required by State or Federal law.

5. A record may be disclosed for a research purpose, when the Department: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with

the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, microfilm, magnetic tapes or disks, punched cards, or bound notebooks.

RETRIEVABILITY:

Information is retrieved by name and/or a participant identification number.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical and procedural safeguards such as the following:

1. *Authorized users:* Employees who maintain records in this system are instructed to grant regular access only to contractor personnel; consultants to the contractor; the NICHD project officer; and NICHD employees whose duties require the use of such information. One time and special access to the data is controlled by the System Manager, the NICHD Project Officer, and the Contract and/or Project Director.

2. *Physical safeguards:* Records are stored in locked files or secured areas. Computer terminals are in secured areas.

3. *Procedural safeguards:* Names and other identifying particulars are deleted when data from original records is encoded for analysis. Encoded data is indexed by code numbers. Tables linking these code numbers with actual identifiers are maintained separately. Code numbers and identifiers are linked only if there is a specific need, such as alerting the volunteer subjects to any findings in the study that night affect their health. Data stored in computers is accessed through the use of passwords/keywords known only to the principal investigators or authorized personnel. These passwords/keywords are changed frequently.

The particular safeguards implemented in each project will be developed in accordance with Chapter 45–13, ''Safeguarding Records Contained in Systems of Records,'' of the HHS General Administration Manual, supplementary Chapter PHS hf: 45–13; Part 6, ''ADP Systems Security,'' of the HHS ADP Systems Manual, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are trained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Chief, Contracts Management Branch, NICHD, Executive Building, Room 7A07, 6100 Executive Blvd., North Bethesda, MD 20892–7510

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

NICHD Privacy Act Coordinator, Executive Building, Room 4A01B, 6100 Executive Blvd., North Bethesda, MD 20892–7510

and provide the following information in writing:

1. Full name and address at time of participation in the study.

2. Name or description of the study.

3. Location and approximate dates of participation.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, the medical record of a child or incompetent person shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify his or her relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, medical and clinical research observations, and other federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0154

SYSTEM NAME:

Biomedical Research Records of Subjects: (1) Cancer Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI; and (2) Women's Health Initiative (WHI) Studies, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, Executive Plaza North, Room 343K, 6130 Executive Blvd. MSC 7350, Bethesda, MD 20892–7350

and

National Institutes of Health, Building 12, 9000 Rockville Pike, Bethesda, MD 20892

and

National Institutes of Health, Building 1 Room 260, 9000 Rockville Pike, Bethesda, MD 20892

and at hospitals, medical schools, universities, research institutions, commercial organizations, collaborating State and Federal Government agencies, and Federal Records Centers. Write to system manager at the address below for the address of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCI: Adults and children in the following categories: Patients with cancer; persons for whom cancer risk can potentially be lowered; and persons without signs or symptoms who may be identified through screening and detection methods as having cancer or

being at increased risk of developing cancer. For certain types of epidemiologic studies, e.g., case-control studies, NCI may also collect, for purposes of comparison, records on other persons. These comparison groups could include normal individuals (e.g., family members or neighborhood controls), or other patient groups (e.g., hospital controls) who do not have cancer or are not at a particularly high risk of developing cancer. Health care and educators who provide services and training for all such persons above. WHI: Women for whom risk of cancer and/or other chronic disease may potentially be lowered. Women without signs or symptoms of chronic disease who may be identified through screening and detection methods as being at risk for serious chronic ailments. WHI may also collect, for purposes of comparison, longitudinal records on other women for whom no added disease risk has been identified.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information identifying participants (such as name, address, Social Security Number), medical records, progress reports, correspondence, epidemiologic data, and records on biological specimens (e.g., blood, tumors, urine, etc).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

NCI: Sections 301, Research and Investigation, 405 Appointment and Authority of the Directors of the National Research Institutes, and Title IV, Part C, Subpart 1—National Cancer Institute, of the Public Health Service (PHS) Act (42 U.S.C. 241, 284 and 285–285a–5). WHI: 42 U.S.C. 241 and section 402, Appointment and Authority of Director of NIH, of the PHS (42 U.S.C. 282).

PURPOSE(S):

Records in this system will be used, (1) to evaluate cancer and other chronic disease control programs, such as prevention, screening, detection, diagnosis, treatment, rehabilitation, and continuing care; (2) to identify characteristics of persons who may be particularly susceptible to environmental or occupational factors for substances which cause or prevent cancer and/or other chronic diseases; (3) to determine risk factors or substances which cause or prevent cancer and/or other chronic diseases, and the ways in which they do so; (4) to evaluate statistical and epidemiological methodologies for risk factor assessment, clinical trials, cancer control studies, and the study of the natural history of cancers and/or other chronic diseases; (5) to plan for, administer, and review research activities as described in the above purposes; (6) information from this system may be reported to the Food and Drug Administration (FDA) as a condition for approval of clinical investigations of new drugs, or to report adverse effects of drugs so that FDA can make informed decisions on authorizing use of such drugs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purposes for which the records are collected. The recipients are required to comply with the requirements of the Privacy Act with respect to such records.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

3. The Department contemplates that it may contract with a private firm for the purposes of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the requirements of the Privacy Act with respect to such records.

4. A record be disclosed for a research purpose, when the Department: (a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, in defending a claim against the Public Health Service based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfilm, charts, graphs, computer tapes, disks, and punch cards.

RETRIEVABILITY:

By name, Social Security Number when supplied voluntarily or contained in existing records used in projects under this system, or other identifying number.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel, physical and procedural safeguards such as the following:

1. *Authorized users.* NCI and WHI employees who maintain records in this

system are instructed to grant regular access only to physicians, scientists, and support staff of the National Cancer Institute and Women's Health Initiative, respectively, or their contractors, grantees or collaborators who need such information in order to contribute to the research or administrative purposes of the system. The system managers specifically authorize one-time and special access by others on a need-to-know basis consistent with the purposes and routine uses of the system.

2. *Physical safeguards.* Records are kept in limited access areas. Offices and records storage locations are locked during off-duty hours. Input data for computer files is coded to avoid individual identification. Where possible, information on individual identities is kept separate from data used for analysis.

3. *Procedural safeguards.* Access to manual files is granted only to authorized personnel, as described above. Access to computer files is controlled through security codes known only to authorized users. Names and other details necessary to identify individuals are not included in data files used for analysis. These files are indexed by code numbers. Code numbers and complete identifiers are linked only if there is a specific need, such as for data verification.

Contractors, grantees or collaborators who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the system manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts and in agreements with grantees or collaborators participating in research activities supported by this system. HHS project director, contract officers and project officers oversee compliance with these requirements.

The particular safeguards implemented at each site are developed in accordance with Chapter 45–13, ''Safeguarding Records Contained in Systems of Records,'' of the HHS General Administration Manual, supplementary Chapter PHS.hf: 45–13, and Part 6, ''ADP Systems Security'', of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Associate Director, Surveillance Program, DCPC, National Cancer Institute, Executive Plaza North, Room 343K, 6130 Executive Blvd, MSC 7350, Bethesda, MD 20892–7350

and

Director, Women's Health Initiative, Office of the Director, National Institutes of Health, Building 1, Room 260, 9000 Rockville Pike, Bethesda, MD 20892

NOTIFICATION PROCEDURE:

To determine if a file exists, write to the appropriate system manager and provide the following information:

a. System name: ''Biomedical Research Records of Subjects: (1) Cancer Studies of the Division of Cancer Prevention and Control, HHS/NIH/NCI; and (2) Women's Health Initiative Studies, HHS/NIH/OD.''

b. Complete name at time of participation;

c. Facility and home address at the time of participation;

d. In some cases, where records are retrieved by an identifying number, such as the Social Security Number or Hospital Identification Number, it may be necessary to provide that number. In some cases, to ensure proper identification it may be necessary to provide date(s) of participation (if known), birth date, disease type (if known), and study name and location (if known).

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a maximum fine of five thousand dollars.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Write to the appropriate system manager and provide the same information as requested under the notification procedure above. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Write to the appropriate system manager, identify the record, and specify the information contested. State the corrective action sought and your reasons for requesting the correction, and provide supporting information to show that the record is inaccurate, incomplete, irrelevant, untimely, or unnecessary. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

HHS agencies, institutions under contract to the U.S. Government, such as universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and normal volunteers, physicians, research investigators and other collaborating personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

02–25–0156

SYSTEM NAME:

Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the Public Health Service, HHS/PHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system of records is an umbrella system comprising separate sets of records located either in the organizations responsible for conducting evaluations or at the sites of programs or activities under evaluation. Locations include Public Health (PHS) facilities, or facilities of contractors of the PHS. Write to the appropriate System Manager below for a list of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are those who provide information or opinions that are useful in evaluating programs or activities of the PHS, other persons who have participated in or benefitted from PHS programs or activities; or other persons included in evaluation studies for purposes of comparison. Such individuals may include (1) participants in research studies; (2) applicants for and recipients of grants, fellowships, traineeships or other awards; (3) employees, experts and consultants; (4) members of advisory committees; (5) other researchers, health care professionals, or individuals who have or are at risk of developing diseases or conditions studied by PHS; (6) persons who provide feedback about the value or usefulness of information they receive about PHS programs, activities or research results; (7) persons who have received Doctorate level degrees from U.S. institutions; (8) persons who have worked or studied at U.S. institutions that receive(d) institutional support from PHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

This umbrella system of records covers a varying number of separate sets of records used in different evaluation studies. The categories of records in each set depend on the type of program being evaluated and the specific purpose of the evaluation. In general, the records contain two types of information: (1) Information identifying subject individuals, and (2) information which enables PHS to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient identification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Information used for evaluation varies according to the program evaluated. Categories of evaluative information include personal data and medical data on participants in clinical and research programs; personal data, publications, professional achievements and career history of researchers; and opinions and other information received directly from individuals in evaluation surveys and studies of PHS programs.

The system does not include any master list, index or other central means of identifying all individuals whose records are included in the various sets of records covered by the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the authorities regarding the establishment of the National Institutes of Health, its general authority to conduct and fund research and to provide training assistance, and its general authority to maintain records in connection with these and its other functions (42 U.S.C. 203, 241, 2891–1 and 44 U.S.C. 3101), and section 301 and 493 of the Public Health Service Act.

PURPOSE(S):

This system supports evaluation of the policies, programs, organization, methods, materials, activities or services used by PHS in fulfilling its legislated mandate for (1) conduct and support of biomedical research into the causes, prevention and cure of diseases; (2) support for training of research investigators; (3) communication of biomedical information.

This system is not used to make any determination affecting the rights, benefits or privileges of any individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors and collaborating researchers, organizations, and State and local officials for the purpose of conducting evaluation studies or collecting, aggregating, processing or analyzing records used in evaluation studies. The recipients are required to protect the confidentiality of such records.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. The Department may disclose information from this system of records to the Department of Justice, to court or other tribunal, or to another party before such tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, bound notebooks, or computer-accessible media (e.g., magnetic tapes or discs).

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number within each evaluation study. There is no central collection of records in this system, and no central means of identifying individuals whose records are included in the separate sets of records that are maintained for particular evaluation studies.

SAFEGUARDS:

A variety of safeguards are implemented for the various sets of records in this system according to the sensitivity of the data each set contains. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information, such as personal or medical history or individually identified opinions, is protected according to its level of sensitivity. Records derived from other systems of records will be safeguarded at a level at least as stringent as that required in the original systems. Minimal safeguards for the protection of information which is not available to the general public included the following:

1. *Authorized users:* Regular access to information in a given set of records is limited to PHS or to contractor employees who are conducting, reviewing or contributing to a specific evaluation study. Other access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the system manager or designated responsible official.

2. *Physical safeguards:* Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use. Records collected in each evaluation project are maintained separately from

those of other projects. Sensitive records are not left exposed to unauthorized persons at any time. Sensitive data in machine-readable form may be encrypted.

3. *Procedural safeguards:* Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in mainframe computers is accessed only through the use of keywords known only to authorized personnel. When personal computers are used, magnetic media (e.g. diskettes) are protected as under Physical Safeguards. When data is stored within a personal computer (i.e., on a ''hard disk''), the machine itself is treated as though it were a record, or records, under Physical Safeguards. Contracts for operation of this system of records require protection of the records in accordance with these safeguards; PHS project and contracting officers monitor contractor compliance.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 1100–C–2. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1.

Policy coordination for this system is provided by:

Associate Director, Office of Strategic Planning and Evaluation, Office of Science Policy and Technology Transfer, National Institutes of Health, 6006 Executive Boulevard, Suite 312, Rockville, MD 20892

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the official of the organization responsible for the evaluation, as listed in Appendix 2. If you are not certain which component of PHS was responsible for the evaluation study, or if you believe there are records about you in several components of PHS, write to:

NIH Privacy Act Officer, Building 31, Room 1B25, 9000 Rockville Pike, Bethesda, MD 20892.

Requesters must provide the following information:

1. Full name, and name(s) used while studying or employed;

2. Name and location of the evaluation study or other PHS program in which the requester participated or the institution at which the requester was a student or employee, if applicable;

3. Approximate dates of participation, matriculation or employment, if applicable.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants; from systems of records 09–25–0036, ''Grants: IMPAC (Grants/Contract Information), HHS/NIH/DRG;'' 09–25–0112, ''Grants: Research, Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD''; NSF–6, ''Doctorate Record File'', NSF–43, ''Doctorate Work History File'' (previously entitled NSF–43, ''Roster and Survey of Doctorate Holders in The United States'' and other records maintained by the operating programs of NIH; the National Academy of Sciences, professional associations such as the AAMC and ADA, and other contractors; grantees or collaborating researchers; or publicly available sources such as bibliographies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1: System Managers

Associate Director, Office of Strategic Planning and Evaluation, Office of Science Policy and Technology Transfer, National Institutes of Health, 6006 Executive Boulevard, Suite 312, Rockville, MD 20892

National Institutes of Health, Office of the Director, Director, Division of Personnel Management, Building 1, Room B1–60, 9000 Rockville Pike, Bethesda, MD 20892

National Heart, Lung, and Blood Institute (NHLBI), NHLBI Minority Coordinate, OD, OPPE, Building 31, Room 5A03/5A06, 31 Center Drive, MSC 2482, Bethesda, MD 20892–2482

National Library of Medicine (NLM), Associate Director for Health Information Programs Development, Building 38, Room 2S20, Bethesda, MD 20894

National Eye Institute (NEI), Associate Director for Science Policy and Legislation, Building 31, Room 6A25, Bethesda, MD 20892

National Cancer Institute (NCI), Public Health Educator, OCC, NCI, National Institutes of Health Building 31, Room 4B43, Bethesda, MD 20892

National Institute on Aging (NIA), Chief, Office of Planning, Analysis, Technical Information and Evaluation, Federal Building, Room 6A09, 7550 Wisconsin Avenue, Bethesda, MD 20892

National Institute of Allergy and Infectious Diseases (NIAID), Chief, Evaluation and Reporting Section, Policy Analysis and Legislation Branch, Office of Administration Management, Building 31, Room 7A–16, Bethesda, MD 20892

National Institute of Child Health and Human Development (NICHD), Chief, Office of Science Policy and Analysis, Building 31, Room 2A10, Bethesda, MD 20892

National Institute on Deafness and Other Communications Disorders, Chief, Program Planning and Health Reports Branch, Building 31, room 3C35, 9000 Rockville Pike, Bethesda, MD 20892
National Institute of Dental Research (NIDR), Director, Office of Planning Evaluation, and Communications, Building 31, Room 2C34, 31 Center Drive MSC 2290,Bethesda, MD 20892–2290
National Institute of Environmental Health Sciences (NIEHS) Programs, Analyst, Office of Program Planning and Evaluation, P.O. Box 12233, Research Triangle Park, NC 27709
National Institute of General Medical Sciences (NIGMS), Chief, Office of Program Analysis and Evaluation, Natcher Building, Room 3AS49, 9000 Rockville Pike, Bethesda, MD 20892
Fogarty International Center (FIC), National Institutes of Health, Assistant Director for Planning, Evaluation and Public Affairs, Building 31, Room B2C32, Bethesda, MD 20892
Division of Research Grants (DRG), Assistant Director for Special Projects, Westwood Building, Room 457, 5333 Westbard Avenue, Bethesda, MD 20892
National Center for Research Resources (NCRR), Evaluation Officer, Office of Science Policy, Westwood Building, Room 8A03, Bethesda, MD 20892
National Institute of Nursing Research (NINR), Chief, Office of Planning, Analysis and Evaluation, Building 31, Room 5B09, Bethesda, MD 20892
Office of Research Integrity, Policy Analyst, Division of Policy and Education, U.S. Public Health Service, 5515 Security Lane, Suite 700, Rockwell-II Building, Rockville, MD 20852

Appendix 2: Notification and Access Officials

NIH, Office of the Director, Associate Director for Science, Policy and Legislation, Building 1, Room 137, 9000 Rockville Pike, Bethesda, MD 20892
National Institutes Health, Office of the Director, Director, Division of Personnel Management, Building 1, Room B1–60, 9000 Rockville Pike, Bethesda, MD 20892
National Heart, Lung, and Blood Institute (NHLBI), Privacy Act Coordinator, Building 31, Room 5A29, Bethesda, MD 20892
National Library of Medicine (NLM), Assistant Director for Planning and Evaluation, Building 38, Room 2S18, Bethesda, MD 20894
National Eye Institute (NEI), Executive Officer, Building 31, Room 6A25, Bethesda, MD 20892
Fogarty International Center (FIC), National Institutes of Health, Assistant Director for Planning, Evaluation and Public Affairs, Building 31, Room B2C32, Bethesda, MD 20892
Division or Research Grants (DRG), Assistant Director for Special Projects, Westwood Building, Room 457, 5333 Westbard Avenue, Bethesda, MD 20892
National Center of Research Resources (NCRR), Evaluation Officer, Office of Science Policy, NIH, Westwood Building, Room 8A03, Bethesda, MD 20892
National Cancer Institute, Privacy Act Coordinator, National Institutes of Health, Building 31, Room 10A30, Bethesda, MD 20892

02–25–0156

SYSTEM NAME:

Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institutes of Health, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system of records is an umbrella system comprising separate sets of records located either in the organizations responsible for conducting evaluations or at the sites of programs or activities under evaluation. Locations include National Institutes of Health (NIH) facilities in Bethesda, Maryland, or facilities of contractors of the NIH. Write to the appropriate System Manager below for a list of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are those who provide information or opinions that are useful in evaluating programs or activities of the NIH, other persons who have participated in or benefitted from NIH programs or activities; or other persons included in evaluation studies for purposes of comparison. Such individuals may include (1) participants in research studies; (2) applicants for and recipients of grants, fellowships, traineeships or other awards; (3) employees, experts and consultants; (4) members of advisory committees; (5) other researchers, health care professionals, or individuals who have or are at risk of developing diseases or conditions studied by NIH; (6) persons who provide feedback about the value or usefulness of information they receive about NIH programs, activities or research results; (7) persons who have received Doctorate level degrees from U.S. institutions; (8) persons who have worked or studied at U.S. institutions that receive (d) institutional support from NIH.

CATEGORIES OF RECORDS IN THE SYSTEM:

This umbrella system of records covers a varying number of separate sets of records used in different evaluation studies. The categories of records in each set depend on the type of program being evaluated and the specific purpose of the evaluation. In general, the records contain two types of information: (1) information identifying subject individuals, and (2) information which enables NIH to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient identification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Information used for evaluation varies according to the program evaluated. Categories of evaluative information include personal data and medical data on participants in clinical and research programs; personal data, publications, professional achievements and career history of researchers; and opinions and other information received directly from individuals in evaluation surveys and studies of NIH programs.

The system does not include any master list, index or other central means of identifying all individuals whose records are included in the various sets of records covered by the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the authorities regarding the establishment of the National Institutes of Health, its general authority to conduct and fund research and to provide training assistance, and its general authority to maintain records in connection with these and its other functions (42 U.S.C. 203, 241, 289l–1 and 44 U.S.C. 3101).

PURPOSE(S):

This system supports evaluation of the policies, programs, organization, methods, materials, activities or services used by NIH in fulfilling its legislated mandate for (1) conduct and support of biomedical research into the causes, prevention and cure of diseases; (2) support for training of research investigators; (3) communication of biomedical information.

This system is not used to make any determination affecting the rights, benefits or privileges of any individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors and collaborating researchers, organizations, and State and local officials for the purpose of conducting evaluation studies or collecting, aggregating, processing or analyzing records used in evaluation studies. The recipients are required to protect the confidentiality of such records.

2. Disclosure may be made to organizations deemed qualified by the

Secretary to carry out quality assessments, medical audits or utilization review.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. The Department may disclose information from this system or records to the Department of Justice, to court or other tribunal, or to another party before such tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, bound notebooks, or computer-accessible media (e.g., magnetic tapes or discs).

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number within each evaluation study. There is no central collection of records in this system, and no central means of identifying individuals whose records are included in the separate sets of records that are maintained for particular evaluation studies.

SAFEGUARDS:

A variety of safeguards are implemented for the various sets of records in this system according to the sensitivity of the data each set contains. information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information, such as personal or medical history or individually identified opinions, is protected according to its level of sensitivity. Records derived from other systems of records will be safeguarded at a level at least as stringent as that required in the original systems. Minimal safeguards for the protection of information which is not available to the general public include the following:

1. *Authorized users:* Regular access to information in a given set of records is limited to NIH or to contractor employees who are conducting, reviewing or contributing to a specific evaluation study. Other access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the system manager or designated responsible official.

2. *Physical safeguards:* Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use. Records collected in each evaluation project are maintained separately from those of other projects. Sensitive records are not left exposed to unauthorized persons at any time. Sensitive data in machine-readable form may be encrypted.

3. *Procedural safeguards:* Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in mainframe computers is accessed only through the use of keywords known only to authorized personnel. When personal computers are used, magnetic media (e.g. diskettes) are protected as under Physical Safeguards. When data is stored within a personal computer (i.e., on a ''hard disk''), the machine itself is treated as though it were a record, or records, under Physical Safeguards. Contracts for operation of this system of records require protection of the records in accordance with these safeguards; NIH project and contracting officers monitor contractor compliance.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 1100–C–2. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1.

Policy coordination for this system is provided by:

Associate Director, Office of Strategic Planning and Evaluation, Office of Science Policy and Technology Transfer, National Institutes of Health, 6006 Executive Boulevard, Suite 312, Rockville, MD 20892.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the official of the organization responsible for the evaluation, as listed in Appendix 2. If you are not certain which component of NIH was responsible for the evalaution study, or if you believe there are records about you in several components of NIH, write to:

NIH Privacy Act Officer, Building 31, Room 1B25, 9000 Rockville Pike, Bethesda, MD 20892.

Requesters must provide the following information:

1. Full name, and name(s) used while studying or employed;

2. Name and location of the evaluation study or other NIH program in which the requester participated or the institution at which the requester was a student or employee, if applicable;

3. Approximate dates of participation, matriculation or employment, if applicable.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or

other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request listings of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Write to the official specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly form individual participants; from systems of records 09–25–0036, ''Grants: IMPAC (Grants/Contract Information), HHS/NIH/DRG;'' 09–25–0112, ''Grants: Research, Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD''; NSF–6, ''Doctorate Record File'', NSF–43, ''Doctorate Work History File'' (previously entitled NSF–43, ''Roster and Survey of Doctorate Holders in the United States'' and other records maintained by the operating programs of NIH: the National Academy of Sciences, professional associations such as the AAMC and ADA, and other contractors; grantees or collaborating researchers; or publicly available sources such as bibliographies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1: System Managers

Associate Director, Office of Strategic Planning and Evaluation, Office of Science Policy and Technology Transfer, National Institutes of Health, 6006 Executive Boulevard, Suite 312, Rockville, MD 20892

National Institutes of Health, Office of the Director, Director, Division of Personnel Management, Building 1, Room B1–60, 9000 Rockville Pike, Bethesda, MD 20892

National Heart, Lung, and Blood Institute (NHLBI), NHLBI Minority Coordinator, Building 31, Room 5A07, Bethesda, MD 20892

National Library of Medicine (NLM), Associate Director for Health Information Programs Development, Building 38, Room 2S28, Bethesda, MD 20894

National Eye Institute (NEI), Associate Director for Science Policy and Legislation, Building 31, Room 6A25, Bethesda, MD 20892

National Cancer Institute (NCI), Public Health Educator, OCC, NCI, National Institutes of Health Building 31, Room 4B43, Bethesda, MD 20892

National Institute on Aging (NIA), Chief, Office of Planning, Analysis, Technical Information and Evaluation, Federal Building, Room 6A09, 7550 Wisconsin Avenue, Bethesda, MD 20892

National Institute of Allergy and Infectious Diseases (NIAID), Acting Director, Office of Policy Analysis and Technology Transfer, Building 31, Room 7A–52, Bethesda, MD 20892

National Institute of Child Health and Human Development (NICHD), Chief, Office of Science Policy and Analysis, Building 31, Room 2A10, Bethesda, MD 20892

National Institute on Deafness and Other Communication Disorders, Chief, Program Planning and Health Reports Branch, Building 31, Room 3C36, 9000 Rockville Pike, Bethesda, MD 20892

National Institute of Dental Research (NIDR), Chief, Office of Planning Evaluation, and Communications, Building 31, Room 2C35, Bethesda, MD 20892

National Institute of Environmental Health Sciences (NIEHS) Program, Analyst, Office of Program Planning and Evaluation, P.O. Box 12233, Research Triangle Park, N.C. 27709

National Institute of General Medical Sciences (NIGMS), Chief, Office of Program Analysis, Westwood Building, Room 934, 5333 Westbard Avenue, Bethesda, MD 20892

Fogarty International Center (FIC), National Institutes of Health, Assistant Director for Planning, Evaluation and Public Affairs, Building 31, Room B2C32, Bethesda, MD 20892

National Center for Research Resources (NCRR), Evaluation Officer, Office of Science Policy, Westwood Building, Room 8A03, Bethesda, MD 20892

National Institute of Nursing Research (NINR), Chief, Office of Planning, Analysis and Evaluation, Building 31, Room 5B09, Bethesda, MD 20892

Appendix 2: Notification and Access Officials

NIH, Office of the Director, Associate Director for Science, Policy and Legislation, Building 1, Room 137, 9000 Rockville Pike, Bethesda, MD 20892

National Institutes of Health, Office of the Director, Director, Division of Personnel Management, Building 1, Room B1–60, 9000 Rockville Pike, Bethesda, MD 20892

National Heart, Lung, and Blood Institute (NHLBI), Privacy Act Coordinator, Building 31 Room 5A29, Bethesda, MD 20892

National Library of Medicine (NLM), Associate Director for Health Information Programs Development, Building 38, Room 2S28, Bethesda, MD 20894

National Eye Institute (NEI), Executive Officer, Building 31, Room 6A25, Bethesda, MD 20892

Fogarty International Center (FIC), National Institutes of Health, Assistant Director for Planning, Evaluation and Public Affairs, Building 31, Room B2C32, Bethesda, MD 20892

Division of Research Grants (DRG), Assistant Director for Special Projects, Westwood Building, Room 457, 5333 Westbard Avenue, Bethesda, MD 20892

National Center for Research Resources (NCRR), Evaluation Officer, Office of Science Policy, NIH, Westwood Building, Room 8A03, Bethesda, MD 20892

National Cancer Institute, Privacy Act Coordinator, National Institutes of Health, Building 31, Room 10A30, Bethesda, MD 20892

09–25–0161

SYSTEM NAME:

Administration: NIH Consultant File, HHS/NIH/DRG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system of records is an umbrella system comprising separate sets of records located in each of the NIH organizational components or facilities of contractors of the NIH.

Division of Computer Research and Technology, Data Management Branch, Building 12A, Room 4041B, National Institutes of Health, Bethesda, Maryland 20892

Write to the appropriate system manager listed in Appendix I for a list of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants who provide the evaluation of extramural grants and cooperative agreement applications and research contract proposals, including the NIH Reviewers' Reserve and/or advise on policy. Consultants who participate in NIH conferences, workshops, evaluation projects and/or provide technical assistance at site locations arranged by contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, Social Security numbers, resumes, curriculum vitae (C.V.s), areas of expertise, gender, minority status, business status. AREA-eligible status, publications, travel records, and payment records for consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301 of the Public Health Service Act, describing the general

powers and duties of the Public Health Service relating to research and investigation, and section 402 of the Public Health Service Act, describing the appointment and authority of the Director of the National Institutes of Health, (42 U.S.C. 241, 282 and 290 aa).

PURPOSE(S):

This umbrella system comprises separate sets of records located in each of the NIH organizational components or facilities of contractors of the NIH. These records are used: (1) To identify and select experts and consultants for program reviews and evaluations; (2) To identify and select experts and consultants for the review of special grant and cooperative agreement applications and research contract proposals and (3) To obtain and pay consultants who participate in NIH conferences, workshops, evaluation projects and/or provide technical assistance at site locations arranged by contractors, and (4) To provide necessary reports related to payment to the Internal Revenue Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made to the Department of Justice or to a court or other tribunal from this system of records, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. Disclosure may be made to contractors to process or refine the records. Contracted services may include transcription, collection, computer input, and other records processing.

4. Information in this system of records is used routinely to prepare W–2 and 1099 Forms to submit to the Internal Revenue Service and applicable State and local governments those items to be included as income to an individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders, computer tapes and disks, microfiche, and microfilm.

RETRIEVABILITY:

Records are retrieved by name, expertise, gender, minority status, business status, AREA-eligible status and experimental system used.

SAFEGUARDS:

1. *Authorized users:* Data on computer files is accessed by keyword known only to authorized users who are PHS or contractor employees involved in managing a review or program advisory committee, conducting a review of extramural grant applications, cooperative agreement applications, or research contract proposals, performing an evaluation study or managing the consultant file. Access to information is thus limited to those with a need to know.

2. *Physical safeguards:* Room where records are stored are locked when not in use. During regular business hours rooms are unlocked but are controlled by on-site personnel.

3. *Procedural safeguards:* Names and other identifying particulars are deleted when data from original records are encoded for analysis. Data stored in computers is accessed through the use of keywords known only to authorized users. Contractors who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the system manager and permitted by the Privacy Act.

This system of records will be protected according to the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and Part 6, ''ADP Systems Security,'' of the HHS Information Resources Management Manual and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 1100–G. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

The policy coordinator for this system is also the system manager listed for the Division of Research Grants.

Chief, Biological and Physiological Sciences Review Section, Referral and Review Branch, Division of Research Grants, Westwood Building, Room 417, 5333 Westbard Avenue, Bethesda, Maryland 20892

and

See Appendix I

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the appropriate system manager as listed in Appendix I.

The Requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requestor is whom he or she claims to be. The request should include: (a) Full name, and (b) appropriate dates of participation.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought. Individuals may also request listing of accountable disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the official under notification procedures above, reasonably identify the record, specify the information to be contested, and state the corrective action sought with supporting information. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I: System Managers

Office of the Director (OD), Extramural Programs Management Officer, Building 31, Room 5B31, Bethesda, MD 20892

National Center for Research Resources (NCRR), Director, Office of Review, Westwood Building, Room 8A16, Bethesda, MD 20892

National Cancer Institute (NCI), Chief, Review Logistics Branch, Executive Plaza North, Room 636, Bethesda, MD 20892

National Eye Institute (NEI), Review and Special Projects Officer, Executive Plaza South, Room 350, Bethesda, MD 20892

National Heart, Lung, and Blood Institute (NHLBI), Chief, Review Branch, Westwood

Building, Room 557A, 5333 Westbard Avenue, Bethesda, MD 20892
National Institute on Aging (NIA), Chief, Scientific Review Office, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892
National Institute of Allergy and Infectious Diseases (NIAID), Director, Scientific Review Program, Division of Extramural Activities, Solar Bldg., Room 3C–16, 6003 Executive Blvd., Bethesda, MD 20892
National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS), Chief, Grants Review Branch, Natcher Building, Room 5AS–25U, Bethesda, MD 20892
National Institute of Child Health and Human Development (NICHD), Director, Division of Scientific Review, 6100 Executive Boulevard, Room 5E03H, Bethesda, MD 20892
National Institute on Deafness and Other Communication Disorders (NIDCD), Chief, Scientific Review Branch, Executive Plaza South, Room 400B, 620 Executive Boulevard, Rockville, MD 20852
National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), Chief, Review Branch, Natcher Building, Room 6AS–37F, Bethesda, MD 20892
National Institute of Dental Research (NIDR), Chief, Scientific Review Section, POB, Natcher Building, Room 4AN–38D, 45 Center Drive MSC 6402, Bethesda, MD 20892–6402
National Institute of Environmental Health Sciences (NIEHS), Chief, Scientific Review Branch, Division of Extramural Research and Training, P.O. Box 12233, Research Triangle Park, NC 27709
National Institute of General Medical Sciences (NIGMS), Chief, Office of Scientific Review, Natcher Building, Room 1AS–13F, Bethesda, MD 20892
National Institute of Neurological Disorders and Stroke (NINDS), Chief, Scientific Review Branch, Federal Building, Room 9C10A, Bethesda, MD 20892
National Institute of Nursing Research (NINR), Chief, Office of Review, Natcher Building, Room 3AN24 MSC 6302, Bethesda, MD 20892–6302
National Library of Medicine (NLM), Chief, Biomedical Information Support Branch, Building 38A, Room 5S522, Bethesda, MD 20894
National Center for Human Genome Research (NCHGR), Chief, Office of Scientific Review, Building 38A, Room 604, Bethesda, MD 20892
National Institute of Mental Health, Associate Director for Program Coordination, Division of Extramural Activities, Parklawn Building, Room 9C–15, 5600 Fishers Lane, Rockville, MD 20857
National Institute on Alcohol Abuse and Alcoholism, Committee Management Officer, Willco Building, Suite 504, 6000 Executive Blvd MSC 7003, Bethesda, MD 20892–7003
National Institute on Alcohol Abuse and Alcoholism, Deputy Director, Office of Scientific Affairs, Willco Building, Suite 409, 6000 Executive Blvd. MSC 7003, Bethesda, MD 20892–7003
National Institute on Drug Abuse, Office of Extramural Program Review, Parklawn Building, Room 10–42, 5600 Rishers Lane, Rockville, MD 20857

09–25–0165

SYSTEM NAME:

National Institutes of Health Loan Repayment Program, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Loan Repayment Program (LRP), Office of the Director, National Institutes of Health, Federal Building, Room 102, 7550 Wisconsin Avenue, Bethesda, Maryland 20892–9015
Division of Computer Research and Technology (DCRT), National Institutes of Health, Building 12A, Room 4037, 9000 Rockville Pike, Bethesda, Maryland 20892
Operations Accounting Branch, Division of Financial Management (DFM), National Institutes of Health, Building 31, Room B1B55, 9000 Rockville Pike, Bethesda, Maryland 20892

See Appendix I for a listing of other NIH offices responsible for administration of the Loan Repayment Program. Write to the System Manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for, who have been approved to receive, who are receiving, and who have received funds under the NIH LRP; and individuals who are interested in participation in the NIH LRP.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, Social Security number; service pay-back obligations, standard school budgets, educational loan data including deferment and repayment/delinquent/default status information; employment data; professional and credentialing history of licensed health professionals including schools of attendance; personal, professional, and demographic background information; employment status verification (which includes certifications and verifications of continuing participation in AIDS research); Federal, State and local tax information, including copies of tax returns.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 487A (42 U.S.C. 288–1) of the PHS Act, as amended, authorizes the NIH to implement a program of educational loan repayment for qualified health professionals who agree to conduct, as employees of NIH, AIDS research (the NIH AIDS Research LRP). The provisions of section 338B of the PHS Act (42 U.S.C. 254l–1), as amended, governing the NHSC loan repayment program, are incorporated except as inconsistent. Section 487E (42 U.S.C. 288–5) of the PHS Act authorizes the NIH to establish and implement a program of educational loan repayment for qualified health professionals who agree to conduct, as employees of the NIH, clinical research (the NIH Clinical Research LRP). Eligibility for the Clinical Research LRP is restricted to individuals who are from disadvantaged backgrounds. The provisions of section 338C and 338E of the PHS Act (42 U.S.C. 254l–1), as amended, governing the NHSC loan repayment program, are incorporated except as inconsistent. The Internal Revenue Code at 26 U.S.C. 6109 requires the provision of the SSN for the receipt of loan repayment funds under the NIH LRP.

PURPOSE(S):

(1) To identify and select applicants for the NIH LRP; (2) To monitor loan repayment activities, such as payment tracking, deferment of service obligation, and default; and (3) To assist NIH officials in the collection of overdue debts owed under the NIH LRP. Records may be transferred to system No. 09–15–0045, ''Health Resources and Services Administration Loan Repayment/Debt Management Records System, HHS/HRSA/OA,'' for debt collection purposes when NIH officials are unable to collect overdue debts owed under the NIH LRP.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made to the Department of Justice or to a court or other tribunal from this system of records, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States of any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice,

court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, or local, charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

4. NIH may disclose records to Department contractors and subcontractors for the purpose of collecting, compiling, aggregating, analyzing, or refining records in the system. Contractors maintain, and are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to such records.

5. NIH may disclose information from this system of records to private parties such as present and former employers, references listed on applications and associated forms, other references and educational institutions. The purpose of such disclosures is to evaluate an individual's professional accomplishments, performance, and educational background, and to determine if an applicant is suitable for participation in the NIH LRP.

