

---

Wednesday  
January 25, 1995

# Federal Register

**Briefings on How To Use the Federal Register**

For information on briefings in Washington, DC, see  
announcement on the inside cover of this issue.



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

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

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

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

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

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

**How To Cite This Publication:** Use the volume number and the page number. Example: 60 FR 12345.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

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

#### Online:

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

Assistance with online subscriptions 202-512-1530

#### Single copies/back copies:

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

### FEDERAL AGENCIES

#### Subscriptions:

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

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

## THE FEDERAL REGISTER WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

## WASHINGTON, DC (TWO BRIEFINGS)

**WHEN:** January 25 at 9:00 am and 1:30 pm  
**WHERE:** Office of the Federal Register Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)

**RESERVATIONS:** 202-523-4538



# Contents

## Federal Register

Vol. 60, No. 16

Wednesday, January 25, 1995

### Agriculture Department

See Animal and Plant Health Inspection Service

See Commodity Credit Corporation

See Consolidated Farm Service Agency

### Air Force Department

#### NOTICES

Active military service and discharge determinations:

Civilian flight crew and aviation ground support employees of Braniff Airways, who served as result of contract with Air Transport Command (February 26–August 14, 1945), 4896

### Animal and Plant Health Inspection Service

#### RULES

Exportation and importation of animals and animal products:

Livestock; inspection and handling for exportation; CFR correction, 4831

### Army Department

#### NOTICES

Environmental statements; availability, etc.:

Base realignment and closure—  
Nike Battery Kansas City 30, MO, 4896–4897

### Census Bureau

#### NOTICES

Surveys, determinations, etc.:

Transportation; annual, 4883–4884

### Centers for Disease Control and Prevention

#### NOTICES

Grant and cooperative agreement awards:

U.S. Conference of Mayors, 4918–4919

World Health Organization, 4919–4920

Grants and cooperative agreements; availability, etc.:

Occupational safety and health—  
Occupational radiation and energy-related health research program, 4916–4918

Meetings:

Immunization Practices Advisory Committee, 4920

### Commerce Department

See Census Bureau

See Minority Business Development Agency

See National Oceanic and Atmospheric Administration

#### NOTICES

Agency information collection activities under OMB review, 4882–4883

### Committee for the Implementation of Textile Agreements

#### NOTICES

India items; exempt certifications; guidelines clarification, 4892

### Commodity Credit Corporation

#### NOTICES

Feed grain donations:

Northern Cheyenne Indian Reservation, MT, 4882

### Consolidated Farm Service Agency

#### PROPOSED RULES

Farm marketing quotas, acreage allotments, and production adjustments:

Tobacco, 4871–4872

### Defense Department

See Air Force Department

See Army Department

See Navy Department

#### PROPOSED RULES

Acquisition regulations:

Contract specifications and standards, 4878

#### NOTICES

Meetings:

Armed Forces Roles and Missions Commission, 4892

Electron Devices Advisory Group, 4893

Military Justice Joint Service Committee, 4893

U.S. Court of Military Appeals; practice and procedure rule changes, 4893–4896

### Drug Enforcement Administration

#### NOTICES

*Applications, hearings, determinations, etc.:*

Ansys, Inc., 4925

Knight Seed Co. Inc., 4925–4926

MD Pharmaceutical, Inc., 4926

Norac Co. Inc., 4926

Upjohn Co., 4926

### Education Department

#### NOTICES

Agency information collection activities under OMB review, 4901–4902

### Energy Department

See Energy Efficiency and Renewable Energy Office

See Federal Energy Regulatory Commission

#### NOTICES

Floodplain and wetlands protection; environmental review determinations; availability, etc.:

Fernald, OH—

Operable Unit 1 remedial action, 4902

Operable Unit 2 remedial action, 4902–4903

Meetings:

Environmental Management Site Specific Advisory Board—

Fernald Citizens Task Force, 4903

Idaho National Engineering Laboratory, 4904–4905

Nevada Test Site, 4904

### Energy Efficiency and Renewable Energy Office

#### NOTICES

Meetings:

Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Advisory Committee, 4905

**Environmental Protection Agency****RULES**

- Air pollutants, hazardous; national emission standards:  
Chromium emissions from hard and decorative  
chromium electroplating and chromium anodizing  
tanks, 4948–4993
- Pesticides; tolerances in food, animal feeds, and raw  
agricultural commodities:  
3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide,  
4862–4863
- Sodium chlorate, 4861–4862

**PROPOSED RULES**

- Air pollution control; new motor vehicles and engines:  
Gasoline spark-ignition and diesel compression-ignition  
marine engines; emission standards, 4878
- Public information:  
Senior environmental employment program;  
confidentiality of business information, 4877–4878

**NOTICES**

- Meetings:  
FIFRA Scientific Advisory Board, 4910
- Pesticide registration, cancellation, etc.:  
Bacillus thuringiensis var. tenebrionis (B.t.t) delta  
endotoxin, 4910–4911
- Hexadecadienol, etc., 4912–4913
- Pesticides; emergency exemptions, etc.:  
Fenoxycarb, 4911–4912
- Pyrithiobac-sodium herbicide, 4913–4914

**Executive Office of the President**

- See Management and Budget Office  
See Presidential Documents

**Export-Import Bank****NOTICES**

- Meetings; Sunshine Act, 4944

**Farm Service Agency**

- See Consolidated Farm Service Agency

**Federal Aviation Administration****RULES**

- Definitions:  
Public (Government-owned) aircraft; exemption authority,  
5074–5076

**PROPOSED RULES**

- Class B airspace; correction, 4946

**Federal Communications Commission****RULES**

- Television broadcasting:  
Cable Television Consumer Protection and Competition  
Act of 1992—  
Rate regulation, 4863–4866

**NOTICES**

- Rulemaking proceedings; petitions filed, granted, denied,  
etc., 4914

**Federal Energy Regulatory Commission****RULES**

- Electric utilities (Federal Power Act) and Public Utility  
Regulatory Policies Act:  
Regulations streamlining, 4831–4860

**NOTICES**

- Electric rate and corporate regulation filings:  
CLP Hartford Sales, L.L.C., et al., 4905–4906
- Renewable Energy Ireland Ltd. et al., 4906–4907
- Environmental statements; availability, etc.:  
Holliday Historic Restoration Associates, 4907

- Northern States Power Co., 4907–4908
- Applications, hearings, determinations, etc.:*  
Algonquin Gas Transmission Co., 4908
- Algonquin LNG, Inc., 4908
- KN Interstate Gas Transmission Co., 4908–4909
- Koch Gateway Pipeline Co., 4909
- Northern Natural Gas Co., 4909
- Panhandle Eastern Pipe Line Co., 4909
- San Diego Gas & Electric Co., 4909

**Federal Maritime Commission****NOTICES**

- Casualty and nonperformance certificates:  
Club Med Sales, Inc., et al., 4914
- Freight forwarder licenses:  
Celadon-Jacky Maeder Co. et al., 4914–4915
- E.D.R. International, Inc., et al., 4915

**Federal Reserve System****NOTICES**

- Agency information collection activities under OMB  
review, 4915
- Meetings; Sunshine Act, 4944

**Fish and Wildlife Service****RULES**

- Hunting and fishing:  
Refuge-specific regulations, 5066–5067

**Food and Drug Administration****NOTICES**

- Food additive petitions:  
Lyondell-Citgo Refining Co., Ltd., 4920–4921
- Harmonisation International Conference; guidelines  
availability:  
Regulatory requirements and guidelines; standards  
development and use policy; correction, 4921

**Foreign Assets Control Office****NOTICES**

- Middle East peace process; specially designated terrorists  
who threaten to disrupt; list availability, 5084–5086

**General Services Administration****NOTICES**

- Interagency Committee for Medical Records:  
Anesthesia administration and for performance of  
operations and other procedures; standard form  
cancellation and replacement, 4915–4916

**Health and Human Services Department**

- See Centers for Disease Control and Prevention  
See Food and Drug Administration  
See Public Health Service

**Housing and Urban Development Department****RULES**

- Community planning and development programs;  
consolidation  
Correction, 4861

**NOTICES**

- Grants and cooperative agreements; availability, etc.:  
Community development block grant, HOME investment  
partnerships, emergency shelter, and housing  
opportunities for persons with AIDS programs, 5010–  
5042
- Innovative homeless initiatives demonstration program,  
4996–5007

**Interior Department**

See Fish and Wildlife Service

See Land Management Bureau

See National Park Service

**International Trade Commission****NOTICES**

Import investigations:

Manganese sulfate from—

China, 4923

Recombinantly produced human growth hormones,  
4923–4924

**Justice Department**

See Drug Enforcement Administration

**NOTICES**

Pollution control; consent judgments:

Lafarge et al., 4924

Payne & Dolan, Inc., 4924–4925

Seymour Recycling Corp. et al., 4925

**Labor Department**

See Pension and Welfare Benefits Administration

**Land Management Bureau****NOTICES**

Closure of public lands:

Oregon; correction, 4921

**Management and Budget Office****NOTICES**

Budget rescissions and deferrals:

Cumulative reports, 5070–5071

**Minority Business Development Agency****NOTICES**

Business development center program applications:

Puerto Rico, 4884–4885

South Carolina, 4885–4887

Tennessee, 4887–4888

Texas, 4888–4890

Native American business development center program  
applications:

Minnesota, 4890–4891

**National Aeronautics and Space Administration****NOTICES**

Meetings:

Advisory Council, 4927

Life and Microgravity Sciences and Applications

Advisory Committee, 4927

Minority Business Resource Advisory Committee, 4927

**National Council on Disability****NOTICES**

Meetings; Sunshine Act, 4944–4945

**National Oceanic and Atmospheric Administration****RULES**

Fishery conservation and management:

Bering Sea and Aleutian Islands groundfish and North

Pacific fisheries research plan, 4866–4870

Gulf of Mexico and South Atlantic coastal migratory  
pelagic resources, 4866

**NOTICES**

Permits:

Marine mammals, 4891–4892

**National Park Service****NOTICES**

Meetings:

Pea Ridge National Military Park Advisory Team, 4921

National Register of Historic Places:

Pending nominations, 4922

Native American human remains and associated funerary  
objects:

Navajo Nation Museum, AZ; carved wooden mask, 4922–  
4923

**National Science Foundation****NOTICES**

Meetings; Sunshine Act, 4945

**Navy Department****NOTICES**

Environmental statements; availability, etc.:

Base realignment and closure—

Naval Air Station Cecil Field, FL, 4897

Inventions, Government-owned; availability for licensing,  
4897–4901

**Nuclear Regulatory Commission****PROPOSED RULES**

Combined construction permits and operating licenses;  
amendments, 4877

Radiation protection standards:

Medical administration of radiation and radioactive  
materials, 4872–4877

**NOTICES**

Environmental statements; availability, etc.:

Wolf Creek Nuclear Operating Corp., 4929–4930

Meetings:

Reactor Safeguards Advisory Committee, 4927–4929

*Applications, hearings, determinations, etc.:*

Commonwealth Edison Co., 4930–4934

**Office of Management and Budget**

See Management and Budget Office

**Pension and Welfare Benefits Administration****NOTICES**

Meetings:

Employee Welfare and Pension Benefit Plans Advisory  
Council, 4926–4927

**Personnel Management Office****RULES**

Child support and/or alimony; garnishment orders;  
processing; correction, 5044–5064

**NOTICES**

Meetings:

National Partnership Council, 4934–4935

**Postal Service****NOTICES**

Meetings; Sunshine Act, 4945

**Presidential Documents****EXECUTIVE ORDERS**

Middle East peace process; terrorist transactions prohibition  
(EO 12947), 5079–5081

**Public Health Service**

See Centers for Disease Control and Prevention

See Food and Drug Administration

**PROPOSED RULES**

## Grants:

Protection and advocacy for individuals with mental illness program; requirements; correction, 4946

**Research and Special Programs Administration****PROPOSED RULES**

## Hazardous materials:

Hazardous materials transportation—  
Open head fiber drum packaging; alternate standards, 4879–4881

**Securities and Exchange Commission****NOTICES**

## Self-regulatory organizations:

Clearing agency registration applications—  
MBS Clearing Corp.; correction, 4946

## Self-regulatory organizations; proposed rule changes:

Chicago Stock Exchange, Inc., 4935–4936  
National Association of Securities Dealers, Inc., 4936–4938