6. NIH may disclose information from this system of records to a consumer reporting agency (credit bureau) to obtain a commercial credit report to assess and verify the ability of an individual to repay debts owed to the Federal Government. Disclosures are limited to the individual's name, address, Social Security number and other information necessary to identify him/her; the funding being sought or amount and status of the debt; and the program under which the applicant or claim is being processed.

7. NIH may disclose from this system of records a delinquent debtor's or a defaulting participant's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose, as follows:

a. To another Federal agency so that agency can effect a salary offset for debts owed by Federal employees; if the claim arose under the Social Security Act, the employee must have agreed in writing to the salary offset.

b. To another Federal agency so that agency can effect an unauthorized administrative offset; i.e., withhold money, other than federal salaries, payable to or held on behalf of the individual.

c. To the Treasury Department, Internal Revenue Service (IRS), to request an individual's current mailing address to locate him/her for purposes of either collecting or compromising a debt, or to have a commercial credit report prepared.

8. NIH may disclose information from this system of records to another agency that has asked the Department to effect a salary or administrative offset to help collect a debt owed to the United States. Disclosure is limited to the individual's name, address, Social Security number, and other information necessary to identify the individual to information about the money payable to or held for the individual, and other information concerning the offset.

9. NIH may disclose to the Treasury Department, Internal Revenue Service (IRS), information about an individual applying for loan repayment under any loan repayment program authorized by the Public Health Service Act to find out whether the applicant has a delinquent tax account. This disclosure is for the sole purpose of determining the applicant's creditworthiness and is limited to the individual's name, address, Social Security number, other information necessary to identify him/her, and the program for which the information is being obtained.

10. NIH may report to the Treasury Department, Internal Revenue Service (IRS), as taxable income, the written-off amount of a debt owed by an individual to the Federal Government when a debt becomes partly or wholly uncollectible, either because the time period for collection under the statute of limitations has expired, or because the Government agrees with the individual to forgive or compromise the debt.

11. NIH may disclose to debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, information necessary to identify a delinquent debtor or a defaulting participant. Disclosure will be limited to the individual's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose.

12. NIH may disclose information from this system of records to any third party that may have information about a delinquent debtor's or a defaulting participant's current address, such as a U.S. post office, a State motor vehicle administration, a professional organization, an alumni association, etc., for the purpose of obtaining the individual's current address. This disclosure will be strictly limited to information necessary to identify the individual, without any reference to the reason for the agency's need for obtaining the current address.

13. NIH may disclose information from this system of records to other Federal agencies that also provide loan repayment at the request of these Federal agencies in conjunction with a matching program conducted by these Federal agencies to detect or curtail fraud and abuse in Federal loan repayment programs, and to collect delinquent loans or benefit payments owed to the Federal Government.

14. NIH may disclose from this system of records to the Department of Treasury, Internal Revenue Service (IRS): (1) A delinquent debtor's or a defaulting participant's name, address, Social Security number, and other information necessary to identify the individual; (2) the amount of the debt; and (3) the program under which the debt arose, so that IRS can offset against the debt any income tax refunds which may be due to the individual.

15. NIH may disclose information provided by a lender to other Federal agencies, debt collection agents, and other third parties who are authorized to collect a Federal debt. The purpose of this disclosure is to identify an individual who is delinquent in loan or benefit payments owed to the Federal Government.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of these disclosures are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable NIH to improve the quality of loan repayment decisions by taking into account the financial reliability of applicants, including obtaining a commercial credit report to assess and verify the ability of an individual to repay debts owed to the Federal Government. Disclosure of records will be limited to the individual's name, Social Security

number, and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, computer tape, discs, and file cards.

RETRIEVABILITY:

Records are retrieved by name, Social Security number, or other identifying numbers.

SAFEGUARDS:

1. *Authorized users:* Data on computer files is accessed by keyword known only to authorized users who are NIH employees responsible for implementing the NIH LRP. Access to information is thus limited to those with a need to know.

2. *Physical safeguards:* Rooms where records are stored are locked when not in use. During regular business hours rooms are unlocked but are controlled by on-site personnel. Security guards perform random checks on the physical security of the data.

3. *Procedural and technical safeguards:* A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs (see Authorized Users, above) protect information from public view and from unauthorized personnel entering an unsupervised office.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, the Department's Automated Information System Security Handbook, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 2300–537–1. Participant case files are transferred to a Federal Records Center one year after closeout and destroyed five years later. Closeout is the process by which it is determined that all applicable administrative actions and loan repayments have been completed by the LRP and service obligations have been completed by the participant. Applicant case files are destroyed three years after disapproval or withdrawal of their application. Official appeal and litigation case files are destroyed six years after the calendar year in which the case is closed. Other copies of these files are destroyed two years after the calendar year in which the case is closed.

SYSTEM MANAGER AND ADDRESS:

Director, NIH Loan Repayment Program, Office of the Director, National Institutes of Health, Federal Building, Room 102, 7550 Wisconsin Avenue, Bethesda, Maryland 20892–9015.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be. The request should include: (a) Full name, and (b) appropriate dates of participation. The requester must also understand that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine. Requesters appearing in person must provide a valid driver's license or passport, including photo, and at least one other form of identification.

RECORD ACCESS PROCEDURES:

Write to the System Manager specified above to attain access to records and provide the same information as is required under the Notification Procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosure of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager specified above and reasonably identify the record, specify the information to be contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Subject individual; participating lending institutions; educational institutions attended; other Federal agencies; consumer reporting agencies/credit bureaus; and third parties that provide references concerning the subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I: System Locations

Loan Repayment Program, National Institutes of Health, Federal Building, Room 102, 7550 Wisconsin Avenue, Bethesda, MD 20892–9015

Division of Computer Research and Technology, National Institutes of Health, Building 12A, Room 4018, 9000 Rockville Pike, Bethesda, MD 20892

Operations Accounting Branch, Division of Financial Management, National Institutes of Health, Building 31, Room B1B55, 9000 Rockville Pike, Bethesda, MD 20892

Division of Cancer Treatment, National Cancer Institute, National Institutes of Health, Building 31, Room 3A44, 9000 Rockville Pike, Bethesda, MD 20892

Division of Cancer Etiology, National Cancer Institute, National Institutes of Health, Building 31, Room 11A11, 9000 Rockville Pike, Bethesda, MD 20892

Division of Cancer Biology, Diagnosis, and Centers, National Cancer Institute, National Institutes of Health, Building 31, Room 3A05, 9000 Rockville Pike, Bethesda, MD 20892

National Heart, Lung, and Blood Institute, National Institutes of Health, Building 10, Room 7N220, 9000 Rockville Pike, Bethesda, MD 10892

National Institute of Dental Research, National Institutes of Health, Building 31, Room 2C23, 9000 Rockville Pike, Bethesda, MD 20892

National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Building 10, Room 9N222, 9000 Rockville Pike, Bethesda, MD 20892

National Institute of Neurological Disorders and Stroke, National Institutes of Health, Building 10, Room 5N220, 9000 Rockville Pike, Bethesda, MD 20892

National Institute of Allergy and Infectious Diseases, National Instutes of Health, Building 31, Room 7A05, 9000 Rockville Pike, Bethesda, MD 20892

Pharmacological Sciences Program, National Institute of General Medical Sciences, National Institutes of Health, Building 45, Room 2AS, 9000 Rockville Pike, Bethesda, MD 20892

National Institute of Child Health and Human Development, National Institutes of Health, Building 31, Room 2A25, 9000 Rockville Pike, Bethesda, MD 20892

National Eye Institute, National Instutes of Health, Building 10, Room 10N202, 9000 Rockville Pike, Bethesda, MD 20892

National Institute of Environmental Health Sciences, National Institutes of Health, South Campus, Building 101, Room B–248, 111 Alexander Drive, Research Triangle Park, NC 27709

Gerontology Research Center, National Institute on Aging, National Institutes of Health, 4940 Eastern Avenue, Baltimore, MD 21224
National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, Building 31, Room 4C13, 9000 Rockville Pike, Bethesda, MD 20892
National Institute of Deafness and Communication Disorders, National Institutes of Health, Building 31, Room 3C02, 9000 Rockville Pike, Bethesda, MD 20892
National Institute for Nursing Research, National Institutes of Health, Building 31, Room 5B06, 9000 Rockville Pike, Bethesda, MD 20892
National Center for Research Resources, National Institutes of Health, Building 31, Room 3B36, 9000 Rockville Pike, Bethesda, MD 20892
Clinical Center, National Institutes of Health, Building 10, Room 1N312, 9000 Rockville Pike, Bethesda, MD 20892
National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Parklawn Building, Room 16C05, 5600 Fishers Lane, Rockville, MD 20857
National Institute on Drug Abuse, National Institute of Health, Parklawn Building, Room 10A38, 5600 Fishers Lane, Rockville, MD 20857
National Institute of Mental Health, National Institutes of Health, Parklawn Building, Room 1599, 56 Fishers Lane, Rockville, MD 20857
Clinical Center Nursing Recruiting Office, National Institutes of Health, Building 10, Room 2C206, 9000 Rockville Pike, Bethesda, MD 20892

09–25–0166

SYSTEM NAME:

Administration: Radiation and Occupational Safety and Health Management Information Systems, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Radiation Safety Branch (RSB), Division of Safety, Office of Research Services, NIH, Building 21, Room 134, 9000 Rockville Pike, Bethesda, MD 20892.
Occupational Safety and Health Branch (OSHB), Division of Safety, National Institutes of Health, Building 13, Room 3K04, 9000 Rockville Pike, Bethesda, Maryland 20892.

Write to appropriate System Manager at the address below for the address of contractor locations, including the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Radiation Safety Branch (RSB): NIH employees using radioactive materials or radiation producing machinery, contractor employees who provide service to the Radiation Safety Branch and any other individuals who could potentially be exposed to radiation or radioactivity as a result of NIH operations and who, therefore, must be monitored in accordance with applicable regulations.

Occupational Safety and Health Branch (OSHB): Individuals (including NIH employees and NIH service contract employees) who use or come into contact with potentially hazardous biological or chemical materials, and participants of occupational safety and health monitoring/surveillance programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, title, organizational affiliation, birth date, Social Security number (optional), work address, work telephone number, name of supervisor, and other necessary employment information; radiation/occupational safety and health training information; medical and technical information pertaining to safety and health related initiatives; research protocols and other related documents used to monitor and track radiation exposure and exposure to potentially hazardous biological or chemical materials; radiation materials usage data; and incident data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, regarding the general powers and duties of the Public Health Service relating to research and investigation; 5 U.S.C. 7902 regarding agency safety programs; and 42 U.S.C. 2201, regarding general duties of the Nuclear Regulatory Commission including the setting of standards to cover the possession and use of nuclear materials in order to protect health.

PURPOSE(S):

1. To provide adequate administrative controls to assure compliance with internal NIH policies, and applicable regulations of the Occupational Safety and Health Administration (OSHA), Department of Labor, and other Federal and/or State agencies which may establish health and safety requirements or standards. Ensure legal compliance with requirements of Nuclear Regulatory Commission to maintain internal and external radiation exposure data.

2. To identify, evaluate and monitor use or contact (including incident follow-up) with:

a. Radiation (exposure maintained at lowest levels reasonable)

b. Biological and/or chemical (potentially hazardous materials).

3. To monitor, track, and assess the use of personal protective equipment in the work place to ensure availability, effectiveness and proper maintenance.

4. To address emergent safety and health issues or concerns.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made to the Department of Justice or to a court or other tribunal from this system of records, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States of any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. Disclosure may be made to contractors for the purpose of processing or refining the records. Contracted services may include monitoring, testing, sampling, surveying, evaluating, transcription, collation, computer input, and other records processing. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

4. Disclosure may be made to: (a) Officials of the United States Nuclear Regulatory Commission which, by Federal regulation, licenses, inspects and enforces the regulations governing the use of radioactive materials; and (b) OSHA, which provides oversight to ensure that safe and healthful work conditions are maintained for employees. Disclosure will also be permitted to other Federal and/or State agencies which may establish health and safety requirements or standards.

5. Radiation exposure and/or training and experience history may be transferred to new employer.

6. A record may be disclosed for a research purpose, when the Department:

(A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file cabinets or in computer databases maintained by the RSB and OSHB. Records may be stored in file folders, binders, magnetic tapes, magnetic disks, optical disks and/or other types of data storage devices.

RETRIEVABILITY:

Records are retrieved by name, Social Security number, office address, or unique RSB or OSHB assigned identification number.

SAFEGUARDS:

1. *Authorized users:* Employees who maintain this system are instructed to grant regular access only to RSB/OSHB staff, authorized contractor personnel, U.S. Nuclear Regulatory Commission Inspectors, Radiation Safety Committee Members, Biosafety Committee members, and other appropriate NIH administrative and management personnel with a need to know. Access to information is thus limited to those with a need to know.

2. *Physical safeguards:* Rooms where records are stored are locked when not in use. During regular business hours, rooms are unlocked but are controlled by on-site personnel. Individually identifiable records are kept in locked file cabinets or rooms under the direct control of the Project Director.

3. *Procedural safeguards:* Names and other identifying particulars are deleted when data from original records are encoded for analysis. Data stored in computers is accessed through the use of keywords known only to authorized users. All users of personal information in connection with the performance of their jobs (see Authorized Users, above) will protect information from public view and from unauthorized personnel entering an unsupervised office. The computer terminals are in secured areas and keywords needed to access data files will be changed frequently.

4. *Additional RSB technical safeguards:* Computerized records are accessible only through a series of code or keyword commands available from and under direct control of the Project Director or his/her delegated representatives. The computer records are secured by a multiple level security system which is capable of controlling access to the individual data field level. Persons having access to the computer database can be restricted to a confined application which only permits a narrow ''view'' of the data. Data on computer files is accessed by keyword known only to authorized users who are NIH or contractor employees involved in work for the program.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, supplementary Chapter PHS hf: 45–13, the Department's Automated Information Systems Security Program Handbook, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361): Item 1300–B which applies to Division of Safety records. Refer to the NIH Manual Chapter for specific disposition instructions. Radiation exposure records are retained under item 1300–B–10, which does not allow disposal at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Data and Analytical Services Section, Radiation Safety Branch, DS, ORS, Building 21, Room 104, 9000 Rockville Pike, Bethesda, Maryland 20892.

Chief, Occupational Safety and Health Branch, Division of Safety, National Institutes of Health, Building 13, Room 3K04, 9000 Rockville Pike, Bethesda, Maryland 20892.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the appropriate system manager as listed above.

The requestor must also verify his or her identity by providing either a notarization of the request or a written certification that the requestor is whom he or she claims to be. The request should include: (a) Full name, and (b) appropriate dates of participation.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosure of their records, if any.

CONTESTING RECORD PROCEDURE:

Contact the appropriate System Manager specified above and reasonably identify the record, specify the information to be contested, and state the corrective action sought with supporting documentation. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Information is obtained from the subject individual, previous employers and educational institutions, contractors, safety and health monitoring/surveillance records, employee interviews, site visits, or other relevant NIH organizational components.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0168

SYSTEM NAME:

Invention, patent and licensing documents submitted to the Public Health Service by its employees, grantees, fellowship recipients and contractors, HHS/PHS/NIH/OTT.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Third Floor, Rockville, MD 20852.

Division of Financial Management (DFM), Operations Accounting Branch, National Institutes of Health, Building 31, Room B1B55, 9000 Rockville Pike, Bethesda, Maryland 20892.

Division of Extramural Reports, Office of Extramural Research, National Institutes of Health, Building 31, Room 5B41, 31 Center Drive, Bethesda, Maryland 20892–2184.

Public Health Service (PHS) Technology Development Coordinators and PHS Contract Attorneys retain files supplemental to the records maintained by the Office of Technology Transfer. Write to the system manager at the address below for office locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PHS employees, grantees, fellowship recipients and contractors who have reported inventions, applied for patents, have been granted patents, and/or are receiving royalties from patents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inventor name, address, Social Security number (required if inventor is receiving royalties, otherwise optional), title and description of the invention, Employee Invention Report (EIR) number, prior art related to the invention, evaluation of the commercial potential of the invention, prospective licensees' intended development of the invention, associated patent prosecution and licensing documents and royalty payment information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

45 CFR parts 6 (Inventions and Patents (General)), 7 (Employee Inventions) and 8 (Inventions Resulting from Research Grants, Fellowship Awards, and Contracts for Research), describing Departmental standards for assessing, reporting, and maintaining rights, including patent rights, in inventions of Departmental employees, grantees, fellowship recipients, and contractors, or inventions made through other resources and activities of the Department; Exec. Order No. 9865, as amended, 35 U.S.C. 266 note, ''Patent protection abroad of inventions resulting from research financed by the Government,'' describing the Government-wide policy for obtaining foreign patent protection for inventions resulting from research conducted or financed by the Government; and Exec. Order No. 10096, as amended, 35 U.S.C. 266 note, ''Uniform Government Patent Policy for Inventions by Government Employees,'' describing Government-wide policy pertaining to inventions made by Government employees.

PURPOSE(S):

Records in this system are used to: (1) Obtain patent protection of inventions submitted by PHS employees; (2) monitor the development of inventions made by grantees, fellowship recipients and contractors and protect the government rights to patents made with NIH support; (3) grant licenses to patents obtained through the invention reports; and (4) provide royalty payments to PHS inventors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made to the Department of Justice or to a court or other tribunal from this system of records, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected. Disclosure may also be made to the Department of Justice to obtain legal advice concerning issues raised by the records in this system.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, or local, charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

4. NIH may disclose records to Department contractors and subcontractors for the purpose of collecting, compiling, aggregating, analyzing, or refining records in the system. Contractors maintain, and are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to such records.

5. NIH may disclose information from this system of records for the purpose of obtaining patent protection for PHS inventions and licenses for these patents to: (a) Scientific personnel, both in this agency and other Government agencies, and in non-Governmental organizations such as universities, who possess the expertise to understand the invention and evaluate its importance as a scientific advance; (b) contract patent counsel and their employees and foreign contract personnel retained by the Department for patent searching and prosecution in both the United States and foreign patent offices; (c) all other Government agencies whom PHS contacts regarding the possible use, interest in, or ownership rights in PHS inventions; (d) prospective licensees or technology finders who may further make the invention available to the public through sale or use; (e) parties, such as supervisors of inventors, whom PHS contacts to determine ownership rights, and those parties contacting PHS to determine the Government's ownership; and (f) the United States and foreign patent offices involved in the filing of PHS patent applications.

6. NIH will report to the Treasury Department, Internal Revenue Service (IRS), as taxable income, the amount of royalty payment paid to PHS inventors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records will be stored in file folders, computer tapes and computer discs.

RETRIEVABILITY:

Records are retrieved by name of the inventor, EIR number, or keywords relating to the nature of the invention.

SAFEGUARDS:

1. *Authorized users:* Data on computer files is accessed by keyword known only to authorized users who are NIH or contractor employees involved in patenting and licensing of PHS inventions. Access to information is thus limited to those with a need to know.

2. *Physical safeguards:* records are stored in a locked room or in locking

file cabinets in file folders. During normal business hours, OTT Patent Branch and Licensing Branch on-site personnel regulate availability of the files. During evening and weekend hours the offices are locked and the building is closed.

3. *Procedural and technical safeguards:* Data stored in computers will be accessed through the use of keywords known only to the authorized users. A password is required to access the data base. All users of personal information in connection with the performance of their jobs (see Authorized Users, above) protect information, including confidential business information submitted by potential licensees, from public view and from unauthorized personnel entering an unsupervised office.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, the Department's Automated Information System Security Program Handbook, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management manual, Appendix B–361), item 1100–L, which allows records to be kept for a maximum of twenty (20) years. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Chief, Technology Management Branch, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Third Floor, Rockville, Maryland 20852.

Division of Extramural Reports, Office of Extramural Research, National Institutes of Health, Building 31, Room 5B41, 31 Center Drive, Bethesda, MD 20892–2184.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine. The request should include: (a) Full name, and (b) appropriate identifying information on the nature of the invention.

RECORD ACCESS PROCEDURES:

Write to the System Manager specified above to attain access to records and provide the same information as is required under the Notification Procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosure of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System manager specified above and reasonably identify the record, specify the information to be contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Inventors and other collaborating persons, grantees, fellowship recipients and contractors; other Federal agencies; scientific experts from non-Government organizations; contract patent counsel and their employees and foreign contract personnel; Unites States and foreign patent offices; prospective licensees; and third parties whom PHS contacts to determine individual invention ownership or Government ownership.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0170

SYSTEM NAME:

Diabetes Data System, HHS/NIH/NIDDK.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

A list of all contractor/subcontractor locations is available upon request for the System Manager (see address below).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who participated in the Diabetes Prevention Trial—Type 1 Diabetes (DPT–1); the Diabetes Prevention Trial—Type 2 Diabetes (DPT–2); the Epidemiology of Diabetes Interventions and Complications Study (EDIC); the International Pancreas and Islet Transplant Registry (IPITR), and family members of these participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Participant names, addresses, phone numbers; Social Security numbers (voluntary), phone numbers, driver's license numbers, employer information, spouse names, study identification numbers, educational background, occupational history, names of medical provider, medical record identification numbers, health and medical record data collected during these trials and follow-up studies; the names, addresses and phone numbers of acquaintances and relatives to assist in follow-up; a family tree (or pedigree) and information pertaining to DCCT stored biologic specimens (including blood, urine and genetic materials).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301(a) of the Public Health Service (PHS) Act (42 U.S.C. 241(a)), describing the general powers and duties of the Public Health Service relating to research and investigation, and section 426 of the PHS Act (42 U.S.C. 285c) describing the purpose of the National Institute of Diabetes and Digestive and Kidney Diseases to conduct research with respect to, among other areas, diabetes mellitus.

PURPOSE(S):

These records are used to: (1) Conduct research on diabetes mellitus in order to understand the disease and find better treatments and/or an eventual cure; (2) conduct follow-up studies (projected follow-up of 7–10 years) on the morbidity and mortality experiences of study participants; and (3) provide relevant demographic, health and medical record data on participants to biomedical researchers authorized to use information and stored biologic materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to

affect directly the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Department of Justice has agreed to represent such employee, for example, in defending a claim against the Public Health Service, based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

3. NIH may disclose records to Department contractors and subcontractors for the purpose of collecting, compiling, aggregating, analyzing, or refining records in the system. Contractors maintain, and are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to such records.

4. A record may be disclosed for a research purpose, when the Department: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

5. Information from this system may be disclosed to Federal agencies, State agencies (including the Motor Vehicle Administration and State vital statistics offices, private agencies, and other third parties (such as current or prior employers, acquaintances, relatives), in order to obtain information on morbidity and mortality experiences and to locate individuals for the follow-up studies. Social Security numbers may be disclosed: (1) To the National Center for Health Statistics to ascertain vital status through the National Death Index; (2) to the Health Care Financing Agency to ascertain morbidities; and (3) to the Social Security Administration to ascertain disabilities and/or location of participants. Social Security numbers may also be given to other Federal agencies, and State and local agencies for purposes of locating individuals for participation in follow-up studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders and computer types and diskettes, microfiche, and file cards.

RETRIEVABILITY:

Records are retrieved by name, Social Security number, or other identifying numbers, keywords, and parameters of individual patient health or medical record data.

SAFEGUARDS:

1. *Authorized users:* Data on computer files is accessed by keyword known only to authorized users who are NIH or contractor employees who have a need for the data in performance of their duties as determined by the system manager. Researchers authorized to conduct research on biologic specimens will have access to the system through the use of encrypted identifiers sufficient to link individuals with records in such a manner that does not compromise confidentiality of the individual. Access to information is thus limited to those with a need to know.

2. *Physical safeguards:* Records and data tapes are stored in locked files in secured areas with restricted access. During regular business hours rooms are unlocked but are controlled by on-site personnel. Terminal access is controlled by user ID and keywords; off-site data backup is maintained in a separate building; fire protection is maintained by an on-site fire extinguisher system and fire alarm system present in the computer room.

3. *Procedural and technical safeguards:* Names and other identifying particulars are deleted when data from original records are encoded for analysis. Data stored in computers is accessed through the use of keywords known only to authorized users. A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs (see Authorized Users, above) protect information from public view and from unauthorized personnel entering an unsupervised office. Contractors and subcontractors who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the System manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts and in agreements with grantees or collaborators participating in research activities supported by the system. HHS project directors, contract officers, and project officers oversee compliance with these requirements.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, ''Safeguarding Records Contained in Systems of Records,'' supplementary Chapter PHS hf: 45–13, and the Department's Automated Information System Security Program Handbook, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—''Keeping and Destroying Records'' (HHS Records Management Manual, Appendix B–361), item 3000–G–3(b), which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Chief, Diabetes Research Section, DPB, DDEM, National Institutes of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Westood Building, Room 622, 5333 Westbard Avenue, Bethesda, MD 20892.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager listed above. The

requester must also verify his or her identity by providing either a notorization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine. The request should include: (a) Full name, and (b) appropriate dates of participation.

Individuals who request notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify their relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Write to the System Manager specified above to attain access to records and provide the same information as is required under the Notification Procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosure of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager specified above and reasonably identify the record, specify the information to be contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Subject individual; patient health and medical record data; data generated from the DCCT; Federal, State and local agencies (including the Social Security Administration), and if the person is deceased, from the National Death Index, and/or family members and other knowledgeable third persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0202

SYSTEM NAME:

Patient Records on PHS Beneficiaries (1935–1974) and Civilly Committed Drug Abusers (1967–1976) Treated at the PHS Hospitals in Fort Worth, Texas, or Lexington, Kentucky, HHS/NIH/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Drug Abuse, Intramural Research Program, Johns Hopkins Bayview Medical Center, P.O. Box 5180, Baltimore, Maryland 21224.

Federal Records Center, 1557 St. Joseph Avenue, East Point, Georgia 30344.

Washington National Records Center, 4205 Suitland Road, Washington, DC 20409.

National Business Activities, 8200 Preston Court, Suite One, Jessup, Maryland 20794.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilly committed narcotic addicts (1967–1976) and adult PHS beneficiaries (1935–1974) treated at either the PHS hospital in Fort Worth, Texas, or Lexington, Kentucky.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative records, such as treatment admission and release dates, name and address, and other demographic data; medical records, such as, but not limited to, medical history information, drug abuse/use data as well as treatment information, any laboratory tests, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Narcotic Addict Rehabilitation Act of 1966, and Narcotic Addict Rehabilitation Amendments of 1971, Titles I and III (42 U.S.C. 3411 et seq. and 28 U.S.C. 2901 et seq.), and Public Health Service Act, Sections 321–326, 341 (a) and (c) (42 U.S.C. 248–253, 257 (a) and (c).

PURPOSE(S):

The records were collected originally to monitor the individual's progress while being treated at either of two PHS hospitals and to ensure continuity of that care. These systems are now inactive. The records are used to respond to requests from subject individuals (or his/her designated representative) to (1) establish eligibility for certain Federal benefits for the individual or his/her dependent(s), and (2) provide information to subsequent health care providers at the request of the individual regarding medical treatment received to ensure continuity of care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records at National Institute on Drug Abuse (NIDA) are on microfilm and contain only part of the admission and discharge information. The microfilm is stored in a file cabinet in a locked room. Records sent to Federal Records Center are stored in GSA-approved storage containers.

RETRIEVABILITY:

The administrative records and microfilm are filed by patient name. The medical records are filed either by patient name or by patient's hospital number with a cross-reference list at NIDA matching number to name.

SAFEGUARDS:

1. *Authorized users:* Only the System Manager and designated staff.

2. *Physical safeguards:* The microfilm is in a room which has limited access, or stored at a security coded warehouse. The room is located in a building with a 24-hour security patrol/television surveillance system. Sign in and out procedures are used at all times. The warehouse has security access, records can only be retrieved by the System Manager or designated staff using a confidential code number. The warehouse is patrolled on a 24-hour basis with television surveillance.

3. *Procedural safeguards:* Only the System Manager and his/her staff have access to the microfilm information and have been trained in accordance with the Privacy Act.

4. *Implementation guidelines:* DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

All administrative and medical records have been retired to a Federal Records Center. The records collected under the Narcotic Addict Rehabilitation Act of 1966 will be destroyed when they are 25 years old, which will be in 2001 because the last patient was released from treatment in 1976. The PHS beneficiaries' records will be destroyed at the same time. The

records will be shredded in 2003 upon written request from the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Records Officer, National Institute on Drug Abuse, Intramural Research Program, Johns Hopkins Bayview Medical Center, Box 5180, Baltimore, Maryland 21224.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself or herself upon written request with a notarized signature. The request should include, if known: Patient hospital record number, full name or any alias used, patient's address during treatment, birth date, veteran status (if applicable) and approximate dates in treatment, and Social Security Number.

An individual who requests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the individual of its content at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures of his/her record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Patients; patients' drug treatment program counselors; court records; hospital personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0203

SYSTEM NAME:

National Institute on Drug Abuse, Intramural Research Program, Federal Prisoner and Non-Prisoner Research Files, HHS/NIH/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Drug Abuse, Intramural Research Program, P.O. Box 5180, Baltimore, Maryland 21224.

Maryland Medical Laboratories, Inc., Pathology Building, 1901 Silver Spring Road, Baltimore, Maryland 21227.

Federal Records Center, 1557 St. Joseph Avenue, East Point, Georgia 30344.

Washington National Records Center, 4205 Suitland Road, Washington, DC 20409.

NOVA, Johns Hopkins Bayview Medical Center, Building C, 4940 Eastern Avenue, Baltimore, Maryland 21224.

National Business Activities, 8200 Preston Court, Suite One, Jessup, Maryland 20794.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteers, adult males (from 1968 to present), adult females (beginning in 1985) and adolescents (ages 13–18, beginning in 1983) and children (neonate to 12 beginning in 1989). Clinical research projects conducted at the Addiction Research Center (ARC). This system also includes records on adult Federal prisoners involved in research projects at ARC when located at Lexington, Kentucky, from 1968–1976, and some records from system 09–30–0020 to be used for statistical research only.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records involved are administrative, medical and research records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, section 301(a) (42 U.S.C. 241(a)); sections 341(a) and 344(d) (42 U.S.C. 257(a) and 260(d)); section 503 and 515 (42 U.S.C. 290aa-2 and 290cc). These sections authorize the conduct of research in all areas of drug abuse.

PURPOSE(S):

(1) To collect and maintain a data base for research activities at ARC, and (2) to enable Federal drug abuse researchers to evaluate and monitor the subjects' health during participation in a research project. The areas of research include, but are not limited to, biomedical, clinical, behavioral, pharmacological, psychiatric, psychosocial, epidemiological, etiological, statistical, treatment and prevention of narcotic addiction and drug abuse.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The National Institute on Drug Abuse (NIDA) uses a contractor to recruit volunteers and to screen these individuals for their acceptability to participate in specific research projects, and limits the contractor's access to the records to these procedures. NIDA also uses a contractor to perform routine medical laboratory tests on blood and urine samples. These routine tests verify that the subject is in good health. Both contractors disclose records from this system only to NIDA and are required to maintain Privacy Act safeguards with respect to such records.

2. (a) PHS may inform the sexual and/or needle-sharing partner(s) of a subject individual who is infected with the human immunodeficiency virus (HIV) of their exposure to HIV, under the following circumstances: (1) The information has been obtained in the course of clinical activities at PHS facilities carried out by PHS personnel or contractors; (2) The PHS employee or contractor has made reasonable efforts to counsel and encourage the subject individual to provide the information to the individual's sexual or needle-sharing partner(s); (3) The PHS employee or contractor determines that the subject individual is unlikely to provide the information to the sexual or needle-sharing partner(s) or that the provision of such information cannot reasonably be verified; and (4) The notification of the partner(s) is made, whenever possible, by the subject individual's physician or by a professional counselor and shall follow standard counseling practices.

(b) PHS may disclose information to State or local public health departments, to assist in the notification of the subject individual's sexual and/or needle-sharing partner(s), or in the verification that the subject individual has, notified such sexual or needle-sharing partner(s).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders or on computer disks, magnetic tapes, or microfilm.

RETRIEVABILITY:

Administrative and medical records are indexed and retrieved by the subject's name and identification code number. Research records are indexed and retrieved by the subject's name and identification code number.

SAFEGUARDS:

1. *Authorized areas:* Only authorized ARC staff (Principal Investigator and his/her research team) are allowed access to these files. The contractor staff has access to the files during the recruitment/screening process.

2. *Physical safeguards:* Files and file rooms are locked after business hours. Building has electronic controlled entry at all times with a 24-hour guard/television surveillance system. The computer terminals are in a further secured area.

3. *Procedural safeguards:* All users of personal information in connection with the performance of their jobs protect information from unauthorized personnel. Access codes to the research records are available only to the Principal Investigator and his/her research team. Access to the records is strictly limited to those staff members trained in accordance with the Privacy Act. The contractor staff members are required to secure the information in accordance with the Privacy Act. ARC Project Officer and contracting officials will monitor contractor compliance.

4. *Implementation guidelines:* DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual; and Chapter 6–05, ''Risk Management,'' under Part 6 in the Department's ADP Systems Security Manual.

In addition, because much of the data collected in these research projects are sensitive and confidential, special safeguards have been established. Certificates of confidentiality have been issued under Protection of Identity—Research Subjects Regulations (42 CFR part 2a) to those projects initiated since February 1980. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding their names or other identifying characteristics from all persons not connected with the conduct of the research. Persons so authorized may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify such individuals. In addition, these records are subject to 42 CFR part 2, the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state: ''Where the content of patient records has been disclosed pursuant to these regulations for the purpose of conducting scientific research * * * information contained therein which would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State.''

RETENTION AND DISPOSAL:

Records will be disposed of in accordance with the NIH Records Control Schedule, i.e., when the records are 10 years old or no longer required for administrative or research purposes. The records on individuals who do not qualify for a specific research project are kept for one year by the contractor who then destroys them by shredding.

SYSTEM MANAGER(S) AND ADDRESSES:

Medical Records Officer, NIDA, Intramural Research Program, Johns Hopkins Bayview Medical Center—Building C, P.O. Box 5180, Baltimore, Maryland 21224.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Provide a notarized signature as proof of identify. This can be waived if the request is made through official federal, state, or local channels. The request should include the patient's register number and/or the number of years of incarceration (for prisoner subjects), full name at time of participation in the research project, date(s) of research participation, and title of research project or name of drug being studied. An individual who requests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or legal guardian who requests notification of an adolescent's record shall designate a family physician or other health professional (other than a family member) of the Addiction Research Center staff to whom the record, if any, will be sent. The parent or legal guardian must verify in writing the relationship to the adolescent as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures that have been made of his/her records, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought and reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

The individual; observations and medical recordings (such as blood pressure, dosage of compound administered, etc.) made by the Principal Investigator and his/her research team; system of records number 09–30–0020; drug treatment programs; Bureau of Prisons; case workers; psychiatrists; research laboratories; and pharmacies and hospitals. Many of these records are confidential and privileged communication is guaranteed under section 344(d) of the PHS Act.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0205

SYSTEM NAME:

Alcohol, Drug Abuse, and Mental Health Epidemiologic and Biometric Research Data, HHS/NIH/NIAAA, HHS/NIH/NIDA and HHS/NIH/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located at the research facilities which collect or provide research data for this system under contract to the agency. Contractors may include, but are not limited to, research centers, clinics, hospitals, universities, research foundations, national associations, and coordinating centers. Records may also be located at the research facilities of the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the National Institute on Drug Abuse (NIDA); and the National Institute of Mental Health (NIMH). A current list of sites is available by writing to the appropriate System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subjects of research in epidemiologic, clinical, methodologic, and longitudinal research studies and surveys of mental health and alcohol and drug use/abuse and mental, alcohol, and/or drug abuse disorders. These individuals are selected as representative of the general adult and/or child population or of special groups. Special groups include, but are not limited to, normal individuals serving as controls; clients referred for or receiving medical, mental

health, and alcohol and/or drug abuse related treatment and prevention services; providers of services; demographic sub-groups as applicable, such as age, sex, ethnicity, race, occupation, geographic location; and groups exposed to hypothesized risks, such as relatives of individuals who have experienced mental health and/or alcohol, and/or drug abuse disorders, life stresses, or have previous history of mental, alcohol, and/or drug abuse related illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains data about the individual as relevant to a particular research study. Examples include, but are not limited to, items about the health/mental health and/or alcohol or drug consumption patterns of the individual; demographic data; social security numbers (voluntary); past and present life experiences; personality characteristics; social functioning; utilization of health/mental health, alcohol, and/or drug abuse services; family history; physiological measures; and characteristics and activities of health/mental health; alcohol abuse, and/or drug abuse care providers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, sections 301 and 405 (42 U.S.C. 241, and 284, General Research and Investigation Authorities); Public Health Service Act, sections 301, 302, 303 and Title V, Parts A and B (42 US.C. 241, 242, 242(a).