Participants Trust Co.; correction, 4946  
Philadelphia Stock Exchange, Inc.; correction, 4946

*Applications, hearings, determinations, etc.:*

Anchor National Life Insurance Co. et al., 4938–4941  
Catalina Lighting, Inc., 4941  
Digicon Inc., 4941  
Penn Traffic Co., 4942

**Small Business Administration****NOTICES**

Meetings; district and regional advisory councils:  
Maine, 4942

**State Department****NOTICES**

## Meetings:

Historical Diplomatic Documentation Advisory Committee, 4942

**Textile Agreements Implementation Committee**

See Committee for the Implementation of Textile Agreements

**Transportation Department**

See Federal Aviation Administration

See Research and Special Programs Administration

**NOTICES**

## Aviation proceedings:

Agreements filed; weekly receipts, 4942  
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 4942–4943

**Treasury Department**

See Foreign Assets Control Office

**Veterans Affairs Department****NOTICES**

## Meetings:

Cooperative Studies, Health Services, and Rehabilitation Research and Development Advisory Committee, 4943

---

**Separate Parts In This Issue****Part II**

Environmental Protection Agency, 4948–4993

**Part III**

Department of Housing and Urban Development, 4996–5007

**Part IV**

Department of Housing and Urban Development, 5010–5042

**Part V**

Office of Personnel Management, 5044–5064

**Part VI**

Department of the Interior, Fish and Wildlife Service, 5066–5067

**Part VII**

Office of Management and Budget, 5070–5071

**Part VIII**

Department of Transportation, Federal Aviation Administration, 5074–5076

**Part IX**

The President, 5079–5081

**Part X**

Department of the Treasury, Office of Foreign Assets Control, 5084–5086

---

**Reader Aids**

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

---

**Electronic Bulletin Board**

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

**CFR PARTS AFFECTED IN THIS ISSUE**

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

<b>3 CFR</b>	252.....4878
<b>Executive Orders:</b>	
12947.....5079	
<b>5 CFR</b>	
581.....5044	
<b>7 CFR</b>	
<b>Proposed Rules:</b>	
723.....4871	
<b>9 CFR</b>	
91.....4831	
<b>10 CFR</b>	
<b>Proposed Rules:</b>	
20.....4872	
35.....4872	
52.....4877	
<b>14 CFR</b>	
1.....5074	
11.....5074	
71.....4946	
121.....5074	
<b>18 CFR</b>	
2.....4831	
34.....4831	
35.....4831	
41.....4831	
131.....4831	
292.....4831	
294.....4831	
382.....4831	
385.....4831	
<b>24 CFR</b>	
91.....4861	
<b>40 CFR</b>	
9.....4948	
63.....4948	
180 (2 documents) .....4861,	
4862	
<b>Proposed Rules:</b>	
2.....4877	
57.....4877	
85.....4877	
86.....4877	
91.....4878	
122.....4877	
123.....4877	
145.....4877	
233.....4877	
260.....4877	
270.....4877	
271.....4877	
281.....4877	
350.....4877	
403.....4877	
704.....4877	
707.....4877	
710.....4877	
712.....4877	
716.....4877	
717.....4877	
720.....4877	
723.....4877	
750.....4877	
790.....4877	
<b>42 CFR</b>	
<b>Proposed Rules:</b>	
51.....4946	
<b>47 CFR</b>	
76.....4863	
<b>48 CFR</b>	
210.....4878	
215.....4878	
<b>49 CFR</b>	
<b>Proposed Rules:</b>	
171.....4879	
172.....4879	
173.....4879	
174.....4879	
175.....4879	
176.....4879	
177.....4879	
178.....4879	
179.....4879	
180.....4879	
<b>50 CFR</b>	
32.....5066	
642.....4866	
675.....4866	
677.....4866	

# Rules and Regulations

Federal Register

Vol. 60, No. 16

Wednesday, January 25, 1995

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

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 91

#### Inspection and Handling of Livestock for Exportation

##### CFR Correction

In title 9 of the Code of Federal Regulations, parts 1 to 199, revised as of January 1, 1994, in § 91.3 (a), in the first sentence remove the words "except cattle from Mexico imported into the United States in bond for temporary feeding and return to Mexico,".

BILLING CODE 1505-01-D

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 2, 34, 35, 41, 131, 292, 294, 382, and 385

[Docket No. RM92-12-000]

#### Streamlining of Regulations Pertaining to Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act of 1978; Order No. 575

Issued January 13, 1995.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is amending its regulations governing public utilities and qualifying facilities. The final rule revises and clarifies Commission policies regarding: Rate filings by public utilities under the Federal Power Act; issuances of securities and assumptions of liabilities by public utilities, licensees and others; and procedural and technical rules

governing qualifying facilities. The final rule is intended to streamline the Commission's processing of its workload and reduce regulatory burdens on the electric utility and qualifying facility industries.

**EFFECTIVE DATE:** This rule is effective February 24, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Andre Goodson (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, Telephone: (202) 208-2167;

Joseph C. Lynch (Legal Information), Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, N.E., Washington, D.C. 20426, Telephone: (202) 208-2128;

Wayne McDanal (Technical information concerning Part 34 matters), Office of Chief Accountant, 825 North Capitol Street, N.E., Washington, D.C. 20426, Telephone: (202) 219-2622;

Howard B. Forman (Technical information concerning Part 35 matters), Office of Electric Power Regulation, 825 North Capitol Street, N.E., Washington, D.C. 20426, Telephone: (202) 208-0545;

Qualifying Facilities Desk Officer (Technical information concerning Part 292 matters), Office of Electric Power Regulation, 825 North Capitol Street, N.E., Washington, D.C. 20426, Telephone: (202) 208-0571;

James K. Newton (Technical information concerning Part 294 matters), Office of Electric Power Regulation, 825 North Capitol Street, N.E., Washington, D.C. 20426, Telephone: (202) 208-0578; or

William C. Booth (Technical information concerning Part 382 matters), Office of Electric Power Regulation, 825 North Capitol Street, N.E., Washington, D.C. 20426, Telephone: (202) 208-0849.

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3401, at 941 North Capitol Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the

texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200 or 300bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 941 North Capitol Street, N.E., Washington, D.C. 20426.

#### Table of Contents

- I. Introduction
- II. Public Reporting Burden
- III. Discussion
  - A. Part 2—General Policy and Interpretations: Section 2.4(d)—Initial Rate Schedules
  - B. Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities
    - 1. Section 34.1(c)(1)—Exemption if State Regulates Security Prior to Issuance
    - 2. Section 34.1(c)(2)—Exemption for Short Term Notes or Drafts
    - 3. Section 34.2—Placement of Securities
    - 4. Section 34.3—Contents of Application for Issuance of Securities
    - 5. Section 34.4—Required Exhibits
    - 6. Section 34.10—Reports
    - 7. Section 34.11—Unopposed Applications to Issue Securities and/or Assume Liabilities
    - 8. Part 131—Forms: Section 131.50
  - C. Part 35—Filing of Rate Schedules
    - 1. Sections 35.13(a)(2)(i)(A) and (B)—Rate Increases of Less Than \$200,000, Regardless of Customer Consent, and Rate Increases Below \$1,000,000, With Customer Consent
    - 2. Other Changes to Section 35.13
  - D. Part 41—Accounts, Records and Memoranda: Sections 41.3 and 41.7
  - E. Proposed Procedural Modifications and Revised Definitions Under Part 292—Regulations Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) With Regard to Small Power Production and Cogeneration
    - 1. Administration of the 90-Day Certification Period
    - 2. Improvements in the Self-Certification Process
    - 3. Revocation of Qualifying Status
    - 4. Pre-Authorized Recertification



5. Qualifying Transmission and Interconnection Equipment
6. Maximum Net Power Production Capacity
7. Increased Specificity of the Qualifying Facility Certification Application Filing Requirements: Form 556
- F. Proposed Technical Modifications for Qualifying Small Power Production and Cogeneration Facilities Under Part 292
1. Calendar Year Operating and Efficiency Value Calculations
2. Clarification of the Sequential Use of Energy Requirement
3. Section 292.204(a)—Criteria for Small Power Production Facilities
4. Waste
- G. Part 294—Procedures for Shortages of Electric Energy and Capacity Under Section 206 of the Public Utility Regulatory Policies Act of 1978
- H. Part 382—Annual Charges: Sections 382.102 and 382.201
- I. Part 385—Rules of Practice and Procedure
- IV. Environmental Statement
- V. Regulatory Flexibility Certification
- VI. Information Collection Statement
- List of Subjects

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F. Santa, Jr.

## I. Introduction

On November 16, 1992, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking (NPR) in which the Commission proposed to revise its regulations regarding: (a) Rate filings by public utilities under the Federal Power Act (FPA); (b) assumptions of liabilities and issuances of securities by public utilities, licensees, and certain other entities; and (c) procedural and technical rules governing qualifying facilities.<sup>1</sup> The Commission requested that interested persons submit written comments no later than January 15, 1993. Forty entities submitted comments.<sup>2</sup>

<sup>1</sup> Streamlining of Regulations Pertaining to Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act of 1978, Notice of Proposed Rulemaking, 57 FR 55176 (Nov. 24, 1992), IV FERC Stats. & Regs. ¶ 32,489 (1992), *errata adding Appendix*, 57 FR 58168 (Dec. 9, 1992), IV FERC Stats. & Regs. ¶ 32,491 (1992).

<sup>2</sup> The commenters are: American Cogeneration Association (American Cogen); American Forest and Paper Association (American Forest and Paper); American Gas Association (AGA); American Iron and Steel Institute (American Iron and Steel); Anthracite Region Independent Power Producers Association (Anthracite IPPs); Applied Energy Services Corporation (Applied Energy); Arizona Public Service Company (Arizona Public Service); Atlantic City Electric Company (Atlantic Electric); Baltimore Gas & Electric Company (Baltimore Gas & Electric); Public Utilities Commission of the State of California (CPUC); Consumers Power Company (Consumers Power); Curran, Corbett & Stiles; Delmarva Power & Light Company (Delmarva); Detroit Edison Company (Detroit Edison); Steven A.

The Commission is now adopting a final rule revising its regulations to streamline the processing of the Commission's workload and to reduce regulatory burdens on the electric utility and qualifying facility industries.

## II. Public Reporting Burden

The final rule establishes new reporting requirements, modifies existing reporting requirements and eliminates those requirements that are now obsolete. On balance, the Commission believes that the overall burden on industry and individuals will be lessened over time by these proposed changes. The Commission seeks to simplify and streamline its requirements to reduce the burden on respondents including utilities,<sup>3</sup> and/or persons seeking the following: Obtaining Commission certification or filing a notice of the qualifying status of their cogeneration facilities and small power producers; obtaining Commission approval to issue securities or assume obligations or liabilities; responding to the Commission's audits of their financial records; filing in response to the assessment of Commission's annual charges; submitting contingency plans in preparation of energy shortages.

The current public reporting burden for these information collections is estimated to average the following number of hours per response: FERC-516 976 hours for the 234 respondents that complete a filing; FERC-523 120 hours for the 60 respondents that complete a filing; FERC-525 193.25 hours per response for the 83 respondents that respond to audit review; FERC Form 556 6.2 hours for 332 respondents that complete an application for certification; FERC-582 4 hours for 179 respondents who

prepare and submit remuneration for annual charges assessed on them by the Commission; and FERC-585 76 hours per response for average of 6 respondents who annually have submitted changes to contingency plans (out of the 110 utilities with plans on file). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The changes in Part 34 (FERC-523) will reduce the reporting burden by 10 hours per filing. The changes in Part 35 (FERC-516) will increase the reporting burden by 0.1 hours per filing. The changes in Part 292 (FERC-556) will increase the reporting burden by 0.77 hours per filing for notices of self-certification. However, these changes will reduce the reporting burden for applications for Commission certification by 2.5 hours per filing. This reflects a reduction in the amount of analysis to determine whether the facility is a qualifying facility. The results from the changes in Parts 294 (FERC-585) and 382 (FERC-582) on the reporting burden are difficult to quantify, but should, over time, result in a reduction of the reporting burden. The changes in Part 41 (FERC-525) will not affect the reporting burden.

With respect to the utilities and persons filing information under FERC-523, the Commission believes that there will be an average burden decrease due to the elimination of several requirements and increases in the thresholds for the reporting of information to meet other requirements. For the additional information that will be required there should be a minimal burden increase as a result, because much of the information is already collected by industry in other contexts. The final rule simplifies the provisions for the issuance of short-term notes and drafts with maturities of a year or less and deletes an after-the fact filing requirement. Further, the final rule simplifies the procedures for the placement of securities thereby streamlining the regulatory process.

Likewise, the final rule deletes the requirement to include a copy of the corporate charter or articles of incorporation, because a statement of corporate purposes will provide the necessary information. However, the final rule will require the submission of a Statement of Cash Flows and Interest Coverage containing data on an actual basis for the same twelve-month period. This information is to be submitted in a format already prescribed in FERC Form No. 1. The Commission has

Duff; Duke Power Company (Duke Power); Edison Electric Institute (EEI); Electric Generation Association; Florida Power & Light Company (Florida P&L); General Electric Company (General Electric); Gulf States Utilities Company (Gulf States); Long Island Lighting Company (LILCO); National Independent Energy Producers (Independent Energy Producers); New England Power Company (NEP); New York State Electric & Gas Company (NYSEG); Niagara Mohawk Power Corporation (Niagara Mohawk); Oxbow Power Corporation (Oxbow); Pennsylvania Power & Light Company (Pennsylvania P&L); Ridgewood Power Corporation (Ridgewood); RW Power Partners, L.P. (RW Partners); San Diego Gas & Electric Company (SDG&E); Southern California Edison Company (Southern California Edison); Southern Company Services, Inc. (Southern Companies); Tenaska, Inc. (Tenaska); Texaco Cogeneration and Power Company (Texaco); Texas-New Mexico Power Company (Texas-New Mexico); United States Small Business Administration (Small Business Administration); UtiliCorp United, Inc. (UtiliCorp); Utility Systems Florida; and Donald L. Warner.

<sup>3</sup> As used in reference to the part 34 regulations, the term "utility" means public utility, licensee and other entities subject to the provisions of the FPA.

instituted this requirement to facilitate the preparation of financial statements to be submitted as part of the application because the utilities already prepare quarterly financial statements and may use such statements as the basis for the information required to be submitted. The use of the FERC Form No. 1 format will relieve utilities of the necessity of compiling data in a format that has limited applicability.

For the information to be filed in Part 35 and collected under the heading FERC-516, the Commission will require more information than is currently required on small rate increases for requirements services. However, the Commission believes that the additional information will allow for more efficient processing of applications and, by reducing or eliminating the need for extensive discovery, eliminate protracted proceedings. The final rule creates a new abbreviated filing option for small increases in rates for non-coordination, firm power and transmission services.

Concerning FERC-525, the final rule modifies shortened procedures for hearings on a utility's accounts, records and memoranda. The Commission seeks to reduce the amount of litigation, particularly the number of hearings when the material facts are not in dispute.

The Commission estimates that the public reporting burden for the other filing requirements under this proposed final rule will reduce the existing reporting burden. The requirements for the certification of small power production and cogeneration facilities as qualifying facilities under Part 292 of the regulations has been revised and clarified to reflect changing industry conditions and the Commission's experience with the qualifying facilities program. In particular, the Commission intends to act within 90 days on the filing of an application for certification, or within 90 days of the filing of the supplement or amendment to the application. This will allow the application process to be conducted in a timely fashion and with some certainty to the applicant as to when the Commission deems an application complete.

In the NOPR, the Commission proposed a standardized application form, FERC Form 556, to facilitate successful applications for Commission certification of qualifying status. Form 556 allows cogenerators and small power producers to report the specific characteristics of their facilities and provides a step-by-step application of pertinent regulations to their facilities. To provide greater assurance to lenders,

electric utilities and state regulatory institutions, the final rule also adopts the use of the FERC Form 556 information requirement format for notices of self-certification. Through the use of Form 556, the self-certification process will be similar to the Commission certification process, for it will incorporate sufficient substantive information. But the notice of self-certification will remain a simple procedure that is both quick and economical. There will be no Commission review or filing fee, and the process should promote discussions between the applicants, electric utilities and affected regulatory commissions to resolve any problems. To make Form 556 easier to use, the Commission is eliminating redundancies and, wherever possible, cross-referencing items to related sections of the Commission's regulations or stating the underlying Federal Power Act (FPA) or Commission requirement.

In the proposed rule, the Commission also sought to make it easier to determine the energy sources that certain qualifying small power production facilities may use. To make it easier to certify a qualifying facility, the Commission also proposed to list specific energy sources that it had previously approved for treatment as waste. In the final rule, the Commission publishes a list of waste energy inputs already approved by the Commission. In addition, the Commission is also streamlining its waste determination process for those energy inputs that do not appear on the list by changing its approach to require that the proposed waste fuel source only have little or no commercial value.

In its changes to Part 382 of the regulations concerning the submission of annual charges and the information collected under FERC-582, the final rule clarifies the Commission's requirements by making the calculation of annual charges consistent with the classification of transaction volumes as reported on the FERC Form 1.

For the information collected under FERC-585 under Part 294 of the Commission's regulations, the final rule provides a public utility with the option of not separately reporting its contingency plans if it already includes certain provisions in its wholesale rate schedules. Otherwise, the public utility must file a brief statement, summarizing its contingency plans. In the event the public utilities avail themselves of this option, it would reduce the number of annual respondents and total burden.

Comments regarding these burden estimates or any other aspects of these collections of information, including

suggestions for reducing the burden, can be sent to the Federal Energy Regulatory Commission, 941 North Capitol Street, N.E. Washington, D.C. 20426 [Attention: Michael Miller, Information Services Division, (202) 208-1415]; and to the Office of Information and Regulatory Affairs, Office of Management and Budget [Attention: Desk Officer for Federal Energy Regulatory Commission], FAX: (202) 395-5167.

### III. Discussion

For the reasons discussed below, the Commission hereby deletes or revises the following regulations:

#### A. Part 2—General Policy and Interpretations: Section 2.4(d)—Initial Rate Schedules

The Commission noted in the NOPR that § 2.4(d) provides that an initial rate schedule can be suspended and an interim rate established, and that both can be made subject to refund. However, the United States Court of Appeals for the District of Columbia Circuit has held that the Commission does not have authority to suspend initial rate filings.<sup>4</sup> Accordingly, in the NOPR the Commission proposed to delete this provision from the regulations. Only Southern Companies commented on this proposed change, and they agree that the deletion of the provision is appropriate.<sup>5</sup> For the reasons given in the NOPR, and described above, the final rule will delete this provision from the Commission's regulations.

#### B. Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities

##### 1. Section 34.1(c)(1)—Exemptions if State Regulates Security Prior to Issuance

Under sections 19, 20 and 204 of the FPA,<sup>6</sup> utilities, licensees, and certain other entities are required to obtain Commission authorization to issue securities or to assume any obligation or liability with respect to the securities of another person.<sup>7</sup> The NOPR proposed

<sup>4</sup> *Middle South Energy, Inc. v. FERC*, 747 F.2d 763 (D.C. Cir. 1984).

<sup>5</sup> Southern Companies also disagrees with the Commission's interpretation of what constitutes an initial rate; however, that issue is beyond the scope of this proceeding.

<sup>6</sup> 16 U.S.C. 812, 813, 824c.

<sup>7</sup> There are certain exceptions to this requirement. Under section 204(e) of the FPA, a public utility does not require Commission authorization to issue, renew, or assume debt with a maturity date of not more than one year, if the debt, together with all of the other debt having a maturity of one year or less that the utility has then outstanding, does not exceed five percent of the par value of the utility's securities then outstanding.

revising § 34.1(c)(1) by clarifying that section. No one commented on this proposed change; we will incorporate the proposed change in the final rule to make it clear that if an agency of a state in which a utility is organized and operating approves or authorizes, in writing, the issuance of securities prior to their issuance, the utility is exempt from the provisions of sections 19, 20 and 204 of the FPA and the regulations under 18 CFR part 34 with respect to the issuance of such securities.

## 2. Section 34.1(c)(2)—Exemptions for Short-Term Notes or Drafts

The NOPR proposed amending § 34.1(c)(2), which relates to exempting from the Commission's requirements the issuance or renewal of short-term notes or drafts, to simplify the provisions and to delete an unnecessary, after-the-fact filing requirement. The Commission proposed to revise the language of this regulation to read as follows:

Under section 204(e) of the FPA, the issuance, renewal or assumption of liability on a note or draft maturing not more than one year after such issuance, renewal or assumption of liability is not subject to the provisions of this Part if the note or draft aggregates, along with all other then-outstanding notes and drafts, not more than five percent of the:

(A) Par value of the then-outstanding securities of the utility and,

(B) In the case of no par value securities, the fair market value of such securities.

Baltimore Gas & Electric, EEI, Gulf States, and Pennsylvania P&L commented on the proposed change. Baltimore Gas & Electric, EEI and Gulf States suggest revising the proposed language to make it clear that the exemption does not apply to notes and drafts with maturities of more than one year.

We agree with these comments and will amend the text of § 34.1(c)(2) to avoid any confusion as to the securities to which the regulations apply.

EEI and Gulf States suggest that the regulations not use the "par value" of the then-outstanding securities in determining the value of a company's then-outstanding securities because the par value may be significantly lower than the issue price or current market value of securities. Pennsylvania P&L

Under section 204(f) of the FPA, a public utility does not require Commission authorization to issue securities or assume debt if the State commission in which it is organized and operating regulates the issuance of its securities.

Under section 318 of the FPA, a utility that is subject to the requirements of the Public Utility Holding Company Act is not subject to the requirements of the FPA with respect to the issue, sale, or guarantee of a security, or assumption of obligation or liability.

also recommends that the Commission provide a valuation date.

The arguments with regard to the use of par value are not persuasive. Section 204(e) of the FPA refers to "par value of the other securities then outstanding."<sup>8</sup> It is clear from this language that the statute requires the use of "par value" if the security has a par value. We have no authority to recognize current market value or issue price as the measure of the amount of securities "then outstanding" if there is a par value stated. However, in the case of securities having no par value, we believe that fair market value is appropriate.

As to a specific date for the 5 percent measurement, although the precise timing of the issuance of securities is wholly within the purview of utility management, we will clarify the language to indicate that the 5 percent test would be applied as of the date of the issuance or renewal of the securities or assumption of the liabilities.

## 3. Section 34.2—Placement of Securities

The NOPR proposed amending § 34.2, to rename the section and to allow for the placement of securities by either competitive bid or negotiated placement. The proposed amendment recognized exemptions from these requirements, simplified the placement procedures and streamlined the regulatory process. The Commission proposed to revise the title and language of this regulation as follows:

### Section 34.2—Placement of Securities

(a) *Method of issuance.* Upon obtaining authorization from the Commission, utilities may issue securities by either a competitive bid or negotiated placement, provided that:

(i) Competitive bids are obtained from at least two prospective dealers, purchasers or underwriters; or

(ii) Negotiated offers are obtained from at least three prospective dealers, purchasers or underwriters; and

(iii) The utility:

(A) Accepts the bid or offer that provides the utility with the lowest cost of money for fixed or variable interest or dividend rate securities; or

(B) Accepts the bid or offer that provides the utility with the greatest net proceeds for securities with no specified interest or dividend rates or,

(C) Has filed for and obtained authorization from the Commission to accept bids or offers other than those specified in (iii)(A) or (iii)(B) above.

(b) *Exemptions.* (i) Multiple bids or offers are not required for the issuance of securities:

(A) To existing holders of securities on a pro rata basis;

(B) When the utility receives an unsolicited proposal to purchase its securities; or

(C) With maturities of one year or less.

(ii) The utility may request exemption from the multiple bid or offer rule when the utility believes such an exemption is appropriate, based on the facts and circumstances of the particular issuance.

(c) *Prohibitions.* No securities shall be placed with any person who:

(i) Has performed any service or accepted any fee or compensation with respect to the proposed issuance of securities; or

(ii) Would be in violation of section 305(a) of the FPA.

Baltimore Gas & Electric suggests that we change § 34.2(b) so that this section will clearly provide exemptions from the multiple bid or offer requirements of § 34.2(a). EEI, Gulf States and UtiliCorp suggest that we include within the exemptions from negotiated bid and placement requirements particular types of securities (treasury stock and securities "backing up" pollution control debt issued by a third party, for instance).