PURPOSE(S):

The purpose of the system of records is to collect and maintain databases for research activities. Analyses of these data involve groups of individuals with given characteristics and do not refer to special individuals. The generation of information and statistical analyses will ultimately lead to a better description and understanding of mental, alcohol, and/or drug abuse disorders, their diagnosis, treatment and prevention, and the promotion of good physical and mental health.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record may be disclosed for a research purpose, when the Department: (a) As determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; e.g., disclosure of alcohol or drug abuse patient records will be made only in accordance with the restrictions of confidentiality statutes and regulations 42 U.S.C. 290 (dd–3), 42 U.S.C. 241 and 405, 42 CFR part 2, and where applicable, no disclosures will be made inconsistent with an authorization of confidentiality under 42 U.S.C. 242a and 42 CFR part 2a; (b) as determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; and (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by, these provisions.

2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from a congressional office made at the written request of that individual.

3. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department is his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee; the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of the individual's participation in activities of a Federal Government supported research project).

4. The Department contemplates that it will contract with a private firm for the purpose of collecting, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored on index cards, file folders, computer tapes and disks, microfiche, microfilm, and audio and video tapes. Normally, the factual data, with study code numbers, are stored on computer tape or disk, while the key to personal identifiers is stored separately, without factual data, in paper files.

RETRIEVABILITY:

During data collection stages and followup, if any, retrieval by personal identifier (e.g., name, social security number) (in some studies), or medical record number), is necessary. During the data analysis stage, data are normally retrieved by the variables of interest (e.g., diagnosis, age, occupation).

SAFEGUARDS:

1. *Authorized users:* Access to identifiers and to link files is strictly limited to the authorized personnel whose duties require such access. Procedures for determining authorized access to identified data are established as appropriate for each location. Personnel, including contractor personnel, who may be so authorized include those directly involved in data collection and in the design of research studies, e.g., interviewers and interviewer supervisors; project managers; statisticians involved in designing sampling plans.

2. *Physical safeguards:* Records are stored in locked rooms, locked file cabinets, and/or secured computer facilities. Personal identifiers and link files are separated as much as possible and stored in locked files. Computer data access is limited through the use of key words known only to authorized personnel.

3. *Procedural safeguards:* Collection and maintenance of data is consistent

with legislation and regulations in the protection of human subjects, informed consent, confidentiality, and confidentiality specific to drug and alcohol abuse patients where these apply. When an Institute Division or a contractor provides anonymous data to research scientists for analysis, study numbers which can be matched to personal identifiers will be eliminated, scrambled, or replaced by the agency or contractor with random numbers which cannot be matched. Contractors who maintain records in this system are instructed to make no further disclosure of the records. Privacy Act requirements are specifically included in contracts for survey and research activities related to this system. The HHS project directors, contract officers, and project officers oversee compliance with these requirements.

4. *Implementation guidelines:* DHHS Chapter 45– and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual and Part 6, ''ADP System Security'' of the HHS ADP Systems Security Manual.

RETENTION AND DISPOSAL:

Personal identifiers are retained only as long as they are needed for the purposes of the current research project, and for followup studies generated by the present study. Removal or disposal of identifiers is done according to the storage medium (e.g., erase computer tape, shred or burn index cards, etc.). A staff person designated by the System Manager will oversee and will describe and confirm the disposal in writing.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Coordinator, National Institute of Mental Health, Room 7C–22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Deputy Director, Division of Biometry and Epidemiology, National Institute on Alcohol Abuse and Alcoholism, Willco Building, Suite 514, 6000 Executive Blvd. MSC 7003, Bethesda, MD 20892–7003.

Deputy Director, Division of Clinical and Prevention Research, National Institute on Alcohol Abuse and Alcoholism, Willco Building, Suite 505, 6000 Executive Blvd. MSC 7003, Bethesda, MD 20892–7003.

Privacy Act Coordinator, National Institute on Drug Abuse, Room 10A–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the appropriate System Manager at the address above. Provide individual's name; current address; date of birth; date, place and nature of participation in specific research study; name of individual or organization administering the research study (if known); name or description of the research study (if known); address at the time of participation; and a notarized statement by two witnesses attesting to the individual's identity.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures of his/her record, if any.

An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

CONTESTING RECORD PROCEDURE:

Contact the appropriate official at the address specified under System Manager(s) above and reasonably identify the record, specify the information being contested, and state corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

The system contains information obtained directly from the subject individual by interview (face-to-face or telephone), by written questionnaire, or by other tests, recording devices or observations, consistent with legislation and regulation regarding informed consent and protection of human subjects. Information is also obtained from other sources, such as health, mental health, alcohol, and/or drug abuse care providers; relatives; guardians; and clinical medical research records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0207

SYSTEM NAME:

Subject-Participants in Pharmacokinetic Studies on Drugs of Abuse and on Treatment Medications, HHS/NIH/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

University of California, San Francisco, Langley Porter Psychiatric Institute, San Francisco, California 94143.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Normal, healthy adults who voluntarily participate in studies on the pharmacokinetics and pharmacodynamics of psychoactive drugs at Langley Porter Psychiatric Institute, during the period September 1987 through June, 1997.

CATEGORIES OF RECORDS IN THE SYSTEM:

Research records on each subject-participant contain the following information: Name; clinician's records including medical history, laboratory test results, physical examinations, psychological profile, and drug use profile; drug study data including records of drugs administered, exposures to radioactivity, and drug reactions; and date of study in which the subject participated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, sections 301(a), 503 and 405 (42 U.S.C. 241 and 284).

PURPOSE(S):

The primary purpose of this system is to support research on the pharmacokinetics and pharmacodynamics of drugs of abuse as well as treatment drugs. The term ''pharmacokinetics'' refers to the manner in which the human body processes a drug. ''Pharmacodynamics'' refers to the manner in which the drug affects the human body.

The clinical investigator used data of a medical nature that is contained in the system to make determinations regarding drug dosages and/or radiochemical exposures appropriate to the individual human subject-participants, in order to preserve and protect the health of each. The system also provides baseline data for studying the drug effects.

The Food and Drug Administration (FDA) also may use the records in routine inspections FDA conducts in accordance with its responsibilities to

develop standards on the composition, quality, safety, and efficacy of drugs administered to humans, and to monitor experimental usage of drugs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. We may disclose to a congressional office the record of an individual in response to a verified inquiry from the congressional office made at the written request of the individual.

2. NIH contractors, use the records in this system to accomplish the research purpose for which the records are collected. The contractors are required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The contractor maintains the records on paper in file folders.

RETRIEVABILITY:

The contractor indexes and retrieves the records by the subject-participant's name.

SAFEGUARDS:

1. *Authorized users:* Only the contract Project Director and his/her research team and the Federal Project Officer and his/her support staff have access to these records.

2. *Physical safeguards:* The contractor keeps all records in a locked metal file cabinet in premises with limited accessibility. Only the clinical investigator (Project Director) has the key to the locked files.

3. *Procedural safeguards:* Only the contract staff have access to the files. Persons other than subject participants who request individually identifiable data from a record, must provide written consent from the subject participant permitting the requested disclosure. The only exception would be for disclosure to persons or organizations permitted by the Privacy Act, Section 3(B) to obtain personally identifiable data.

4. *Implementation guidelines:* DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual. In addition, the contract staff complies with contractor's (University of California, San Francisco) standard procedures for safeguarding data.

RETENTION AND DISPOSAL:

The records will be kept no later than June 2002 (5 years after the anticipated completion of the studies). At that time, the NIDA project officer will authorize in writing the clinical investigators to destroy the records by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Pharmacokinetic Studies on Drugs of Abuse, Medications Development Division, National Institute on Drug Abuse, National Institutes of Health, Room 11A55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the system manager listed above.

Provide the following information: Subject-participant's full name and a letter of request (or permission, if the requester is not the subject-participant) with notarized signature of the individual who is the subject of the record, approximate date(s) of experiment(s) in which the individual participated, and drug name (if known). In addition, an individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its content at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures of his/her record, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above and reasonably identify the record, specify the information to be contested, the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

The subject-participants and the contractor personnel conducting the research studies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0208

SYSTEM NAME:

Drug Abuse Treatment Outcome Study (DATOS), HHS/NIH/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Research Triangle Institute, Center for Social Research and Policy Analysis, Research Triangle Park, North Carolina 27709.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary adult clients of federally funded treatment programs, including Treatment Alternative Street Crime (TASC) Programs of the Department of Justice, who requested to be included in TOPS from 1979 through 1986. New data collected from voluntary adults/adolescent clients of public and private funded-treatment programs beginning in 1991 and will continue through 1995.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories are: Demographic data, treatment outcome data, treatment process data, client locator information, and personal identifiers (name and assigned numerical identifier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, sections 301 and 405 (42 U.S.C. 241 and 284.

PURPOSE(S):

The purpose of the system is to compile information on drug abusers in drug abuse treatment programs in order to derive information on the treatment environments and abusers' behaviors and characteristics subsequent to treatment. Researchers and drug abuse service providers may use the aggregate data to address issues and generate hypotheses to understand better the interactions among the client and community.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Within the restrictions set forth in HHS regulations concerning the confidentiality of drug abuse patient records (42 CFR 2.56), we may disclose a record for a research purpose, when the Department: (a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring, (c) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless

the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except: (A) In emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; (d) has secured a written statement attesting to the recipient's understanding of, and willingness to, abide by these provisions.

2. The Research Triangle Institute, an NIH contractor, uses the records in this system to accomplish the research purpose for which the records are collected. In the event of followup studies or continuation studies because the contract has been terminated for convenience by the Government, we may disclose records in this system to a subsequent NIH contractor. We would require the new contractor to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Interview forms, magnetic tapes, and disks.

RETRIEVABILITY:

Records are indexed and retrieved by unique alpha numerical identifier. In order to relate the data collected to specific individuals, one must use the link file discussed under Safeguards.

SAFEGUARDS:

1. *Authorized users:* Contractor personnel, the agency project officer, and agency employees whose duties require the use of the information in the system.

2. *Physical safeguards:* The data management task leader, the project leader, or the project director provide technical supervision of all data collection and processing activities. Individually identified forms are stored in a secure, vault-like room provided for this purpose. Authorized personnel have access to the room by one locked door with controlled entry, i.e., only on the written authority of the professional staff member in charge. Computerized records are kept in a vault area with limited accession.

3. *Procedural safeguards:* Because some of the data collected in this study, such as data on drug use, are sensitive and confidential, special safeguards have been established. A Certificate of Confidentiality has been issued under 42 CFR part 2a. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding the names or other identifying characteristics from all persons not connected with the conduct of the research. Persons so authorized may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings, to identify such individuals. In addition, these records are subject to 42 CFR part 2, the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state: ''Where the content of patient records has been disclosed pursuant to (these regulations) for the purpose of conducting scientific research * * * information contained therein which would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State.''

Another safeguard is that the forms containing subject identification information for client followup and data matching purposes do not include any reference to the purpose of the study. Identification and location information is kept separate from any information that would suggest that the respondent has been in a drug treatment program.

Information on completed forms is entered immediately on the computer. Completed forms and computerized data are released only to authorized persons. Only aggregate data are provided and used in the preparation of necessary and appropriate reports.

A link file system is used. This system has three components: (1) Personal information, (2) data base information, and (3) the link file, which contains identifying number pairs which can be used to match data with individuals. The advantage of this system is that the data base can be used directly for report generation, etc., without the use of decrypting subroutines or access to the personal information or matching link files.

In addition, the computer center being utilized has developed an extensive security system to protect computer account codes and data. This system is described in a publication that is available from the System Manager upon request.

We do not anticipate any disclosure of individually identifiable information to other persons or organizations within the Department of Health and Human Services. Nor does the contractor provide individually identification information to the Department of Justice, with which NIDA has a cooperative agreement for this study.

4. *Implementation guidelines:* We used the National Bureau of Standards guidelines and Part 6, HHS ADP Systems Security Manual, ''ADP System Security'' in developing the computer safeguard procedures. Safeguards for nonautomated records are in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual. In addition, project staff complies with the contractor's (Research Triangle Institute) standard procedures for safeguarding data.

The contractor provides only aggregate information to NIDA.

RETENTION AND DISPOSAL:

The contractor destroys interview forms by shredding or burning immediately after contractor staff have completed and verified direct entry on magnetic tape or disk storage. The contractor will destroy individual identification and location data by shredding or burning, under the explicit written authorization of the System Manager, which is anticipated to be no longer than 5 years after the termination of the study unless the information is needed for research purposes. We will retain aggregate data tapes for research purposes. These tapes will not have any individually identifiable information. In accordance with the NIH Records Control Schedule, these tapes will be retained for 5 years after completion of the project (approximately 2000). At that time, the tapes will be retired to the Federal Records Center and destroyed when they are 10 years old or when they are no longer needed for research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Drug Abuse Treatment Outcome Study (DATOS), Project Officer, Services Research Branch, Division of Clinical and Services Research, National Institute on Drug Abuse, National Institutes of Health, Room 10A–30, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a

record exists about himself/herself upon written request, with notarized signature. The request should include, if known, name of the researcher, location of the research site, approximate date of data collection, any alias used, and subject identification number.

An individual who requests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or legal guardian who requests notification of an adolescent's record shall designate a family physician or other health professional (other than a family member) of the Division of Clinical Research staff to whom the record, if any, will be sent. The parent or legal guardian must verify in writing the relationship to the adolescent as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures of his/her record, if any.

Persons other than subject individuals, who request individually identifiable data from a record must provide written consent from the subject individual permitting the requested disclosure. The only exception (if not in conflict with confidentiality regulations) would be for disclosure to persons or organizations permitted by the Privacy Act, section 3(b), to obtain personally identifiable data.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Research subjects, and staff in participating drug abuse treatment programs, written clinical evaluations, counselors, psychiatrists, psychotherapists, family members, research assistants, hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0209

SYSTEM NAME:

Subject-Participants in Drug Abuse Research Studies on Drug Dependence and in Research Supporting New Drug Applications, HHS/NIH/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Veterans Administration Hospital, Cooperative Studies Program, Department of Veterans Medical Center, Perry Point, MD 21902.

Dixon and Williams Pharmaceutical, 5775 Hyde Park Circle, Jacksonville, Florida 32210.

Medications Development Division, Room 11A–55, and Division of Clinical Research, Room 10A–38, Parklawn Building, National Institute on Drug Abuse, 5600 Fishers Lane, Rockville, MD 20857.

Veterans Affairs Medical Center, 50 Irving Street, NW., Washington, DC 20422.

Veterans Affairs Medical Center, University and Woodland Avenues, Philadelphia, PA 19104.

Veterans Affairs Medical Center, Brentwood Division, Wilshire and Sawtell Boulevards, Los Angeles, CA 90073.

National Institute on Drug Abuse, Division of Intramural Research Programs, 4940 Eastern Avenue, Baltimore, MD 21224.

Write to the system manager at the address below for the address of any new locations where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary adult clients of federally funded and other drug abuse treatment programs who have requested to receive investigational new or marketed drugs, such as but not limited to, naltrexone, levo-alpha acetylmethadol (LAAM), or Buprenorphine as part of their treatment. Data collection for the earlier LAAM studies began in 1975 and continued through September 1979; additional LAAM studies began in 1992 and will continue through September 1997, naltrexone studies began in 1977 and continued through June 1984; and studies for other investigational new compounds (buprenorphine, gepirone, etc.) began in 1992 and may continue through September 1997.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic data, treatment outcome data, treatment process data, client locator information, and personal identifiers (name and assigned numerical identifier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, sections 301, 464p, and 405 (42 U.S.C. 241, and 284).

PURPOSE(S):

1. To maintain information on the safety and effectiveness of drugs for treatment of drug dependence with or without abuse potential in various treatment environments and modalities and changes in the behavior and characteristics of drug abusers who received these substances as part of their treatment regimen.

2. To provide data required by the Food and Drug Administration (FDA) to support research on drug dependence and potential new drug applications for various drugs, and to treat drug dependence with or without abuse potential. A new drug application is a notice to FDA that a pharmaceutical company believes they have enough data to demonstrate the safety and efficacy of a substance to satisfy FDA for marketing the substance. FDA may also use the records in routine inspections that FDA conducts in accordance with its responsibilities to develop standards on the composition, quality, safety and efficacy of drugs administered to humans, and to monitor experimental usage of drugs.

3. To conduct research on the pharmacology, toxicology, and behavioral characteristics of drugs of abuse alone or in combination with proposed treatment drugs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NIH contractor(s) use the records in the system in order to accomplish the research and development purposes for which the records were collected. In the event of a followup study or continuation study, the responsible project officer may disclose records in this system to a subsequent NIH contractor(s). Any new contractor(s) is and would be required to maintain Privacy Act safeguards with respect to such records and to comply with the confidentiality restrictions of 42 CFR part 2.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Interview and assessment forms, video tapes, magnetic tapes, disks and microfiche in boxes in closed cabinets in a locked room with limited accessibility.

RETRIEVABILITY:

The records are indexed and retrieved by subject-participant's name code (i.e., initials—not name) and unique numerical identifier. In order to relate the data collected to specific individuals, however, one must use the link file discussed under safeguards.

SAFEGUARDS:

1. *Authorized users:* For the naltrexone study, the System Manger or Federal Project Officer and only authorized contract staff have access to the records (computerized and hard copy files) in the system. The contractor provides only aggregate data in reports to NIDA, FDA, or the public. Only the NIDA personnel mentioned previously and selected authorized contract staff have access to the stored LAAM records.

A certificate of confidentiality has been issued to researchers conducting the naltrexone study under 42 CFR, Part 2, Protection of Identity—Research Subjects. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding the names or other identifying characteristics from all persons not connected with the conduct of the research. Persons so authorized my not be compelled in any Federal, State or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals. The earlier LAAM study (from 1975 through 1979) was not conducted under a certificate of confidentiality. The 1992 LAAM studies were conducted under the protection afforded by a confidentiality certificate. These regulations do not prohibit voluntary disclosure by the researcher. However, the records of these studies also are subject to 42 CFR part 2, the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state: ''Where the content of patient records has been disclosed. Pursuant to (these regulations) for the purpose of conducting scientific research * * * information contained therein which would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily of in response to any legal process whether Federal or State.''

The contractor's institutional review board reviewed and approved the safeguards described above in accordance with 45 CFR Part 46 on the Protection of Human Subjects.

2. *Physical safeguards:* For the naltrexone records, the contractor(s) stored individually identified forms in a locked room with controlled entry, i.e., only on written authority of the professional staff member in charge of data handling and processing). The contractor staff entered the collected information onto computer tape or disks as soon after contact with the subject-participant as possible, and stores the computerized records in a secured area with access limited as above.

For the LAAM, buprenorphine and other compound records, NIDA stores the individually identified forms in a lockable cabinet in a secure room. Only authorized NIDA personnel, i.e., Division of Clinical Research and Medications Development professional staff and their support staff (program assistant, clerk-typist, or secretary) have access to the room with controlled entry. The room is in a building which has a 24-hour guard/television surveillance system and has controlled entry (picture identification sign in and out procedures) before and after normal working hours.

Another safeguard for these studies is that the forms containing subject identification information do not include any reference to the purpose of the study. The identification information is separate from any information that would suggest that the respondent is or has been in a drug abuse treatment program. In addition, the computer center being utilized for naltrexone has developed an extensive security system to protect computer account codes and data.

3. *Procedural safeguards:* Access to the computerized records of the studies (naltrexone and other research) is protected by a computerized password routine which is changed periodically. In addition, the project staff complies with the contractor's standard procedures for safeguarding data. The link file system that identifies individuals with personal data has three components: (1) Identification information, (2) data base information, and (3) the link file, which contains identifying number pairs which match data with individuals. The advantage of this system is that one may use the baseline data directly for report generation, etc., without using the subroutines or accessing the personal information or link files.

4. *Implementation guidelines:* DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual and Part 6, ''ADP System Security'' in the HHS ADP Systems Security Manual.

RETENTION AND DISPOSAL:

The naltrexone staff will destroy identifiable information by shredding or burning when it is no longer needed for analysis or research purposes; then the tapes will be erased. NIDA will destroy individual identification and match-up information from other studies by shredding or burning 5 years after FDA completes the review and approves the new drug applications or when they are no longer needed for research purposes.

NIDA will retain the aggregate data tapes and/or paper records from studies for research purposes. These tapes will not have any individually identifiable information. In accordance with the FDA regulations governing new drug applications, the aggregate tapes will be retained for at least 2 years after FDA approves the new drug applications. At that time, the tapes will be retired to the Federal Records Center and destroyed when they are 5 years old or when they are no longer needed for research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Naltrexone Study, Division of Clinical Research, Room 10A–30, Parklawn Building, National Institute on Drug Abuse, 5600 Fishers Lane, Rockville, MD 20857.

Project Officer, LAAM and Other Research Records, Medications Development Division, Room 11A–55, Parklawn Building, National Institute on Drug Abuse, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may determine if a record exists about himself/herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, to the appropriate system manager at the address above. The following information should be included, if known: Subject-participant's full name and a letter of request with notarized signature of the subject-participant of the record, any alias used, subject-participant's identification number, name of the researcher, name of clinic or research center, name of substance, and approximate date of study participation.

An individual who requests notification of a medical record must, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request

an accounting of disclosures of his/her record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information being contested, the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Research subject-participants, staff in the participating drug abuse treatment programs, written clinical evaluations, private physicians, counselors, psychiatrists, psychotherapists, family members, research assistants, and hospital records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0212

SYSTEM NAME:

Clinical Research: Neuroscience Research Center Patient Medical Records, HHS/NIH/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Neuroscience Research Center at Saint Elizabeths Hospital, William A. White Building, Room 144, 2700 Martin Luther King, Jr., Avenue, SE., Washington, DC 20032, and at private organizations under contract. A list of specific sites is available from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registered clinical research patients and some individuals not registered as patients but seen for diagnostic tests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient and outpatient medical clinical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act, section 301 (42 U.S.C. 241), ''Research and Investigation,'' and Section 321 (42 U.S.C. 248), ''Hospital.''

PURPOSE(S):

(1) To provide a continuous history of the treatment afforded individual patients in the National Institute of Mental Health Neuroscience Research Center.

(2) To provide a data base for the clinical research conducted at the Neuroscience Research Center.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. Social work staff may give pertinent information to community agencies to assist patients for their families.

3. Referring physicians receive medical information for continuing patient care after discharge.

4. Information regarding diagnostic problems, or having unusual scientific value may be disclosed to appropriate medical research organizations or consultants in connection with treatment of patient or in order to accomplish the research purposes of this system. For example, tissue specimens may be sent to the Armed Forces Institute of Pathology; x-rays may be sent for the opinion of a radiologist with extensive experience in a particular kind of diagnostic radiology. The recipients are required to maintain Privacy Act safeguards with respect to these records.

5. Records may be disclosed to representative of the Joint Commission on Accreditation of Hospitals conducting inspections to ensure that the quality of the Neuroscience Research Center Program medical recordkeeping meets established standards.

6. Certain infectious diseases are reported to government jurisdictions as required by law.

7. Medical information may be disclosed to tumor registries for maintenance for health statistics.

8. The Department contemplates that it may contract with a private firm for transcribing, updating, copying or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the requirements of the Privacy Act with respect to such records.

9. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operation of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending a claim against the Public Health Service based upon an individual's metal or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, disclosure may be made to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders and/or on microfiche, and on computer tapes. Files are stored in locked file cabinets or locked rooms.

RETRIEVABILITY:

The records are retrieved by hospital number and patient name.

SAFEGUARDS:

1. *Authorized users:* Employees maintaining records in this system are instructed to grant regular access only to physicians and dentists and other health care professionals officially participating in patient care and to contractors or to NIMH researchers specifically authorized by the system manager.

2. *Physical safeguard:* All record facilities are locked when system personnel are not present.

3. *Procedural safeguards:* Access to files is strictly controlled by the system manager. Records may be removed only by system personnel following receipt of a request signed by authorized user. Access to computerized records is controlled by the use of security codes known only to the authorizer user. Codes are user- and function-specific. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records in this system are instructed to make no disclosure of the records except as authorized by the system manager.

4. *Implementation guidelines:* DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual, and Part 6, ''ADP System Security'' in the HHS Information Resource Management Manual.

RETENTION AND DISPOSAL:

Records are retained for 20 years after last discharge or upon death of a patient and then transferred to the Washington National Records Center, where they are retained until 30 years after discharge or death.

SYSTEM MANAGER(S) AND ADDRESS:

Clinical Director, Neuroscience Research Center, Division of Intramural Research Programs, National Institute of Mental Health, Saint Elizabeths Hospital, Room 133, William A. White Building, 2700 Martin Luther King Jr., Avenue, SE., Washington, DC 20032.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System manager at the address above. An individual or a legally authorized representative may learn if a record exists about that individual upon written request with notarized signature. The request should include: (a) Full name or any alias used, (b) social security number, and (c) approximate time of participation in the hospital/project.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a family physician or health professional (other than a family member) to whom the record will be released. The representative must verify relationship to the individual as well as his/her own identity.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosures of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought and the reasons for correcting the information, along with supporting justification to show how the record is inaccurate, incomplete, or irrelevant.

RECORD SOURCE CATEGORIES:

Referring physicians, other medical facilities (with patient's consent), patients, relatives of patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

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January 20, 1995

Part III

Department of Health and Human Services

Office of Community Services

Request for Applications Under the Office of Community Services' Fiscal Year 1995 Community Food and Nutrition Program; Notice

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

[Program Announcement No. OCS 95–02]

Request for Applications Under the Office of Community Services' Fiscal Year 1995 Community Food and Nutrition Program

AGENCY: Office of Community Services, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for applications under the Office of Community Services' Community Food and Nutrition Program.

SUMMARY: The Office of Community Services (OCS) announces that competing applications will be accepted for new grants pursuant to the Secretary's discretionary authority under Section 681A of the Community Services Block Grant Act of 1981 as amended. This Program Announcement contains forms and instructions for submitting an application. Grants made under this Program Announcement are subject to the availability of funds for support of these activities.

CLOSING DATE: The closing date for submission of applications is March 21, 1995.

FOR FURTHER INFORMATION CONTACT: Joseph Carroll, Program Manager, Office of Community Services, Division of Community Demonstration Programs, Attention: CFN Programs, 370 L'Enfant Promenade S.W., Washington, D.C. 20447, (202) 401–9233.

This Announcement is accessible on the OCS Electronic Bulletin Board for downloading through your computer modem by calling 1–800–627–8886. For assistance in accessing the Bulletin Board, *A Guide to Accessing and Downloading* is available from Ms. Minnie Landry at (202) 401–5309.

Table of Contents

Part A—Preamble

1. Legislative Authority

The Community Services Block Grant Act as amended authorizes the Secretary of Health and Human Services to make funds available under several programs to support program activities which will result in direct benefits targeted to low-income people. This Program Announcement covers the grant authority found at Section 681A, Community Food and Nutrition, which authorizes the Secretary to make funds available for grants to be awarded on a competitive basis to eligible entities for local and statewide programs (1) to coordinate existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income communities; (2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate new programs in underserved or unserved areas; and (3) to develop innovative approaches at the State and local levels to meet the nutrition needs of low-income people.

The Act also requires that 20 percent of appropriated funds in excess of $6 million be awarded on a competitive basis to eligible agencies for nationwide programs, including programs benefitting Native Americans and Migrant Farmworkers.

2. Definitions of Terms

For purposes of this Program Announcement the following definitions apply:

—Displaced worker: An individual who is in the labor market but has been unemployed for six months or longer.

—Indian tribe: A tribe, band, or other organized group of Native American Indians recognized in the State or States in which it resides or considered by the Secretary of the Interior to be an Indian tribe or an Indian organization for any purpose.

—Innovative project: One that departs from or significantly modifies past program practices and tests a new approach.

—Migrant Farmworker: An individual who works in agricultural employment of a seasonal or other temporary nature who is required to be absent from his/her place of permanent residence in order to secure such employment.

—Seasonal farmworker: Any individual employed in agricultural work of a seasonal or other temporary nature who is able to remain at his/her place of permanent residence while employed.

—Underserved area (as it pertains to child nutrition programs): A locality in which less than one-half of the low-income children eligible for assistance participate in any child nutrition program.

—Budget Period: The term ''budget period'' refers to the interval of time into which a grant period of assistance (project period) is divided for budgetary and funding purposes.

—Eligible Entity: States and other public and private non-profit agencies/organizations including Community Action Agencies and agencies which administer nationwide programs. (see Part B.1.)

—Project Period: The term ''project period'' refers to the total time for which a project is approved for support, including any approved extensions.

—Self-Sufficiency: A condition where an individual or family does not need and is not eligible for public assistance.

3. Purpose of Community Food and Nutrition Program

The Department of Health and Human Services is committed to improving the overall health and nutritional well-being of individuals through improved preventive health care and promotion of personal responsibility. The Department encourages the approach to health promotion and nutritional responsibility

with personal messages aimed at families and communities, in various settings and environments in which individuals and groups can most effectively be reached.

The Department is specifically interested in improving the health and nutrition status of low-income persons through improved access to healthy nutritious foods or by other means. HHS encourages community efforts to improve the coordination and integration of health and social services for all low-income families, and to identify opportunities for collaborating with other programs and services for this population. Such collaboration can increase a community's capacity to leverage resources and promote an integrated approach to health and nutrition through existing programs and services.

a. Project Requirements

Projects funded under this program should:

(1) Be designed and intended to provide nutrition benefits, including those which incorporate the benefits of disease prevention, to a targeted low-income group of people;

(2) Provide outreach and public education to inform eligible low-income individuals and families of other nutritional services available to them under the various Federally assisted programs;

(3) Carry out targeted communications/social marketing to improve dietary behavior and increase program participation among eligible low-income populations. Populations to be targeted can include displaced workers, elderly people, children, and the working poor.

(4) Consult with and/or inform local offices that administer other food programs such as W.I.C. and Food Stamps, where applicable, to ensure effective coordination which can jointly target services to increase their effectiveness. Such consultation may include involving these offices in the planning of grant applications.

(5) Focus on one or more legislatively mandated program activities: (a) Coordination of existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income populations; (b) assistance to low-income communities in identifying potential sponsors of child nutrition programs and initiating new programs in unserved or underserved areas; and (c) development of innovative approaches at the state or local levels to meet the nutrition needs of low-income people. OCS views this program as a capacity building program, rather than as a service delivery program.

Part B—Application Requirements

1. Eligible Applicants

Eligible applicants are States and public and private non-profit agencies/organizations with a demonstrated ability to successfully develop and implement programs and activities similar to those enumerated above. OCS encourages Historically Black Colleges and Universities and Minority Institutions to submit applications. In addition, applicants for the set-aside must be either: (1) Indian tribes, (2) private non-profit groups whose governing board is comprised of a majority of Indians and whose primary purpose is serving Indian populations, or (3) groups whose sole purpose is serving migrant and seasonal farmworker populations.

Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Services's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS tax code *or* by providing a copy of the currently valid IRS tax exemption certificate *and* by providing a copy of the applicant's Articles of Incorporation bearing the seal of the State in which the corporation or association is domiciled.

2. Availability of Funds and Grant Amounts

a. FY 95 Funding

The funds available for grant awards under the CFN Program in FY 95 are:

General Projects	$2,970,400
Set-Asides	500,000
Nationwide Programs	535,200

b. Grant Amounts

No individual grant application will be considered for an amount which is in excess of $50,000 for applications submitted under General Projects and Set-Asides. No eligible organization may receive more than $300,000 in the aggregate for a nationwide program.

c. Mobilization of Resources

OCS would like to mobilize as many resources as possible to enhance projects funded under this program. OCS supports and encourages applications submitted by applicants whose programs will leverage other resources, either cash or third-party in-kind.

3. Project Periods and Budget Periods

For most projects OCS will grant funds for one year. However, in rare instances, depending on the characteristics of any individual project and on the justification presented by the applicant in its application, a grant may be made for a period of up to 17 months.

4. Administrative Costs/Indirect Costs

There is no administrative cost limitation for projects funded under this program. Indirect costs consistent with approved Indirect Cost Rate Agreements are allowable. Applicants should enclose a copy of the current approved rate agreement. However, it should be understood that indirect costs are part of, and not in addition to, the amount of funds awarded in the subject grant.

5. Program Beneficiaries

Projects proposed for funding under this Announcement must result in direct benefits targeted toward low-income people as defined in the most recent Annual Update of Poverty Income Guidelines published by DHHS. Attachment A to this Announcement is an excerpt from the most recently published guidelines. Annual revisions of these guidelines are normally published in the **Federal Register** in February or early March of each year and are applicable to projects being implemented at the time of publication. Grantees will be required to apply the most recent guidelines throughout the project period. The **Federal Register** may be obtained from public libraries, Congressional offices, or by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. They also will be accessible on the OCS Electronic Bulletin Board. (See ''For Further Information Contact'' section at the beginning of this document.) No other government agency or privately defined poverty guidelines are applicable to the determination of low-income eligibility for this OCS program.

6. Number of Projects in Application

An application may contain only one project and this project must address the basic criteria found in Part C. Applications which are not in compliance with these requirements will be ineligible for funding.

7. Multiple Submittal

There is no limit to the number of applications that can be submitted as long as each application contains a proposal for a different project.

However, no applicant can receive more than one grant.

8. Sub-Contracting or Delegating Projects

OCS will not fund any project where the role of the eligible applicant is primarily to serve as a conduit for funds to other organizations.

Part C—Program Priority Areas

1. General Projects—FN

The application should include a description of the target area and population to be served as well as a discussion of the nature and extent of the problem to be solved. The application must contain a detailed and specific work program that is both sound and feasible. Projects funded under this Announcement must produce permanent and measurable results that fulfill the purposes of this program as described above. The OCS grant funds, in combination with private and/or other public resources, must be targeted to low-income individuals and communities.

Applicants will certify in their submission that projects will only serve the low-income population as stipulated in the DHHS Poverty Income Guidelines (Attachment A). Failure to comply with the income guidelines may result in the application being ineligible for consideration for funding.

If an applicant is proposing a project which will affect a property listed in or eligible for inclusion in the National Register of Historic Places, it must identify this property in the narrative and explain how it has complied with the provisions of Section 106 of the National Historic Preservation Act of 1966 as amended. If there is any question as to whether the property is listed in or eligible for inclusion in the National Register of Historic Places, applicant should consult with the State Historic Preservation Officer. The applicant should contact OCS early in the development of its application for instructions regarding compliance with the Act and data required to be submitted to the Department of Health and Human Services.

In the case of projects proposed for funding which mobilize or improve the coordination of existing public and private food assistance resources, the guidelines governing those resources apply. However, in the case of projects providing direct assistance to beneficiaries through grants funded under this program, beneficiaries must fall within the official DHHS Poverty Income Guidelines as set forth in Attachment A.

Applications which propose the use of grant funds for the development of any printed or visual materials must contain convincing evidence that these materials are not available from other sources. OCS will not provide funding for such items if justification is not sufficient. Approval of any films or visual presentations proposed by applicants approved for funding will be made part of the grant award. In cases where material outlays for equipment (audio and visual) are requested, specific evidence must be presented that there is a definite programmatic connection between the equipment (audio and visual) usage and the outreach requirements described in Part A.3.a of this Announcement.

OCS is also interested in projects that address the needs of homeless families and welcomes project proposals which seek to develop innovative approaches to promote health, and nutritional awareness among low-income populations.

2. Set-Asides—SA

In recognition of the special needs of Indians and Migrant and Seasonal Farmworkers, a set-aside will be established to afford priority consideration to proposals submitted by agencies serving these populations. Proposed Projects must meet the requirements of Part C.1. Applications which are not funded within this set-aside will also be considered competitively within the larger pool of eligible applicants. See Part D, Criteria II and III, for additional guidance on developing a work program.

3. Nationwide Programs—NA

Projects funded must be nationwide in scope and must meet the requirements of Part C.1 (General Projects). No eligible organization may receive more than $300,000 in the aggregate for a nationwide program.

Part D—Review Criteria

Applications which pass the initial screening and pre-rating review (See Part F, Section 5) will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and weaknesses under each applicable criterion published in the Announcement.

The in-depth evaluation and review process will use the following criteria coupled with the specific requirements as described in Part F.

When writing their Project Narrative applicants should respond to the review criteria using the same sequential order.

(**Note:** The following review criteria reiterate the information requirements contained in Part B of this Announcement. These requirements are approved under OMB Control Number 0970–0062.)

Criteria for Review and Evaluation of Applications Submitted Under This Program Announcement

Criterion I: Analysis of Needs/Priorities (Maximum: 10 Points)

(a) Target area and population to be served are adequately described (0–4 points).

In addressing the above criterion, the applicant should include the following:

The applicant should include a description of the target area and population to be served including specific details on any minority population(s) to be served.

(b) Nature and extent of problem(s) and/or need(s) to be addressed are adequately described and documented (0–6 points).

In addressing the above criterion, the applicant should include the following:

Applicant should discuss the nature and extent of the problem(s) and/or need(s), including specific information on minority population(s).

Criterion II: Adequacy of Work Program (Maximum: 25 Points)

(a) Realistic quarterly time targets are set forth by which the various work tasks will be completed (0–10 points).

(b) Activities are adequately described and appear reasonably likely to achieve results which will have a desired impact on the identified problems and/or needs (0–15 points).

In addressing the above criterion, the applicant should include the following:

The applicant should address the basic criteria and legislatively-mandated activities found in Part A.3.a and should include:

(a) Project priorities and rationale for selecting them which relate to the specific nutritional problem(s) and/or need(s) of the target population which were identified under Criterion I;

(b) Goals and objectives which speak to the(se) problem(s) and/or need(s); and

(c) Project activities which if successfully carried out can be reasonably expected to result in the achievement of these goals and objectives.

Criterion III: Significant and Beneficial Impact (Maximum 30 Points)

(a) Applicant proposes to significantly improve or increase nutrition services to low-income people and such

improvements or increases are quantified. (0–15 points).

(b) Project incorporates promotional health and social services activities for low-income people, along with nutritional services (0–5 points).

(c) Project will significantly leverage or mobilize other community resources and such resources are detailed and quantified (0–5 points).

(d) Proposal addresses (a) problem(s) which can be resolved by one-time OCS funding or demonstrates that non-Federal funding is available to continue the project without Federal support (0–5 points).

In addressing the above criterion, the applicant must include: quantitative data for items (a), (b), and (c), and discuss how the beneficial impact relates to the relevant legislatively-mandated program activities identified in Part A.3.a. and the Problems and/or Needs described under Criterion I.

Criterion IV: Coordination/Services Integration (Maximum 15 Points)

(a) Proposal shows evidence of coordinated community-based planning in its development, including strategies in the Work Program to carry on activities in collaboration with other locally funded Federal programs (such as HHS health and social services and USDA Food and Consumer Service programs) in ways that will eliminate duplication and will, for example, 1) unite funding streams at the local level to increase program outreach and effectiveness, 2) facilitate access to other needed social services by coordinating and simplifying intake and eligibility certification processes for clients, or 3) bring project participants into direct interaction with holistic family development resources in the community where needed. (0–10 points)

(b) Community Empowerment Consideration—Special consideration will be given to applicants who are located in areas which are characterized by poverty and other indicators of socio-economic distress such as a poverty rate of at least 20%, designation as an Empowerment Zone or Enterprise Community, high levels of unemployment, and high levels of incidences of violence, gang activity, crime, or drug use. Applicants should document that they were involved in the preparation and planned implementation of a comprehensive community-based strategic plan to achieve both economic and human development in an integrated manner. (0–5 points)

If the applicant is receiving funds from the State for community food and nutrition activities, the applicant should address how the funds are being utilized, and how they will be coordinated with the proposed project to maximize the effectiveness of both. If State funds are being used in the project for which OCS funds are being requested, their usage should be specifically described.

Criterion V: Organization Experience in Program Area and Staff Responsibilities (Maximum 15 Points)

(a) Organizational experiences in program area (0–5 points). Documentation provided indicates that projects previously undertaken have been relevant and effective and have provided permanent benefits to the low-income population. Organizations which propose providing training and technical assistance have detailed competence in the specific program priority area and as a deliverer with expertise in the fields of training and technical assistance. If applicable, information provided by these applicants also addresses related achievements and competence of each cooperating or sponsoring organization.

(b) Management History (0–5 points).

Applicants must demonstrate their ability to implement sound and effective management practices and if they have been recipients of other Federal or other governmental grants, they must also document that they have consistently complied with financial and program progress reporting and audit requirements. Such documentation may be in the form of references to any available audit or progress reports and should be accompanied by a statement by a Certified or Licensed Public Accountant as to the sufficiency of the applicant's financial management system to protect adequately any Federal funds awarded under the application submitted.

(c) Staffing skills, Resources and Responsibilities (0–5 points).

The application adequately describes the experience and skills of the proposed project director showing that the individual is not only well qualified, but that his/her professional capabilities are relevant to the successful implementation of the project. If the key staff person has not yet been identified, the application contains a comprehensive position description which indicates that the responsibilities to be assigned to the project director are relevant to the successful implementation of the project. The application must indicate that the applicant has adequate facilities and resources (i.e. space and equipment) to successfully carry out the work plan.

In addressing the above criterion, the applicant should include the following:

The applicant must clearly show that sufficient time of the Project Director and other senior staff will be budgeted to assure timely implementation and oversight of the project and that the assigned responsibilities of the staff are appropriate to the tasks identified for the project.

Criterion VI: Adequacy of Budget (Maximum: 5 Points)

(a) Budget is adequate and administrative costs are appropriate in relation to the services proposed (0–5 points).

Part E—Instructions for Completing Application Package

(Approved by the OMB under Control Number 0970–0062)

The standard forms attached to this Announcement shall be used when submitting applications for all funds under this Announcement.

It is recommended that you reproduce single-sided copies of the SF–424, SF–424A and SF–424B, and type your application on the copies. Please prepare your application in accordance with instructions provided on the forms as well as with the OCS specific instructions set forth below:

1. SF–424—Application for Federal Assistance

Top of Page. Please enter the single priority area designation under which the application is being submitted. An application should be submitted under only one priority area.

Item 1. For the purposes of this announcement, all projects are considered *Applications*; there are no *Pre-Applications.*

Item 2. *Date Submitted* and *Applicant Identifier*—Date application is submitted to ACF and applicant's own internal control number, if applicable.

Item 3. *Date Received by State*—N/A

Item 4. *Date Received by Federal Agency*—Leave blank.

Items 5 and 6. The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous Department of Health and Human Services grantee, enter the Central Registry System Employee Identification Number (CRS/EIN) and the Payment Identifying Number, if one has been assigned, in the Block entitled *Federal Identifier* located at the top right hand corner of the form.

Item 7. If the applicant is a non-profit corporation, enter *N* in the box and specify *non-profit corporation* in the space marked *Other.* Proof of non-profit

status, such as IRS certification, Articles of Incorporation, or By-laws, must be included as an appendix to the project narrative.

Item 8. *Type of Application*—Please check ''new'' application.

Item 9. Enter *DHHS-ACF/OCS.*

Item 10. The Catalog of Federal Domestic Assistance number for the OCS program covered under this announcement is *93.571.* The title is Community Services Block Grant Discretionary Awards—*Community Food and Nutrition Program.*

Item 11. In addition to a brief descriptive title of the project, indicate the priority area for which funds are being requested. Use the following letter designations:

FN—General Projects
SA—Projects where Migrant and Seasonal Farmworker organizations and Indian Tribes or Indian organizations are applying specifically for set-aside funds described in Part B
NP—Grants to organizations with nationwide programs

Item 12. *Areas Affected by Project*—List only the largest unit or units affected, such as State, county or city.

Item 13. *Proposed Project*—The ending date should be calculated based on a 12-month project period.

Item 14. *Congressional District of Applicant/Project*—Enter the number of the Congressional District where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located.

Item 15a. For purposes of this Announcement, this amount should reflect the amount requested for the entire project period.

Item 15b–e. These items should reflect both cash and third-party in-kind contributions for the total project period.

Item 15f. N/A

Item 15g. Enter the sum of Items 15a–15e.

2. SF–424A—''Budget Information-Non-Construction Programs''

See Instructions accompanying this page as well as the instructions set forth below:

In completing these sections, the *Federal Funds* budget entries will relate to the requested OCS Community Food and Nutrition Program funds only, and *Non-Federal* will include mobilized funds from all other sources—applicants, State, and other. Federal funds other than those requested from the Community Food and Nutrition Program should be included in *Non-Federal* entries.

Sections A and D of SF–424A must contain entries for both Federal (OCS) and non-Federal (mobilized funds).

Section A—Budget Summary

Line 1–4
Col. (a):

Line 1—Enter *OCS Community Food and Nutrition Program*; Col. (b):

Line 1—Enter *93.571.*

Col. (c) and (d): Not Applicable
Col. (e)–(g):

For each line 1–4, enter in columns (e), (f) and (g) the appropriate amounts needed to support the project for the entire project period.

Line 5—Enter the figures from Line 1 for all columns completed, (e), (f), and (g).

Section B—Budget Categories

This section should contain entries for OCS funds only. For all projects, the first budget period of 12 months will be entered in Column #1.

Allocability of costs is governed by applicable cost principles set forth in 45 CFR Parts 74 and 92.

Budget estimates for administrative costs must be supported by adequate detail for the grants officer to perform a cost analysis and review. Adequately detailed calculations for each budget object class are those which reflect estimation methods, quantities, unit costs, salaries, and other similar quantitative detail sufficient for the calculation to be duplicated. For any additional object class categories included under the object class *other* identify the additional object class(es) and provide supporting calculations.

Supporting narratives and justifications are required for each budget category, with emphasis on unique/special initiatives; large dollar amounts; local, regional, or other travel; new positions; major equipment purchases; and training programs.

A detailed itemized budget with a separate budget justification for each major item should be included as indicated below:

Line 6a—Personnel: Enter the total costs of salaries and wages.

Justification

Identify the project director. Specify by title or name the percentage of time allocated to the project, the individual annual salaries and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Line 6b—Fringe Benefits: Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on line 6j.

Justification

Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Line 6c—Travel: Enter total cost of all travel by employees of the project. Do not enter costs for consultant's travel.

Justification

Include the name(s) of traveler(s), total number of trips, destinations, length of stay, mileage rate, transportation costs and subsistence allowances.

Line 6d—Equipment: Enter the total costs of all non-expendable personal property to be acquired by the project. ''Non-expendable personal property'', means tangible personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit.

Justification

Equipment to be purchased with Federal funds must be required to conduct the project, and the applicant organization or its subgrantees must not already have the equipment or a reasonable facsimile available to the project.

Line 6e—Supplies: Enter the total costs of all tangible personal property (surplus) other than that included on line 6d.

Line 6f—Contractual. Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations including delegate agencies and specific project(s) or businesses to be financed by the applicant.

Justification

Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and selection process of the awards as part of the budget justification. Also provide back-up documentation identifying the name of contractor, purpose of contract, and major cost elements.

Note: Whenever the applicant/grantee intends to delegate part of the program to another agency, the applicant/grantee must submit Sections A and B of this Form SF–424A, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions.

The total costs of all such agencies will be part of the amount shown on Line 6f. Provide draft Request for Proposal in accordance with 45 CFR Part 74, Appendix H. Free and open

competition is encouraged for any procurement activities planned using ACF grant funds, and is required for any procurement that exceeds $25,000.

Line 6g—Construction: Not applicable.

Line 6h—Other: Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs (noncontractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Line 6j—Indirect Charges: Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services or other Federal agencies.

If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent *DHHS Guide for Establishing Indirect Cost Rates*, and submit it to the appropriate DHHS Regional Office. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool cannot be also budgeted or charged as direct costs to the grant. Indirect costs consistent with approved Indirect Cost Rate Agreements are allowable.

Line 6k—Totals. Enter the total amounts of Lines 6i and 6j.

Line 7—Program Income: Enter the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from OCS support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement.

Justification

Describe the nature, source and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources

This section is to record the amounts of *Non-Federal* resources that will be used to support the project. *Non-Federal* resources mean other than OCS funds for which the applicant has received a commitment. Provide a brief explanation, on a separate sheet, showing the type of contribution, broken out by Object Class Category, (See Section B.6) and whether it is cash or third-party in-kind. The firm commitment of these required funds must be documented and submitted with the application in order to be given credit in the criterion.

Except in unusual situations, this documentation must be in the form of letters of commitment or letters of intent from the organization(s)/individuals from which funds will be received.

Line 8—Grant Program

Col. (a): Enter the project title.

Col. (b): Enter the amount of cash or donations to be made by the applicant.

Col. (c): Enter the State contribution.

Col. (d): Enter the amount of cash and third party in-kind contributions to be made from all other sources.

Col. (e): Enter the total of columns (b), (c), and (d).

Lines 9, 10, and 11 should be left blank.

Line 12—Carry the total of each column of Line 8, (b) through (e). The amount in Column (e) should be equal to the amount on Section A, Line 5, Column (f).

Justification

Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs

Line 13—Federal: Enter the amount of Federal (OCS) cash needed for this grant, by quarter, during the 12 month budget period.

Line 14—Non-Federal: Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Totals: Enter the total of Lines 13 and 14.

Section F—Other Budget Information

Line 21—Direct Charges: Include narrative justification required under Section B for each object class category for the total project period.

Line 22—Indirect Charges: Enter the type of HHS or other Federal agency approved indirect cost rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date the rate was approved, where applicable. Attach a copy of the approved rate agreement.

Line 23—Provide any other explanations and continuation sheets required or deemed necessary to justify or explain the budget information.

3. SF–424B ''Assurances Non-Construction''

All applicants must sign and return the ''Assurances'' with the application.

4. Project Narrative

Each narrative should include the following major Sections:

a. Analysis of Need
b. Project Design (Work Programs)
c. Organizational Experience in Program Areas
d. Management History
e. Staffing and Resources
f. Staff Responsibilities

The project narrative must address the specific purposes mentioned in Part A of this Program Announcement. The narrative should provide information on how the application meets the evaluation criteria in part D of this Program Announcement.

Part F—Application Procedures

1. Availability of Forms

Applications for awards under this OCS program must be submitted on Standard Forms (SF) 424, 424A, and 424B. Part E and attachment B to this Program Announcement contain all the instructions and forms required for submittal of applications. The forms may be reproduced for use in submitting applications. Copies of the **Federal Register** containing this Announcement are available at most local libraries and Congressional District Offices for reproduction. They are also available for downloading from OCS' Electronic Bulletin Board. If copies are not available at these sources they may be obtained by writing or telephoning the office listed in the section entitled ''For Further Information'' at the beginning of this Announcement.

2. Application Submission

a. *Deadlines.* Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date at the Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., 6th Floor, Washington, DC 20447, or

(2) Sent on or before the deadline date and received by ACF in time for the independent review. Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private Metered postmarks shall not be acceptable as proof of timely mailing.

b. *Applications submitted by other means.* Applications which are not submitted in accordance with the above criteria shall be considered as meeting the deadline only if they are physically received before the close of business on or before the deadline date. Hand delivered applications are accepted during the normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date at: at the Administration for Children and Families, Division of Discretionary Grants, 6th Floor, ACF Guard Station, 901 D Street, SW., Washington, DC 20447.

c. *Late Applications.* Applications which do not meet one of these criteria are considered late applications. The ACF Division of Discretionary Grants will notify each late applicant that its application will not be considered in this competition.

d. *Extension of Deadline.* The ACF Office of Community Services may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc. or when there is a disruption of the mails. However, if the granting agency does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

Applications once submitted are considered final and no additional materials will be accepted .

One signed original application and four copies are required.

Note: Applicants should note that the U.S. Postal Service does not uniformly provide a dated post mark. Before relying on this method, applicants should check with their local post office. In some instances packages presented for mailing after a pre-determined time are postmarked with the next day's date. In other cases, postmarks are not routinely placed on packages. Applicants are cautioned to verify that there is a date on the package, and that it list the correct date of mailing, before accepting a receipt. Private metered postmarks are not acceptable as proof of timely mailing.

Applications which have a postmark later than the closing date, or which are hand-delivered after the closing date, will be returned to the sender without consideration in the competition.

3. Intergovernmental Review

This program is covered under Executive Order 12372, *Intergovernmental Review of Federal Programs*, and 45 CFR Part 100, *Intergovernmental Review of Department of Health and Human Services Programs and Activities.* Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, South Dakota, Virginia, Washington, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these nineteen jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline date to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 6th Floor, 370 L'Enfant Promenade, SW Washington, DC 20447.

A list of the Single Points of Contact for each State and Territory is included as Attachment E of this Announcement.

4. Application Consideration

Applications which meet the screening requirements in Section 5 below will be reviewed competitively. Such applications will be referred to reviewers for a numerical score and explanatory comments based solely on responsiveness to program guidelines and evaluation criteria published in this Announcement. Applications will be reviewed by persons outside of the OCS unit which would be directly responsible for programmatic management of the grant. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered. Applications will generally be considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding since the Director may also consider other factors deemed relevant including, but not limited to, the timely and proper completion of projects funded with OCS funds granted in the last five (5) years: comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicants; compliance with grant terms under previous DHHS grants; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on OCS or other Federal agency grants. OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to ascertain the applicant's performance record.

5. Criteria for Screening Applications

a. Initial Screening

All applications that meet the published deadline for submission will be screened to determine completeness and conformity to the requirements of this Announcement. Only those applications meeting the following requirements will be reviewed and evaluated competitively. Others will be returned to the applicants with a notation that they were unacceptable.

(1) The application must contain a completed and signed Standard Form SF–424.

(2) The SF–424 must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally.

b. Pre-rating Review

Applications which pass the initial screening will be forwarded to reviewers for analytical comment and scoring based on the criteria detailed in the Section below and the specific requirements contained in Part A of this Announcement. Prior to the programmatic review, these reviewers and/or OCS staff will verify that the applications comply with this program announcement in the following areas:

(1) *Eligibility:* Applicant meets the eligibility requirements found in Part B.

(2) *Number of Projects:* The application contains only one project.

(3) *Target Populations:* The application clearly targets the specific outcomes and benefits of the project to low-income participants and beneficiaries as defined in the DHHS

Poverty Income Guidelines (Attachment A).

(4) *Grant Amount:* The amount of funds requested does not exceed $50,000 (except for nationwide programs).

(5) *Program Focus:* The application addresses the purposes described in Part A of this Announcement.

c. Evaluation Criteria

Applications which pass the initial screening and pre-rating review will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and major weaknesses under each applicable criterion published in this Announcement.

Part G—Contents of Application and Receipt Process

(Approved by the OMB under Control Number 0970–0062)

1. Contents of Application

Each application submission must include:

A signed original and four additional copies of the application.

Each copy of the application must contain in the order listed each of the following:

a. *Table of Contents* with page numbers noted for each major section and subsection of the proposal and each section of the appendices. Each page in the application, including those in all appendices, must be numbered consecutively.

b. *''A Project Abstract''* (a succinct description of the project in 200 words or less.)

c. *Standard Form 424. Application for Federal Assistance.* The SF–424 should be completed in accordance with instructions provided with the form, as well as OCS specific instructions set forth in Part E of this Announcement. The SF–424 must contain an original signature of the certifying representative of the applicant organization.

Applicants must also be aware that the applicant's legal name as required in SF–424 (Item 5) *must match* that listed as corresponding to the Employer Identification Number (Item 6).

d. *Standard Form 424A, Budget Information.* Pages 1 and 2 should be completed.

e. *Standard Form 424B, Assurances—Non-Construction Programs.* Applicants requesting financial assistance for a non-construction project must file the Standard Form 424B, Assurances: ''Non-Construction Programs.'' Applicants must sign and return the Standard Form 424B with their applications.

f. *Restriction on Lobbying Activities*—Applicants must provide a certification concerning Lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their applications.

g. *Disclosure of Lobbying Activities*—SF–ILL: Fill out, sign and date form found at Attachment F, (required only if lobbying has actually taken place or is expected to take place in trying to obtain the grant for which the applicant is applying.)

h. *Project Narrative*—(See Part E, Section 3.)

i. Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

j. Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

The total number of pages for the narrative portion of the application package must not exceed 30 pages in their entirety. Applications must be uniform in composition since OCS may find it necessary to duplicate them for review purposes. Therefore, applications must be submitted on 8½ x 11 inch paper only. They must not include colored, oversized or folded materials, organizational brochures, or other promotional materials, slides, films, clips, etc., in the proposal. Such materials will be discarded if included.

Applications should be two-holed punched at the top center and fastened separately with a compressor slide paper fastener, such as an ACCO clip, or a binder clip.

While applications must be comprehensive, OCS encourages conciseness and brevity in the presentation of materials and cautions the applicant to avoid unnecessary duplication of information.

2. Acknowledgement of Receipt

An acknowledgement postcard will be mailed to all applicants with an identification number which will be noted on the acknowledgement. This number must be referred to in all subsequent communications with OCS concerning the application. If an acknowledgment is not received within three weeks after the deadline date, applicants must notify ACF by telephone (202) 401–9365. Applicant should also submit a mailing label for the acknowledgement card.

Part H—Post Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the budget period for which support is provided, and the terms and conditions of the award.

In addition to the General Conditions and Special Conditions (where the latter are warranted) which will be applicable to grants, grantees will be subject to the provisions of 45 CFR Parts 74 (non-governmental) and 92 (governmental) along with OMB Circular 122 and 87.

Grantees will be required to submit semi-annual progress and financial reports (SF–269) as well as a final progress and financial report.

Grantees are subject to the audit requirements in 45 CFR Parts 74 and 92.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes new prohibitions and requirements for disclosure and certification related to lobbying when applicant has engaged in lobbying activities or is expected to lobby in trying to obtain the grant. It provides limited exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using appropriated funds for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists, (2) to submit a declaration setting forth whether payments to lobbyists have been or will be made out of non-appropriated funds and, if so, the name, address, payment details, and purpose of any agreements with such lobbyists whom recipients or their subtier contractors or subgrantees will pay with the *nonappropriated* funds and (3) to file quarterly up-dates about the use of lobbyists if any event occurs that materially affects the accuracy of the information submitted by way of

declaration and certification. The law establishes civil penalties for noncompliance and is effective with respect to contracts, grants, cooperative agreements and loans entered into or made on or after December 23, 1989. See Attachment H for certification and disclosure forms to be submitted with the applications for this program.

Attachment G indicates the regulations which apply to all applicants/grantees under the Discretionary Grants Program.

Dated: January 13, 1995.

Donald Sykes,

Director, Office of Community Services.

ATTACHMENT A.—1994 POVERTY INCOME GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline
1	$7,360
2	9,840
3	12,320
4	14,800
5	17,280
6	19,760
7	22,240
8	24,720

For family units with more than 8 members, add $2,480 for each additional member.

POVERTY INCOME GUIDELINES FOR ALASKA

Size of family unit	Poverty Guideline
1	$9,200
2	12,300
3	15,400
4	18,500
5	21,600
6	24,700
7	27,800
8	30,900

For family units with more than 8 members, add $3,100 for each additional member.

POVERTY INCOME GUIDELINES FOR HAWAII

Size of family unit	Poverty guideline
1	$8,470
2	11,320
3	14,170
4	17,020
5	19,870
6	22,720
7	25,570
8	28,420

For family units with more than 8 members, add $2,850 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

BILLING CODE 4184–01–P

Attachment B

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	Preapplication
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address (*give city, county, state, and zip code*):

Name and telephone number of the person to be contacted on matters involving this application (*give area code*)

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

7. TYPE OF APPLICANT: (*enter appropriate letter in box*) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (*specify*):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ - ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (*cities, counties, states, etc.*):

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number

d. Signature of Authorized Representative	e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4184–01–C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.

—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.

—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplication, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

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BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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VerDate 01-MAR-95 12:07 Mar 07, 1995 Jkt 010199 PO 00000 Frm 00014 Fmt 4701 Sfmt 4703 E:\OKREPTS\R20JA3.XXX 20jan3

Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) Through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter total of Columns (b), (c), and (d).

Line 12—Enter the total for each Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the award; and will

establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

_____

Signature of authorized certifying official

_____

Title

_____

Applicant organization

_____

Date Submitted

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Attachment C

U.S. Department of Health and Human Services
Certification Regarding Drug-Free Workplace Requirements
Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"**Controlled substance**" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"**Conviction**" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"**Criminal drug statute**" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"**Employee**" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

Check ___ *if there are workplaces on file that are not identified here.*

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

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Attachment D

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and believe that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction.'' provided below with modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions.'' without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Attachment E

Executive Order 12372—State Single Points of Contact

Arizona

Mrs. Janice Dunn, Attn: Arizona State Clearinghouse, 3800 N. Central Avenue, 14th Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315

Arkansas

Ms. Tracie L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 682–1074

California

Mr. Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480

Delaware

Ms. Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736–3326

District of Columbia

Mr. Rodney T. Hallman, State Single Point of Contact, Office of Grants Mgmt and Development, 717 14th Street N.W., Suite 500, Washington, D.C. 20005, Telephone (202) 727–6551

Florida

Florida State Clearinghouse, Intergovernmental Affairs Policy Unit, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Telephone (904) 488–8114

Georgia

Mr. Charles H. Badger, Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W., Room 534A, Atlanta, Georgia 30334, Telephone (404) 656–3855

Illinois

Mr. Steve Klokkenga, State Single Point of Contact, Office of the Governor, 107 Stratton Building, Springfield, Illinois 62706, Telephone (217) 782–1671

Indiana

Ms. Jean S. Blackwell, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–5610

Iowa

Mr. Steven R. McCann, Division of Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281–3725

Kentucky

Mr. Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601, Telephone (502) 564–2382

Maine

Ms. Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289–3261

Maryland

Ms. Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Telephone (301) 225–4490

Massachusetts

Ms. Karen Arone, State Clearinghouse, Executive Office of Communities and Development, 100 Cambridge Street, Room 1803, Boston, Massachusetts 02202, Telephone (617) 727–7001

Michigan

Mr. Richard S. Pastula, Director, Michigan Department of Commerce, Lansing, Michigan 48909, Telephone (517) 373–7356

Mississippi

Ms. Cathy Mallette, Clearinghouse Officer, Office of Federal Grant Management and Reporting, 301 West Pearl Street, Jackson, Mississippi 39203, Telephone (601) 949–2174

Missouri

Ms. Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751–4834

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone (702) 687–4065, Attn: Mr. Ron Sparks, Clearinghouse Coordinator

New Hampshire

Mr. Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271–2155

New Jersey

Mr. Gregory W. Adkins, Acting Director, Division of Community Resources, New Jersey Department of Community Affairs, Trenton, New Jersey 08625–0803, Telephone (609) 292–6613

Please direct correspondence and questions to:

Andrew J. Jaskolka, State Review Process, Division of Community Resources, CN 814, Room 609, Trenton, New Jersey 08625–0803, Telephone (609) 292–9025

New Mexico

Mr. George Elliott, Deputy Director, State Budget Division, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640, Fax (505) 827–3006

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, Office of the Secretary of Admin., N.C. State Clearinghouse, 116 W. Jones Street, Raleigh, North Carolina 27603–8003, Telephone (919) 733–7232

North Dakota

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, Office of Management and Budget, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone (701) 224–2094

Ohio

Mr. Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698

Rhode Island

Mr. Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656

Please direct correspondence and questions to:

Review Coordinator, Office of Strategic Planning

South Carolina

Omeagie Burgees, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734–0494

Tennessee

Mr. Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741–1676

Texas

Mr. Thomas Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778

Utah

Utah State Clearinghouse, Office of Planning and Budget, ATTN: Ms. Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535

Vermont

Mr. Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010

Wisconsin

Mr. William C. Carey, Federal/State Relations Office, Wisconsin Department of Administration, 101 South Webster Street, P.O. Box 7864, Milwaukee, Wisconsin 53707, Telephone (608) 266–0267

Wyoming

Ms. Sheryl Jeffries, State Single Point of Contact, Herachler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone (307) 777–7574

Guam

Mr. Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472–2285

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Norma Burgos/Jose E. Caro, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Telephone (809) 727–4444

Virgin Islands

Jose L. George, Director, Office of Management and Budget, No. 41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct correspondence to:

Ms. Linda Clarke, Telephone (809) 774–0750

Attachment F—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organization

_____

Date

BILLING CODE 4184–01–P

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*:	
Congressional District, *if known*:	**Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:	**b. Individuals Performing Services** *(including address if different from No. 10a) (last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:	13. Type of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply)*: ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16.	
Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:** _____ **Title:** _____ **Telephone No.:** _____ **Date:** _____

Federal Use Only: **Authorized for Local Reproduction Standard Form - LLL**

BILLING CODE 4184–01–C

Attachment G—DHHS Regulations Applying to All Applicants/Grantees Under the Community Food and Nutrition Program

Title 45 of the *Code of Federal Regulations:*

Part 16—Department of Grant Appeals Process

Part 74—Administration of Grants (non-governmental)

Part 74—Administration of Grants (state and local governments and Indian Tribal affiliates):

Sections

74.62(a) Non—Federal Audits
74.173 Hospitals
74.174(b) Other Nonprofit Organizations
74.304 Final Decisions in Disputes
74.710 Real Property, Equipment and Supplies
74.715 General Program Income

Part 75—Informal Grant Appeal Procedures

Part 76—Debarment and Suspension from Eligibility for Financial Assistance Subpart F—Drug Free Workplace Requirements

Part 80—Non-Discrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964

Part 81—Practice and Procedures for Hearings Under Part 80 of this Title

Part 83—Non-discrimination on the basis of sex in the admission of individuals to training programs

Part 84—Non-discrimination on the Basis of Handicap in Programs

Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance

Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (**Federal Register,** March 11, 1988)

Part 93—New Restrictions on Lobbying

Part 100—Intergovernmental Review of Department of Health and Human Services Programs and Activities

ATTACHMENT H

[Optional Checklist (for use of applicant only) to verify contents of application]

	Check
A. Application contains:	
1. Table of Contents	[ ]
2. A Project Abstract (no more than 200 words)	[ ]
3. Completed SF 424, Application for Federal Assistance	[ ]
4. Completed SF 424A, Budget Information—Non-construction Programs	[ ]
5. Signed SF 424B, Assurances—Non-Construction Programs	[ ]
6. A project narrative with the following components:	
a. Analysis of need	[ ]
b. Project design	[ ]
c. Organizational experience in program	[ ]
d. Management history	[ ]
e. Staffing and resources (resume or job description)	[ ]
f. Staff responsibilities	[ ]
7. Relevant portions of the organization's by-laws and articles of incorporation confirming eligibility	[ ]
8. A *signed* copy of Certification Regarding the Anti-Lobbying Provision	[ ]
9. A completed Disclosures of Lobbying Activities form, if appropriate	[ ]
10. A self-addressed mailing label which can be affixed to a postcard to acknowledge receipt of application	[ ]
B. Application does not exceed a total of 30 pages	[ ]
C. Application includes one original and four copies, printed on white 8½ by 11 inch paper	[ ]
D. Applicant is aware that the signing and submitting the application for funds under the CFN Program, it is certifying that it has read and understood the Federal Guidelines concerning a drug-free workplace and the debarment regulations set forth in attachments E and F respectively	[ ]

[FR Doc. 95–1364 Filed 1–19–95; 8:45 am]

BILLING CODE 4184–01–P

Friday
January 20, 1995

Part IV

Department of Education

Education Flexibility Partnership Demonstration Program; Notice

DEPARTMENT OF EDUCATION

Education Flexibility Partnership Demonstration Program

AGENCY: Department of Education.

ACTION: Notice inviting applications under the Education Flexibility Partnership Demonstration Program.

SUMMARY: The Secretary invites applications from State educational agencies (SEAs) under the Education Flexibility Partnership Demonstration program (Ed-Flex program), which is authorized by section 311(e) of the Goals 2000: Educate America Act (Pub. L. 103–227) (the Act). To help foster comprehensive education improvement in a State, the Secretary will grant up to six SEAs with approved Goals 2000 State improvement plans the authority to waive certain Federal statutory or regulatory requirements for the SEA, or for any local educational agency (LEA) or school within the State. SEAs desiring to participate in the Ed-Flex program must submit to the Secretary an application that meets the requirements of Section 311(e) of the Act.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: There is no specific deadline for transmittal of applications. However, because the Secretary is authorized to grant Ed-Flex status to only a limited number of States, SEAs are encouraged to submit their Ed-Flex applications as soon as possible. The Secretary will review applications as they are received in accordance with the criteria set forth in the Act.

ADDRESSES: Applications should be sent to Richard W. Riley, Secretary, U.S. Department of Education, Education Flexibility Partnership Demonstration Program, 600 Independence Avenue, S.W., Room 6300, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Thomas W. Fagan, U.S. Department of Education, 600 Independence Avenue, S.W., Portals Building, Room 4000, Washington, D.C. 20202–2110. Telephone: (202) 401–0039.

SUPPLEMENTARY INFORMATION: The Ed-Flex program is an educational flexibility demonstration program under which the Secretary may grant up to six SEAs the authority to waive certain Federal statutory or regulatory requirements applicable to one or more of the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 (ESEA)—Helping Disadvantaged Children Meet High Standards.

(2) Title II of the ESEA—Eisenhower Professional Development.

(3) Title IV of the ESEA—Safe and Drug-Free Schools and Communities.

(4) Title VI of the ESEA—Innovative Education Program Strategies.

(5) Part C of Title VII of the ESEA—Emergency Immigrant Education.

(6) the Carl D. Perkins Vocational and Applied Technology Education Act.[1]

The waiver authority is intended to assist SEAs and affected LEAs and schools in implementing State and local school improvement plans designed to help all children reach challenging academic standards.

To be eligible to apply under the Ed-Flex program, an SEA must serve an ''eligible State.'' Section 311(e)(3) of the Act defines an ''eligible State'' as one that: (1) Has developed a State improvement plan under Goals 2000 that is approved by the Secretary; and (2) waives State statutory or regulatory requirements relating to education, while holding LEAs or schools within the State that are affected by the waivers accountable for the performance of their students.

The Secretary will select for participation in the Ed-Flex program three States with a population of 3,500,000 or greater, and three States with a population of less than 3,500,000, as determined by the 1990 decennial census. For the purpose of this program, section 3(a)(14) of the Act defines ''State'' to include the 50 States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas Islands, the Republic of the Marshall Islands, and the Federated States of Micronesia.

Application Requirements and Criteria

I. When May an SEA Submit Its Ed-Flex Application?

An SEA serving an ''eligible State'' may submit its application at any time. The Secretary is prepared to review Ed-Flex applications as soon as they are received and to grant Ed-Flex waiver authority to an SEA whose application demonstrates a substantial promise of assisting the SEA and affected LEAs and schools in the State in carrying out comprehensive education reform and otherwise meeting the purposes of the Goals 2000: Educate America Act. An SEA that serves an ''eligible State'' and desires to participate in the program is encouraged to submit its Ed-Flex application as soon as possible because only six applicants may receive the Secretary's delegated waiver authority.

II. What Information Should Be Included in an SEA's Ed-Flex Application?

To be considered for participation in the Ed-Flex program, an SEA must serve an ''eligible State'' and submit to the Secretary an application demonstrating that the State has adopted an educational flexibility (Ed-Flex) plan that meets the requirements of section 311(e)(4) of the Act. Specifically, the Ed-Flex plan must: (1) Describe the process the SEA will use to evaluate applications from LEAs or schools requesting waivers of Federal statutory or regulatory requirements for covered programs, as well as State statutory or regulatory requirements relating to education; and (2) describe in detail the State statutory and regulatory requirements relating to education that the SEA will waive. An applicant must have the legal authority to grant waivers of the State requirements that it proposes to waive and agree to grant these waivers when it is appropriate to do so.

The Ed-Flex waiver authority is designed to facilitate a State's systemic reform efforts by giving the SEA the authority to waive certain Federal requirements that impede the ability of the SEA, or any LEA or school within the State, from carrying out State or local improvement plans developed under Title III of Goals 2000. Therefore, the Ed-Flex plan should be integrated with the State's improvement plan under Goals 2000. When developing its Ed-Flex plan, an SEA is encouraged to consult with the State panel that developed the State's Goals 2000 State improvement plan. An SEA that obtains approval of a pre-existing plan under section 306(q) of the Act is encouraged to consult with those responsible for developing the pre-existing plan.

III. What Criteria Will Be Used by the Secretary To Evaluate Ed-Flex Applications?

In accordance with section 311(e)(4)(B) of the Act, the Secretary will approve an Ed-Flex application only if he determines that the application demonstrates substantial promise of assisting the SEA and affected LEAs and schools within the State in carrying out comprehensive reform and meeting the purposes of the Act. Section 311(e)(4)(B) also provides that the Secretary will consider the

[1] The recently enacted Improving America's Schools Act of 1994 (P.L. 103–382) contains conforming amendments that were intended to replace the program references in the Goals 2000 legislation with the appropriate references in the reauthorized ESEA. However, in a technical drafting error, certain provisions of the ESEA bill were reorganized after the conforming amendments were drafted, without corresponding changes to the conforming amendments. The references above refer to the programs for which Congress intended waivers to be authorized.

following criteria in evaluating Ed-Flex partnership applications: (1) The comprehensiveness and quality of the State's Ed-Flex plan; (2) the ability of the plan to ensure accountability for the activities and goals described in the plan; (3) the significance of the State statutory or regulatory requirements relating to education that the State will waive; and (4) the quality of the SEA's process for approving applications for waivers of the covered Federal statutory or regulatory requirements and for monitoring and evaluating the results of the waivers. As stated previously, to be eligible to apply, an SEA must serve an ''eligible State''—that is, a State that (1) has developed a State improvement plan under Goals 2000 that is approved by the Secretary; and (2) waives State statutory or regulatory requirements relating to education, while holding LEAs or schools within the State that are affected by the waivers accountable for the performance of their students.

In preparing applications that address these statutory criteria, SEAs are encouraged to examine carefully the following questions:

- Did the SEA conduct effective public hearings or provide other means for broad-based public involvement in the development of the Ed-Flex plan? How has the SEA involved LEAs, schools, parents, community groups, and advocacy and civil rights groups in the development of the plan? Is there widespread commitment within the State for the Ed-Flex plan?
- To what extent would the Ed-Flex plan enhance the State's ability to carry out its Goals 2000 State improvement plan? How would waivers under the Ed-Flex plan reduce or eliminate barriers to the reform of teaching and learning and assist all children in reaching challenging academic standards? Has the State demonstrated that it would extend to LEAs and schools, to the greatest extent possible, the flexibility provided under the Ed-Flex program to help foster local systemic reform efforts?
- What is the likelihood that the SEA's process for granting waivers of Federal requirements to LEAs and schools will assist them in reaching specific, measurable educational goals?
- What State statutory and regulatory requirements relating to education would be waived, and why? What is the relationship between the State and Federal requirements for which the SEA might grant waivers?
- How would the implementation of the Ed-Flex plan facilitate bottom-up reform in LEAs and schools? What LEAs, schools, and student populations would be affected by the Ed-Flex plan? If some LEAs or schools would not be covered by the Ed-Flex plan, why not? What role would an LEA have in the waiver process if an individual school requests a waiver for the SEA?
- How would the SEA provide LEAs, parent organizations, advocacy or civil rights groups, and other interested parties in the State with notice and an opportunity to comment on proposed waivers of Federal requirements?
- How would the SEA's processes for monitoring LEAs and schools that have been granted waivers under the Ed-Flex authority and for evaluating the results of these waivers ensure that the LEAs and schools will be held accountable for the performance of all students affected by the waivers?
- To what extent do the timelines and benchmarks for implementing the Ed-Flex plan, monitoring LEAs and schools that have been granted waivers, and evaluating the results of the waivers granted provide a reasonable basis for measuring the progress of the SEA in achieving the goals of the Ed-Flex plan?