These comments have merit, and we will modify the final rule accordingly. We will not, however, include treasury stock among the list of exempted securities; we are not persuaded that a blanket exemption is justified for treasury stock. For all practical purposes, the issuance of treasury stock is not substantially different from the issuance of new shares of common stock.

EEI and Gulf States suggest that we delete the prohibition in § 34.2(c)(1) against accepting bids from or entering into negotiations with persons that have accepted a fee for services performed in connection with the proposed issuance of securities. We reject this recommendation. However, we note that proposed § 34.2(c)(1) did not include language (which is currently in this paragraph of our regulations) indicating that it involves services performed prior to the submission of bids or the beginning of negotiations. The proposed rule, like the existing rule, should contain this language. Upon further consideration, the final rule will include this language in the regulations.

EEI and Gulf States suggest that we codify the Commission's policy of allowing utilities to issue securities or assume obligations or liabilities over a two-year period. EEI and Gulf States are correct that it is the Commission's policy to allow companies to issue securities at any time within a two-year

<sup>8</sup> 16 U.S.C. 824c(e).

period, without any additional authorization from the Commission.<sup>9</sup> Our policy regarding the two-year authorization period is clear and working well. We do not think that the requested codification is necessary. The matter is best dealt with through the Commission's authorization process, leaving the Commission the flexibility to address the facts and circumstances in the filings on a case-by-case basis and, where appropriate, to grant authorizations for periods different than the basic two-year period. Accordingly, we will not adopt the suggestion.

#### 4. § 34.3—Contents of Application for Issuance of Securities

The NOPR proposed amending § 34.3, which governs the contents of an application to issue securities. No one commented on this aspect of the proposed rule, and we will adopt the proposed change.

UtiliCorp suggests that an application also include a draft order, prepared by the applicant. We will reject this suggestion. The inclusion of a requirement that applications include a draft order will increase the burden on the applicants without substantially aiding the Commission in its processing of filings.

#### 5. § 34.4—Required Exhibits

a. *Section 34.4(a), Exhibit A.* The Commission proposed to delete the current language in paragraph (a) and to substitute the following:

The applicant must file the statement of corporate purposes from its articles of incorporation.

The Commission stated that it has found that the information currently required in paragraph (a) is not necessary for the processing of a securities application. A statement of corporate purposes will provide the information necessary without the need for applications to include the entire corporate charter or articles of incorporation. No one commented on the proposed change to Exhibit A; we will adopt the change as proposed.

b. *Sections 34.4 (c) and (d), Exhibits C, D and E.* The Commission proposed to delete paragraph (c), and to redesignate paragraphs (d) and (e) as paragraphs (c) and (d), respectively. The Commission also proposed to revise newly-designated paragraphs (c) and (d) and to add a new paragraph (e).

The Commission noted that current paragraph (c) requires a statement of control over the utility by firms issuing securities or supplying electrical

equipment and that the Commission can obtain this information from other existing sources.

The NOPR proposed that the newly-designated and revised paragraphs (c) and (d) would require that a balance sheet and income statement be submitted for the twelve-month period ending with the most recent calendar quarter. New paragraph (e) would require the submission of a four-column Statement of Cash Flows and Interest Coverage, containing data on an actual basis for the same twelve-month period, and on a pro-forma basis for each of the next two succeeding 12-month periods.

The Commission proposed these changes to facilitate the preparation of financial statements to be submitted as part of the application because the utilities already prepare quarterly financial statements and may use such statements as the basis for the information required to be submitted. The Commission expected that the addition of the statement of cash flows and interest coverage would facilitate the processing of applications under Part 34.

Baltimore Gas & Electric and Consumers Power suggest that we change the proposed regulations to allow for the submission, for Exhibits C, D, and E, of financial statements for periods other than those ending with the latest calendar quarter, if such statements are the latest available statements. We agree with this suggestion and will, in large part, adopt it. We recognize that financial statements other than for the latest calendar year quarter may be available, and we will revise the proposed language to require the filing of financial statements for the most recent 12-month period, provided that the period ended no more than 4 months prior to the date of the filing of the application.

Consumers Power suggests that we allow utilities to present their financial statements to us in the format required by the Securities and Exchange Commission (SEC). We will not adopt this suggestion. The Commission's information needs are different than the information needs of the SEC. The use of information prepared in a SEC format presents problems from a number of perspectives: for instance, the consolidation of certain majority-owned subsidiaries, the aggregation of detailed financial information and the use of different reporting standards. Information reported to the SEC may include the utility and certain consolidated, majority-owned subsidiary companies. As a result, the financial statements would include

mixtures of financial information on the regulated utility and the consolidated, majority-owned subsidiaries, as if it were financial information of the utility. The Income Statement would not, therefore, present the utility's stand-alone results of operations. Further, information reported to the SEC is aggregated in a summary fashion without the detailed financial information presented on a basis consistent with the classifications in the Uniform System of Accounts. (For instance, the Commission requires that accumulated deferred income taxes be classified among four accounts depending on the type of the deferral; the SEC, however, allows deferred income taxes to be netted in a single amount.) Another area of concern is the reliance upon different reporting standards. For instance, the SEC allows currently maturing long-term debt to be classified as a current liability; the Commission requires that long-term debt, regardless of the maturity, to be classified as long-term debt until retired. We have configured our information formats, which include FERC Form No. 1, to meet our regulatory responsibilities. Utilities reporting to us must submit their information to us in a form more suited to our needs.<sup>10</sup> Accordingly, we will continue to require that utilities prepare the required financial statements consistent with this Commission's FERC Form No. 1 and Uniform System of Accounts.

Baltimore Gas & Electric, Consumers Power, EEI, Pennsylvania P&L, Gulf States, Texas-New Mexico and UtiliCorp object to the submission of the proposed projected cash flow statement in Exhibit E. These commenters assert that these forecasts are unreliable and that the filing of such information would expose utilities to potential liability. They also note that the SEC allows but does not require the filing of projected financial statements. Pennsylvania P&L suggests that we change proposed Exhibit E by adding a line entitled either "Interest Coverage" or "Times Interest Earned" to provide a location for the coverage ratio.

We agree with these comments. We will delete the requirement for the projected cash flow statement. We will also revise Exhibit E, Statement of Cash Flows and Interest Coverage, to require the submission of a Statement of Cash Flows in the form prescribed in the FERC Form No. 1, followed by the interest coverage calculation as proposed in the NOPR. Adoption of the

<sup>9</sup> See Montana-Dakota Utilities Company, 21 FERC ¶ 62,358 (1982).

<sup>10</sup> See Electronic Filing of FERC Form No. 1 and Delegation to Chief Accountant; Notice of Intent to Act and Response to Comments, 59 FR 1687, 1689 (Jan. 12, 1994).

FERC Form No. 1 format will relieve utilities of the necessity of compiling data in a format that has limited applicability. Further, utilities may be able to use the Statement as included in the FERC Form No. 1, depending upon the timing of the filings, thus further reducing the burden of compliance.

The final rule clarifies the interest coverage calculation worksheet required in Exhibit E by adding a line entitled "Interest Coverage" as suggested and a "division" sign at the end of the line entitled "Total Interest Expense" and an "equals" sign at the end of the line entitled "Income Before Interest and Income Taxes."

c. *Sections 34.4 (g) and (h), Exhibits G and H.* The NOPR proposed to delete paragraphs (g) and (h). The Commission noted that the information currently required by § 34.4(g) is directed toward competitively-bid securities placements, which the Commission intends that its regulations should no longer require. The pre-issuance filing contemplated by § 34.4(h) will no longer be necessary, since the Commission intends to authorize applicants to issue securities under conditions specified under proposed § 34.2. The Commission pointed out that it will, therefore, only be necessary that applicants provide the Commission with a report of their securities issuances after the fact under the provisions of existing § 131.43 and revised § 131.50.

No one commented on the proposed changes to Exhibits G and H; we will adopt those changes as proposed.

#### 6. § 34.10—Reports

In the NOPR, the Commission proposed to revise its rules to require applicants to file reports under § 131.43 and § 131.50 no later than 30 days after the sale or placement of long-term debt or equity securities or the entry into guarantees or assumptions of liabilities. The Commission has received no comments regarding this proposal and will adopt it unchanged.

#### 7. § 34.11—Unopposed Applications to Issue Securities and/or Assume Liabilities

In the NOPR, the Commission proposed to revise part 34 by adding a new § 34.11 to provide for authorization of unopposed applications for authorization of the issuance of securities or assumption of liabilities upon the terms and conditions and for the purposes set forth in the application unless, within 90 days after the date of the application, the Commission issues an order delaying the effectiveness of the transaction, setting the matter for

hearing or taking other action. The NOPR proposed the rule in order to eliminate needless regulation and aid the processing of unopposed applications, while preserving the right of interested parties to oppose the applications.

Baltimore Gas & Electric, Consumers Power, Detroit Edison, EEI, Gulf States and Utilicorp commented on the proposed 90-day period for automatic approval of security issuances (*i.e.*, without Commission action). Several commenters<sup>11</sup> suggested different periods—30, 45 or 60 days after the date of the application, or 15 days after publication of the notice. Utilicorp noted that the proposal more than doubled the time presently taken to process most applications. Utilicorp also noted that, if the Commission adopts an automatic mechanism for the processing of these applications, utilities will have to obtain written assurances for their lenders that the Commission has a "self executing" rule, provide copies of the rule to the lenders and then provide a "date stamped" copy of the filing made with the Commission. The utilities would then have to prove that no one had protested their applications and that the Commission did not issue an order within the 90-day period that would preclude the automatic issuance.

Utilicorp's comments concerning an automatic approval mechanism are well taken. Utilities and their lenders rely on the certainty that a Commission order confers. The proposed automatic approval would introduce an element of uncertainty into the approval process and place a greater burden upon utilities to provide adequate assurances to their lenders. At this juncture, we believe the uncertainty and the concomitant burden upon lenders and utilities outweigh the time and resources that the Commission would save in preparing and issuing orders. Accordingly, we will not adopt the proposed automatic approval mechanism.

#### 8. Part 131—Forms

*Section 131.50.* The NOPR proposed to rename § 131.50 to read "Report of proposals received." The NOPR also proposed to delete the current language of § 131.50 and to revise the language of § 131.50 to read as follows:

*Section 131.50 Report of Proposals Received.* No later than 30 days after the sale or placement of long-term debt or equity securities or the entry into guarantees or assumptions of liabilities (collectively referred to as "placement")

pursuant to authority granted under part 34, the applicant shall file a summary of each proposal received for the placement. Each proposal accepted shall be indicated. The information to be filed shall include:

- (a) Par or stated value of securities;
- (b) Number of units (shares of stock, number of bonds) issued;
- (c) Total dollar value of the issue;
- (d) Life of the securities, including maximum life and average life of sinking fund issues;
- (e) Dividend or interest rate;
- (f) Call provisions;
- (g) Sinking fund provisions;
- (h) Offering price;
- (i) Discount or premium;
- (j) Commission or underwriter's spread;

- (k) Net proceeds to company for each unit of security and for the total issue;
- (l) Net cost to the company for securities with a stated interest or dividend rate.

The revision of this regulation represents a reclassification of information previously reported as Exhibit H under § 34.4. The NOPR noted that this information is necessary to analyze compliance with the Commission's regulations and orders authorizing placement. No one commented on this proposed revision, and we will adopt it.

#### C. Part 35—Filing of Rate Schedules

1. Sections 35.13(a)(2)(i) (A) and (B)—Rate Increases of Less Than \$200,000, Regardless of Customer Consent, and Rate Increases Below \$1,000,000, with Customer Consent

*The Proposed Rule.* The NOPR proposed revising the abbreviated filing requirements of §§ 35.13(a)(2)(i)(A) and (B), involving certain rate increases of less than \$200,000, regardless of customer consent, and rate increases below \$1,000,000, with customer consent. The revised sections would require public utilities filing relatively small rate increases for requirements services to submit more information than the regulations currently require. This new information would include, *inter alia*, a cost of service analysis for an historical test year, a complete derivation of all allocation factors and special assignments, and a complete calculation of revenues for the test period and for the first twelve months after the proposed effective date. The Commission's preliminary view was that the proposed filing requirements would allow the Commission to process these applications more efficiently and would eliminate unnecessarily protracted proceedings (including, *e.g.*,

<sup>11</sup> The commenters are Baltimore Gas & Electric, Consumers Power, Detroit Edison, EEI, Gulf States.

extensive discovery in proceedings set for trial-type hearing) that are attributable solely to the fact that the existing filing requirements for these applications require insufficient data from which to determine whether the proposed rates are cost-justified.