An SEA is not required to answer specifically each of these questions in its application. Rather, the questions have been provided as guidance to assist SEAs in the preparation of Ed-Flex applications that address the statutory criteria. The Secretary encourages SEAs to consider these issues or any other factors that may demonstrate that the conditions of section 311(e) of the Act have been met. There is not a particular application form that must be completed for this program.

IV. What Federal Statutory and Regulatory Requirements May an Ed-Flex Partnership State Waive?

Section 311(e)(2)(A) of the Act provides that an Ed-Flex Partnership State may waive certain statutory and regulatory requirements applicable to the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 (ESEA)—Helping Disadvantaged Children Meet High Standards.

(2) Title II of the ESEA—Eisenhower Professional Development.

(3) Title IV of the ESEA—Safe and Drug-Free Schools and Communities.

(4) Title VI of the ESEA—Innovative Education Program Strategies.

(5) Part C of Title VII of the ESEA—Emergency Immigrant Education.

(6) the Carl D. Perkins Vocational and Applied Technology Education Act.

The Ed-Flex Partnership State will not be authorized to waive any Federal statutory or regulatory requirement of the above-referenced programs or Acts relating to: (1) Maintenance of effort; (2) comparability of services; (3) the equitable participation of students and professional staff in private schools; (4) parental participation and involvement; and (5) the distribution of funds to States or to local educational agencies. In addition, Ed-Flex States will not be permitted to waive Federal civil rights requirements or Federal health and safety requirements.

V. What is the Duration of the Ed-Flex Waiver Authority?

The Secretary will approve an SEA's Ed-Flex waiver authority for up to five years. The period may be extended if the SEA's authority to grant waivers has been effective in enabling the State or affected LEAs or schools to carry out their reform plans. In addition, the Secretary may terminate the waiver authority at any time if he determines, after notice and opportunity for hearing, that an SEA's performance has been inadequate to justify the continuation of the waiver authority.

Paperwork Reduction Act of 1980

This notice involves information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of the application requirements and selection criteria to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h)).

SEAs are eligible to apply for the waiver authority under this program. The Department needs and uses the information in determining which States will be designated as Ed-Flex Partnership States under this program. The public reporting burden for this collection of information is estimated to average 80 hours per response for approximately 50 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10325, New Executive Office Building, Washington, D.C. 20503; Attention: Daniel J. Chenok.

Dated: January 13, 1995.

Richard W. Riley,

Secretary of Education.

[FR Doc. 95–1418 Filed 1–19–95; 8:45 am]

BILLING CODE 4000–01–P

federal register

Friday
January 20, 1995

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Public and Indian Housing

NOFA for the Traditional Indian Housing Development Program for Fiscal Year 1995; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–95–3843; FR–3769–N–01]

NOFA for the Traditional Indian Housing Development Program for Fiscal Year 1995

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability (NOFA) for fiscal year 1995.

SUMMARY: A. This notice announces the availability of funding for Fiscal Year (FY) 1995 for the development of new Indian Housing (IH) units and provides the applicable criteria, processing requirements and action timetable. All Indian housing authorities (IHAs) which have not been determined to be administratively incapable, in accordance with 24 CFR 905.135, are invited to submit applications for Indian Housing developments in accordance with the requirements of this NOFA.

B. This NOFA contains information concerning the purpose of this NOFA; eligibility; available amounts; and the procedures that an IHA must follow to apply for new Indian Housing units. The procedures for rating, ranking, and funding IHA applications are also in this NOFA.

DATES: Applications must be physically received by the Field Office of Native American Programs (FONAP) having jurisdiction over the applicant on or before 3:00 p.m., FONAP local time, March 6, 1995. The applicant shall submit its application(s) for new housing units on Form HUD–52730 with all supporting documentation required by Appendix 2, and for demolition or disposition in accordance with 24 CFR part 905, subpart M.

FOR FURTHER INFORMATION CONTACT: Applicants may contact the appropriate FONAP for further information. Refer to Appendix 1, for a complete list of FONAPs and telephone numbers.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act of 1980 (44 U. S. C. 3501–3520), the information collection requirements contained in these application procedures for development funds were reviewed by the Office of Management and Budget and assigned OMB control number 2577–0030.

Changes From FY 1994 NOFA

The Indian Housing Development NOFA for FY 1995 is essentially the same document published for the FY 1994 funding cycle with the following substantive changes:

A. Revised program administration criterion. The rating factor for current IHA development pipeline activity has been modified to allow field offices to consider all facilities development, renovation, and/or maintenance activities of an IHA.

B. Regional variations in maximum points available for rating factors. Previous Indian Housing Development NOFAs established a national standard for points to be awarded for each rating factor. To address differences in circumstances in each of the field office jurisdictions, the FY 1995 NOFA includes variations, by FONAP jurisdiction, in the points to be awarded for each rating factor.

C. Regional variations in the maximum unit award table. Previous Indian Housing Development NOFAs established a national standard for the maximum number of units to be awarded for each approved application. To address differences in circumstances in each of the FONAP jurisdictions, the FY 1995 NOFA includes variations, by FONAP jurisdiction, in the maximum units award table.

D. Bonus rating factor. A new factor has been added to the rating criteria which provides up to 5 points for project pre-planning, economical selection of housing sites, and/or innovative approaches to development or financing.

I. New Development

A. Authority

1. Statutory Authority. Sections 5 and 6, U.S. Housing Act of 1937 (42 U.S.C. 1437c, 1437d), as amended; U.S. Department of Housing and Urban Development and Independent Agencies Appropriations Act for Fiscal Year 1995; Section 23 U.S. Housing Act of 1937, as added by section 554, Cranston-Gonzalez National Affordable Housing Act; section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).

2. Indian Housing Regulations. Indian Housing Development regulations are published at 24 CFR part 905.

3. 24 CFR Part 135. Economic Opportunities for Low and Very Low Income Persons. All applicants are herein notified that the provisions of section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations in 24 CFR part 135 are applicable to funding awards made under this NOFA. One of the purposes of the assistance is to give to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, job training, employment, contracting and other economic opportunities to section 3 residents and section 3 business concerns. IHAs and tribes that receive HUD assistance described in this part shall comply with the procedures and requirements of this part to the maximum extent consistent with, but not in derogation of, compliance with section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b).

B. Development Allocation Amount

The FY 1995 VA–HUD Appropriations Act (Public Law 103–327) made available $282,000,000 of budget authority for the Indian Housing Development program (new Indian Housing units). Since some of the appropriated funds are to be derived from the recapture of prior year obligations and anticipated carryover funds, the actual amount available may be less.

Each of the FONAP jurisdictions has been designated as the smallest practical area for the allocation of assistance. Funds available for new units will be assigned to the FONAPs consistent with 24 CFR 791.403.

Up to $20,000,000 of the available Indian Housing Development funds will be made available by the Department in order to provide funds needed to replace units approved for demolition/disposition. Any portion of the $20,000,000 that is not designated for demolition/disposition replacements by July 1, 1995, as well as any amounts of actual recaptures that are realized and reallotted to the program, will be made available to the six FONAPs on the same basis as the amounts allocated for new units.

The competitive process described in this NOFA will be used to select IHA applications to be funded for new Indian Housing units. Departmental compliance with the metropolitan/non-metropolitan provisions of section 213(d) of the Housing and Community Development Act of 1974 may require the selection of lower rated metropolitan applications over higher rated non-metropolitan applications. The table below indicates the percentage of grant authority available for new units in FY 1995 for the six FONAPs, inclusive of funds needed to meet off-site sewer and water requirements.

FONAP location	Percentage of total funds
Eastern/Woodlands	14.0547
Southern Plains	14.7517
Northern Plains	11.4959
Southwest	31.0788
Northwest	09.0740
Alaska	19.5449
Total	100

C. Eligibility for New Housing Units

All IHAs which have not been determined to be administratively incapable in accordance with 24 CFR 905.135, have been organized in accordance with 24 CFR 905.125 and 905.126, and have the required tribal and/or local cooperation agreements as required by the U.S. Housing Act of 1937, as amended, are invited to submit applications for new Indian Housing units.

All IHAs that have developments assisted under the U.S. Housing Act of 1937, as amended, and meet the requirements of 24 CFR part 905 subpart M, may apply for funds for demolition or disposition, whether eligible for new units or not.

D. Development Award Application Process

1. Application Due Date. An IHA may submit an application(s) for a project at any time after the publication date of this NOFA, to the FONAP having jurisdiction over the IHA applicant on or before 3:00 p.m., FONAP local time, March 6, 1995 for new Indian Housing units. The application(s) shall be submitted on Form HUD–52730 and shall be accompanied by all the legal and administrative attachments required by the form and the items specified in Appendix 2. A facsimile of the application will not constitute physical delivery.

The application deadline is firm as to date and hour. HUD will treat as ineligible for consideration any application that is received after the application deadline. Applicants should make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery related problems.

2. Application Kit. Application Kit and applicable forms may be obtained from any FONAP listed in Appendix 1.

3. Submittal of Complete Application. Completed applications must be submitted to the FONAP having jurisdiction over the IHA applicant at the address/location listed in Appendix 1.

4. Action on Application. When the application is received by HUD, HUD will provide written notification to the IHA showing the date and time the application was received in the FONAP. The FONAP will begin review of the application within 14 calendar days after the application deadline. The application must be complete and must demonstrate legal sufficiency and the IHA must not have been disqualified for funding of new projects, as determined in accordance with 905.135. If it is evident that any application fails to satisfy these technical requirements, the FONAP will immediately return the application and will identify, in writing, the deficiencies. The IHA will be allowed to cure minor technical deficiencies within 14 calendar days of written notification by the FONAP. All responses must be in writing and received within 14 calendar days of the date HUD issues a written notification of deficiency. Under no circumstances may an applicant submit information which would affect the rating of the application after the original due date for application submission.

E. Ranking Factors and Selection Criteria

1. Rating and Ranking. Rating and ranking of applications from IHAs for new Indian Housing units will be done in accordance with 24 CFR 905.220. Applications from new IHAs, or, in the case of an umbrella IHA that has added a new tribe, the application from the new tribe, will receive 100 points. If an IHA that serves more than one tribal government, or, in the case of Alaska, more than one village, submits applications for housing units in several of the communities, each application will be treated separately, for purposes of the number of points awarded. Newly created IHAs for tribes which have previously received housing units under an umbrella IHA shall not be awarded 100 points but scored as an established IHA.

For each FONAP jurisdiction, the rankings will be based on awarding points to each application for the following categories in accordance with the table of maximum points available per category by FONAP jurisdictional area (see g. below):

a. The relative unmet IHA need for housing units compared to the other eligible applications for that program type (i.e., low rent (LR) or mutual help (MH), based on IHA waiting lists and the total number of units in management and in the development pipeline. There should be a separate waiting list for each program type. This need will be measured for each program type by dividing the number of families on the waiting list, by the IHA's total number of units in management and under development. If the result of this division is greater than 1.00, the maximum points for this category shall be awarded. Otherwise, the result of this division shall be multiplied by the maximum possible points available. If the IHA has 500 or more families on the waiting list, it is awarded the maximum points available for the category.

b. The relative IHA occupancy rate compared to the occupancy rates of other eligible IHA applications for that program type. The occupancy rate for an IHA shall be derived from the most recent data entered in the HUD Management Information Retrieval System (MIRS) national data base, which reports total units available and total units occupied based on information supplied by IHAs on forms submitted periodically to HUD. For all IHA projects in management, the total number of units occupied is divided by the total number of units available, multiplied by 100. This occupancy rate for an IHA will then be divided by the highest occupancy rate of any IHA (never to exceed 97%, in any event), and this ratio shall be multiplied by the maximum points available for the category to calculate an IHA's points for this category. An existing IHA that is applying for a previously unfunded program type will be awarded a score equal to the highest rated score for this factor in the FONAP jurisdiction competition. A newly created IHA for a tribe which previously received housing units under an Umbrella IHA shall be awarded a score based on the units within such tribe's jurisdiction whether or not such units have been transferred to the newly created IHA.

c. Length of time since the last Program Reservation date. The number of days from January 1, 1995 to the date of the last Program Reservation for an IHA shall be divided by the longest time, in number of days, since the last Program Reservation for any IHA. This ratio shall be multiplied by the maximum points available for the category to calculate an IHA's points for this category. A newly created IHA for a tribe which previously received housing units under an Umbrella IHA shall be awarded a score based on the last Program Reservation for units within such tribe's jurisdiction. Units received for demolition or disposition purposes will not be counted for rating and ranking purposes for new Indian Housing units in FY 1995.

d. Current IHA development and physical improvements activity. This factor evaluates the IHA's performance during the past 24 months in developing new housing or maintaining/improving current housing. The FONAP will

evaluate the IHA's performance in these areas and will award points based upon but not limited to:

(1) Submittal of approvable Development Programs within the time frames prescribed in the IHA's planning schedules;

(2) Construction start within 30 months of Program Reservation, not including time under statutory exclusion;

(3) Submittal of Actual Development Cost Certificates within 24 months after the Date of Full Availability;

(4) Compliance with CompGrant/ modernization implementation schedules;

(5) Effectiveness of maintenance policies and procedures in protecting physical assets of the IHA;

(6) Effectiveness of the IHA's development and physical improvements contract administration.

The FONAP will prepare written support for the number of points awarded which will be available to the IHA upon request. The FONAP shall take into consideration any unforeseen events such as natural disasters or other factors that may have precluded the IHA from meeting the criteria for this factor. The maximum points available for this category are listed in the table under g. below. A newly created IHA for a tribe which previously received housing units under an Umbrella IHA shall be awarded a score based on the IHA's plan for developing and maintaining the units.

e. A bonus of up to 5 points will be awarded to any application where the applicant clearly demonstrates:

(1) Pre-planning of site selection and coordination with other funding agencies, utility companies, and tribal departments, or

(2) That the applicant has identified and selected sites for the development which result in savings of not less than 5 percent of the proposed development cost from using existing utility systems, pre-developed subdivision sites, or other items documented by the applicant.

(3) Innovative approaches to development or financing which will significantly reduce the delivery time of housing or expand the number of houses developed without reducing quality.

f. Computation. Scores for ranking shall be carried out to two decimal places (xx.xx).

g. Points available for each rating category. The following table reflects the maximum points available for each category for each of the FONAP jurisdictional areas:

POINTS AWARDED FOR RATING FACTORS

	(a) Need	(b) Occupancy	(c) Time	(d) Workload
Eastern/Woodlands	30	30	20	20
Southern Plains	35	10	25	30
Northern Plains	30	20	20	30
Southwest	40	20	20	20
Northwest	10	10	20	60
Alaska	40	20	20	20

2. Selection Criteria.

a. The ranking process will produce an ordered list of IHA applications by FONAP jurisdiction that may receive funding. The order is established by the total number of points the application received in the rating process. If any funds remain after the initial funding cycle within the FONAP jurisdiction, the funds will be provided to more fully fund applications that were reduced due to the Maximum Units Award table shown in paragraph b below.

b. The number of units awarded shall be based upon the following table to ensure a more equitable distribution and meaningful competition based on need. Exceptions to the maximum number of units awarded based on the table shall be made and approved by the FONAP Administrator upon proper justification. Examples of justifications for varying from the table include equalization of units awarded to IHAs with similar scores or adjustments to assure the award of reasonably sized projects to all IHAs above a minimum score determined by the FONAP.

Total of all units IHA requested in application(s) by program type	Eastern/ Woodlands	Southern Plains	Northern Plains	Southwest	Northwest	Alaska
1,000 and above	300	300	100	240	300	300
750 to 999	200	200	90	160	200	200
500 to 749	150	150	80	120	100	150
400 to 499	100	100	70	80	80	100
300 to 399	80	80	60	64	60	80
200 to 299	60	60	50	48	40	60
199 and fewer	40	40	40	32	20	40

If an IHA that serves more than one tribal government, or in the case of Alaska, more than one village, submits applications for housing units in several of the communities, each application will be treated separately, for purposes of the number of units awarded.

c. Tie breaker. In the case of ties, priority will be given to the application that has the highest ratio of units to: (1) Pre-approved sites, and, if there is still a tie: (2) BIA approved leases for the proposed project site(s).

3. Replacement Housing. IHA applications for demolition or disposition may require a commitment for replacement housing units on a one for one replacement to comply with requirements of Section 18 of the U.S. Housing Act, as amended. IHAs are to process requests for demolition or disposition in accordance with 24 CFR part 905, subpart M.

II. Other Matters

A. HUD Reform Act

1. Required Disclosures by Applicants

a. Disclosures. All applicants are required to disclose information with respect to any additional funds that can reasonably be expected to be received by them as assistance in excess of $200,000 (in the aggregate) during the Fiscal Year that will be related to the project. Disclosure must be made relative to any related assistance from the Federal instrumentalities (other than HUD), a state, or a unit of general local government that is expected to be made available with respect to the project for which the applicant is seeking assistance. The assistance shall include but not be limited to any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance.

b. Updates. The IHA applicant shall update this disclosure within 30 days of any substantial change. This update is required during the period when an application is pending or assistance is being provided.

2. Prohibited Disclosures by HUD Employees

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to this funding competition. The requirements of the rule continue to apply until the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR Part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number). The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her FONAP counsel, or headquarters counsel for the Indian Housing Development program.

B. Lobbying

Section 319 of the Department of the Interior and Related Agencies Appropriations Act hereafter referred to as the ''Byrd amendment,'' prohibits grantees from using any federally appropriated funds to influence federal employees, members of Congress, and congressional staff regarding specific grants or contracts. The Department has determined that the requirements of the Byrd amendment do not apply to IHAs established by a tribal government exercising its sovereign powers with respect to expenditures specifically permitted by other Federal law. The Byrd amendment requires all IHAs established under state law to submit the following documents for applications for grants exceeding $100,000.

1. Certification. A certification that no federal appropriated funds will be used for lobbying purposes. The certification shall be submitted on the Form entitled ''Certification for Contracts, Grants, Loans and Cooperative Agreements''.

2. Disclosure Document. A document disclosing any lobbying activities (on Standard Form—LLL, ''Disclosure of Lobbying Activities'') where any funds other than federally appropriated funds will be or have been used to influence federal employees, members of Congress, and congressional staff regarding specific grants or contracts.

C. Conversions

During the first 24 months after Program Reservation, project conversion between program type (LR or MH) may only be considered where:

1. An IHA submitted projects for mutual help (MH) and low rent (LR), each scored high enough to be funded, and the IHA has the waiting list to support the conversion, or

2. If only one application was submitted and approved, the application upon re-ranking in the other program has to score at least 0.01 higher than the number of points achieved by the highest rated application from any IHA which was not funded. If neither circumstance exists, the request to convert will not be approved.

D. Errors in Ranking and Rating Fiscal Year 1994

1. Errors made by a FONAP during the 1994 fiscal year rating and ranking that resulted in a change of rank order detrimental to an IHA may be corrected as follows:

a. The FONAP will construct a hypothetical distribution that would have existed if the error had not been made, and

b. The FONAP will determine what the unit award/funding would have been for the IHA subject to the funds that were available at the time.

2. Remedial action will be taken for errors made by a FONAP as follows:

a. The FONAP will deduct any funds needed from the FY 1995 fair share assigned to that FONAP before any FY 1995 rating and rankings are completed.

b. A correction of an error for an IHA will not adversely affect the IHA participation on the FY 1995 rating and ranking process. The IHA's application will be rated and ranked on the same basis as other applications and as if no error was made.

E. Environment

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U. S. C. 4332). The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W. Washington, D.C. 20410.

F. Other Federal Requirements

In order to be eligible for funding, activities must be in compliance with Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8 and the Americans with Disabilities Act of 1990 (ADA) and implementing regulations for Title II of the ADA issued by the Department of Justice at 28 CFR 35.

Dated: December 14, 1994.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

APPENDIX 1.—LISTING OF FIELD OFFICES OF NATIVE AMERICAN PROGRAMS

IHAs located	ONAP address
East of the Mississippi River (including all of Minnesota) and Iowa.	Eastern/Woodlands Office of Native American Programs, 5P, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604–3507, (312) 353–1282 or (800) 735–3239, TDD Numbers: 1–800–927–9275 or 312–886–3741.
Louisiana, Missouri, Kansas, Oklahoma, and Texas except for Isleta del Sur.	Southern Plains Office of Native American Programs, 6.IPI, Murrah Federal Building, 200 NW 5th Street, Oklahoma City, Oklahoma 73102–3202, (405) 231–4101, TDD Numbers: 405–231–4181 or 405–231–4891.
Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.	Northern Plains Office of Native American Programs, 8P, First Interstate Tower North, 633 17th Street, Denver, Colorado 80202–3607, (303) 672–5462, TDD Number: 303–844–6158.
Arizona, California, New Mexico, Nevada, and Isleta del Sur in Texas.	Southwest Office of Native American Programs, 9EPID, Two Arizona Center, 400 North Fifth Street, Suite 1650, Phoenix, Arizona 85004–2361, (602) 379–4156, TDD Number: 602–379–4461; or Albuquerque Division of Native American Programs, 9EPIDI Albuquerque Plaza, 201 3rd Street, NW, Suite 1830, Albuquerque, New Mexico 87102–3368, (505) 766–1372, TDD Number: None.
Idaho, Oregon, and Washington	Northwest Office of Native American Programs, 10PI, 909 First Avenue, Suite 300, Seattle, Washington 98104–1000, (206) 220–5270, TDD Number: (206) 220–5185.
Alaska	Alaska Office of Native American Programs, 10.1PI, 949 East 36th Avenue, Suite 401, Anchorage, Alaska 99508–4399, (907) 271–4633, TDD Number: (907) 271–4328.

Apendix 2

New Indian Housing Development Application Submission Checklist.

Note: Certain submission requirements listed on the following checklist are included on the application form HUD–52730. It is the responsibility of the IHA to assure that all submission requirements of the checklist are met whether through the application form or by separate submittal:

1. Application Form HUD–52730:
   _____ Complete application on Form HUD–52730 (5/94).
   _____ Attach all exhibits and tables as required.
2. IHA Resolution(s): each application must be accompanied by an IHA Resolution which contains the following:
   _____ A statement that authorizes the submission of the application for units.
   _____ A statement explaining how solid waste disposal for the proposed development will be addressed.
   _____ A statement regarding the planned access to public utility services and a listing of any official commitment(s) for these utility services for the development.
   _____ The IHA Resolution must advise HUD of any persons with a pecuniary interest in the proposed development. Persons with a pecuniary interest in the development shall include but not be limited to any developers, contractors, and consultants involved in the application, planning, construction, or implementation of the development. (During the period when an application is pending or assistance is being provided, the applicant shall update the disclosure required within thirty days of any substantial change.)
3. Certifications: Each application must contain the following certifications provided by the Executive Director on IHA letterhead, in addition to the certifications included on Form HUD–52730 (5/94).
   _____ Certification Regarding Drug-Free Workplace Requirements as directed by 24 CFR 24.630(b).
   _____ Certification that the IHA has complied with all requirements of 24 CFR Part 135, which implements Section 3 of the HUD Act of 1968, as amended.
4. Letters: Each IHA application must be accompanied by a letter of support signed by the CEO of the general local government indicating:
   _____ Support for the proposed application and development.
   _____ Support for the IHA's intent to apply for planning funds for the development.
   _____ Where applicable, assurance to HUD that access road needs will be identified by Tribal Resolution (with BIA concurrence) and entered on the BIA Indian Reservation Roads prioritization schedule used by BIA for resource allocation(25 CFR part 170: 57 BIAM 4 and Supplement 4; and 24 CFR part 905 B, appendix I, item 6).
   _____ Acknowledgement that there is a need for the housing assistance applied for that is not being met by private enterprise.
   _____ Assurance that there are, or will be available, public facilities and services adequate to serve the proposed housing. (If available, Tribal support is evidenced by attached letters from various organizations that will provide utilities and services to the proposed housing units.)
5. Supporting Documentation: Each application must be accompanied by the following supporting documentation:
   _____ Disclosure of additional assistance from other sources that will be used in association with the project for which the applicant is seeking assistance.
   _____ Statement specifying the number of eligible applicant families by program type (LR or MH). The statement must be supported by a sufficient number of current applications from eligible families maintained by the IHA.
   _____ Identify sites proposed for Mutual Help development in the application in accordance with 905.230, 905.245, and 905.407.
6. Items That Should be Submitted, If Not Previously Submitted:
   _____ Certified Copy of the Transcript of Proceedings containing the IHA Resolution pursuant to which the Application is being made.
   _____ IHA Organization Transcript or General Certificate.
   _____ Tribal Ordinance
   _____ Cooperation Agreements. Where the provisions of the necessary local government cooperation are not contained in the ordinance or other enactment creating the IHA, the IHA shall submit an executed cooperation agreement (or copy of an existing one) for the location involved, which is sufficient to cover the number of units in the application.
7. Optional Items:

_____ Preliminary Site Reports indicating pre-approved sites, and BIA approved leases for the proposed project site(s), if any.

8. Force Account. To enable the Field Office of Native American Programs to make an initial determination of the viability of the proposal, there are additional submission requirements for the application, including:

_____ IHA justification for HUD approval of the force account method, pursuant to 24 CFR 905.215(a)(6).

_____ IHA or Tribal resolution agreeing to cover any costs in excess of the HUD-approved estimated construction cost.

_____ Evidence that either the IHA or Tribe has the resources to cover such excess costs.

_____ An action plan as outlined in HUD Handbook 7450.01 REV–1, Chapter 14, paragraph 14–5.

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Friday
January 20, 1995

Part VI

Department of Housing and Urban Development

Office of the Assistant Secretary for Policy Development and Research

Notice of Funding Availability for Fiscal Year 1995; Community Development Work Study Program; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Policy Development and Research

[Docket No. N–95–3855; FR–3843–N–01]

Notice of Funding Availability for FY 1995; Community Development Work Study Program

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of Funding Availability.

SUMMARY: This notice invites applications from institutions of higher education, area-wide planning organizations, and States for grants under the Community Development Work Study Program (CDWSP). The CDWSP, authorized by the Housing and Community Development Act of 1974, as amended, assists economically disadvantaged and minority students participating in work study programs in such institutions. This notice announces HUD's intention to award up to $3 million from FY 1995 appropriations (plus any additional funds recaptured from prior appropriations) to fund work study programs to be carried out from August, 1995 to September, 1997.

DATES: Applications may be requested beginning January 30, 1995. Applications must be physically received by the Office of University Partnerships, in care of the Division of Budget, Contracts, and Program Control, in Room 8230 by 4:30 p.m. Eastern Standard Time on March 31, 1995. This deadline is firm as to date, hour, and place. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submissions of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

FOR FURTHER INFORMATION CONTACT: John Hartung, Office of University Partnerships, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Telephone (202) 708–1537 (Voice). The TDD number for the hearing impaired is (202) 708–1455. These are not toll-free numbers. Application packages (requests for grant application) may be obtained by written request from the following address: HUD USER, ATTN: Community Development Work Study Program, P.O. Box 6091, Rockville, MD 20850. Requests for application kits may be faxed to: 301–251–5747 (this is not a toll-free number). Requests for application kits must include the applicant's name, mailing address (including zip code), telephone number (including area code), and must refer to ''Document FR–3843.''

SUPPLEMENTARY INFORMATION:

A. Background

Section 107(c) of the Housing and Community Development Act of 1974, as amended (the Act), authorizes the CDWSP. Under this section, HUD is authorized to provide grants to institutions of higher education, either directly or through area-wide planning organizations or States, for the purpose of providing assistance to economically disadvantaged and minority students, including students with disabilities, who participate in community development work study programs and are enrolled in full-time graduate or undergraduate programs in community or economic development, community planning, or community management. Two-year institutions are not eligible applicants for funding under this program. This notice announces HUD's intention to award up to $3 million from FY 1995 appropriations (plus any additional funds recaptured from prior appropriations). Awards will be made under the HUD implementing regulations at 24 CFR 570.400 and 570.415 and the provisions of this Notice.

B. Eligible Applicants

The following are eligible to apply for assistance under the program subject to the conditions noted below:

1. Institutions of higher education offering graduate degrees in a community development academic program.

2. Institutions of higher education offering undergraduate degrees in a community development academic program if no institutions of higher education in the standard metropolitan statistical area (SMSA) or non-SMSA area in which they are located offer graduate degrees in a community development academic program. (NOTE: Two-year institutions of higher education are not eligible applicants for funding under this program.)

3. Area-wide planning organizations (APOs) which apply on behalf of two or more institutions of higher education located in the same SMSA or non-SMSA area as the APO.

4. States which apply on behalf of two or more institutions of higher education located in the State. If a State is approved for funding, institutions of higher education located in the State are not eligible recipients. If an APO is approved for funding, institutions of higher education located in the SMSA or non-SMSA non-metropolitan area served by the APO are not eligible recipients.

C. Threshold Requirements

To be eligible for ranking, applications must meet each of the following threshold requirements:

1. The application must be filed in the application form prescribed by HUD, and within the required time prescribed by the Request For Grant Application (RFGA) released pursuant to this notice.

2. The application must demonstrate that the applicant is eligible to participate.

3. The applicant must demonstrate that each institution of higher education participating in the program as a recipient has the required academic programs and faculty to carry out its activities under CDWSP. Each work placement agency must have the required staff and community development work study program to carry out its activities under CDWSP.

4. Institutions of higher education, APOs, and States must maintain at least a 50 percent rate of graduation of students from the FY 1992 funding round which covered school years September 1992 to September 1994 in order to participate in the current round of CDWSP funding. Institutions of higher education, APOs, and States funded under the FY 1992 CDWSP funding round which did not maintain such a rate will be excluded from participating in the FY 1995 funding round. Such institutions, APOs, and States are eligible to participate in the FY 1996 round.

D. Selection Factors for Institutions of Higher Education (110 points)

The following factors will be considered by the Department in evaluating applications received from institutions of higher education in response to the solicitation.

1. *Academic Program* (53 points, as allocated below)

a. Relative quality of the academic program offered by the institution of higher education.

(1) Quality of the academic program in terms of community or economic development, community planning, or community management course offerings and academic requirements for students. (8 points)

(2) Appropriateness of the curriculum to prepare students for careers in community or economic development,

community planning, or community management fields. (8 points)

(3) Qualifications of the faculty and the percentage of time they will teach in the academic area. (6 points)

b. Qualifications of the academic supervisor and the percentage of time he/she will commit to the students. (7 points)

c. Amount of resources to be committed by the institution to the academic program.

(1) Appropriateness and adequacy of the resources (facilities and equipment) that will be devoted to the academic area. (2 points)

(2) The degree to which the applicant is able to contribute funds to support the total cost of the project. (5 points)

(3) The degree to which the applicant will use faculty and staff administrators on staff. (7 points)

d. The applicant's success rate in graduating students previously enrolled in the HUD CDWSP or similar work study program. (10 points)

2. *Student Work Placement Assignment* (9 points, as allocated below)

a. The extent to which the participating students will receive a sufficient number and variety of work placement assignments. (3 points)

b. The extent to which the assignments will provide practical and useful experience to students participating in the program. (3 points)

c. The extent to which the assignments will further the participating students' preparation for professional careers in community or economic development, community planning, or community management. (3 points)

3. *Seminars* (4 points)

The degree to which the proposed seminars will (a) relate the experience provided under the work placement assignments with the educational experience provided under the academic programs and (b) address career planning and permanent job placement. (4 points)

4. *Placement Opportunities* (13 points, as allocated below)

a. Extent to which the institution's educational program (based on past experience) leads directly and immediately to career opportunities in the community or economic development, community planning, or community management fields. (6 points)

b. The applicant's success in assisting graduates of the HUD CDWSP or similar work study program to find permanent employment in community or economic development, community planning, or community management agencies. (7 points)

5. *Program Coordination and Administration* (16 points, as allocated below)

a. The applicant's ability to track and monitor the progress of the students previously enrolled in the HUD or similar work study program, including the students who drop out of the program. (4 points)

b. The degree to which the Program Director has clear responsibility, ample percentage of time, and sufficient institutional or academic authority to coordinate the overall administration of the program. (8 points)

c. The adequacy of the applicant's plan for placing students in work placement assignments and keeping track of the students. (4 points)

6. *Institution's Commitment* (15 points, as allocated below)

a. The extent to which the applicant has a recruitment program that demonstrates an active, aggressive, and imaginative effort to identify and attract qualified minorities and economically disadvantaged students, including students with disabilities. (2 points)

b. The success of past and current efforts in preparing these students for careers in community or economic development, community planning, or community management. (6 points)

c. The extent to which the CDWSP award will result in a net increase of these students in these academic areas. (3 points)

d. The extent to which the CDWSP award will not result in a decrease in the amount of the institution's own financial support available for minority and economically disadvantaged students in the academic areas or the institution as a whole. (2 points)

e. The extent to which the applicant has provided reasonable accommodations for students with disabilities to enable them to participate in the college/university's academic and work-study programs. (2 points)

E. Selection Factors for Area-Wide Planning Organizations and States (110 points)

The following factors will be considered by the Department in evaluating applications received from area-wide planning organizations and States in response to this NOFA.

1. *Academic Program* (53 points, as allocated below)

a. Relative quality of the academic program offered by the institutions of higher education.

(1) Quality of the academic program in terms of community or economic development, community planning, or community management course offerings and academic requirements for students. (8 points)

(2) Appropriateness of the curriculum to prepare students for careers in community or economic development, community planning, or community management fields. (8 points)

(3) Qualifications of the faculty at each college/university listed in the submission and the percentage of time they will teach in the academic area. (6 points)

b. Qualifications of the academic area supervisor at each college/university listed in the submission and the percentage of time he/she will commit to the students. (7 points)

c. The applicant's and institution's plan for the use of its facilities, equipment and financial resources in support of the CDWSP. (2 points)

d. The degree to which each college/university listed in the application is able to contribute funds to support the total cost of the project. (5 points)

e. The degree to which each college/university listed in the application will utilize faculty and staff administrators on staff. (7 points)

f. The success rate of each institution of higher education applying under the applicant in graduating students previously enrolled in the HUD CDWSP or similar work study program. (10 points)

2. *Student Work Placement Assignment* (9 points, as allocated below)

a. The extent to which the participating students will receive a sufficient number and variety of work placement assignments. (3 points)

b. The extent to which the assignments will provide practical and useful experience to students participating in the program. (3 points)

c. The extent to which the assignments will further the participating students' preparation for professional careers in community or economic development, community planning, or community management. (3 points)

3. *Seminars* (4 points)

The degree to which the proposed seminars will (a) relate to the experience provided under the work placement assignments with the educational experience provided under the academic program and (b) address career planning and permanent job placement.

4. *Placement Opportunities* (13 points, as allocated below)

a. The extent to which the educational program for each college/university listed in the application (based on past experience) leads directly and immediately to career opportunities in

community or economic development, community planning or community management fields. (6 points)

b. The applicant's success in assisting graduates of the HUD Community Development Work Study Program (CDWSP) or similar work study program to find permanent employment in community or economic development, community planning, or community management agencies. (7 points)

5. *Program Coordination and Administration* (16 points, as allocated below)

a. The extent to which the applicant has established a committee to coordinate activities between program participants to advise the recipient on policy matters, to assist the recipient in ranking and selection of participating students, and to review disputes concerning compliance with program agreements and performance. (8 points)

b. The applicant's ability to track and monitor progress of students enrolled in the program and those who drop out. (4 points)

c. The adequacy of the applicant's plan for placing students in work placement assignments and keeping track of the students. (4 points)

6. Institution's Commitment (15 points, as allocated below)

a. The extent to which the applicant has a recruitment program that demonstrates an active, aggressive, and imaginative effort to identify and attract qualified minorities and economically disadvantaged students, including students with disabilities. (2 points)

b. The success of past and current efforts of colleges/ universities listed in the application in preparing these students for careers in community or economic development, community planning, or community management. (6 points)

c. The extent to which the CDWSP award will result in a net increase of these students in these academic areas. (3 points)

d. The extent to which the CDWSP award will not result in a decrease in the amount of the institutions's own financial support available for minority and economically disadvantaged students in the academic areas or the institution as a whole. (2 points)

e. The extent to which the applicant has provided reasonable accommodations for students with disabilities to enable them to participate in the college/university academic and work-study program. (2 points)

F. Obtaining Application

For an application kit, contact HUD USER, ATTN: Community Development Work Study Program, P.O. Box 6091, Rockville, Maryland 20850. Applications may be requested beginning January 30, 1995. Requests for application kits must be in writing, but may be faxed to 301–251–5747. (This is not a toll-free number). Please refer to FR–3843, and provide your name, address (including zip code) and telephone number (including area code).

G. Submitting Applications and Deadline Date

Applications for funding under this NOFA must be complete and must be physically received in the place designated in the application kit for receipt, by 4:30 pm EST on March 31, 1995. The deadline date and time will be firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery related problems.

Following the expiration of the application submission deadline, HUD will review and rank applications in a manner consistent with the procedures described in this Notice and the provisions of the program regulations at 24 CFR 570.425.

Applicants must complete and submit applications in accordance with instructions contained in the application kit. The contents of the application kit will include the following, as specified in the RFGA:

(a) Transmittal letter.

(b) A completed and signed Standard Form 424, Application For Federal Assistance.

(c) Abstract.

(d) Table of Contents.

(e) Proposal narrative statement addressing the factors for award.

(f) Student/recipient binding agreement.

(g) Recipient/student work placement agreement.

(h) Management/Workplan.

(i) Resumes of key staff and faculty.

(j) Budget for resident and non-resident students.

(k) Tuition and Fee Schedule.

(l) Audit/financial management system information.

(m) If applicable, document verifying a 50 per cent rate of graduation of students from the FY 1992 funding round.

(n) Certification by IPA or cognizant audit agency of applicant's financial management system.

(o) Drug-Free Workplace Certification.

(p) Certification on HUD Form 2880, Applicant/Recipient Disclosure, Update Report, disclosing receipt of at least $200,000 in covered assistance during the fiscal year, pursuant to 24 CFR part 12, subpart C, Accountability in the Provision of HUD Assistance.

(q) Disclosure of Lobbying Activities on SF–LLL must be used to disclose lobbying with other than Federally appropriated funds at the time of application if the applicant deems it applicable.

H. Corrections to Deficient Applications

After the submission deadline date, HUD will screen each application to determine whether it is complete. If an application lacks certain technical items or contains a technical error, such as an incorrect signatory, HUD will notify the applicant in writing that it has 14 calendar days from the date of HUD's written notification to cure the technical deficiency. If the applicant fails to submit the missing material within the 14-day cure period, HUD will disqualify the application.

This 14-day cure period applies only to non-substantive deficiencies or errors. Any deficiency capable of cure will involve only items not necessary for HUD to assess the merits of an application against the factors specified in this NOFA.

I. Funding Highly Rated Applications

HUD may provide assistance to support a number of students that is less than the number requested under applications, in order to provide assistance to as many highly rated applications as possible. In addition, HUD may recommend a lower funding level than the requested amount for tuition, work stipend, books and additional support.

J. Other Matters

1. Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism,* has determined that the policies and procedures contained in this notice will not have substantial direct effects on States or their political subdivisions, or the relationship between the federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the Order.

2. Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family,* has

determined that this notice will likely have a beneficial impact on family formation, maintenance, and general well-being. Accordingly, since the impact on the family is beneficial, no further review is considered necessary.

3. Accountability in the Provision of HUD Assistance

HUD has promulgated a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act). The final rule is codified at 24 CFR part 12. Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 16, 1992, HUD published at 57 FR 1942, additional information that gave the public (including applicants for, and recipients of, HUD assistance) further information on the implementation, public access, and disclosure requirements of section 102. The documentation, public access, and disclosure requirements of section 102 are applicable to assistance awarded under this NOFA as follows:

a. Documentation and Public Access

HUD will ensure documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

b. HUD Responsibilities—Disclosures

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports, both applicant disclosures and updates, will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR part 12, subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

c. State Disclosures

States receiving assistance under this NOFA must make all applicant disclosure reports available to the public for three years. Required update reports must be made available along with the applicant disclosure reports, but in no case for a period less than three years. Each State and unit of general local government may use HUD Form 2880 to collect the disclosures, or may develop its own form. (See 24 CFR part 12, subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942) for further information on these disclosure requirements.)

4. Prohibition Against Advance Information on Funding Decisions

HUD's regulation implementing section 103 of the HUD Reform Act, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815 (voice), (202) 708–1112 (TDD). These are not toll-free numbers. The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her field Office Counsel, or Headquarters counsel for the program to which the question pertains.

5. Prohibition Against Lobbying of HUD Personnel

Section 112 of the HUD Reform Act added a new section 13 to the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 13 contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department *and* those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

HUD regulations implementing Section 13 are at 24 CFR Part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the regulation, particularly the examples contained in Appendix A of the rule.

Any questions about the rule should be directed to the Office of Ethics, Room 2158, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410–3000. Telephone: (202) 708–3815 (voice), (202) 708–1112 (TDD). (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

6. Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of Section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding $100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance.

7. The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget, under section 3504(h) of the Paperwork Reduction Act

of 1980 (44 U.S.C. 3501–3520) and assigned OMB control number 2535–0084.

8. The assistance under this NOFA is categorically excluded from review under the National Environmental Policy Act, pursuant to 24 CFR 50.20(b).

K. The Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance Number is 14.234.

Authority: 42 U.S.C. 5301–5320; 42 U.S.C. 3535(d); 24 CFR 570.402.

Dated: January 5, 1995.

Michael A. Stegman,

Assistant Secretary for Policy Development and Research.

[FR Doc. 95–1417 Filed 1–19–95; 8:45 am]

BILLING CODE 4210–62–P

Federal Register

Friday
January 20, 1995

Part VII

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 907

Homeownership Demonstration Program in Omaha, NE; Final Rule

VerDate 01-MAR-95 13:40 Mar 07, 1995 Jkt 010199 PO 00000 Frm 00001 Fmt 4717 Sfmt 4717 E:\XOKREPTS\P20JA0.PT2 20jar2

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 907

[Docket No. R–95–1704; FR–3573–F–02]

RIN 2577–AB38

Homeownership Demonstration Program in Omaha, NE

AGENCY: Office of the Secretary, HUD.
ACTION: Final rule.

SUMMARY: This final rule implements section 132 of the Housing and Community Development Act of 1992. Section 132 establishes a demonstration program to facilitate self-sufficiency and permits the homeownership sale of single family homes administered by the Housing Authority of the City of Omaha in the State of Nebraska. The purpose of the demonstration is to exhibit the effectiveness of promoting homeownership and providing support services.

EFFECTIVE DATE: January 20, 1995.

FOR FURTHER INFORMATION CONTACT: Gary Van Buskirk, Homeownership Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4112, Washington, DC 20410. Telephone number, voice (202) 708–4233, TDD (202) 708–0850. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background

On January 24, 1994 (59 FR 3626), HUD published an interim rule implementing section 132 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved Oct. 28, 1992) (section 132). Section 132 establishes a demonstration program to facilitate self-sufficiency and to permit the homeownership sale of single family homes administered by the Housing Authority of the City of Omaha in the State of Nebraska. The purpose of the demonstration is to exhibit the effectiveness of promoting homeownership and providing support services.

The interim rule was closely modeled on the interim rule for the Section 5(h) Homeownership Program, codified in 24 CFR part 906. The Housing Authority for the City of Omaha (Housing Authority), which is administering this demonstration program, is already administering a homeownership program approved pursuant to section 5(h) of the United States Housing Act of 1937, and it has indicated to HUD that it wishes to operate the two programs in a similar fashion. While this demonstration program and the Section 5(h) program are similar, the preamble to the interim rule described several differences (59 FR 3626).

HUD is publishing this final rule for effect immediately upon publication. Generally, in accordance with section 7(o) of the Department of Housing and Urban Development Act, HUD does not publish a rule or regulation for effect until after the expiration of the 30-day calendar period beginning on the day after the rule or regulation is published. However, because section 132(g) of the Housing and Community Development Act of 1992 provides that the final rule implementing the Homeownership Demonstration Program in Omaha, Nebraska ''shall take effect upon issuance,'' the section 7(o) provision does not apply to this final rule.

II. Comments on the January 24, 1994 Interim Rule

HUD solicited public comments on the interim rule implementing the Homeownership Demonstration Program in Omaha, Nebraska. By the expiration of the public comment period on March 25, 1994, HUD had received two comments, one from the Housing Authority of the City of Omaha (Housing Authority), and one from the Public Housing Agency of Saint Paul, Minnesota (Saint Paul Housing Agency). The final rule contains four changes to the interim rule, as further described below, in response to public comments: (1) HUD has deleted § 907.5(b); (2) HUD has deleted the requirement in § 907.6(b) for fire and safety inspections; (3) HUD has added applicants for public housing as eligible homebuyers in § 907.8(c); and (4) HUD has revised § 907.8(d) to acknowledge that the Housing Authority may submit for HUD's approval an order of preference for participants. The following discussion summarizes the comments and provides HUD's responses to those comments.

1. The Housing Authority objected to certain sections of the interim rule that were modeled on the Section 5(h) interim regulations (codified at 24 CFR part 906), asserting that the borrowed language in those sections is inapplicable to this demonstration program. One of these sections is § 907.5(b), regarding negotiations with residents wishing to initiate a homeownership plan. The Housing Authority stated that section 132 would not exist if the Housing Authority did not already desire to implement a homeownership program.

The other section is § 907.8(d), in the last sentence regarding the order of preference for participants, which ends ''in accordance with HUD approved preferences.'' The Housing Authority stated that this sentence may be confusing, asserting that section 132 gives the Housing Authority the right to make its own order of preference, and suggesting that the sentence would more clearly read: ''* * * in accordance with preferences as established by the Housing Authority and approved by HUD.''

HUD Response: HUD agrees with the Housing Authority that the first sentence of § 907.5(b) is inapposite, given that the Housing Authority has initiated the homeownership program. The remaining two sentences of § 907.5(b) encourage the Housing Authority to maximize resident participation in planning and implementing the homeownership program. While HUD continues to encourage maximum resident participation, it agrees that it does not need to include such advice in the rule and therefore has deleted § 907.5(b).

With regard to § 907.8(d), HUD does not object to a process in which the Housing Authority develops and submits to HUD an order of preference for participants, and has changed the section of the rule accordingly.

2. The Housing Authority objected to several other provisions of the interim rule, asserting that they are otherwise inappropriate for this demonstration program. The first such provision is § 907.5(a), in the third sentence regarding consultation about vacant units with resident organizations or resident management corporations. The Housing Authority remarked that such consultation every time there is a vacancy would be repetitive, since the Housing Authority would already have consulted both residents and their organizations in developing the plan. The Housing Authority further noted that this provision is unnecessary, since the Housing Authority does not intend to sell vacant units.

HUD Response: Section 907.5(a) does not require repetitive resident consultation whenever there is a vacancy. It requires that resident consultation take place during the process of developing the homeownership plan even if the plan encompasses vacant units. Once the plan is developed and approved by HUD, the rule does not require further consultation when a unit included in the homeownership program becomes vacant.

The Housing Authority also objected to the first sentence in § 907.8(c),

regarding homebuyer eligibility, as inappropriate for this demonstration program. The Housing Authority asserted that applicants for public housing, as well as residents, could be eligible to become homebuyers, and therefore that the sentence should be amended to allow such applicants to be eligible.

HUD Response: HUD agrees that applicants for public housing can also be eligible homebuyers and has modified § 907.8(c) accordingly.

Another provision that the Housing Authority regarded as inappropriate to this demonstration program is § 907.11, regarding maintenance reserves. The Housing Authority remarked that this requirement is unusual for the single family homes affected by this program, and that these reserves would not be necessary if the qualifying resident was required to have sufficient income.

HUD Response: HUD's previous experiences in overseeing low-income homeownership has demonstrated that those administering such programs must provide adequately for foreseeable future maintenance needs. Failure to take such expenses into account can lead to defaults and foreclosures because homeowners could not withstand the financial impact of such expenses. The provision in the rule gives the Housing Authority two options for handling foreseeable maintenance costs. The Housing Authority can either establish maintenance reserves or it can demonstrate that homebuyer income will be sufficient over the long term to manage the expense.

The Housing Authority also commented that several sections of the interim rule contain inappropriate references to cooperatives, condominiums, or entities as purchasers. These sections include §§ 907.7(a), 907.7(b), 907.8(c)(2), and 907.20(h). The Housing Authority stated that section 132 confines this program to single family homes, such that families, not entities, will be the purchasers.

HUD Response: The rule gives the Housing Authority flexibility to structure the terms of purchase in a number of different ways, including by means of a cooperative or a condominium. HUD understands that at this time the Housing Authority does not believe that it needs the flexibility. However, it is important to allow maximum flexibility in the future to accommodate possible changes in circumstances without resorting to a waiver or change in the regulation.

The final aspect of the interim rule that the Housing Authority found inappropriate to this demonstration program is the reference in several sections to affirmative fair housing marketing strategies. These sections include §§ 907.7(b), 907.8(d), and 907.20(n). The Housing Authority stated that it intends to sell only to residents, and that marketing strategies should therefore only be required if it ever intends to sell units to other than its residents.

HUD Response: Implementing this demonstration program in accordance with fair housing objectives is of the utmost importance. The final rule has retained almost verbatim the civil rights related program requirements contained in the interim rule. Additionally, in response to the Housing Authority's comment above, the final rule includes as eligible homebuyers both current residents and applicants for public housing. Since HUD has changed the rule in this manner, the Housing Authority must comply with §§ 907.7(b), 907.8(d), and 907.20(n) of the rule. The affirmative fair housing marketing strategy is thus an integral part of this program, especially in view of the fact that the potential market for this program is 602 units or 20 percent of the total units administered by the Housing Authority.

3. The Housing Authority also objected to two sections of the interim rule containing language that it asserted is unnecessary to the rule. First, it objected to the parenthetical sentence in § 907.2, regarding the 20 percent ceiling. It asserted that this parenthetical is unnecessary and may lead to confusion, especially with regard to additional units developed by the Housing Authority. The Housing Authority explained that the manner in which it may have acquired any particular single family home and when it acquired that home is irrelevant. Second, it objected to the parenthetical example in the second sentence of § 907.8(c), describing sources of funds that a cooperative homeownership plan may include, claiming it is unnecessary.

HUD Response: The parenthetical language must remain to describe properly the statutory requirement that the demonstration program may be applied to not more that 20 percent of the total number of public housing units administered by the Housing Authority. The total number of public housing units administered by the Housing Authority can be expected to change over time as units are sold and as other units are added to the Housing Authority's inventory. If the 20 percent requirement were permitted to be reapplied to whatever the current number of units is at a given time, the Housing Authority would conceivably be able to continue selling units until it reached a level at which 20 percent would no longer equal a whole unit. For example, if it began with 100 units and sold 20 percent (20 units), 80 units would remain. It could then reapply the 20 percent standard and sell 20 percent of 80 units (16 units), and then have 64 units remaining. The process would then go on until only 4 units were left and applying 20 percent would leave less than a whole unit. Clearly this was not the way that Congress contemplated the 20 percent provision to be applied. Therefore, the 20 percent should be applied once (as of the enactment date of the law, October 28, 1992) to establish a base figure. HUD calculated that 20 percent of the total units at the time of enactment was 602 units. The Housing Authority should also be able to add 20 percent of any newly acquired units that are not replacement units to the base figure as well. Newly acquired units that are replacement for units that left the Housing Authority's inventory should not be counted, since the units they are replacing were already taken into consideration in establishing the base figure of 602 units.

4. The Housing Authority objected to two provisions of the interim rule as burdensome or wasteful. First, the Housing Authority suggested that the requirement in the third sentence of § 907.6(b) for fire and safety inspections by local officials would be duplicative, since the Housing Authority will have already inspected the property several times. This requirement would be difficult, if not impossible, to fulfill, remarked the Housing Authority, since the City of Omaha does not normally conduct such inspections of existing single family homes.

HUD Response: HUD did not intend to create a burden in terms of inspections beyond that customarily imposed by the locality. HUD has therefore deleted this requirement.

Second, the Housing Authority commented that the environmental review required in § 907.18(d) would be an unwarranted expense to the taxpayer, since HUD will have already reviewed all the single family homes in the program.

HUD Response: The regulations in 24 CFR part 50 establish HUD's responsibilities in complying with several environmental requirements, including the National Environmental Policy Act (NEPA). In approving the homeownership plan, HUD must consult these regulations to determine which if any of these requirements apply. While HUD intends to perform its obligations in a rational and cost-effective manner, it cannot categorically

dispense with its environmental responsibilities.

5. The Public Housing Agency of Saint Paul, Minnesota (Saint Paul Housing Agency) suggested that instead of approving a separate homeownership demonstration program, HUD should develop various alternative programs to be approved and administered under the Section 5(h) regulations. According to the Saint Paul Housing Agency, one such alternative could be this Omaha Demonstration Program, with its mandate to affirmatively further fair housing objectives. A second such alternative could be the program that the Saint Paul Housing Agency has developed, which provides for homeownership through a lease/purchase contract with financial assistance. A third such alternative could be a program geared toward a metropolitan area and its special needs for affordable housing solutions. The Saint Paul Housing Authority remarked that by providing different variations of homeownership programs, HUD would allow housing agencies discretion to implement a program to meet local needs while staying within the Section 5(h) guidelines.

HUD Response: HUD agrees that the Section 5(h) program should accommodate many different models and has striven to preserve such flexibility in the recently published final Section 5(h) rule. HUD did not initiate the Omaha demonstration program. The primary innovation permitted by the Omaha demonstration that could not be accommodated by the existing Section 5(h) program is the wide discretion granted to the Omaha Housing Authority to select who is eligible to participate in the program. In most other respects, the Omaha Demonstration Program closely parallels the Section 5(h) program.

III. Other Matters

National Environmental Policy Act

At the time of the development of the interim rule, a Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations at 24 CFR part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. That Finding remains applicable to this final rule, and is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of Rules Docket Clerk, 451 Seventh Street SW., Room 10276, Washington, DC 20410–0500.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication, and by approving it certified that this rule does not have a significant economic impact on a substantial number of small entities. This rule is limited in scope to Omaha, Nebraska.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, or general well-being, except to the extent that the program authorized by the rule increases homeownership opportunities for low-income families in Omaha, Nebraska. Any such impact is beneficial and merits no further review under the Order.

Executive Order 12611, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12611, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, this rule is not subject to review under the order.

Semi-Annual Agenda of Regulations

This rule was listed as sequence number 1895 in HUD's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632, 57673) under Executive Order 12886 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 907

Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

Accordingly, the interim rule, which amended title 24 of the Code of Federal Regulations by adding a new part 907 to chapter IX, and which was published in the **Federal Register** on January 24, 1994 (59 FR 3626), is adopted as a final rule with the following changes:

PART 907—HOMEOWNERSHIP DEMONSTRATION PROGRAM

1. The authority citation for part 907 continues to read as follows:

Authority: 42 U.S.C. 3535(d); sec. 132, Pub. L. 102–550, 106 Stat. 3712–3713.

§ 907.1 [Amended]

2. Section 907.1 is amended by removing the paragraph designation and the paragraph heading for paragraph (a), and by removing paragraph (b).

§ 907.5 [Amended]

3. Section 907.5 is amended by removing the paragraph designation and the paragraph heading for paragraph (a), and by removing paragraph (b).

§ 907.6 [Amended]

4. In § 907.6, paragraph (b) is amended by removing from the middle of sentence three that begins with ''The Housing Authority prior * * *'', the phrase ''and that the property has passed recent fire and other applicable safety inspections conducted by appropriate local officials''.

5. Section 907.8 is amended by revising the first sentence in the introductory text of paragraph (c), and by revising paragraph (d), to read as follows:

§ 907.8 Purchaser eligibility and selection.

* * * * *

(c) Homebuyer eligibility. Eligibility shall be limited to residents and applicants for public housing, who are capable of assuming the financial obligations of homeownership under minimum income standards for affordability, taking into account the unavailability of public housing operating subsidies and modernization funds after conveyance of the property by the Housing Authority. * * *

* * * * *

(d) Procedures/Affirmative Fair Housing Marketing Strategy. The Housing Authority must establish written equitable procedures for identifying and selecting eligible families to participate in the homeownership program. The Housing Authority must have an affirmative fair housing marketing strategy that applies whenever homeownership opportunities are made available to other than current residents of the property. Selections made from the Housing Authority's waiting list for the homeownership program must be in a nondiscriminatory manner in accordance with preferences as submitted by the Housing Authority and approved by HUD.

* * * * *

Dated: January 12, 1995.

Henry G. Cisneros,

Secretary.

[FR Doc. 95–1414 Filed 1–19–95; 8:45 am]

BILLING CODE 4210–32–P

Federal Register

Friday
January 20, 1995

Part VIII

Department of Energy

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products: Test Procedures for Furnaces/Boilers, Vented Home Heating Equipment, and Pool Heaters; Proposed Rule

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE–RM–93–501]

Energy Conservation Program for Consumer Products: Test Procedures for Furnaces/Boilers, Vented Home Heating Equipment, and Pool Heaters

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

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On Monday, August 23, 1993, the Department of Energy (DOE or Department) published a proposed rule amending furnace and boiler, vented home heating equipment, and pool heater test procedures (58 FR 44538). Among the various proposed technical changes and revisions, that notice proposed a revision to the existing Energy Factor and proposed a new energy efficiency descriptor, Annual Efficiency. A multiplication factor (F-factor), which represented the ratio of the energy consumed at the power plant to generate the auxiliary electric energy delivered to the fossil-fueled appliance to the useful heat equivalent of that electrical energy delivered at the appliance, was applied to the auxiliary energy in the calculation of the proposed Energy Factor and Annual Efficiency. Today's notice announces a reopening of the comment period to seek comment on an alternative definition of the F-factor based on the ratio of the national average cost of the auxiliary electrical energy to the national average cost of the fossil fuel energy on a common unit energy basis. DOE is soliciting comments, data, and information respecting this alternative energy cost factor.

DATES: Written comments in response to this document must be received by February 21, 1995.

ADDRESSES: Written comments and statements shall be submitted to: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, ''Test Procedures for Furnaces/Boilers, Vented Home Heating Equipment, and Pool Heaters,'' (Docket No. EE–RM–93–501), Mail Stop EE–43, Room 5E–066, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7574.

Copies of the transcript of the public hearing and the comments received may be read and/or photocopied at the DOE Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6020, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

The Department proposed to incorporate by reference in the Final Rule the following standards:

1. American National Standards Institute/American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 103–1993.
2. American National Standards Institute Standard Z21.56–1990.

Copies of these standards may be viewed at the Department of Energy Freedom of Information Reading Room at the address stated above. Copy of the American National Standards Institute/ American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standards 103, may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, 1791 Tullie Circle, Atlanta, Georgia 30329. A copy of the American National Standard Institute Standard Z21.56 may be obtained from American National Standards Institute, 11 West 42nd Street, New York, New York 10036.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station, EE–431, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9138, FAX (202) 586–4617.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station, GC–72, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION:

I. Introduction

On August 23, 1993, DOE published in the **Federal Register** a Notice of Proposed Rulemaking and public hearing for furnaces/boilers, vented home heating equipment, and pool heaters (hereafter referred to as the 1993 Proposed Rule) to amend the furnace, vented home heating equipment and pool heater test procedures (58 FR 44538). A public hearing was held in Washington, DC on January 5, 1994. Among the various proposed technical changes and revisions, a revision to the existing Energy Factor and a new energy efficiency descriptor, named Annual Efficiency, were proposed. An intent of these proposed descriptors was to account for the electrical consumption of a furnace in its efficiency rating. To accomplish this, a multiplication factor (F-factor), which represented the ratio of the energy consumed at the power plant to generate the auxiliary electric energy consumed by the fossil fueled appliance to that auxiliary electrical energy, was applied to the auxiliary energy in the calculation of the proposed Energy Factor and Annual Efficiency.

The current DOE test procedure includes for information the computation of the annual fossil fuel and auxiliary electrical energy consumptions of fossil-fueled furnaces and boilers and an Energy Factor which includes both the fossil fuel and the auxiliary electrical energy consumption of the appliances. The Energy Factor is defined as the ratio of the annual output of energy delivered to the heated space by fossil-fueled appliances to the total annual energy input to the appliances including auxiliary electrical energy.

DOE proposed in the 1993 Proposed Rule the definition of Energy Factor as defined in ANSI/ASHRAE Standard 103–1988, with the provision that non-weatherized warm air furnaces are located indoors and all combustion and ventilation air is admitted through grills and ducts from the outdoors and does not communicate with air in the conditioned space [Isolated Combustion Systems (ICS)]. In addition, for those appliances such as mobile home furnaces and vented home heating equipment that are primarily installed indoors, DOE proposed a new descriptor, Annual Efficiency. The new annual efficiency descriptor was identical in form to the Energy Factor but for non-weatherized furnaces. For boilers and for weatherized warm air furnaces, Annual Efficiency and Energy Factor would be identical.

For fossil-fueled furnaces and boilers, the proposal defined ''Energy Factor'' as a term that gives credit for the electrical energy recovered as usable heat, such as from a blower motor that is in the circulating air stream. In addition, an F-factor, representing the ratio of the energy consumed at the power plant to generate the auxiliary electric energy delivered to the fossil-fueled appliance to that auxiliary electrical energy, was applied to the auxiliary energy in the calculation of the proposed Energy Factor and Annual Efficiency. A typical value of 3.0 for the F-factor is presented as one used in California.

II. Discussion of Comments

This notice addresses comments received on the proposed Energy Factor and Annual Efficiency descriptors and,

in particular, the multiplication factor F, which was applied to the auxiliary electrical consumption. This factor was defined in the 1993 Proposed Rule as the ratio of the energy consumed at the power plant to generate the auxiliary electric energy delivered to the fossil-fuelled appliance to the useful heat equivalent of that electrical energy delivered at the appliance.

Many comments were received on the proposed formulation of energy descriptors to capture electrical consumption of furnaces/boilers, vented home heating equipment, and pool heaters. In general, the comments received were supportive of the goals of the proposed amendments.

Twenty-one commenters offered comments on the energy efficiency descriptor issues emphasizing the F-factor. Midwest Gas of the Midwest Power Systems Inc. of Iowa supported fully the energy factor descriptor and the annual efficiency descriptor (Midwest Gas, No. 1, at 2). Columbia Gas Distribution Companies of Columbus, Ohio, Oklahoma Natural Gas Co., Texas Gas Transmission Corp., City Gas Company of Florida, Southern California Gas Co., Southern Union Gas of Texas, Lone Star Gas Co., and Texas and Brooklyn Union Gas of N.Y., all expressed support for the concept of the energy factor and the annual efficiency descriptors; however, they suggested that the source- based F-factor should be applied to all covered appliances, regardless of their primary energy source. They considered it unfair to apply the F-factor to fossil-fueled furnaces and boilers but not to all-electric appliances (Columbia Gas, No. 3, at 1; Oklahoma Natural Gas, No. 4, at 1; Texas Gas, No. 5, at 3; City Gas, No. 6, at 1; Southern California Gas, No. 24, at 1; Southern Union Gas, No. 26, at 1; Lone Star, No. 11, at 2; and Brooklyn Union, No. 19, at 1).

American Gas Association (AGA) and Hydronics Institute (HI) stated that they have long supported a full-cycle approach to energy decisions but are disappointed in that the proposed energy descriptors apply the F-factor only to the auxiliary electric energy in fossil-fueled furnaces and boilers and not to all-electric equipment. AGA considered the proposed approach illogical and biased and stated that it could result in a consumer purchasing electric furnaces because of their lower purchase price without fully considering operating cost. AGA recommended the inclusion of source energy for electric furnaces (AGA, Testimony, at 54, and No. 13, at 2; and HI, Testimony, at 75, and No. 16, at 2). Minnegasco, and Public Service Electric and Gas Co. (PSE&G) expressed the same concerns as the American Gas Association on the F-factor (Minnegasco, No. 18, at 3; and PSE&G, Testimony, at 102, and No. 9, at 3). The PSE&G further stated that if DOE adopts a source-to-site based F-factor, the factor should be regionally and seasonally applied because of regional and seasonal differences in electricity generation and demand side management programs. The PSE&G further suggested that the energy descriptor be defined to include air emissions and solid waste produced (PSE&G, Testimony, at 102, and No. 9, at 3).

Edison Electric Institute supported adoption of the proposed energy descriptors Energy Factor and Annual Efficiency, but without the F-factor (equivalent to setting F=1). Edison Electric Institute believed that site energy rather than source energy should be used in the calculation for Energy Factor and Annual Efficiency because (1) the appliance standard is to benefit the consumer who makes his or her decisions on energy usage based on site energy and has no control over the electrical power plant; (2) there is no technical justification for using source rather than site energy; (3) an unnecessary precedent would be created for other appliance standards that are currently defined using site energy; (4) given that electricity can be generated from renewable energy (wind, solar, hydro), the F-factor could distort the actual amount of energy needed for electricity generation and could have the tendency to favor fossil-fueled equipment over electric equipment; and (5) given that electricity is generated using different fuels and at different rates of conversion from heat to electricity, including nuclear and hydroelectric, a single F-factor would be misleading (Edison, No. 20, at 2).

Lennox Industries supported the inclusion of electrical energy in the proposed energy descriptors but objected that limiting the application of the F-factor on electric energy usage only to fossil-fueled furnaces and boilers would penalize this type of product and confuse the consumer (Lennox, Testimony, at 85).

Inter-City Products stated that (1) applying the F-factor to auxiliary electric energy consumption in gas-fired furnaces, but not to the electric energy consumption in electric furnaces, puts the gas-fired equipment at an unjustified disadvantage in comparison to electric furnaces and heat pumps, which could cause significant load shifting from gas to electric, (2) gas and electrical consumption cannot be separated for cost comparison in a single energy descriptor that combines two different forms of energy but not cost in the calculation because their operating cost will be different, and (3) there is no basis for the proposed value of 3.37 for the F-factor. Therefore, Inter-City stated that it would not support the proposed energy descriptors until these issues were resolved (Inter-City, No. 7, at 3).

GAMA objected to the proposed energy descriptors' immediate implementation in their present form, for reasons similar to those mentioned by Inter-City, *supra*. GAMA also suggested the possibility of developing two separate energy descriptors for fossil fuel and electric energy consumption. Carrier Corp. and Consolidated Industries both stated their support of GAMA (GAMA, Testimony, at 18, and No. 8, at 5; Carrier, No. 12, at 1; and Consolidated, No. 22, at 1). York International objected to the proposed energy descriptors and would support the descriptors only if the F-factor was not applied. York also considered F-factor's use inconsistent by not applying it to all-electric units (York, No. 10, at 1).

California Energy Commission supported the proposed energy descriptors with the F-factor (California, No. 25, at 3). The National Resources Defense Council (NRDC) strongly supported the proposed energy descriptors and the concept of applying a multiplication factor to auxiliary electrical energy consumed to reflect the cost of energy to the consumers. The NRDC suggested that other than the source-based F-factor, factors based on consumer cost or emission impacts (air pollution impacts or climate pollution impacts) could also be used to develop the F-factor. But NRDC suggested that a factor based on average consumer costs (the ratio of unit energy cost to consumers of electrical energy and fossil fuel) would be a more accurate and useful approach, as it is more reflective of the costs the consumer is incurring. The NRDC suggested that in order to avoid the necessity of changing the cost ratio due to fluctuations or changes in the gas to electric costs every year, a single value for the factor should be chosen and maintained for the next ten years or longer unless the factor changes drastically (NRDC, Testimony, at 68 and No. 15, at 2).

III. Discussion of Issues for Further Comment

The main reason for the Department's 1993 proposal to establish the energy factor and the annual efficiency descriptor was to take into account the consumption of the auxiliary electric

energy in the operation of fossil-fueled furnaces and boilers. The AFUE descriptor for fossil-fueled units, as defined, deals with only the primary energy consumption (gas or oil) of an appliance, and therefore does not give the consumer a complete account of the overall energy and cost performance of the appliance. A survey of the yearly auxiliary electrical energy consumption and gas consumption of gas-fired furnaces, as published in the October 1993 GAMA Efficiency Certification Directory, showed that the auxiliary electrical energy consumption varies from approximately 2.0 to 6.5 percent of the gas consumption. Even though this energy consumption ratio is small, it is significant in cost to the consumer because electricity costs approximately four times more than gas. On the basis of AFUE alone, a consumer would not be able to compare the overall efficiency of two (or more) different models of fossil-fueled furnaces or boilers of comparable output capacity but with blower motors of different efficiencies and, hence, different costs. The proposed Energy Factor or Annual Efficiency will give the consumer the necessary descriptor for a more informed purchasing decision.

A second reason for having the proposed energy descriptors is to allow for the consideration of design options involving changes in auxiliary electric energy consumption in the Department's analysis supporting the energy efficiency standard rulemaking.

The definition of the F-factor in the 1993 proposed rule was intended to: (1) provide consumers with rating information which reflects annual operating cost, including electrical energy, so they can make informed choices when comparing several models or makes of fossil-fueled appliances; and (2) encourage manufacturers to make the most overall energy efficient appliance, the efficiency of which can be shown to the consumers with a meaningful energy descriptor. After reviewing the objections presented by commenters with regard to the proposed F-factor, the Department invites comment on an alternative formulation of the F-factor based on the ratio of costs. In particular, DOE invites comment on the NRDC suggestion that basing a multiplication factor on energy costs of electricity and fossil fuel to consumers rather than on source energy ratio would be a more meaningful criterion in reflecting the overall energy efficiency of fossil-fueled appliances. This ratio may also give consumers a clearer grasp of the cost of operating their appliances.

The F-factor value of 3.37 in the 1993 proposed rule was based on historical values of power-plant-to-site energy ratios. More recent calculations, based on future projections in the ''Annual Energy Outlook 1994'' (Energy Information Administration, DOE, DOE/EIA–0383(94), January, 1994, Table A2), showed that a value of F=3.2 would be appropriate for the years 2000 through 2010. Average national electricity-to-fuel price (as opposed to energy) ratios also were calculated for the same years, using the ''Annual Energy Outlook 1994'' (Tables A3 and A4). These price ratios were obtained by first calculating a weighted-averaged fuel price (for natural gas, LPG, and oil), then taking the ratio of average national electricity price to the weighted average fuel price. The weighted average price for the three fuels was calculated by weighting each fuel price by its yearly national residential space heating consumption (in quads per year). These calculations showed that the projected electricity-to-fuel price ratio will vary from 3.46 in the year 2000 to 3.30 in the year 2010, and that the trend for this ratio will be toward less variation over time. Therefore, while some variation will exist in the price ratio over time (as cautioned by the NRDC in its testimony), the Department seeks comment on whether a nationwide price ratio of 3.36 will be valid for the next 10 to 20 years (determined by extrapolating for the year 2002 and price ratio remaining unchanged during that period). The actual ratio of electricity-to-fuel price will not be the same across the U.S., but the use of a multiple-valued F-factor, as suggested by the Edison Electric Institute, would cause complications for manufacturers that sell the same appliance in different parts of the country. Using a single value is similar to the adoption of a national average outdoor temperature and a national average heating degree-days in the calculation for the heating seasonal efficiency and AFUE in the current test procedure.

The Department is seeking comment on the equations for the proposed Energy Factor and the Annual Efficiency for furnaces and boilers that use fossil fuel as the primary source of energy, and a much smaller quantity of electrical energy for the auxiliary equipment (2.0 percent to 6.5 percent of the yearly gas consumption for gas furnaces; less than 1.0 percent for boilers). The F-factor should be applied to all types of source energy and to all types of space-heating equipment. As previously stated, the inclusion of the F-factor in the proposed equations for these energy descriptors is to calculate the total cost of the fossil fuel energy and the auxiliary electrical energy consumed by the appliance. In this way, the consumers would have a more complete energy descriptor than the AFUE to compare the total cost of operating the appliance in their homes. This would also discourage the possible practice of running the air circulation blower longer during burner ignition and shut-off in order to obtain a slightly higher AFUE value, while actually consuming more electrical energy and thus, more overall energy. The Department believes the best information available to consumers to make an informed decision when purchasing a fossil-fueled appliance is an efficiency descriptor that will reflect the total cost of operating the appliance. The proposed energy descriptors do reflect that total cost to the consumer.

Based on the discussion above, DOE is seeking comment today on redefining the F-factor in the August 23, 1993, proposed rule as the ratio of national average price of electricity to the national average price of fossil fuel, on a common unit energy basis. In particular, DOE invites comment on use of value of 3.36 for the F-factor.

The Department solicits comment and information on the application of the proposed consumer energy cost factor to the auxiliary electrical energy consumption as a multiplication factor in the calculation of the proposed Energy Factor and the Annual Efficiency for fossil fuel heating appliances.

Issued in Washington, DC, on January 11, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 95–1433 Filed 1–19–95; 8:45 am]

BILLING CODE 6450–01–P

Friday
January 20, 1995

Part IX

Department of Housing and Urban Development

1995 Funding for Comprehensive Improvement Assistance Program; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–95–3867; FR–3774–N–01]

Advance Notice of Fiscal Year (FY) 1995 Funding for Comprehensive Improvement Assistance Program (CIAP)

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Advance notice of FY 1995 funding for CIAP.

SUMMARY: This Notice provides advance information to Public Housing Agencies and Indian Housing Authorities (herein referred to as HAs) that own or operate fewer than 250 public housing units and, therefore, are eligible to apply and compete for CIAP funds, of the requirements for applying for FY 1995 CIAP funding. Therefore, the CIAP eligible HA may start now to plan and develop its FY 1995 CIAP application. HAs with 250 or more public housing units are entitled to receive a formula grant under the Comprehensive Grant Program (CGP) and are not eligible to apply for CIAP funds.