The NOPR also proposed to afford filing utilities an opportunity to file additional cost data and supporting testimony in the event that the Commission suspends the proposed rate increase and orders a hearing.

The NOPR retained the existing abbreviated filing requirements for short-term and non-firm coordination sales rates in § 35.13(a)(2)(ii).

The NOPR also proposed to revise § 35.13(h)(24) to require that companies submit Statement AX (other recent and pending rate changes) only if the proposed rate design tracks retail rates. This proposed change was intended to streamline the public utility's rate presentation and expedite Commission review by eliminating submission of information not generally needed for Commission review.

*Comments:* Several commenters<sup>12</sup> express concern that the proposed regulations will increase the time and costs associated with preparing rate filings, and thereby discourage utilities from entering into small transactions for the sale or transmission of power, which will in turn result in a less competitive bulk power market.

Many commenters also express concerns or uncertainty about the number and variety of filings subject to the proposed regulations.<sup>13</sup> The commenters recommend that the Commission narrowly define the class of rate filings subjects to the proposed rule to include only those filings for which the Commission must have additional information to properly and expeditiously perform its duties under the FPA.<sup>14</sup>

Other commenters express the view that the new filing requirements are vague.<sup>15</sup> EEI recommends that the

regulations state with greater specificity the information that public utilities must file.

With respect to filings based on retail rate decisions, NYSEG asserts that it is unclear what calculations would have to be provided to show how all retail rate treatments are factored into the cost of service. If the Commission changes the abbreviated filing requirements, NYSEG requests that the Commission clarify its specific requirements regarding information to be provided for filings based on retail rates.

*The Commission's Response:* We agree with the commenters that the Commission should attempt to minimize regulatory burdens and improve the flexibility accorded public utilities covered by its rules. However, contrary to the statements of many commenters, the proposed regulations do not change the abbreviated filing requirements for most proposed rate increases. Neither do the proposed regulations require companies to file comprehensive cost of service statements (Statements AA-BM). Rather, the proposed regulations require only that a company that files a small rate increase for non-coordination services support the calculations it makes, explain why it makes those calculations, and show the revenue impact of the proposed rates on its customers.

Based on concerns expressed, however, we will make several changes to the proposed regulations to more clearly define the class of filings subject to the rule and the information that must be submitted in order for the Commission to perform its preliminary analyses of small, non-coordination filings. Finally, the Commission reiterates that any company may request waiver of the filing requirements for good cause.

*Filings Covered by the Rule:* Many of the commenters express uncertainty concerning the types of rate increase filings that are affected by the proposed regulations.

We agree with the commenters that the Commission should more clearly define the class of filings subject to the new rule. The Commission's intent is to create a new, abbreviated filing option for small increases in rates for non-coordination, firm power and transmission services, particularly small requirements rate increase filings that are based on a fully distributed cost of service analysis (sometimes known as a

calculate thirteen-month average plant balances, and Southern Companies interprets the proposed regulations to require the use of end-of-year balances instead of thirteen-month averages.

"net plant" cost of service).<sup>16</sup> The Commission will revise the regulations to identify the class of filings covered by new § 35.13(a)(2)(i) as power or transmission services that are: (1) not covered by the filing requirements of § 35.13(a)(2)(ii); and (2) for which the rate increase being sought is less than \$200,000 (without customer consent) or less than \$1 million (with customer consent).

We will also change our regulations to permit utilities to file under § 35.13(a)(2)(ii) rate increases, without regard to the size of the proposed increase, for firm coordination and interchange services.

*Filing Requirements:* EEI maintains that if the Commission decides to adopt new filing requirements for small rate increases, then greater clarity and specificity in the filing requirements is needed to avoid confusion and errors in responding to the changes. We agree. However, we disagree with EEI that the Commission should or must explain, at the level of detail used in the current § 35.13(h), what is expected. Such specificity would unduly increase the regulatory burden on most utilities that file under this subparagraph. To meet EEI's concerns and those of other commenters, we will make the following changes.

First, the final rule provides that filing utilities should submit cost of service, allocation, revenue, fuel clause and rate design data that are "consistent with the requirements" of other paragraphs of part 35 that require similar information. The final rule also requires filing utilities to explain in narrative form how and why various calculations are made to develop the proposed rates.<sup>17</sup>

Second, the NOPR proposed to make § 35.13(a)(2)(i) mandatory rather than optional, thereby precluding utilities from electing to file comprehensive Period I statements, as allowed under § 35.13(a)(1). The revised regulation makes clear that the filing utility may elect to file under either paragraph.

Third, the revised regulation clarifies the two-stage filing process proposed in the NOPR. A utility that elects to file

<sup>12</sup> Arizona Public Service, Atlantic Electric, Baltimore Gas & Electric, Delmarva, LILCO, NEP, Pennsylvania P&L, Southern Companies.

<sup>13</sup> E.g., Delmarva, Detroit Edison, NEP.

<sup>14</sup> Some commenters infer that a large number and variety of filings would be subject to the new rules. EEI asserts that the changed regulations would greatly increase the regulatory burden of all applicants, while saving time and effort in only a small number of cases. Some commenters conclude that the Commission proposed to modify the abbreviated filing requirements for coordination rates. Commenters such as NEP and Southern Companies focus on the increased filing requirements for small rate increases.

<sup>15</sup> EEI and several other commenters infer that the Commission is now requiring companies to submit Statements AA through BM. Detroit Edison argues that it would be burdensome and expensive to

<sup>16</sup> In most but not all cases, rates developed under a net plant approach are customer-specific, in that costs are first allocated to each wholesale customer group based on the demand and energy loads it imposes on the company, after which customer group-specific rates are developed based on the customer group's projected billing determinants. See generally Southern Company Services, Inc., 61 FERC ¶ 61,339 at 62,337-38 (1992), *reh'g denied*, 63 FERC ¶ 61,217 (1993), *appeal pending*, No. 93-1165 (D.C. Cir. filed Feb. 11, 1993).

<sup>17</sup> Narrative statements should address the rate design and allocation factors employed in the filing, explain all *pro forma* adjustments to test period data, and describe specific costs or rate components that are drawn from retail rate decisions.

under revised § 35.13(a)(2)(i) need not submit a comprehensive filing when it makes its initial submittal, but it must support all calculations that are not derived directly from Form 1, and explain how it has functionalized, classified and allocated its costs. Should the Commission set the proposed increase for hearing, the filing utility will be afforded a reasonable opportunity to file testimony and exhibits to fully support the reasonableness of its proposed rates. This approach minimizes regulatory burdens while allowing the applicant to balance the expense of preparing a comprehensive filing versus the risk of not initially sustaining its burden of proof with an abbreviated filing.

Fourth, the NOPR used the terms "historical test year" and "test period" interchangeably and without reference to the definition of Period I applicable to other paragraphs of § 35.13. The revised regulation adds a definition for "Test Period," deletes references to the "historical test year" and provides that utilities that file under this subparagraph must use as the test period the most recent calendar year for which actual data are available. Utilities that elect to use a non-calendar year test period must file rate increases under § 35.13(d).

The Commission notes that proposed § 35.13(a)(2)(i) inadvertently eliminated the requirement that utilities submit rate design information and the general information now required for all abbreviated rate change filings. The final rule requires submission of the general information specified in paragraphs (b), (c)(2) and (c)(3) of § 35.13 and in § 35.12(b)(2), while the information required by § 35.13(c)(1), § 35.12(b)(5) and § 35.13(h)(37) is elicited as part of the revenue data, allocation data and rate design information requirements.

The final rule also requires that filings under §§ 35.13(a)(2) (i) and (ii) comply with Commission precedent and policy.

## 2. Other Changes to § 35.13

The Commission will eliminate § 35.13(a)(2)(ii)(B) of the proposed regulations<sup>18</sup> and make corresponding editorial changes to § 35.13(a)(2)(iii)(A). Section 35.13(a)(2)(ii)(B) cross-references rate decrease filings made under § 35.27 pursuant to the 1987 reduction in federal corporate income tax rates under the Tax Reform Act of 1986. However, § 35.27 was eliminated

in a previous rulemaking.<sup>19</sup> Therefore, this section is now superfluous.

A cross-reference to § 35.13(a)(2)(ii) has been added to § 35.13(d)(1), mirroring the existing reference to subparagraph (a)(2)(i). In addition, existing paragraph (d)(1), as printed in the 1994 Code of Federal Regulations, omits the word "this" prior to "section" as shown by brackets in the text below:

(d) *Cost of service information—(1) Filing of Period I data.* Any utility that is required under Section (a)(1) of [ ] section to submit cost of service information \* \* \* The final rule corrects these omissions.

## D. Part 41—Accounts, Records and Memoranda: Sections 41.3 and 41.7

In the NOPR the Commission proposed to change its regulations to provide that if a utility consents to a matter's being handled under the shortened procedure under § 41.3, that utility has waived any right to subsequently request a hearing under § 41.7 and may not later request such a hearing. The Commission also re-stated its policy that it will not assign proceedings for hearings when there are no material facts in dispute.

Baltimore Gas & Electric, Duke Power, EEI and Southern Companies commented on this proposed change. Baltimore Gas & Electric recognizes that the proposed change would eliminate redundancy in the Commission's regulations and supports the proposed change. Duke Power and EEI argue that, rather than streamlining the Commission's procedures, the proposed change will encourage utilities to contest more issues under § 41.7 in order to preserve the right to a full hearing.

We disagree. Persons subject to the Commission's accounting requirements have the right of election under the Commission's procedures and, under § 41.7, have a right to seek a hearing on any issue that they wish to contest. The proposed change in the Commission's regulations would merely prevent such persons from changing their minds in mid-proceeding and deciding to contest an issue that they had previously recognized involved no disputed issue of material fact. We do not think that requiring persons to make their election of procedure at the outset of a proceeding will necessarily lead to more hearings. Rather, it will more likely reduce the number of hearings, because public utilities will no longer have the election to bring to hearing an issue that

they had previously considered not to be worthy of a hearing.

Southern Companies challenges the Commission's reiteration of its policy that it will not assign proceedings for hearings where no material facts are in dispute. Southern Companies fears that the Commission may use this policy to deprive a person of the due process right to a hearing. Southern Companies' concern is misplaced. The proposed change will not deprive anyone of the right to a trial-type evidentiary hearing when such a hearing is warranted. However, as Southern Companies recognizes, a trial-type evidentiary hearing is not necessary if no material facts are in dispute.<sup>20</sup>

## E. Proposed Procedural Modifications and Revised Definitions Under Part 292—Regulations Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA)<sup>21</sup> With Regard to Small Power Production and Cogeneration

The Commission is revising and clarifying its procedural and technical rules to reflect its experience with the qualifying facilities (QF) program. By adopting these clarifying changes, the Commission is satisfying its continuing PURPA obligation to review its policies and rules that encourage cogeneration and small power production, energy conservation, efficient use of facilities and resources by electric utilities and equitable rates for electric consumers.

### 1. Administration of the 90-Day Certification Period

When an applicant files an application for Commission certification of qualifying status with the Secretary under § 292.207 of the Commission's regulations, § 292.207(b)(5) provides that within 90 days of the filing of an application the Commission will issue an order granting or denying the application, setting the matter for hearing, or "tolling" the time for issuance of an order. In the NOPR, the Commission noted some confusion on the part of many applicants as to when the 90-day period starts. The Commission proposed to codify its practice by revising § 292.207(b)(3)(ii) to provide that the 90-day period for issuance of an order granting or denying an application for Commission certification of the qualifying status of a facility does not begin until an applicant has submitted all the information

<sup>18</sup> It is § 35.13(a)(2)(iii)(B) in the proposed regulations.

<sup>19</sup> Eliminating Unnecessary Regulation, Order No. 541, 57 FR 21730 (May 22, 1992), III FERC Stats. & Regs. ¶ 30,943 (1992).

<sup>20</sup> See, e.g., *General Motors Corp. v. FERC*, 656 F.2d 791 (D.C. Cir. 1981); *Citizens for Allegan County, Inc. v. Federal Power Commission*, 414 F.2d 1125 (D.C. Cir. 1969).

<sup>21</sup> 16 U.S.C. 796(17)–(23), 824a–3.



necessary to complete the application, along with the appropriate filing fee.