DATES: This Advance Notice does not establish an application deadline date. A Notice of Fund Availability (NOFA) will be published at a later date and will establish an application deadline date, as well as set forth the amount of funds available for the CIAP.

FOR FURTHER INFORMATION CONTACT: William J. Flood, Director, Modernization Division, Office of Distressed and Troubled Housing Recovery, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4134, Washington, DC 20410. Telephone (202) 708–1640. (This is not a toll-free number).

IHAs may contact Dominic A. Nessi, Director, Office of Native American Programs, Department of Housing and Urban Development, 451 Seventh Street, SW., B–133, Washington, DC 20410. Telephone (202) 755–0032. (This is not a toll-free number).

Hearing or speech impaired individuals may call HUD's TDD number (202) 708–4595. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Purpose and Substantive Description

(a) *Authority.* Sec. 14, United States Housing Act of 1937 (42 U.S.C. 14371); Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). An interim rule revising the CIAP regulation, 24 CFR Part 968, Subparts A and B, for PHAs and 24 CFR Part 905, Subpart I, for IHAs, and streamlining the program was published on March 15, 1993. A final rule will be published shortly.

(b) *Program Highlights.*

(1) *Departmental Priority.* Improving Public and Indian Housing is one of the Department's major priorities. Accordingly, a review has been made of the entire Public and Indian Housing Program. Specifically, the Department is very concerned about several aspects of the Modernization Program, as follows:

(i) *Design.* When identifying physical improvement needs to meet the modernization standards, HAs are encouraged to consider design which supports the integration of public housing into the broader community. Although high priority needs, such as those related to health and safety, vacant/substandard units, structural or system integrity, and compliance with statutory, regulatory or court-ordered deadlines, will receive funding priority, HAs should plan their modernization in a way which promotes good design, but maintains the modest nature of public housing. The HA should pay particular attention to design, which is sensitive to traditional cultural values, and be receptive to creative, but cost-effective approaches suggested by architects, residents, HA staff, and other local entities. Such approaches may complement the planning for basic rehabilitation needs. It should be noted that there will be no increase in operating subsidy due to improved design promoting the blend of public housing into the surrounding neighborhood or to additional amenities improving the quality of life.

(ii) *Expediting the Program.* HAs are reminded that they are expected to obligate all funds within two years and to expend all funds within three years of program approval (Annual Contributions Contract (ACC) Amendment execution) unless a longer project implementation schedule is approved by the Field Office. If the HA does not obligate approved funds in a timely manner, the Department will recapture the funds unless there are clear, valid reasons for not meeting the obligation deadline; i.e., delays which are outside of the HA's control.

(iii) *Resident Involvement and Economic Uplift.* HAs are required to explore and implement through all feasible means the involvement of residents, including duly-elected resident councils, in every aspect of the CIAP, from planning through implementation. HAs shall use the provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (Section 3) to the maximum feasible extent. HAs are encouraged to seek ways to employ Section 3 residents in all aspects of the CIAP's operation and to develop means to promote contracting opportunities for businesses in Section 3 areas. Refer to 24 CFR 85.36(e) regarding the provision of such opportunities.

(iv) *Elimination of Vacant Units.* Although the Department has a vacancy reduction effort specifically aimed at reducing vacancies, HAs are encouraged to apply for CIAP funds to address vacant units where the work does not involve routine maintenance, but will result in reoccupancy.

(2) *Relationship to Technical Review Factors.* The Departmental goal of improving Public and Indian Housing is reflected in the technical review factors, set forth in section IV(c)(5) of this Notice, on which the Field Office scores each HA's CIAP Application. Based on the HA's total score, the Field Office then ranks each HA to determine selection for Joint Review. The technical review factors include the following Departmental initiatives to improve Public and Indian Housing:

(i) Restoration of vacant units to occupancy;

(ii) Resident capacity-building, including opportunities for resident management;

(iii) Economic development, through job training and employment opportunities for residents and contracting opportunities for Section 3 businesses;

(iv) Drug elimination initiatives; and

(v) Partnership with local government.

II. Allocation Amounts

The Department will publish separately a NOFA in the **Federal Register**, explaining the FY 1995 appropriation, minus any FY 1995 set-asides and reductions, plus any carry-over from FY 1994. The NOFA also will explain the allocation between the CGP and the CIAP, and within the CIAP, the allocation between Public Housing and Indian Housing and the allocation to each Field Office/Office of Native Americans Program (ONAP). The Field Office Public Housing Director or the ONAP Administrator shall have authority to make Joint Review selections and CIAP funding decisions.

III. Application Preparation and Submission by HA

(a) *Planning.* In preparing its CIAP Application, the HA is encouraged to assess all its physical and management

improvement needs. Physical improvement needs should be reviewed against the modernization standards, as set forth in HUD Handbook 7485.2, as revised, and any cost-effective energy conservation measures, identified in updated energy audits. The modernization standards include development specific work to ensure the long-term viability of the developments, such as amenities and design changes to promote the integration of low-income housing into the broader community. (See section I(b)(1)(i) of this Notice). In addition, the HA is strongly encouraged to contact the Field Office to discuss its modernization needs and obtain information. The term ''Field Office'' includes the ONAP.

(b) *Resident Involvement/Local Official Consultation Requirements.*

(1) *Residents/Homebuyers.* The CIAP regulations at §§ 968.220 or 905.624 require the HA to establish a Partnership Process for rental developments which ensures full resident participation in the planning, implementation and monitoring of the modernization program, as follows:

(i) Before submission of the CIAP Application, consultation with residents, resident organization, and resident management corporation (herein referred to as residents) of the development(s) being proposed for modernization and request for resident recommendations;

(ii) Reasonable opportunity for residents, including duly-elected resident councils, to present their views on the proposed modernization and alternatives to it, and full and serious consideration of resident recommendations;

(iii) Written response to residents, including duly-elected resident councils, indicating acceptance or rejection of resident recommendations, consistent with HUD requirements and the HA's own determination of efficiency, economy and need, with a copy to the Field Office at Joint Review;

(iv) After HUD funding decisions, notification to residents of the approval or disapproval and, where requested, provision to residents of a copy of the HUD-approved CIAP budget; and

(v) During implementation, periodic notification to residents of work status and progress and maximum feasible employment of residents in the modernization effort.

(2) *Local Officials.* Before submission of the CIAP Application, consultation with appropriate local officials regarding how the proposed modernization may be coordinated with any local plans for neighborhood revitalization, economic development, drug elimination and expenditure of local funds, such as Community Development Block Grant funds.

(c) *Contents of CIAP Application.* Within the established time frame, the HA shall submit the CIAP Application to the Field Office, with a copy to appropriate local/tribal officials. The HA may obtain the necessary forms from the Field Office. The CIAP Application is comprised of the following documents:

(1) *Form HUD–52822, CIAP Application,* in an original and two copies, which includes:

(i) A general description of HA development(s), in priority order, (including the current physical condition, for each development for which the HA is requesting funds, or for all developments in the HA's inventory) and physical and management improvement needs to meet the Secretary's standards in § 968.115 or § 905.603; description of work items required to correct identified deficiencies; and the estimated cost. For example:

Development 1–1: 50 units of low-rent; 25 years old; physical needs are: new roofs; LBP testing; storm windows and doors; and electrical upgrading at estimated cost of $150,000.

Development 1–2: 40 units of low-rent; 20 years old; physical needs are: physical accessibility of 2 units; kitchen floors; shower/bathtub surrounds; fencing; and exterior lighting at estimated cost of $90,000.

Development 1–3: 35 units of Turnkey III; 15 years old; physical needs are: physical accessibility of 3 units; and roof insulation at estimated cost of $50,000.

Development 1–4: 20 units of low-rent; 5 years old; no physical needs; no funding requested.

Note: Refer to Section IV(d)(3) of this Notice regarding the consequences of not including all developments in the CIAP Application, even where there are no known current needs.

(ii) Where funding is being requested for management improvements, an identification of the deficiency, a description of the work required for correction, and estimated cost. *Examples* of management improvements include, but are not limited to the following areas:

(A) the management, financial, and accounting control systems of the HA;

(B) the adequacy and qualifications of personnel employed by the HA in the management and operation of its developments by category of employment; and

(C) the adequacy and efficacy of resident programs and services, resident and development security, resident selection and eviction, occupancy and vacant unit turnaround, rent collection, routine and preventive maintenance, equal opportunity, and other HA policies and procedures.

(iii) a certification that the HA has met the requirements for consultation with local officials and residents/homebuyers and that all developments included in the application have long term physical and social viability, including prospects for full occupancy. If the HA cannot make this certification with respect to long-term viability, the HA shall attach a narrative, explaining its viability concerns.

(2) *A narrative statement,* in an original and two copies, addressing each of the technical review factors in section IV(c)(5) and, where applicable, the bonus points in section IV(c)(6).

(3) *Form HUD–50071, Certification for Contracts, Grants, Loans and Cooperative Agreements,* in an original only, required of HAs established under State law, applying for grants exceeding $100,000.

(4) *SF-LLL, Disclosure of Lobbying Activities,* in an original only, required of HAs established under State law, only where any funds, other than federally appropriated funds, will be or have been used to influence Federal workers, Members of Congress and their staff regarding specific grants or contracts.

(5) *Form HUD–2880, Applicant/Recipient Update/Disclosure Report,* in an original only, required of HAs established under State law.

(6) *At the option of the HA,* photographs or video cassettes showing the physical condition of the developments.

IV. Application Processing by Field Office

(a) *Completeness Review (Corrections to Deficient Applications).* To be eligible for processing, the CIAP Application must be physically received by the Field Office within the time period specified in the NOFA to be published at a future date, and must be complete, including the signed certification. Immediately after the application deadline, the Field Office shall perform a completeness review to determine whether an application is complete, responsive to the NOFA and acceptable for technical processing.

(1) If either Form HUD–52822, CIAP Application, *or* the narrative statement on the technical review factors is missing, the HA's application will be considered substantially incomplete and, therefore, ineligible for further

processing. The Field Office shall immediately notify the HA in writing.

(2) If Form HUD–50071, Certification for Contracts, Grants, Loans, and Cooperative Agreements, or SF-LLL, Disclosure of Lobbying Activities, are required, but missing, *or* Form HUD–2880, Applicant/Recipient Update/ Disclosure Form, is missing, *or* there is a technical mistake, such as no signature on a submitted form *or* the HA failed to address all of the technical review factors, the Field Office shall immediately notify the HA in writing that the HA has 14 calendar days from the date of HUD's notification to submit or correct the deficiency. This is not additional time to substantially revise the application. Deficiencies which may be corrected at this time are inadvertently omitted documents or clarifications of previously submitted material and other changes which are not of such a nature as to improve the competitive position of the application.

(3) If the HA fails to submit or correct the items within the required time period, the HA's application will be ineligible for further processing. The Field Office shall notify the HA in writing immediately after this occurs.

(b) *Eligibility Review.* After the HA's CIAP Application is determined to be complete and accepted for review, the Field Office eligibility review shall determine if the application is eligible for processing or processing on a reduced scope.

(1) *Eligibility for Processing.* To be eligible for processing:

(i) *HA Eligibility.* HA has fewer than 250 Public and Indian housing units.

(ii) *Development Eligibility.* The development is either a public housing development, including a conveyed Lanham Act or Public Works Administration development, or a Section 23 Leased Housing Bond-Financed project (BFP).

(iii) *Date of Full Availability (DOFA)/ Major Reconstruction of Obsolete Projects (MROP) Funding.* Each eligible development for which work is proposed has reached DOFA at the time of CIAP Application submission. In addition, where funded under MROP after FY 1988, the development/ building has reached DOFA or where funded during FYs 1986–1988, all MROP funds for the development/ building have been expended.

(2) *Eligibility for Processing on Reduced Scope.* Where the following conditions exist, the HA will be reviewed on a reduced scope:

(i) *Section 504 Compliance.* Where the Section 504 needs assessment identified a need for accessible units, the HA was required to make structural changes to meet that need by July 11, 1992. (''Section 504'' refers to Section 504 of the Rehabilitation Act of 1973.) Where the HA has not completed all required structural changes or obtained a time extension from HUD to July 11, 1995, the HA is eligible for processing only for Emergency Modernization or physical work needed to meet Section 504 requirements. Refer to PIH Notice 94–56 (HA), dated August 15, 1994.

(ii) *Lead-Based Paint (LBP) Testing Compliance.* Where the HA has not complied with the statutory requirement to complete LBP testing on all pre-1978 family units, the HA is eligible for processing only for Emergency Modernization or work needed to complete LBP testing.

(iii) *FHEO Compliance.* Where the HA has not complied with Fair Housing and Equal Opportunity (FHEO) requirements as evidenced by an action, finding or determination as described below, unless the HA is implementing a voluntary compliance agreement or settlement agreement designed to correct the area(s) of noncompliance, the HA is eligible for processing only for Emergency Modernization or physical work needed to remedy civil rights deficiencies.

(A) A pending proceeding against the HA based upon a Charge of Discrimination issued under the Fair Housing Act. A Charge of Discrimination is a charge under Section 810(g)(2) of the Fair Housing Act, issued by the Department's General Counsel or legally authorized designee;

(B) A pending civil rights suit against the HA, referred by the Department's General Counsel and instituted by the Department of Justice;

(C) Outstanding HUD findings of HA noncompliance with civil rights statutes and executive orders under § 968.110(a) or § 905.115, or implementing regulations, as a result of formal administrative proceedings, unless the HA is implementing a HUD-approved resident selection and assignment plan or compliance agreement designed to correct the area(s) of noncompliance;

(D) A deferral of the processing of applications from the HA imposed by HUD under Title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 50.3) and the HUD Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1), or under Section 504 of the Rehabilitation Act of 1973 and HUD implementing regulations (24 CFR 8.57); or

(E) An adjudication of a violation under any of the authorities under § 968.110(a) or § 905.115 in a civil action filed against the HA by a private individual, unless the HA is implementing a HUD-approved resident selection and assignment plan or compliance agreement designed to correct the area(s) of noncompliance.

(c) *Selection Criteria and Ranking Factors.* After all CIAP Applications are reviewed for eligibility, the Field Office shall categorize the eligible HAs and their developments into two processing groups, as defined in subparagraph (1) of this paragraph: Group 1 for Emergency Modernization; and Group 2 for Other Modernization. HA developments may be included in both groups and the same development may be in each group. However, the HA is only required to submit one CIAP Application.

(1) *Grouping Modernization Types.*

(i) *Group 1, Emergency Modernization.* Developments having physical conditions of an emergency nature, posing an immediate threat to the health or safety of residents or related to fire safety, and which must be corrected within one year of CIAP funding approval. Funding is limited to physical work items and may not be used for management improvements. Emergency Modernization includes all LBP testing and abatement of units housing children under six years old with elevated blood lead levels (EBLs) and all LBP testing and abatement of HA-owned day care facilities used by children under six years old with EBLs. Group 1 developments are not subject to the technical review rating and ranking in subparagraphs (5), (6) and (7) of this paragraph or the long-term viability and reasonable cost determination in section V(e).

(ii) *Group 2, Other Modernization.* Developments not having physical conditions of an emergency nature and located in HAs which have demonstrated a capability of carrying out the proposed modernization activities. Other Modernization includes: one or more physical work items, where the Field Office determines that the physical improvements are necessary and sufficient to extend the useful life of the development; and/or one or more development specific or HA-wide management work items (including planning costs); and/or LBP testing, professional risk assessment, interim containment, and abatement. Therefore, eligibility of work under Other Modernization ranges from a single work item to the complete rehabilitation of a development. Refer to section I(b)(1)(i) of this Notice regarding modest amenities and improved design. Group 2 developments are subject to the technical review rating and ranking in subparagraphs (5), (6) and (7) of this

paragraph and the long-term viability and reasonable cost determination in section V(e).

(2) *Assessment of HA's Management Capability.* As part of its technical review of the CIAP Application, the Field Office shall evaluate the HA's management capability. Particular attention shall be given to the adequacy of the HA's maintenance in determining the HA's management capability. This assessment shall be based on the compliance aspects of on-site monitoring, such as audits, reviews or surveys which are currently available within the Field Office, *and* on the performance review under the Public Housing Management Assessment Program (PHMAP) for PHAs or the Administrative Capability Assessment for IHAs, and other information sources, as follows:

(i) *Public Housing.* A PHA has management capability if it is (A) not designated as Troubled under 24 CFR Part 901, PHMAP, or (B) designated as Troubled, but has a reasonable prospect of acquiring management capability which may include through CIAP-funded management improvements. A Troubled PHA is eligible for Emergency Modernization only, unless it is making reasonable progress toward meeting the performance targets established in its memorandum of agreement or equivalent under § 901.140 or has obtained alternative oversight of its management functions.

(ii) *Indian Housing.* An IHA has management capability if it is (A) not designated as High Risk under § 905.135 or (B) designated as High Risk, but has a reasonable prospect of acquiring management capability which may include through CIAP-funded management improvements. A High Risk IHA is eligible for Emergency Modernization only, unless it is making reasonable progress toward meeting the goals established in its management improvement plan under § 905.135.

(3) *Assessment of HA's Modernization Capability.* As part of its technical review of the CIAP Application, the Field Office shall evaluate the HA's modernization capability, including the progress of previously approved modernization and the status of any outstanding findings from CIAP monitoring visits, as follows:

(i) *Public Housing.* A PHA has modernization capability if it is (A) not designated as Modernization Troubled under 24 CFR Part 901, PHMAP, or (B) designated as Modernization Troubled, but has a reasonable prospect of acquiring modernization capability which may include through CIAP-funded management improvements and administrative support, such as hiring staff or contracting for assistance. A Modernization Troubled PHA is eligible for Emergency Modernization only, unless it is making reasonable progress toward meeting the performance targets established in its memorandum of agreement or equivalent under § 901.140 or has obtained alternative oversight of its modernization functions. Where a PHA does not have a funded modernization program in progress, the Field Office shall determine whether the PHA has a reasonable prospect of acquiring modernization capability through hiring staff or contracting for assistance.

(ii) *Indian Housing.* An IHA has modernization capability if it is capable of effectively carrying out the proposed modernization improvements. Where an IHA does not have a funded modernization program in progress, the ONAP shall determine whether the IHA has a reasonable prospect of acquiring modernization capability through hiring staff or contracting for assistance.

(4) *Technical Processing.* After the Field Office has categorized the eligible HAs and their developments into Group 1 and Group 2, the Field Office shall rate each Group 2 HA on each of the technical review factors in subparagraph (5) of this paragraph. With the exception of the technical review factor of ''extent and urgency of need'', a Group 2 HA is rated on its overall HA application and not on each development. For the technical review factor of ''extent and urgency of need,'' each development for which funding is requested in the CIAP Application by a Group 2 HA is scored; the development with the highest priority needs is scored the highest number of points, which is then used for the overall HA score on that factor. *High priority needs* are non-emergency needs, but related to: health or safety; vacant, substandard units; structural or system integrity; or compliance with statutory, regulatory or court-ordered deadlines.

(5) *Technical Review Factors.* The technical review factors for assistance are:

Technical review factors	Maximum points
Extent and urgency of need, including need to comply with statutory, regulatory or court-ordered deadlines	40
HA's modernization capability	15
HA's management capability	15
Extent of vacancies, where the vacancies are not due to insufficient demand	10
Degree of resident involvement in HA operations	5
Degree of HA activity in resident initiatives, including tenant opportunity, economic development, and drug elimination efforts	5
Degree of resident employment through direct hiring or contracting or job training initiatives	5
Local government support for proposed modernization	5
Total maximum score	100

(6) *Bonus points.*

(i) For Public Housing only, the Field Office shall provide up to 5 bonus points for any PHA that can demonstrate that it has obtained funds from a non-HUD source to improve or support the modernization activities or the general operation of the PHA. Non-HUD sources of funding may include: local government, over and above what is required under the Cooperation Agreement for municipal services such as police and fire protection and refuse collection; private non-profit organizations; or other public and private entities. To qualify for the bonus points, the PHA shall identify the entity, the amount of funds being obtained, and the purpose of the funding.

(ii) For Public Housing only, the Field Office shall provide up to 2 bonus points for any PHA that can demonstrate that it has awarded contracts, including subcontracts, to minority business enterprises (MBEs) or women's business enterprises (WBEs) within the last three years. Such affirmative action is required by Executive Orders 11625 and 12432 for MBEs and by Executive Order 12138 for WBEs. To qualify for the bonus points, the PHA shall identify the contractor or the subcontractor, the dollar value of the

contract or subcontract, and the date of award.

(7) *Rating and Ranking.* After rating all Group 2 HAs on each of the technical review factors and providing any bonus points as set forth in subparagraph (6) of this paragraph, the Field Office shall rank each Group 2 HA based on its total score, list Group 2 HAs in descending order and identify other Group 2 HAs with lower ranking applications, but with high priority needs. The Field Office shall consult with Headquarters regarding any identified FHEO noncompliance.

(d) *Joint Review.* The purpose of the Joint Review is for the Field Office to discuss with the HA the proposed modernization program, as set forth in the CIAP Application, and determine the size of the grant, if any, to be awarded.

(1) The Field Office shall select HAs, including all Group 1 HAs, for Joint Review so that the total dollar value of all proposed modernization recommended for funding exceeds the assignment amount by at least 15%. This will preserve the Field Office's ability to adjust cost estimates and work items as a result of Joint Review.

(2) The Field Office shall notify in writing each HA whose application has been selected for further processing as to whether the Joint Review will be conducted on-site or off-site (e.g., by telephone or in-office meeting). An HA will not be selected for Joint Review if there is a duplication of funding (refer to section V(g)). The Field Office shall notify in writing each HA not selected for Joint Review and the reasons for non-selection.

(3) Where the HA has not included some of its developments in the CIAP Application, the Field Office may not, as a result of Joint Review, consider funding any non-emergency work at excluded developments or subsequently approve use of leftover funds at excluded developments. Therefore, to provide maximum flexibility, the HA may wish to include all of its developments in the CIAP Application, even though there are no known current needs.

(4) The HA shall prepare for the Joint Review by preparing a draft CIAP budget, and reviewing the other items to be covered during the Joint Review, such as the need for professional services, method of accomplishment of physical work (contract or force account labor), HA compliance with various Federal statutes and regulations, etc. If conducted on-site, the Joint Review may include an inspection of the proposed physical work.

(e) *HUD Awards.* After all Joint Reviews are completed, the Field Office shall adjust the HAs, developments, and work items to be funded and the amounts to be awarded, on the basis of information obtained from Joint Reviews, FHEO review, and environmental reviews (refer to paragraph (h)). Such adjustments are necessary where Joint Review determines that actual Group 1 emergencies and Group 2 high priority needs, HA priorities, or cost estimates vary from the HA's application. Such adjustments may preclude the Field Office from funding all of the higher ranked HA applications in order to accommodate the funding of high priority needs. However, where the information obtained from Joint Reviews, FHEO review, and environmental reviews does not substantially alter the information used to establish the rankings before Joint Review, the Field Office shall make funding decisions in accordance with its rankings. After Congressional notifications, the Field Office shall announce the HAs selected for CIAP grants, subject to their submission of an approvable CIAP budget and other required documents.

(f) *HA Submission of Additional Documents.* After Field Office funding decisions, the Field Office shall provide written notification to the HA of funding approval, subject to HA submission of the following documents within the time frame prescribed by the Field Office:

(1) *Form HUD–52825, CIAP Budget/ Progress Report,* which includes the implementation schedule(s), in an original and two copies.

(2) *Form HUD–50070, Certification for a Drug-Free Workplace,* in an original only.

(3) *Form HUD–52820, HA Board Resolution Approving CIAP Budget,* in an original only.

(g) *ACC Amendment.* After HUD approval of the CIAP budget, HUD and the HA shall enter into an ACC amendment in order for the HA to obtain modernization funds. The ACC amendment shall require low-income use of the housing for not less than 20 years from the date of the ACC amendment (subject to sale of homeownership units in accordance with the terms of the ACC). HUD has the authority to condition an ACC amendment (e.g., to require an HA to hire a modernization coordinator or contract administrator to administer its modernization program).

(h) *Environmental review.* The Field Office shall review the environmental impact of all modernization activities under Part 50, in accordance with the provisions of Parts 905 and 968. The Field Office may obtain the information required to conduct the environmental review during Joint Review. The HA shall provide any documentation to the Field Office that it needs to carry out its review under NEPA. After all Joint Reviews are conducted, the Field Office shall complete the environmental reviews before funding decisions are made and announced and before HAs are invited to submit CIAP budgets. Therefore, in requesting CIAP budgets, the Field Office shall specify any HA modification or elimination of activities or expenditures that the Field Office has determined, after review under the National Environmental Policy Act (NEPA) or related laws, to have an unacceptable environmental impact. Upon approval of the CIAP budget, the Field Office shall send an approval letter to the HA which includes notification that HUD has complied with its responsibilities under 24 CFR 905.120(a) or 24 CFR 968.110(c) and (d) before entering into an ACC amendment with the HA.

(i) *Declaration of Trust.* Where the Field Office determines that a Declaration of Trust is not in place or is not current, the HA shall execute and file for record a Declaration of Trust as provided under the ACC to protect the rights and interests of HUD throughout the 20-year period during which the HA is obligated to operate its developments in accordance with the ACC, the Act, and HUD regulations and requirements. HUD has determined that its interest in Mutual Help units is sufficiently protected without the further requirement of a Declaration of Trust; therefore, a Declaration of Trust is not required for Mutual Help units.

(j) *''Fast Tracking'' Applications.* Emergency applications do not have to be processed within the normal processing time allowed for other applications. Where an immediate hazard must be addressed, HA applications may be submitted and processed at any time during the year when funds are available. The Field Office shall ''fast track'' the processing of these emergency applications so that fund reservation may occur as soon as possible.

V. Other Program Items

(a) *Turnkey III Developments.*

(1) *General.* Eligible physical improvement costs for existing Turnkey III developments are limited to work items under Emergency Modernization or Other Modernization which are not the responsibility of the homebuyer families *and* which are related to health

and safety, correction of development deficiencies, physical accessibility, energy audits and cost-effective energy conservation measures, or LBP testing, interim containment, professional risk assessment and abatement. In addition, eligible costs include management improvements under the modernization type of Other Modernization. Turnkey III units which have been paid off, but not conveyed, are eligible for funding, but if funded, the modernization work must be completed before conveyance. The cost of the physical and management improvements shall not increase the purchase price and amortization period for the homebuyer families.

(2) *Ineligible Costs.* Nonroutine maintenance or replacements, dwelling additions, and items that are the responsibility of the homebuyer families are ineligible costs.

(3) *Exception for vacant or non-homebuyer-occupied Turnkey III units.*

(i) Notwithstanding the requirements of subparagraph (1) of this paragraph, an HA may carry out Other Modernization in a Turnkey III development, whenever a Turnkey III unit becomes vacant or is occupied by a non-homebuyer family. An HA that intends to use funds under this paragraph must identify in its CIAP Application, the estimated number of units proposed for Other Modernization and subsequent sale. In addition, an HA must certify that: the proposed modernization under this paragraph would result in bringing the identified units into full compliance with the homeownership objectives under the Turnkey III Program; and the HA has homebuyers who both are eligible for homeownership, in accordance with the regulatory requirements, and have demonstrated their intent to be placed into each of the Turnkey III units proposed for Other Modernization.

(ii) Before an HA may be approved for Other Modernization of a unit under this paragraph, it must first deplete any Earned Home Payments Account (EHPA) or Non-Routine Maintenance Reserve (NRMR) pertaining to the unit, and request the maximum operating subsidy. Any increase in the value of a unit caused by its Other Modernization under this paragraph shall be reflected solely by its subsequent appraised value, and not by an automatic increase in its purchase price.

(b) *Mutual Help Developments.* Mutual Help developments are eligible for the same physical and management improvement costs as are rental developments. Mutual Help units which have been paid off, but not conveyed, are eligible for funding, but if funded, the modernization work must be completed before conveyance.

(c) *Professional Risk Assessment for LBP.* A set-aside may be made available for LBP professional risk assessments under a separate NOFA and Processing Notice. HAs with pre-1980 family developments are strongly encouraged to apply for these funds to conduct LBP professional risk assessments.

(d) *In-Place Management (Interim Containment of LBP).* Where the results of the LBP professional risk assessment recommend that the HA undertake in-place management measures, the HA is strongly encouraged to apply for CIAP funds to carry out such measures. However, if the HA is not successful in obtaining CIAP funds for in-place management measures, the HA may request a budget revision of previously approved, but unobligated CIAP funds to accomplish such measures. Where the HA had a CIAP budget revision approved for this purpose in FY 1994, the HA may request FY 1995 CIAP funds to complete the items which were eliminated as a result of the budget revision.

(e) *Long-Term Viability and Reasonable Cost.*

(1) *Long-Term Viability.* On Form HUD–52822, CIAP Application, the HA certifies whether the developments proposed for modernization have long-term viability, including prospects for full occupancy. If, during Joint Review, the HA or Field Office believes that a particular development may not have long-term viability, the Field Office shall make a final viability determination. If the Field Office determines that a development does not have long-term viability, the Field Office shall only approve Emergency Modernization or nonemergency funding necessary to maintain habitability until the demolition or disposition application is approved and residents can be relocated. In making the final viability determination, the Field Office shall consider whether:

(i) Any special or unusual conditions have been adequately explained, all work has been justified as necessary to meet the modernization and energy conservation standards, including development specific work necessary to blend the development in with the design and architecture of the neighborhood; and

(ii) Reasonable cost estimates have been provided, and every effort has been made to reduce costs; and

(iii) Rehabilitation of the existing development is more cost-effective in the long-term than construction or acquisition of replacement housing; or

(iv) There are no practical alternatives for replacement housing.

(2) *Reasonable Cost.* During the Joint Review, the Field Office shall determine reasonable cost for the proposed work, using one of the following methods: (i) unfunded hard cost of 90 percent or less of computed Total Development Cost (TDC), which is easier to apply when comprehensive-type modernization is proposed; or (ii) the reasonableness of the estimated cost of individual work items, using national indices, such as R.S. Means Index, the Dodge Report or Marshall and Swift, adjusted to reflect local conditions and actual experience, which is easier to apply when piecemeal-type modernization is proposed. No computation of the TDC is required where the estimated per unit unfunded hard cost is equal to or less than the per unit TDC for the smallest bedroom size at the development.

(f) *Use of Dwelling Units for Economic Self-Sufficiency Services and/or Drug Elimination Activities.* On August 24, 1990, the Department issued HUD Notice PIH 90–39 (PHA), concerning the eligibility for funding under the Performance Funding System of dwelling units used to promote economic self-sufficiency services for residents and anti-drug programs. CIAP funds may be used to convert units for these purposes. Also refer to the Family Self-Sufficiency Program Guidelines (56 FR 49592, September 30, 1991).

(g) *Duplication of Funding.* The HA shall not receive duplicate funding for the same work item or activity under any circumstance and shall establish controls to assure that an activity, program, or project that is funded under any other HUD program, shall not be funded by CIAP.

VI. Application Deadline Date and Summary of FY 1995 CIAP Processing Steps

The deadline date for submission of the FY 1995 CIAP Application will be established in the NOFA to be published at a future date. Dates for other processing steps will be established by each Field Office to reflect local workload issues.

Summary of Processing Steps

1. HA submits CIAP Application.
2. Field Office conducts completeness review and requests corrections to deficient applications.
3. HA submits corrections to deficient applications within 14 calendar days of notification from Field Office.
4. Field Office conducts eligibility review and technical review (rating and ranking) and makes Joint Review selections.

5. Field Office completes Joint Reviews, environmental reviews and FHEO review.

6. Field Office makes funding decisions and forwards Congressional notifications to Headquarters.

7. Congressional notification is completed and Field Office notifies HA of funding decisions.

8. HA submits additional documents as required in section IV(f).

9. Field Office completes fund reservations and forwards ACC amendment to HA for signature and return.

10. Field Office executes ACC amendment and HA begins implementation.

VII. Other Matters

(a) *Environmental Impact.* A Finding of No Significant Impact with respect to the environment will be made in accordance with HUD regulations at 24 CFR Part 50 implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) in connection with issuance of the FY 1995 NOFA for this program. The Finding of No Significant Impact will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, 451 Seventh Street, SW., room 10276, Washington, DC 20410.

(b) *Federalism Impact.* The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism,* has determined that the policies and procedures contained in this Notice will not have substantial direct effects on States or their political subdivisions, or the relationship between the federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the Notice is not subject to review under the Order.

(c) *Impact on the Family.* The General Counsel, as the Designated Official for Executive Order 12606, *The Family,* has determined that this Notice will likely have a beneficial impact on family formation, maintenance and general well-being. Accordingly, since the impact on the family is beneficial, no further review is considered necessary.

(d) *Accountability in the Provision of HUD Assistance.* The Department has promulgated a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act). The final rule is codified at 24 CFR Part 12. Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by the Department. On January 16, 1992, the Department published at 57 FR 1942, additional information that gave the public (including applicants for, and recipients of, HUD assistance) further information on the implementation, public access, and disclosure requirements of section 102. The documentation, public access, and disclosure requirements of section 102 are applicable to assistance awarded under the NOFA to be published as follows:

(1) *Documentation and Public Access.* The Department will ensure that documentation and other information regarding each application submitted pursuant to the NOFA to be published are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR Part 15. In addition, HUD will include the recipients of assistance pursuant to the NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

(2) *HUD Responsibilities—Disclosures.* The Department will make available to the public for five years all applicant disclosure reports (Form HUD–2880) submitted in connection with the NOFA to be published. Update reports (also Form HUD–2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports, both applicant disclosures and updates, will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR Part 15. (See 24 CFR Part 12, Subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

(e) *Prohibition Against Advance Information on Funding Decisions.*

HUD's regulation implementing section 103 of the HUD Reform Act, codified as 24 CFR Part 4, will apply to the funding competition to be announced under the separately published NOFA. The requirements of the rule continue to apply until the announcement of the selection of successful applicants. Also refer to a final rule amending Part 4 published in the **Federal Register** on November 19, 1993 (58 FR 61016), regarding the regulation of certain conduct by HUD employees and by applicants for HUD assistance during the selection process for the award of financial assistance by HUD.

HUD employees involved in the review of applications and in the making of funding decisions are limited by Part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR Part 4.

Applicants who have questions should contact the HUD Office of Ethics at (202) 708–3815 (voice), (202) 708–1112 (TDD). These are not toll-free numbers. The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Field Office Counsel or Headquarters Counsel for the program to which the question pertains.

(f) *Prohibition Against Lobbying of HUD Personnel.*

Section 112 of the HUD Reform Act added a new section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 13 contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department *and* those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

HUD regulations implementing section 13 are at 24 CFR Part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the regulation, particularly the examples contained in Appendix A of the rule.

A final rule published in the **Federal Register** on September 7, 1993, amended the definition of ''person'' to exclude from coverage a State or local government, or the officer or employee of a State or local government or housing finance agency thereof who is engaged in the official business of the State or local government.

Any questions regarding the rule should be directed to the Office of Ethics, Room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–3000. Telephone: (202) 708–3815 (voice); (202) 708–1112 (TDD). These are not toll-free numbers. Forms necessary for compliance with the rule may be obtained from the local HUD Office.

(g) *Prohibition Against Lobbying Activities.*

The use of funds awarded under the NOFA to be published is subject to the disclosure requirements and prohibitions of Section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the HUD implementing regulations at 24 CFR Part 87. These authorities prohibit recipients of federal contracts, grants or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR Part 87, applicants, recipients and subrecipients of assistance exceeding $100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance.

IHAs established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but IHAs established under State law are not excluded from the statute's coverage.

If the amount applied for is greater than $100,000, the certification is required at the time application for funds is made that federally appropriated funds are not being or have not been used in violation of the Byrd Amendment. If the amount applied for is greater than $100,000 and the HA has made or has agreed to make any payment using nonappropriated funds for lobbying activity, as described in 24 CFR Part 87 (Byrd Amendment), the submission also must include the SF–LLL, Disclosure of Lobbying Activities. The HA determines if the submission of the SF–LLL is applicable.

(h) *Paperwork Reduction Act Statement.* The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget (OMB) under section 3504(h) of the Paperwork Reduction Act of 1989 (44 U.S.C. 3501–3520) and have been assigned OMB control number 2577–0044.

VIII. Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance Program number is 14.852.

Dated: January 9, 1995.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 95–1525 Filed 1–19–95; 8:45 am]

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Friday
January 20, 1995

Part X

Office of Management and Budget

National Information Infrastructure; Draft Principles for Providing and Using Personal Information and Commentary; Notice

OFFICE OF MANAGEMENT AND BUDGET

National Information Infrastructure; Draft Principles for Providing and Using Personal Information and Commentary

AGENCY: Office of Management and Budget.

ACTION: Notice and request for comments.

SUMMARY: OMB is publishing these draft principles on behalf of the Privacy Working Group of the Information Policy Committee, Information Infrastructure Task Force. They were developed by the Working Group to update the Code of Fair Information Practices developed in the early 1970s.

DATES: Comments should be submitted no later than March 21, 1995.