*Comments:* Tenaska contends that the proposed clarification perpetuates uncertainty, since there is no provision to notify an applicant when the Commission considers the filing complete. Electric Generation Association points out that, without an explicitly announced beginning point for each application, no party can know when, if ever, the 90-day period will expire. It suggests that setting a clear date for determining when the Commission deems an application complete would be consistent with the 60-day "deficiency" notification process for electric rate filings under § 35.2(c) of the Commission's regulations. Independent Energy Producers suggests that the Commission establish a maximum period for staff to send to an applicant any questions regarding the application.<sup>22</sup>

SDG&E suggests that the Commission's **Federal Register** notice of each supplemental filing that responds to a staff inquiry identify the project, its location, when the Commission deems the application complete, when the Commission will issue a decision or tolling order on the application, or when the Commission will deem the application granted by virtue of the passage of time.<sup>23</sup>

*Commission Response:* While the Commission intends to process a pending application for Commission certification of qualifying status as

<sup>22</sup> Some commenters advocate an initial period ending 10 to 30 days after the filing of the application, after which the application would be treated as complete and no notification of a deficiency could be made. Some commenters further suggest that the number of deficiency inquiries be limited to two. NEP also suggests that a copy of the deficiency letter be served on the utilities with which the QF is expected to deal.

American Cogen, American Forest and Paper, American Iron and Steel, Electric Generation Association, Independent Energy Producers, SDG&E, Tenaska, and Texaco express concern that repeated requests for additional information by the Commission's staff have the effect of extending the process indefinitely. These commenters suggest that the Commission treat an application for Commission certification as automatically complete when a completed Form 556 has been filed and/or the application is otherwise literally responsive to the Commission's regulations.

<sup>23</sup> Atlantic Electric and EEI want the Commission to issue notices of all responses to deficiency inquiries. Electric Generation Association also proposes that the Commission delete the reference to the Commission's tolling the time for issuance of an order. Electric Generation Association contends that tolling has caused unnecessary delay in the processing of applications and that the only basis for tolling the operation of the 90-day period should be an incomplete application. As noted above, in this regard, proposed § 292.207(b)(3)(i) merely corresponds to the Commission's existing 90-day action regulation at § 292.207(b)(5). Electric Generation Association's tolling policy proposal is outside the scope of the instant proceeding.

rapidly as possible, the Commission will not further restrict its ability to evaluate such applications by providing a maximum period for considering the sufficiency of the application.<sup>24</sup> Likewise, the Commission will not adopt the practice of formally notifying an applicant with respect to deficiencies by a date certain;<sup>25</sup> nor will the Commission indicate by notice in the **Federal Register** when a filing is complete.<sup>26</sup>

However, the Commission will amend its regulations to provide that the Commission will act within 90 days of the filing of the application, or, if the application is supplemented or amended, within 90 days of the filing of the supplement or amendment. Commission action may include finding the application deficient, granting or denying the application, or tolling the time for action.

## 2. Improvements to the Self-Certification Process

In the NOPR, the Commission proposed to amend § 292.207(a)(1) to require that notices of self-certification be in the form of an affidavit signed by the facility's owner, operator or authorized representative. The Commission's intention was to provide interested financing institutions, electric utilities and state regulatory authorities with greater assurance that a self-certified cogeneration or small power production facility conforms to the Commission's ownership and technical criteria. The NOPR also proposed that a self-certifying facility provide a copy of its notice of self-certification to the

<sup>24</sup> This is also consistent with the Commission's policy applicable to electric rate filings of not providing a maximum period (within the 60-day statutory review period) for considering the sufficiency of the application. Regarding the 60-day statutory review period, see *Duke Power Company*, 57 FERC ¶ 61,215 at 61,713 (1991); see also *Southern Company Services, Inc.*, 60 FERC ¶ 61,297 at 61,065-66 & n.12 (1992), *aff'd sub nom. Alabama Power Company v. FERC*, 22 F.3d 270 (11th Cir. 1994) (any amendment or supplemental filing establishes a new filing date for the filing in question).

The steps the Commission has taken elsewhere in this proceeding to improve the QF application process, through clarifications and the establishment of step-by-step procedures to follow in Form 556, should result in more complete applications being filed in the first place. However, in the end, the speed with which the Commission processes an application depends, in addition to staff availability, primarily on the quality of the submittal, its complexity, its novelty, whether it is opposed, and the response time of the applicant to any information inquiries.

<sup>25</sup> In uncontested proceedings, staff informally requests additional information by telephone in order to speed the processing of an application. In contested applications, staff must resort to formal deficiency letters to obtain additional information.

<sup>26</sup> The Commission will continue to notice responses to deficiencies in the **Federal Register**.

utility with which the cogenerator or small power producer intends to deal. These proposed revisions were intended to reduce reliance on the alternative process through which the cogenerator or small power producer submits an application for Commission certification accompanied by a filing fee.

*Comments:* Southern Companies maintains that, in order for lenders and investors to derive comfort from the affidavit requirement, the Commission must ensure that a notice of self-certification with an affidavit is accurate and reliable.<sup>27</sup> SDG&E suggests that the reason that more facilities have not taken advantage of the self-certification process is that the process is inadequate.<sup>28</sup> SDG&E does not think that an affidavit is sufficient to provide the requisite level of comfort to lenders and to utilities with which the self-certifying facilities intend to interact.<sup>29</sup> SDG&E points out that even under the proposed self-certification procedure, there is no substantive information requirement, no guarantee that submittals will contain the minimum information required, and no expectation that any party or the Commission will ensure that a self-certified facility meets the QF criteria.<sup>30</sup>

<sup>27</sup> Among other comments, SDG&E asserts that it is reasonable, in the absence of Commission review, to require greater specificity as to what the affidavit and notice of self-certification should pertain to. SDG&E also suggests that an affidavit requirement implies that a prior self-certification submitted without an affidavit is of dubious legal value. Electric Generation Association maintains that there is no reason to require an affidavit, since even a Commission determination on qualifying status is considered void if it is based on erroneous facts. Electric Generation Association further contends that the current regulations do not suggest that a notice of self-certification signed by an officer or partner of the developer is less trustworthy or less legally binding than a Commission certification of qualifying status. NEP observes that an affidavit will underscore the importance to the owner or operator of accurately describing its facility. The CPUC suggests that, in fairness to all interested parties, including the signatory to the affidavit, the Commission should set forth more clearly the contents of the notice of self-certification.

<sup>28</sup> Ridgewood observes that it is disputes about the interpretation of the Commission's regulations by lenders, state commissions and utilities that have prevented greater reliance on the existing self-certification process.

<sup>29</sup> Florida P&L observes that a utility, before seriously undertaking any negotiations for integrating a QF into the utility's system, needs something more concrete than a notice of self-certification with an affidavit. Niagara Mohawk proposes that a notice of self-certification describe how a facility meets the QF criteria.

<sup>30</sup> Southern California Edison notes that the affidavit does not provide ongoing assurance that a facility will continue to meet the QF criteria. In this regard, Florida P&L suggests that the Commission adopt a standardized annual or biennial affidavit reporting requirement. Niagara Mohawk also proposes that the Commission allow a utility to periodically inspect the QF's operations. These



Similarly, Curran, Corbett & Stiles submits that, since the proposed self-certification process will continue to involve nothing more than file-stamping a submittal, lenders, government agencies and utilities will continue to demand proof of qualifying status for loan approvals and other crucial transactions, and cogenerators and small power producers will continue to apply for Commission certification.<sup>31</sup>

SDG&E suggests that the self-certification process would be more meaningful if it were more like the full Commission certification process. SDG&E urges the Commission to require that a notice of self-certification incorporate the Form 556 information as the Commission has proposed for applications for Commission certification.<sup>32</sup> SDG&E also asks the Commission to amend § 292.207 to provide that, unless a person files an objection with the Commission within 90 days, the utility must meet its QF obligations under § 292.303.<sup>33</sup>

Arizona Public Service and SDG&E suggest that the Commission require self-certifying cogenerators and small power producers to provide copies of their submittals to electric utilities (a) with which they intend to interconnect for the purpose of transmitting and selling electric power; and (b) from which they intend to purchase supplementary, standby, backup and

monitoring proposals are outside the scope of the instant rulemaking proceeding.

<sup>31</sup> American Forest and Paper maintains that the affected utility also will likely continue to want a Commission certification. Tenaska predicts that lenders will not rely on an affidavit, as long as the alternative, Commission certification process is available. AGA and Utilicorp state that lenders will not assume the risk to finance QF projects that do not undergo a full Commission certification process.

<sup>32</sup> Atlantic Electric and EEI also favor a requirement to include Form 556 information. SDG&E contends that, contrary to what the Commission had anticipated when it issued its existing QF regulations, there has not always been a free flow of information between utilities and potential QFs.

SDG&E also maintains that a utility which does not believe that a self-certified facility is qualified does not have to purchase the electrical output from the facility.

<sup>33</sup> Curran, Corbett & Stiles asks the Commission to state that a notice of self-certification constitutes prima facie evidence that the facility is a QF. Curran, Corbett & Stiles also suggests that the Commission either indicate that the application conforms to the requirements of § 292.203 or, within a certain time period, issue a specific finding to the contrary. American Cogen and Electrical Generation Association suggest that the Commission reinforce the self-certification process by stating in the preamble to this rule and/or in § 292.207 that self-certification has the equivalent legal effect of a Commission certification. Independent Energy Producers suggests that the Commission delineate what situations call for Commission certification, in order to convince lenders to rely more on self-certification.

maintenance power.<sup>34</sup> Arizona Public Service also suggests that self-certifying cogeneration and small power producers specify their anticipated service needs so that utilities may better plan and prepare their local and system facilities, and obtain any necessary regulatory approvals.<sup>35</sup>

**Commission Response:** As the commenters observe, some lenders, regulators and utilities appear to have been unwilling to rely on the self-certification process because they did not think that the process provided them with sufficient information to independently verify the qualifying status of the subject facility. Many of the commenters have argued that simply adding an affidavit to the notice of self-certification would not instill enough confidence to make the self-certification process more authoritative.

The Commission continues to believe that self-certification should be retained as an option; it is unnecessary to conduct a full review of each facility, even in instances where outside lenders and investors will be involved. However, in consideration of the various comments, and in recognition of the various other clarifications being made in this final rule, the Commission will not adopt the proposed affidavit requirement. Instead, the Commission will modify the self-certification process to: (a) Incorporate the Form 556 information requirement that the Commission is also adopting for applications for Commission certification; and (b) require that cogenerators and small power producers provide copies of the notice of self-certification to each affected state commission and to each affected electric

utility.<sup>36</sup> The self-certifying cogenerator or small power producer must also specify the utility services that it intends to request (see item 3b of Form 556).

If electric utilities do not agree that a notice of self-certification is valid, they may challenge QF status by filing a petition for a declaratory order. If lenders, etc. are not convinced, they will continue to require that the potential QF facility obtain Commission certification of QF status before financing a project.

The formal completion and submission of Form 556 to demonstrate that a facility conforms with the Commission's QF criteria will not constitute a substantive burden on those selecting the self-certification process. A cogenerator or small power producer submitting a notice of self-certification under the current regulations already must analyze the characteristics of its facility to determine whether it meets the Commission's qualifying criteria. The completion of Form 556 will assist both novice and experienced cogenerators and small power producers. It will serve as a step-by-step guide to determining whether a proposed facility qualifies for certification. Many notices of self-certification recently filed with the Commission have incorporated similar documentation.

Through the use of Form 556, the self-certification process will be similar to the Commission certification process, because it will incorporate sufficient substantive information to allow an affected commission or electric utility to challenge the notice of self-certification.

The self-certification process will largely remain a simple, quick and economical procedure. There will continue to be no Commission review or filing fee, and the process should promote discussions between self-certifying cogenerators or small power producers and the affected electric utilities and regulatory commissions. These discussions should provide the parties an opportunity to timely and informally resolve any problems. The final rule revises proposed § 292.207(a)(1)(ii) accordingly.

### 3. Revocation of Qualifying Status

Proposed § 292.207(d)(1) provided that the Commission may revoke the

<sup>34</sup> Florida P&L notes that the Commission's current regulations at § 292.207(c)(1) require that a cogenerator or small power producer that chooses to self-certify must provide the electric utility purchaser with at least 90 days' advance notice of the transaction.

<sup>35</sup> Detroit Edison suggests that a notice of self-certification include a notice, suitable for publication in the **Federal Register**, that sets out the pertinent data regarding the application. Detroit Edison submits that publication of such a notice would allow interested parties to bring errors in the application to the Commission's attention. Detroit Edison also suggests that the applicant provide the appropriate state commission and the affected utility with a copy of any notice of self-certification, or application for Commission certification or recertification filed with the Commission. Similarly, Atlantic Electric, Arizona Public Service, EEI, Florida P&L, LILCO, NEP and SDG&E suggest that either the Commission or the applicant apprise affected parties (including the regulatory commission of each state where the QF and the affected utility is located) of any QF submittal or any Commission deficiency letter, through **Federal Register** notice and/or by sending each a copy of the document.

<sup>36</sup> Affected state commissions are the regulatory commissions of the states where the QF and any affected electric utilities are located. An affected utility is an electric utility to which the QF intends to interconnect, transmit and sell electric energy, or from which the QF intends to purchase supplementary, standby, back-up or maintenance power.

qualifying status of a QF that it has certified under § 292.207, if the facility fails to comply with any of the facts or representations that it presented in its application for Commission certification.<sup>37</sup> The NOPR further provided that, before undertaking any substantial alteration or modification of a qualifying facility that has been certified under § 292.207, a small power producer or cogenerator may apply to the Commission for a determination that the proposed alteration or modification will not result in a revocation of qualifying status. The NOPR provided that the small power producer or cogenerator should accompany the application for recertification with supporting material, notice and a filing fee.

**Comments:** American Forest and Paper maintains that revocation of qualifying status under proposed § 292.207(d)(1) pertains only to material facts or representations, and even then, only to reliance on the Commission's order on qualifying status. It notes that the Commission has held on a number of occasions that the failure of a facility to operate in accordance with any of the facts or representations presented in an application for Commission certification does not necessarily affect the continued qualifying status of the facility. Rather, the failure affects only the legal force of the Commission's certification order that relied on those facts and representations.<sup>38</sup>

EEI reads proposed § 292.207(d)(1) as allowing any person to request that the Commission revoke the qualifying status of a facility. NEP suggests that the owners of qualifying facilities should provide filings under § 292.207(d)(2) to the utilities with which they interconnect.

Finally, NYSEG and Niagara Mohawk argue that the Commission should make it clear that a utility may deem a facility to be ineligible for PURPA benefits even if the Commission has not decertified the facility. They reason that, if a notice of self-certification is sufficient to qualify facilities for PURPA benefits, and Commission certification is not necessary, then utilities should be able to declare facilities ineligible for PURPA benefits without any action on the Commission's part. NYSEG and Niagara

Mohawk also suggest that the Commission amend § 292.207(d)(1) to provide that, after gathering sufficient data demonstrating that a facility is not a QF, a utility may file an affidavit to that effect with the Commission.

**Commission Response:** The Commission agrees with American Forest and Paper's assessment of the consequences of a facility's failing to operate as represented in the cogenerator's or small power producer's application for Commission certification. The Commission will amend proposed § 292.207(d)(1) to make it clear that a facility may continue to be qualified despite changed circumstances, provided that the facility continues to meet the qualifying criteria.<sup>39</sup>

The Commission will not require owners of facilities to provide a copy of a filing made under § 292.207(d)(2) directly to each utility that transacts business with the facility because the Commission will publish notice of such filings in the **Federal Register**. The final rule clarifies and revises § 292.207(d)(1) accordingly.

Regarding Niagara Mohawk and NYSEG's argument that a utility may deem a facility to be ineligible for PURPA benefits, we note that, in *Independent Energy Producers Association, Inc. v. California Public Utilities Commission*, 36 F.3d 848 (9th Cir. 1994), the court struck down, as preempted by federal law, a CPUC program that allowed electric utilities to suspend payment of contractually-authorized rates in favor of lower, alternative rates when QFs do not meet the applicable operating and efficiency standards. The court found that the Commission has exclusive authority to determine whether a QF is in compliance with the applicable operating and efficiency standards. *Id.* at 853-59. The court added that it is the Commission's responsibility to decertify QFs—not the state's responsibility. *Id.* at 855, 859. While the Commission may take up this matter in the future, we will not delay this proceeding in order to address it at this time.

#### 4. Pre-Authorized Recertification

The Commission proposed at § 292.207(a)(2) to provide for streamlined Commission recertification of certain minor changes to those facilities which the Commission had already accorded qualifying status

under § 292.207(b). The NOPR proposed that a cogenerator or small power producer would simply report such a change in the form of a letter describing the change in sufficient detail to enable the Commission to readily determine that the modification falls within the scope of a list of pre-approved minor changes. A report of a pre-authorized change would not require a filing fee.<sup>40</sup>

**Comments:** Detroit Edison requests that the pre-authorized recertification procedure provide for notice in the **Federal Register** and/or service of the application for recertification upon each affected utility and state commission. Detroit Edison submits that this would provide state commissions and utilities with information for system planning and would allow state commissions and utilities to bring to the Commission's attention special circumstances regarding a particular facility and/or factual errors in an application for recertification. EEI, Atlantic Electric and NEP also recommend publishing notices of recertification in the **Federal Register** and request that the Commission direct cogenerators and small power producers to provide copies of the notice directly to all affected parties.<sup>41</sup>

SDG&E would limit pre-authorized changes to those changes involving name, installation or operation date, or change to power generation equipment. It argues that, except for these changes, meaningful evaluation of a facility's continued adherence to the Commission's standards cannot occur unless the owner or operator of the facility supplies sufficient information to conduct an analysis. Based on this reasoning, SDG&E contends that the Commission should generally require a cogenerator or a small power producer to apply for a Commission determination under § 292.207(d)(2) that a change to its facility will not result in revocation of qualifying status. Alternatively, SDG&E suggests that the cogenerator or small power producer provide notice to the Commission of the change in the form of an affidavit. In either case, SDG&E recommends that the cogenerator or small power producer provide an updated Form 556 and a copy of the filing to each affected utility.

EEI contends that some of the proposed pre-authorized changes can

<sup>37</sup> The Commission's regulations do not provide for revocation of a notice of self-certification. Other entities (e.g., electric utilities) may: (1) Move for revocation of a Commission certification of QF status; or (2) file a petition for a declaratory order that a self-certified or Commission-certified facility does not comply with all applicable QF requirements. See, e.g., UNIGAS Corp., 67 FERC ¶ 61,142 (1994).

<sup>38</sup> See, e.g., *Sithe/Independence Power Partners, L.P.*, 61 FERC ¶ 61,212 at 61,786 (1992).

<sup>39</sup> Under proposed § 292.207(d)(1) any person with standing to do so may request the Commission to revoke the qualifying status of a facility. See *Liquid Carbonic Industries Corp. v. FERC*, 29 F.3d 697 (D.C. Cir. 1994) with regard to standing to contest a QF certification.

<sup>40</sup> The Commission proposed that if it approves the change(s), it would return the report stamped "approved." The proposed rule further provided that if the Commission does not approve the proposed change(s), it would treat the report as a full § 292.207(b) filing and assess a filing fee.

<sup>41</sup> NEP also suggests that applicants also provide a copy of any filing under § 292.207(d)(2) to each of the utilities with which the QF is expected to transact business.

have a significant effect on purchasing and wheeling utilities. EEI states, for example, that a change in the maximum net power production capacity of a QF can affect utility obligations regarding the amount of power to be purchased and the amount of backup and maintenance power that the utility must provide to the QF; that a location change can affect a utility's point of interconnection with the QF, as well as a utility's transmission and distribution system requirements; or that a change in the QF's fuel could affect the facility's performance and reliability.

Southern California Edison is concerned that some of the proposed pre-authorized changes (*i.e.*, changes with regard to site, thermal load, fuel use, plant size, cogeneration thermal host or prime-mover technology) may result in a new QF project and may have a significant effect on a contracting utility. It urges the Commission to delete these changes from the Commission's list of automatically approved, pre-certified changes.<sup>42</sup>

Southern Companies is concerned about the effects that a change in location may have on utility planning, and on transmission and distribution systems, in the absence of adequate notice to the utility. Detroit Edison points out that a change in location of a QF may affect the local utility's ability to accommodate the facility, especially since the Commission's pre-authorized change proposal seems to contemplate that a QF may move from the service territory of one utility to that of another, or even move from one state to another.

On the other hand, Tenaska suggests that the Commission's list of automatically approved, pre-certified changes should be even more expansive. It proposes that the Commission permit a change in power generation equipment whenever there is no material or substantial change in capacity or operating characteristics of the facility. Tenaska also urges that the Commission extend to coal, other fossil fuels, and waste the pre-authorized changes permitted for oil and natural gas usage by a cogeneration facility.

American Cogen and Electric Generation Association propose additional pre-approvals: (a) For changes within an existing corporate structure; (b) for changes in the equity interests (to ensure that the facility

continues to comply with the ownership requirements of § 292.206); and (c) for changes in the steam host that do not affect levels of thermal output or the operating and efficiency values of the facility.

EEI recommends that the Commission clarify that a self-certified cogenerator or small power producer also may file a notice of self-recertification with regard to the Commission's pre-authorized changes and that such minor changes will not result in a self-certified facility's losing its qualifying status.<sup>43</sup>

**Commission Response:** In consideration of the comments, the Commission will adopt the proposed rule with the modifications discussed below. The Commission will pre-authorize ownership changes within a corporate family that do not affect the ultimate upstream derivative ownership in the facility (§ 292.207(a)(2)(i)(A)).<sup>44</sup> The Commission will also pre-authorize changes in the steam host when there is no change in the thermal application or process (§ 292.207(a)(2)(i)(M)), and extend its pre-authorization of changes in oil and natural gas use by a cogeneration facility to other fuels (§ 292.207(a)(2)(i)(E)).<sup>45</sup>

The Commission will not adopt EEI's suggestion that the Commission extend the pre-authorized changes to the self-certification procedure. The Pre-authorized Commission recertification procedure is not available to a self-certified facility because, under self-certification, the owner or operator of the facility is free to report any change.

We are also deleting the proposed regulatory text which stated that the Commission would return these submittals stamped "approved." The deleted text is inconsistent with the new procedure that pre-approves certain types of changes.

Finally, because of concerns about the effect on utility planning and utility

systems, the Commission will require that cogenerators and small power producers provide affected utilities and state commissions a copy of any report of pre-authorized changes filed under § 292.207(a)(2).

The Commission declines to adopt the CPUC's proposal that it indicate which modifications the Commission considers too fundamental to include in a list of pre-approved changes. The intent of adopting a list of pre-authorized changes in the final rule is to authorize changes that are sufficiently minor for purposes of QF status that it is unnecessary to obtain specific Commission approval each time such changes are made. If a change is not included on the list, then the pre-authorized change procedure cannot be used, and the cogenerator or small power producer must apply for recertification or file a notice of self-recertification.

The final rule revises § 292.207(a)(2) accordingly.

#### 5. Qualifying Transmission and Interconnection Equipment

The Commission proposed to amend the definition of the term "qualifying facility" to include transmission lines, transformers and switchyards to reflect Commission precedent.<sup>46</sup> As proposed, cogenerators, small power producers and utilities could use such equipment only to transmit qualifying power from the QF to the purchasing electric utility and to transmit supplementary, standby, backup and maintenance power from an electric utility to the QF.

**Comments:** NEP contends that a generic rule that allows transmission equipment to be a component of a QF is ill-advised. NEP and Pennsylvania P&L suggest that the Commission should continue to consider this issue on a case-by-case basis. NEP is concerned that, under a generic rule, electric utilities may find themselves in the difficult situation of needing to tap into QF transmission lines and obtain wheeling in order to serve load growth in their own service territories. NEP is also concerned that the presence of qualifying transmission facilities might affect: (a) A utility's transmission and distribution plans; (b) public safety; and (c) the environment.

Pennsylvania P&L is concerned that codification of the QF transmission line

<sup>42</sup> Southern California Edison notes that the CPUC has instructed utilities not to accept certain modifications under existing power purchase contracts in the absence of corresponding concessions from the cogenerator or small power producer. Southern California Edison is concerned that the Commission's treatment will conflict with the CPUC's directive.