ADDRESSES: Comments should be sent to the Working Group on Privacy c/o the NII Secretariat, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4892, Washington, D.C. 20230. The Principles and Commentary can be downloaded from the IITF gopher/bulletin Board System: 202–501–1920. The IITF gopher/bulletin board can be accessed through the Internet by pointing your gopher client to IITF.DOC.GOV or by telnet to IITF.DOC. GOV and logging in as GOPHER. Electronic comments may be sent to NII@NTIA.DOC.GOV

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Gates, Chair, Privacy Working Group, Bureau of the Census, Room 2430, Building 3, Washington, D.C. 20233. Voice telephone: 301–457–2515. Facsimile: 301–457–2654. E-mail: GGATES@INFO.CENSUS.GOV

SUPPLEMENTARY INFORMATION: The following Principles and Commentary were developed by the Information Infrastructure Task Force's Working Group on Privacy with the goal of providing guidance to all participants in the National Information Infrastructure. (The Principles appear in plain text, and the Commentary appears in italics.) The Principles are intended to update and revise the Code of Fair Information Practices that was developed in the early 1970s. While many of the Code's principles are still valid, the Code was developed in an era when paper records were the norm.

The Working Group distributed a draft of the Principles and Commentary for comment in May 1994 via electronic mail and in a notice published in the **Federal Register**. Major resulting changes are: (1) The Commentary has been incorporated into the Principles and has been modified to reflect changes to the principles, define terms, and to clarify areas of confusion; (2) the principles for Information Collectors have been incorporated into Principles for Users of Personal Information since some users also have a responsibility to inform and obtain consent for uses; (3) the Principles now require Information Collectors to conduct a privacy assessment before deciding to collect information; (4) the notice given to individuals becomes the determining factor for limiting the use of personal information; (5) the information an individual may access and correct is expanded; and (6) the provision of notice and a means of redress that was linked to ''final actions'' that may harm individuals is now based on an improper disclosure of information or the use of information that lacks sufficient quality.

Before issuing the Principles as a final product, the Working Group is proposing them for comment again. The Working Group recognizes that the Principles cannot apply uniformly to all sectors. They must be carefully adapted to specific circumstances, therefore, the Working Group asks that final comments focus on major concerns about applying the principles broadly. Sectorial concerns should be addressed as organizations develop internal principles.

Further, the Working Group debated the privacy rights of deceased persons and how they might be addressed in the Principles, but was not able to come to a conclusion. The Working Group also welcomes comments on whether and how the Principles should be revised to treat the rights of the deceased or their survivors.

Sally Katzen,

Administrator, Office of Information and Regulatory Affairs.

Privacy and the National Information Infrastructure: Principles for Providing and Using Personal Information

Preamble

The United States is committed to building a National Information Infrastructure (NII) to meet the information needs of its citizens. This infrastructure, created by advances in technology, is expanding the level of interactivity, enhancing communication, and allowing easier access to services. As a result, many more users are discovering new, previously unimagined uses for personal information. In this environment, we are challenged to develop new principles to guide participants in the NII in the fair use of personal information.

Traditional fair information practices, developed in the age of paper records, must be adapted to this new environment where information and communications are sent and received over networks on which users have very different capabilities, objectives and perspectives. Specifically, new principles must acknowledge that all members of our society (government, industry, and individual citizens), share responsibility for ensuring the fair treatment of individuals in the use of personal information, whether on paper or in electronic form. Moreover, the principles should recognize that the interactive nature of the NII will empower individuals to participate in protecting information about themselves. The new principles should also make it clear that this is an active responsibility requiring openness about the process, a commitment to fairness and accountability, and continued attention to security. Finally, principles must recognize the need to educate all participants about the new information infrastructure and how it will affect their lives.

These ''Principles for Providing and Using Personal Information'' recognize the changing roles of government and industry in information collection and use. Thus, they are intended to be equally applicable to public and private entities that collect and use personal information. However, these Principles are not intended to address all information uses and protection concerns for each segment of the economy or function of government. Rather, they should provide the framework from which specialized principles can be developed as needed.

I. General Principles for All NII Participants

Participants in the NII rely upon the privacy, integrity, and quality of the personal information it contains. Therefore, all participants in the NII should use whatever means are appropriate to ensure that personal information in the NII meets these standards.

A. Information Privacy Principle:

An individual's reasonable expectation of privacy regarding access to and use of his or her personal information should be assured.

B. Information Integrity Principle:

Personal information should not be improperly altered or destroyed.

C. Information Quality Principle:

Personal information should be accurate, timely, complete, and relevant

for the purpose for which it is provided and used.

II. Principles for Users of Personal Information

A. Acquisition and Use Principles:

Users of personal information should recognize and respect the privacy interests that individuals have in the use of personal information. They should:

1. Assess the impact on privacy of current or planned activities in deciding whether to obtain or use personal information.

2. Obtain and keep only information that could be reasonably expected to support current or planned activities and use the information only for those or compatible uses.

B. Notice Principle:

Individuals need to be able to make an informed decision about providing personal information. Therefore, those who collect information directly from the individual should provide adequate, relevant information about:

1. Why they are collecting the information;

2. What the information is expected to be used for;

3. What steps will be taken to protect its confidentiality, integrity, and quality;

4. The consequences of providing or withholding information; and

5. Any rights of redress.

C. Protection Principle:

Users of personal information should take reasonable steps to prevent the information they have from being disclosed or altered improperly. Such users should use appropriate managerial and technical controls to protect the confidentiality and integrity of personal information.

D. Fairness Principle:

Individuals provide personal information on the assumption that it will be used in accordance with the notice provided by collectors. Therefore, users of personal information should enable individuals to limit the use of their personal information if the intended use is incompatible with the notice provided by collectors.

E. Education Principle:

The full effect of the NII on the use of personal information is not readily apparent, and individuals may not recognize how their lives may be affected by networked information. Therefore, information users should educate themselves, their employees, and the public about how personal information is obtained, sent, stored, processed, and protected, and how these activities affect individuals and society.

III. Principles for Individuals Who Provide Personal Information

A. Awareness Principle:

While information collectors have a responsibility to inform individuals why they want personal information, individuals also have a responsibility to understand the consequences of providing personal information to others. Therefore, individuals should obtain adequate, relevant information about:

1. Why the information is being collected;

2. What the information is expected to be used for;

3. What steps will be taken to protect its confidentiality, integrity, and quality;

4. The consequences of providing or withholding information; and

5. Any rights of redress.

B. Redress Principles:

Individuals should be protected from harm caused by the improper disclosure or use of personal information. They should also be protected from harm caused by decisions based on personal information that is not accurate, timely, complete, or relevant for the purpose for which it is used. Therefore, individuals should, as appropriate:

1. Have the means to obtain their personal information and the opportunity to correct information that could harm them;

2. Have notice and a means of redress if harmed by an improper disclosure or use of personal information, or if harmed by a decision based on personal information that is not accurate, timely, complete, or relevant for the purpose for which it is used.

Commentary on the Principles

Preamble

1. The National Information Infrastructure (''NII''), with its promise of a seamless web of communications networks, computers, data bases, and consumer electronics, heralds the arrival of the information age. The ability to obtain, process, send, and store information at an acceptable cost has never been greater, and continuing advances in computer and telecommunications technologies will result in ever-increasing creation and use of information.

2. The NII promises enormous benefits. To name just a few, the NII holds forth the possibility of greater citizen participation in deliberative democracy, advances in medical treatment and research, and quick verification of critical information such as a gun purchaser's criminal record. These benefits, however, do not come without a cost: the loss of privacy. Privacy in this context means ''information privacy,'' an individual's claim to control the terms under which personal information—information identifiable to a individual—is obtained, disclosed and used.

3. Two converging trends—one social, the other technological—lead to an increased risk to privacy in the evolving NII. As a social trend, individuals will use the NII to communicate, order goods and services, and obtain information. But, unlike paying cash to buy a magazine, using the NII for such purposes will generate data documenting the transaction that can be easily stored, retrieved, analyzed, and reused. Indeed, NII transactional data may reveal who communicated with whom, when, and for how long; and who bought what, for what price. Significantly, this type of personal information—transactional data—is automatically generated, in electronic form, and is therefore especially cheap to store and process.

4. The technological trend is that the capabilities of hardware, software, and communications networks are continually increasing, allowing information to be used in ways that were previously impossible or economically impractical. For example, before the NII, in order to build a profile of an individual who had lived in various states, one would have to travel from state to state and search public records for information on the individual. This process would have required filling out forms, paying fees, and waiting in line for record searches at local, state, and federal agencies such as the departments of motor vehicles, deed record offices, electoral commissions, and county record offices. Although one could manually compile a personal profile in this manner, it would be a time-consuming and costly exercise, one that would not be undertaken unless the offsetting rewards were considerable. In sharp contrast, today, as more and more personal information appears on-line, such a profile can be built in a matter of minutes, at minimal cost.

5. In sum, these two converging trends guarantee that as the NII evolves, more personal information will be generated and more will be done with that information. Here lies the increased risk to privacy. This risk must be addressed not only to secure the value of privacy for individuals, but also to ensure that the NII will achieve its full potential. Unless this is done, individuals may choose not to participate in the NII for fear that the costs to their privacy will outweigh the benefits. The adoption of fair

information principles is a critical first step in addressing this concern.

6. While guidance to government agencies can be found in existing laws and regulations, and guidance to private organizations exists in principles and practices, these need to be adapted to accommodate the evolving information environment.* This changing environment presents new concerns:

(a) No longer do governments alone obtain and use large amounts of personal information; the private sector now rivals the government in obtaining and using personal information. New principles would thus be incomplete unless they applied to both the governmental and private sectors.

(b) The NII promises true interactivity. Individuals will become active participants who, by using the NII, will create volumes of data containing the content of communications as well as transactional data.

(c) The transport vehicles for personal information—the networks—are vulnerable to abuse; thus, the security of the network itself is critical to the NII's future success.

(d) The rapidly evolving information environment makes it difficult to apply traditional ethical rules, even ones that are well understood and accepted when dealing with tangible records and documents. Consider, for example, how an individual who would never trespass onto someone's home might rationalize cracking into someone's computer as an intellectual exercise. In addition, today's information environment may present questions about the use of personal information that traditional rules do not even address.

7. These ''Principles for Providing and Using Personal Information'' (the ''Principles'') attempt to create a new set of principles responsive to this new information environment. The Principles attempt to provide meaningful guidance on this new information environment and attempt to strike a balance between abstract concepts and a detailed code. They are intended to guide all NII participants and should also be used by those who are drafting laws and regulations, creating industry codes of fair information practices, and designing private sector and government programs that use personal information.

8. The limitations inherent in any such principles must be recognized. As made clear in the Preamble, the Principles do not have the force of law; they are not designed to produce specific answers to all possible questions; and they are not designed to single-handedly govern the various sectors that use personal information. The Principles should be interpreted and applied as a whole, and pragmatically and reasonably. Where an overly mechanical application of the Principles would be particularly unwarranted, phrases with the words ''appropriate'' or ''reasonable'' appear in the text. This flexibility built into the Principles to address hard or unexpected cases does not mean that the Principles need not be adhered to rigorously.

9. Moreover, the Principles are intended to be in accord with current international guidelines regarding the use of personal information and thus should support the ongoing development of the Global Information Infrastructure.

10. Finally, adherence to the Principles will cultivate the trust between individuals and information users so crucial to the successful evolution of the NII.

I. General Principles for All NII Participants

Participants in the NII rely upon the privacy, integrity, and quality of the personal information it contains. Therefore, all participants in the NII should use whatever means are appropriate to ensure that personal information in the NII meets these standards.

11. Three fundamental principles should guide all NII participants. These three principles—information privacy, information integrity, and information quality—identify the fundamental requirements necessary for the proper use of personal information, and in turn the successful implementation of the NII

I.A. Information Privacy Principle:

An individual's reasonable expectation of privacy regarding access to and use of his or her personal information should be assured.

12. If the NII is to flourish, an individual's reasonable expectation of information privacy should be ensured. A reasonable expectation of information privacy is an expectation subjectively held by the individual and deemed objectively reasonable by society. Of course, not all subjectively held expectations will be honored as reasonable. For example, an individual who posts an unencrypted personal message on a bulletin board for public postings cannot reasonably expect that personal message to be read only by the addressee.

13. What counts as a reasonable expectation of privacy under the Principles is not intended to be limited to what counts as a reasonable expectation of privacy under the Fourth Amendment of the United States Constitution. Accordingly, judicial interpretations of what counts as a reasonable privacy expectation under the Fourth Amendment should not inhibit NII participants from applying the Principles in a manner more protective of privacy.

I.B. Information Integrity Principle:

Personal information should not be improperly altered or destroyed.

14. NII participants should be able to rely on the integrity of the personal information it contains. Thus, personal information should be protected against unauthorized alteration or destruction.

I.C. Information Quality Principle

Personal information should be accurate, timely, complete, and relevant for the purpose for which it is provided and used.

15. Finally, personal information should have sufficient quality to be relied upon. This means that personal information should be accurate, timely, complete, and relevant for the purpose for which it is provided and used.

II. Principles for Users of Personal Information

II.A. Acquisition and Use Principles:

Users of personal information should recognize and respect the privacy interests that individuals have in the use of personal information. They should:

1. Assess the impact on privacy of current or planned activities in deciding whether to obtain or use personal information.

2. Obtain and keep only information that could be reasonably expected to support current or planned activities and use the information only for those or compatible uses.

16. The benefit of information lies in its use, but therein lies an often unconsidered cost: the threat to information privacy. A critical characteristic of privacy is that once it is lost, it can rarely be restored. Consider, for example, the extent to which the inappropriate release of sensitive medical information could ever be rectified by public apology.

17. Given this characteristic, privacy should not be addressed as a mere afterthought, after personal information has been obtained. Rather, information users should explicitly consider the impact on privacy in the very process of deciding whether to obtain or use personal information in the first place. In assessing this impact, information

* For example, the Privacy Act of 1974, 5 U.S.C. 552a; or New York State Public Service Commission, Statement of Policy on Privacy and Telecommunication. March 22, 1991, as revised on September 20, 1991.

users should gauge not just the effect their activities may have on the individuals about whom personal information is obtained. They should also consider other factors, such as public opinion and market forces, that may provide guidance on the appropriateness of any given activity.

18. After assessing the impact on information privacy, an information user may conclude that it is appropriate to obtain and use personal information in pursuit of a current activity or a planned activity. A planned activity is one that is clearly contemplated by the information user, with the present intent to pursue such activity in the future. In such cases, the information user should obtain only that information reasonably expected to support those activities. Although information storage costs decrease continually, it is inappropriate to collect volumes of personal information simply because some of the information may, in the future, prove to be of some unanticipated value. Also, personal information that has served its purpose and can no longer be reasonably expected to support any current or planned activities should not be kept.

19. Finally, information users should use the personal information they have obtained only for current or planned activities or for compatible uses. A compatible use is a use of personal information that was within the individual's reasonable contemplation or sphere of consent when the information was collected. The scope of this consent depends principally on the notice provided by the information collector pursuant to the Notice Principle (II.B) and obtained by the individual pursuant to the Awareness Principle (III.A). Without this compatible use limitation, personal information may be used in ways that violate the understanding and consent under which the information was provided by the individual. This may subject the individual to unintended and undesired consequences, which will discourage further use of the NII.

II.B. Notice Principle:

Individuals need to be able to make an informed decision about providing personal information. Therefore, those who collect information directly from the individual should provide adequate, relevant information about:

1. Whey they are collecting the information;

2. What the information is expected to be used for;

3. What steps will be taken to protect its confidentiality, integrity, and quality;

4. The consequences of providing or withholding information; and

5. Any rights of redress.

20. Personal information can be obtained in one of two ways: it can be either collected directly from the individual or acquired from some secondary source. By necessity, the principles governing these two different methods of obtaining personal information must differ. While notice obligations can be placed on all those who collect information directly from the individual, they cannot be imposed uniformly on entities that have no such direct relationship. If all recipients of personal information were required to notify every individual about whom they receive data, the exchange of personal information would become prohibitively burdensome, and many of the benefits of the NII would be lost. However, if such users intend to use the information for uses not compatible with the understanding and consent of the individual, individuals must be given the ability to limit such use (see II.D, the Fairness Principle). Accordingly, notice obligations apply only to those who collect personal information directly from the individual and any users who want to use the data for incompatible uses.

21. This requirement specifically applies to all parties who collect transactional data generated as a byproduct of an individual's participation in the NII. Such parties include not only the party principally transacting with the individual in order to provide some product or service but also to those transaction facilitators such as communication providers and electronic payment providers who help consummate these transactions. for example, if an individual purchases flowers with a credit card through an on-line shopping mall accessed via modem, the Notice Principle applies to all parties who collect transactional data related to the purchase; not only to the florist, but also to the telephone and credit card companies.

22. In sum, all parties who collect personal information directly from the individual—whether they are the party principally transacting with the individual or are merely a transaction facilitator—should provide a notice that will adequately inform the individual about what the information is expected to be used for, including current and planned activities, and expected disclosures to third parties.

23. By providing notice, information collectors afford the individual a meaningful opportunity to exercise judgment in accordance with the Awareness Principle (III.A). Together, the Notice Principle and the Awareness Principle highlight the interactive nature of the NII and how responsibility must be shared between those who collect personal information and those who provide it. The importance of providing this notice cannot be overstated, however, since the terms of the notice determine the scope of the individual's consent, which must be respected by all subsequent users of that information.

24. Having said this, it is important to realize that what counts as adequate, relevant information to satisfy the Notice Principle depends on the circumstances surrounding the collection of information. In some cases, a particular use of personal information will be so clearly contemplated by the individual that providing formal notice is not necessary. For example, if an individual's name and address is collected by a pizza operator over the telephone simply to deliver the right pizza to the right person at the right address, no elaborate notice or disclaimer need precede taking the individual's order. However, should the pizza operator use the information in a manner not clearly contemplated by the individual—for example, to create and sell a list of consumers of pizzas containing fatty ingredients to health insurance companies—then some form of notice should be provided. In other cases, not every one of the components of the Notice Principle will need to be conveyed. For example, a long distance carrier that uses transactional data generated as part of a telecommunications transaction only to route calls and create accurate billings might need only provide notice of its data security practices.

25. While the Notice Principle indicates what might constitute the elements of adequate notice, it does not prescribe a particular form for that notice. Rather, the goal of the Principle is to ensure that the individual has sufficient information to make an informed decision. Thus the drafters of notices should be creative about informing in ways that will help the individual achieve this goal.

26. Finally, although the Notice Principle requires information collectors to inform individuals what steps will be taken to protect personal information, they are not required to provide overly technical descriptions of such security measures. Indeed, such descriptions might be unwelcome or unhelpful to the individual. Furthermore, they may be counterproductive since widespread disclosure of the technical security measures might expose system vulnerabilities, in conflict with the Protection Principle (II.C).

II.C. Protection Principle:

Users of personal information should take reasonable steps to prevent the information they have from being disclosed or altered improperly. Such users should use appropriate managerial and technical controls to protect the confidentiality and integrity of personal information.

27. On the NII, personal information is maintainted in a networked environment, an environment that poses tremendous risk of unauthorized access, disclosure, alteration, and destruction. Both insiders and outsiders may gain access to information they have no right to see, or make hard-to-detect changes in data that will then be relied upon in making decisions that may have profound effects.

28. For example, our national health care system expects to become an intensive participant in the NII. Through the NII, a hospital in a remote locale will be able to send x-rays for review by a renowned radiologist at a teaching hospital in another part of the country. The benefits to the patient are obvious. Yet, such benefits will not be reaped if individuals refuse to send such sensitive data because they fear that the NII lacks safeguards needed to ensure that sensitive medical data will remain confidential and unaltered.

29. In deciding what controls are appropriate, information users should recognize that personal information should be protected in a manner commensurate with the harm that might occur if it were improperly disclosed or altered. Also, personal information collected directly from the individual should be protected in accordance with the information provided to the individual pursuant to the Notice Principle (II.B).

30. Finally, technical controls alone cannot provide adequate protection of personal information. Although technical safeguards are well-suited to protect against unauthorized outsiders, they are less well suited to protect against insiders who may be able to alter or delete data improperly without breaching any technical access controls. Therefore, to protect personal information, information users should adopt a multi-faceted approach that includes both managerial and technical solutions. One management technique, for example, could strive to create an organizational culture in which individuals learn about fair information practices and adopt these practices as the norm.

II.D. Fairness Principle:

Individuals provide personal information on the assumption that it will be used in accordance with the notice provided by collectors. Therefore, users of personal information should enable individuals to limit the use of their personal information if the intended use is incompatible with the notice provided by collectors.

31. Two principles work together to ensure the fair use of information in the NII. The Acquisition and Use Principle (III.A.2) requires information users to use personal information only for current or planned activities or for compatible uses. In conjunction with this principle, the Fairness Principle requires users to enable individuals to limit incompatible uses of personal information. Juxtaposed, these two principles highlight again the interactive and interrelated relationships on the NII, which require participants to share the power and responsibility for the proper use of personal information.

32. An incompatible use occurs when personal information is used in a way neither reasonably contemplated nor consented to by the individual when the information was collected. As explained earlier, the scope of this consent depends principally on the notice provided by the information collector pursuant to the Notice Principle (II.B) and obtained by the individual pursuant to the Awareness Principle (III.A).

33. An incompatible use is not necessarily a harmful use; in fact, it may be extremely beneficial to the individual and society. For example, society may benefit when researchers and statisticians use previously collected personal information to determine the cause of a potentially fatal disease such as cancer.

34. On the other hand, without some limitation, information use may know no boundaries. Without a Fairness Principle, personal information provided under the terms disclosed and obtained pursuant to the Notice (II.B) and Awareness (III.A) Principles may be used in ways that violate those terms and thus go beyond the individual's understanding and consent. To guard against this result, before information is used in an incompatible manner, such use should be communicated to the individual and his or her explicit or implicit consent obtained. The nature of the incompatible use will determine whether such consent should be explicit or implicit. In some cases, the consequences to an individual may be so significant that the prospective data user should proceed only after the individual has specifically opted into the use by explicitly agreeing. In other cases, a notice offering the individual the ability to opt out of the use within a certain specified time may be adequate. It is the responsibility of the data user to ensure that the individual is able to prevent such incompatible use. Implicit in this principle is the idea that the original data collector will convey to every new user information about the original notice.

35. Having said this, it must be recognized that the Fairness Principle cannot be applied uniformly in every setting. There are some incompatible uses that will have no effect on the individual's information privacy interest. Research and Statistical studies may be an example. Obtaining the consent of the individual to participate in such studies will add cost and administrative complexity to the process without affecting the individual's information privacy interests. In other cases, the information is for a significant public need that would be thwarted by giving the individual a chance to limit its use, and society recognizes the need and authorizes the use in a highly formal, open way (typically in legislation). An example would be the collection of data to support a law enforcement investigation where obtaining a suspect's consent to a new use of what has become investigatory data would be unlikely and even asking for such consent could be potentially counterproductive to the investigation. Nevertheless, given the interactive possibilities that the NII offers, data users should be creative about finding ways to satisfy the Fairness Principle.

II.E. Education Principle:

The full effect of the NII on the use of personal information is not readily apparent, and individuals may not recognize how their lives may be affected by networked information. Therefore, information users should educate themselves, their employees, and the public about how personal information is obtained, sent, stored, processed, and protected, and how these activities affect individuals and society.

36. The Education Principle represents a significant addition to the traditional Code of Fair Information Practices. There are many uses of the NII for which individuals cannot rely completely on governmental or other organizational controls to protect their privacy. Although individuals often rely on such legal and institutional controls to protect their privacy, many people will engage in activity outside of these controls, especially as they engage in the informal exchange of information on the NII. Thus, individuals must be aware of the hazards of providing personal information, and must make judgments about whether providing personal information is to their benefit.

37. Because it is important that information users appreciate how the NII affects information privacy, and that individuals understand the ways in which personal information can be used in this new environment, information users should participate in educating themselves and others about the handling and use of personal information in the evolving NII.

III. Principles for Individuals Who Provide Personal Information

38. As previously noted, the NII will be interactive. Individuals will not be mere objects that are acted upon by the NII; rather, they will actively participate in using and shaping the new information technologies and environments. In such as essentially interactive realm, individuals should assume some responsibility for their participation in instances where they can affect that participation. For example, where individuals will have choices about whether and to what degree personal information should be disclosed, they should take an active role in deciding whether to disclose personal information in the first place, and under what terms. Of course, in certain cases, individuals have no choice whether to disclose personal information. For example, if the individual wants to execute a transaction on the NII, personal information in the form of transactional data will necessarily be generated. Or, the choice may exist in theory only. For example, an individual may be permitted not to disclose certain personal information, although exercising such choice will result in the denial of a benefit that they cannot give up to participate fully in society—e.g., obtaining a license to drive an automobile. If individuals are to be held responsible for making these choices, they must be given enough information by information collectors and users to make intelligent choices.

III.A. Awareness Principle:

While information collectors have a responsibility to inform individuals why they want personal information, individuals also have a responsibility to understand the consequences of providing personal information to others. Therefore, individuals should obtain adequate, relevant information about:

1. Why the information is being collected;
2. What the information is expected to be used for;
3. What steps will be taken to protect its confidentiality, integrity, and quality;
4. The consequences of providing or withholding information; and
5. Any rights of redress.

39. The Awareness Principle, in conjunction specifically with the Notice Principle (II.B) and more broadly with the Education Principle (II.E), strives to cultivate an environment where individuals have been given the tools necessary to take responsibility over how personal information is disclosed and used.

40. Increasingly, individuals are being asked to surrender personal information about themselves. Sometimes the inquiry is straight-forward; for example, a bank may ask for personal information prior to processing a loan request. In such situations the purpose for which the information is sought is clear—to process the loan application. There may, however, be other uses that are not so obvious, such as using that information for a credit car solicitation.

41. Indeed, individuals regularly disclose personal information without being fully aware of the many ways in which that information may ultimately be used. For example, an individual who pays or medical services with a credit card may not recognize that he or she is creating transactional data that could reveal the individual's state of health. The Awareness Principle encourages individuals to learn about and take into consideration such consequences before participating in these kinds of transactions.

III.B. Redress Principles:

Individuals should be protected from harm caused by the improper disclosure or use of personal information. They should also be protected from harm caused by decisions based on personal information that is not accurate, timely, complete, or relevant for the purpose for which it is used. Therefore, individuals, should, as appropriate:

1. Have the means to obtain their personal information and the opportunity to correct information that could harm them;
2. Have notice and a means of redress if harmed by an improper disclosure or use of personal information, or if harmed by a decision based on personal information that is not accurate, timely, complete, or relevant for the purpose for which it is used.

42. There will be times when individuals are harmed by the improper disclosure or use of personal information. Individuals will also be harmed by the use of personal information that lacks sufficient quality to ensure fairness in that use. It is therefore important to implement measurers to avoid or limit that harm, as well as measures to provide relief should harm occur.

43. Therefore, individuals should be able to obtain from information users, as appropriate, a copy of their personal information and have the opportunity to correct information about them that lacks sufficient quality to assure fairness in use and thus prevent potential harm. Whether this opportunity should be granted depends on the seriousness of the consequences to the individual of the use of the information. Finally, appropriate forms of redress should be available for individuals who have been harmed by the improper disclosure or use of personal information, or by the use of personal information that lacks sufficient quality to be used fairly. The Principles envision various forms of redress including, but not limited to, mediation, arbitration, civil litigation, regulatory enforcement, and criminal prosecution, in various private, local, state, and federal forums with a goal of providing relief in the most cost-effective, efficient manner possible.

Appendix I. Principles for Providing and Using Information in the NII—Comparison of May 25, 1994, and Revised Version

I. General Principles for the National Information Infrastructure

Participants in the NII rely upon the privacy, integrity, and quality of the personal information it contains. Therefore, all participants in the NII should use whatever means are appropriate to ensure that personal information in the NII meets these standards.

Original Version—May 25, 1994	Revised Version	Change
A. Information Privacy Principle		
Individuals are entitled to a reasonable expectation of information privacy.	An individual's reasonable expectation of privacy regarding access to and use of his or her personal information should be assured.	Moves principal from abstract ''expectation,'' to an assurance that is the responsibility of all participants.

Original Version—May 25, 1994	Revised Version	Change
B. Information Integrity Principles		
Participants in the NII rely upon the integrity of the information it contains. It is therefore the responsibility of all participants to ensure that integrity. In particular, participants in the NII should, to the extent reasonable: 1. Ensure that information is secure, using whatever means are appropriate; 2. Ensure that information is accurate, timely, complete, and relevant for the purpose for which it is given.	Personal information should not be improperly altered or destroyed.	Principle has been revised to focus on traditional security definition of data integrity—guarding against improper alteration or destruction. Data quality attributes provisions have been moved to new principle: Information Quality Principle, below.
C. Information Quality Principle (NEW)		
(Partly contained in Information Integrity Principle.).	Personal information should be accurate, timely, complete, and relevant for the purpose for which it is provided and used.	New principle, but broken out of old Integrity.

OLD II. Principle for Information Collectors (i.e. entities that collect personal information directly from the individual)—This principle has been deleted and its provisions moved to the Information Users Principles as the new ''Notice Principle.''

Original Version—May 25, 1994	Revised Version	Change
A. Collection Principle		
Before individuals make a decision to provide personal information, they need to know how it is intended to be used, how it will be protected, and what will happen if they provide or withhold the information. Therefore, collectors of this information should tell the individual why they are collecting the information, what they expect it will be used for, what steps they will take to protect its confidentiality and integrity, the consequences of providing or withholding information, and any rights of redress.	NA	Principle moved to and combined with the Principles for Information Users.

New II. Principles for Information Users (i.e. Information Collectors and entities that obtain, process, send or store personal information).

Original Version—May 25, 1994	Revised Version	Change
A. Acquisition and Use Principles		
Users of personal information must recognize and respect the stake individuals have in the use of personal information. Therefore, users of personal information should:	Users of personal information should recognize and respect the privacy interests that individuals have in the use of personal information. They should:	The assessment in paragraph 1, now precedes a decision to collect data, not merely the data collection itself.
1. Assess the impact on personal privacy of current or planned activities before obtaining or using personal information.	1. Assess the impact on privacy of current or planned activities in deciding whether to obtain or use personal information.	The original paragraph 3, placing responsibilities on users to assure data quality has been moved to the Information Quality Principle in Section I to emphasize that this is a responsibility of all parties.
2. Obtain and keep only information that could reasonably be expected to support current or planned activities and use the information only for those or compatible purposes.	2. Obtain and keep only information that could be reasonably expected to support current or planned activities and use the information only for those or compatible uses.	
3. Assure that personal information is as accurate, timely, complete and relevant as necessary for the intended use..		

B. Notice Principle (This is a new principle for this section. It recognizes that notice is a critical element in the successful establishment of the Principles as a working set of guidelines. Adequate notice will ensure that information acquisition and usage occurs within the knowledge and consent of the individual who provides it. Because users may wish to use information for purposes that are incompatible with that knowledge and consent, the principle states that before such use can occur, the individual must be renotified and his or her consent obtained.)

Original Version—May 25, 1994	Revised Version	Change
(Originally contained in the ''Collector Principle.'').	Individuals need to be able to make an informed decision about providing personal information. Therefore, those who collect information directly from the individual should provide adequate, relevant information about:. 1. Why they are collecting the information; 2. What the information is expected to be used for; 3. What steps will be taken to protect its confidentiality, integrity, and quality; 4. The consequences of providing or withholding information; and 5. Any rights to redress.	Moved from ''Collector Principle'' to emphasize responsibility of both collectors and certain users to inform individuals of the uses of their data and to obtain their knowledge and consent to such uses.

C. Protection Principle (renumbered as C.)

Original Version—May 25, 1994	Revised Version	Change
Users of personal information must take reasonable steps to prevent the information they have from being disclosed or altered improperly. Such users should use appropriate managerial and technical controls to protect the confidentiality and integrity of personal information.	Users of personal information should take reasonable steps to prevent the information they have from being disclosed or altered improperly. Such users should use appropriate managerial and technical controls to protect the confidentiality and integrity of personal information.	Changes verb ''must'' to ''should'' for consistency with other wording throughout the Principles.

D. Fairness Principles (This Principle has been moved up to emphasize the importance of users treating information providers fairly.)

Original Version—May 25, 1994	Revised Version	Change
Because information is used to make decisions that affect individuals, those decisions should be fair. Information users should, as appropriate:		
1. Provide individuals a reasonable means to obtain, review, and correct their own information.	Individuals provide personal information on the assumption that it will be used in accordance with the notice provided by collectors. Therefore, users of personal information should enable individuals to limit the use of their personal information if the intended use is incompatible with the notice provided by collectors.	The Principle has been simplified. It looks to the notice given under the Notice Principle as the determinant of when individuals should be given the ability to limit use of their personal information. The redress provisions of the original formulation have been incorporated into the Notice Principle above and to the Redress Principles in Section III. The Commentary provides guidance on what constitutes a ''compatible'' and ''incompatible'' use.
2. Inform individuals about any final actions taken against them and provide individuals with means to redress harm resulting from improper use of personal information;		
3. Allow individuals to limit the use of their personal information if the intended use is incompatible with the original purposes for which it was collected, unless that use is authorized by law.		
E. Education Principle		
The full effect of the NII on both data use and personal privacy is not readily apparent, and individuals may not recognize how their lives can be affected by networked information. Therefore, information users should educate themselves, their employees, and the public about how personal information is obtained, sent, stored and protected, and how these activities affect others.	The full effect of the NII on the use of personal information is not readily apparent, and individuals may not recognize how their lives may be affected by networked information. Therefore, information users should educate themselves, their employees, and the public about how personal information is obtained, sent, stored, processed, and protected, and how these activities affect individuals and society.	Expands education principles to include societal effects given the potential effect of the NII on social structures and relationships.

Original Version—May 25, 1994	Revised Version	Change
III. Principles for Individuals who Provide Personal Information		
A. Awareness Principles		
While information collectors have a responsibility to tell individuals why they want information about them, individuals also have a responsibility to understand the consequences of providing personal information to others. Therefore, individuals should obtain adequate, relevant information about.	While information collectors have a responsibility to inform individuals why they want personal information, individuals also have a responsibility to understand the consequences of providing personal information to others. Therefore, individuals should obtain adequate, relevant information about:	Description of what information individual should obtain to make informed decision to provide data has been simplified.
	.....	
1. Planned primary and secondary uses of the information.	1. Why the information is being collected;.	
2. Any efforts that will be made to protect the confidentiality and integrity of the information.	2. What the information is expected to be used for;.	
3. Consequences for the individual of providing or withholding information.	3. What steps will be taken to protect its confidentiality, integrity, and quality;.	
4. Any rights of redress the individual has if harmed by improper use of the information.	4. The consequences of providing or withholding information; and.	
	5. Any rights of redress.	
B. Redress Principles		
Individuals should be protected from harm resulting from inaccurate or improperly used personal information. Therefore, individuals should, as appropriate.	Individuals should be protected from harm caused by the improper disclosure or use of personal information. They should also be protected from harm caused by decisions based on personal information that is not accurate, timely, complete, or relevant for the purpose for which it is used. Therefore, individuals should, as appropriate:	Redress section has been rewritten to expand the scope of its provisions. Whereas original formulation restricted individuals ability to correct information that could harm them to only ''inaccurate'' information, revised draft includes any of the information quality attributes from the Information Quality Principle as a basis: e.g., incomplete information.
1. Be given means to obtain their information and be provided opportunity to correct inaccurate information that could harm them.	1. Have the means to obtain their personal information and the opportunity to correct information that could harm them.	Original paragraphs 2 and 3, stating that individuals should be informed of ''final actions'' taken against them and have a means of redress if harmed by improper uses of their personal information has been consolidated into one new paragraph. The ''informed of any final actions'' thought has been discarded because of the difficulty of arriving at an adequate definition of what constitutes a ''final action.'' Instead, it has been replaced with a provision for ''notice and means of redress'' for improper disclosures of information, or for use of data that lacks sufficient quality as explained by the Information Quality Principles.
2. Be informed of any final actions taken against them and what information was used as a basis for the decision.	2. Have notice and a means of redress if harmed by an improper disclosure or use of personal information, or if harmed by a decision based on personal information that is not accurate, timely, complete, or relevant for the purpose for which it is used.	
3. Have a means of redress if harmed by an improper use of their personal information.		

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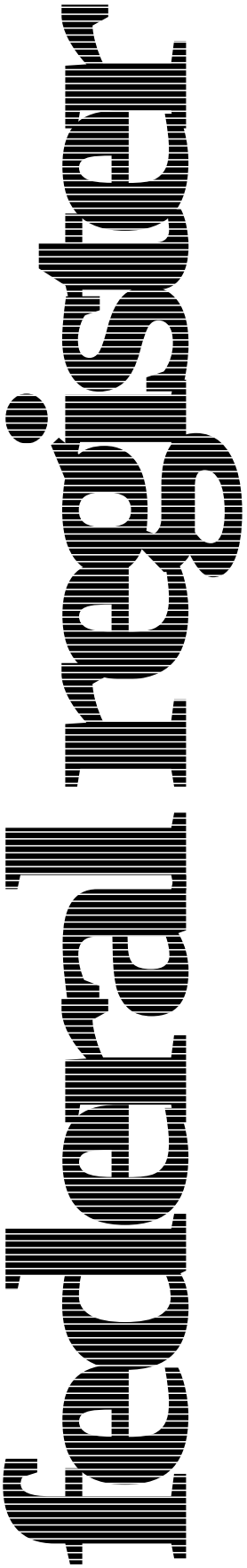

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(TWO BRIEFINGS)

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