<sup>43</sup> EEI observes that proposed § 292.207(a)(2)(i) limits reports of pre-authorized minor changes to those QFs previously certified by the Commission, and that this seems to suggest that a self-certified facility might be subject to revocation of qualified status as a consequence of the institution of similar minor changes. In addition, EEI states that § 292.207(a)(2)(ii) is confusing because of its reference to the term "application." According to EEI, the term makes it appear to require that a § 292.207(d)(2) filing, which pertains to a change that will not result in the revocation of qualifying status, is mandatory for a Commission certified facility but discretionary for a self-certified facility. Yet, EEI argues, § 292.207(d)(2) seems to suggest that a filing under that section is discretionary for all QFs.

<sup>44</sup> We encourage applicants to describe such ownership changes with the aid of a corporate relationship chart.

<sup>45</sup> Because there is no efficiency standard applicable to the use of other fuels by a cogeneration facility, any change in the use of such fuels also warrants pre-authorization.

<sup>46</sup> See, *e.g.*, Clarion Power Company (*Clarion*), 39 FERC ¶ 61,317 (1987); Kern River Cogeneration Company, 31 FERC ¶ 61,183 (1985) (*Kern River*); Malacha Power Project, Inc. (*Malacha*), 41 FERC ¶ 61,350 (1987); see also, Oxbow Geothermal Corporation, 67 FERC ¶ 61,193 (1994) (*Oxbow*) (granting recertification when the QF leased spare transmission capacity to an adjacent QF and disclaiming FPA jurisdiction over the lease).

and interconnection lines precedent could result in the exemption of more transmission lines from state environmental siting review. It notes that the State of Pennsylvania does not regulate QF-owned transmission lines.<sup>47</sup> Southern California Edison is concerned that the proposed definition may cause conflicts with state and local authorities that regulate the construction, ownership and/or operation of transmission facilities, despite the Commission's clarification in the NOPR with respect to the continued applicability of Federal, state and local siting and environmental requirements to such equipment. Edison, Arizona Public Service and EEI ask the Commission to clearly state in the final rule that Federal, state and local siting requirements continue to apply to QF-owned transmission lines.

EEI also observes that the proposed reference to the use of qualifying transmission and interconnection equipment for "qualified power" sales by QFs is ambiguous, since the term is undefined. EEI further observes that the reference is unnecessary because the Commission is only concerned about power sales by the QF portion of a facility. Finally, EEI submits that one could interpret the proposed definition of qualifying facility to prohibit a QF's use of qualifying transmission and interconnection facilities to purchase power other than supplementary, standby, maintenance and backup power for the non-qualifying portions of a facility. EEI suggests that the Commission did not intend to be so restrictive in its definition.

American Cogen, American Iron and Steel, General Electric, Independent Energy Producers, and Texaco want to expand the permitted uses of qualifying transmission and interconnection facilities to include transmission and wheeling of a QF's power to other parties. Texaco suggests that the Commission should include in the definition of a qualifying facility any facilities that deliver electric energy to third parties, such as thermal hosts or other entities, and any facilities that provide transmission access under the provisions of the Energy Policy Act of 1992.

American Cogen contends that, whether a QF is selling electric energy at retail to industrial customers is irrelevant for the purpose of determining QF status. American Cogen argues that it would make no sense to deny qualifying status to the

transmission and/or interconnection portion of a facility merely because the facility is engaged in power sales to end users. American Cogen says that the Commission's inquiry has been focused on and should continue to focus on whether a facility meets the fuel use standard, operating and efficiency standards and ownership criteria. American Iron and Steel contends that restricting the use of qualifying transmission and interconnection equipment to transactions with utilities would be contrary to precedent.<sup>48</sup>

American Iron and Steel also suggests that, since PURPA does not bar retail sales where such sales are permissible under state law, the Commission should clarify the definition of a QF to provide for qualifying status of transmission and interconnection facilities and similar facilities that provide power to non-utility parties. Otherwise, American Iron and Steel argues, by precluding qualifying transmission and interconnection facilities where a QF transmits electric energy to retail customers, the Commission would place restrictions on state authority over retail sales, a restriction that Congress sought to prevent under PURPA.

AGA counters that the Commission should not permit the transmission and wheeling of electric energy for and to third parties over qualifying transmission facilities, because § 210 of PURPA only encourages the local generation of alternative energy. According to AGA, PURPA does not encourage the transmission of alternative sources of electric energy to third parties.

**Commission Response:** The Commission will codify its precedent concerning qualifying transmission lines and interconnection equipment at § 292.101(b)(1). The Commission is not changing the case-by-case disposition of applications for the certification of qualifying facility status that include transmission lines and interconnection facilities.

The Commission also agrees with the suggestions of several commenters that it should more fully codify Commission precedent by clarifying or expanding the defined uses of transmission lines and interconnection facilities. PURPA does not preclude QFs from selling at retail.<sup>49</sup> However, transmission lines or interconnection facilities that are found

to be part of a QF—whether used for wholesale or retail sales—may be used only for the purpose of effectuating the QF's sale of power; transmitting other QFs' power; transmitting standby, maintenance, supplementary and backup power to other QFs;<sup>50</sup> or transmitting back-up power, etc. to the QF or its thermal users in appropriate circumstances.<sup>51</sup> In other words, the final rule will allow the transmission and interconnection components of the QF to serve the same users that are served by the power production components of QFs, to serve other QFs, and to serve the backup, etc. needs of the QF, and its thermal host, in appropriate circumstances. The Commission's modified definition of qualifying facility will, accordingly, recognize that QFs may use transmission lines and interconnection facilities to exchange electric power without regard to the nature of the purchaser of the QF's power.<sup>52</sup>

EEI's reference to the qualifying "portion" of an entire facility is unclear. It is, therefore, difficult to evaluate EEI's concern that the proposed revised definition of a QF may overly restrict the allowable types of power purchases that qualifying transmission lines and interconnection facilities may transmit. In any event, the Commission, in this proceeding, is simply codifying its practice and precedent concerning the transmission lines and interconnection facilities of a QF.

With respect to Texaco's suggestion to expand the facilities covered in the definition to those used to provide transmission access under the provisions of the Energy Policy Act,<sup>53</sup> the suggestion is beyond the scope of this rulemaking.<sup>54</sup>

The Commission agrees with Southern California Edison, EEI and

<sup>50</sup> See *Oxbow*, *supra*, n.46.

<sup>51</sup> See *Union Carbide*, *supra*, n.48.

<sup>52</sup> Purchasers that receive electric energy over the QF's transmission lines and interconnection facilities may be directly or indirectly interconnected purchasing utilities as contemplated in, e.g., *Kern River*; Western Massachusetts Electric Company, 59 FERC ¶ 61,091, *reh'g denied*, 61 FERC ¶ 61,182 (1992), and § 292.303 (a) and (d) of the Commission's regulations; they may also be affiliated and unaffiliated thermal hosts in accord with, e.g., *Kern River*; Alcon (Puerto Rico), 38 FERC ¶ 61,301 (1987), *affirmed*, Puerto Rico Elec. Power Auth. v. FERC, 848 F.2d 243 (D.C. Cir. 1988); and *Union Carbide*; or they may be retail customers, when permitted by state law, in accord with *PRI Energy*.

<sup>53</sup> The Energy Policy Act became effective on October 24, 1992. Public Law No. 102-486, 106 Stat 2776 (1992). The Commission issued the NOPR in this proceeding on November 16, 1992.

<sup>54</sup> However, the Commission's preliminary view is that a QF that is a transmitting utility, see 16 U.S.C. 793(23), would not lose its qualifying status if the Commission ordered the QF to provide transmission services under FPA section 211.

<sup>47</sup> This is Pennsylvania's choice. Certification does not exempt QFs from environmental siting requirements.

<sup>48</sup> American Iron and Steel refers to *PRI Energy Systems, Inc.*, (PRI Energy), 26 FERC ¶ 61,177 (1984); *Oxbow Geothermal Corporation*, 36 FERC ¶ 61,398 (1986); and *Union Carbide Corp.*, 48 FERC ¶ 61,130, *reh'g denied*, 49 FERC ¶ 61,209 (1989), *affirmed sub nom.*, *Gulf States Utilities Co. v. FERC*, 922 F.2d 873 (D.C. Cir. 1991) (*Union Carbide*).

<sup>49</sup> See *PRI Energy*, *supra*, n.48.

Arizona Power that it is appropriate to modify the definition of qualifying facility to make it clear that Federal, state and local siting and environmental requirements apply to such transmission lines and interconnection facilities.

The final rule revises § 292.101(b)(1) accordingly.

#### 6. Power Production Capacity

In the NOPR, the Commission proposed to add a new § 292.202(s), which would codify Commission precedent regarding the power production capacity of a QF. The Commission proposed to determine a QF's maximum net sendout based on the safe and reliable operation of the facility. The Commission also proposed to measure the QF's power production capacity at the point of delivery to the transmission system of the interconnected utility.<sup>55</sup>

**Comments:** Commenters recommended that the Commission measure power production capacity at each point of interconnection with each purchaser,<sup>56</sup> or at the first point of interconnection with the transmitting utility.<sup>57</sup> The CPUC suggests that electric power output must be net of any parasitic loads.

Southern California Edison suggests that the Commission define power production capacity in terms of the expected operating conditions during the period when the purchasing utility most needs power, taking into account factors such as ambient temperature at the time of system peak load and the QF's power commitment.<sup>58</sup> Southern California Edison is also concerned that one could construe the proposed § 292.202(s) language to allow the owners and operators of QFs to choose to purchase power to meet a facility's auxiliary load requirements in order to

artificially increase the amount of power sendout.

General Electric suggests case-specific treatment for cogeneration facilities that employ gasifiers.<sup>59</sup>

On November 29, 1993, as supplemented on December 3, 1993, Granite State Hydropower Association (Granite State Hydropower), whose members own or operate approximately 40 small hydroelectric projects in New Hampshire, filed an "emergency" motion for clarification or to reopen this proceeding and rescind the proposal to codify decisions.<sup>60</sup> Granite State Hydropower opposes codification of the Commission's decisions in *Power Developers, Inc.*,<sup>61</sup> and *Turners Falls Limited Partnership*,<sup>62</sup> at least insofar as it might apply to hydroelectric small power production facilities that are in operation when such codification might take effect.<sup>63</sup> Granite State Hydropower requests that the Commission either rescind the proposed rule or clarify that it would apply such a change in eligibility requirements to future hydroelectric small power production facilities only.

**Commission Response:** The Commission notes that in two pending proceedings<sup>64</sup> issues have been raised concerning the policy set forth in *Turners Falls*. The Commission is reviewing those issues and will address them in those proceedings. The Commission is not prepared at this time to issue a final rule regarding the policy set forth in *Turners Falls*. The Commission may, in the future, codify its policy on this matter after it has had more experience with the issue. The Commission will not adopt the proposed definition of power production capacity at this time.

#### 7. Increased Specificity of the Qualifying Facility Filing Requirements: Form 556

In the NOPR, the Commission proposed a standardized application form (Form 556) to facilitate successful

applications for Commission certification of qualifying status. The Commission intended that Form 556 would also make small power producers and cogenerators more aware of the QF standards that apply to their facilities; under the current regulations one must examine the history of related cases and the language of the pertinent regulations to be sure of the specific standards that apply to particular facilities. To make this effort less burdensome to applicants, Form 556 allows cogenerators and small power producers to report the specific characteristics of their facilities. The form also provides for the step-by-step application of pertinent regulations to their facilities. When accurately completed, Form 556 should readily reveal whether a facility substantially complies with the applicable criteria, and reduce the number of Staff inquiries for more information from applicants.

**Comments:** With respect to the general requirement for Form 556, SDG&E suggests changing the title of Form 556 to make it clear that it applies to proposed, as well as to existing facilities. American Cogen cautions that verifying the useful thermal output of proposed facilities (*item 14a*): (a) Will be an extremely cumbersome procedure; (b) will, of necessity, be based on approximations; and (c) may raise utility concerns, prompt premature interventions, and cause administrative difficulties.

Southern California Edison recommends that applicants include an updated Form 556 with each filing submitted under § 292.207(d)(2) in connection with a substantial modification to a facility. AGA urges the Commission to dispense with the detailed information requirements and request only the most basic technical information.<sup>65</sup> American Forest and Paper maintains that identification of the utility that will purchase and/or wheel the facility's qualified power (*item 3b*) is unnecessary, since that information has nothing to do with qualifying status.

Arizona Public Service proposes that the QF specify the name of each affected utility customer, as well as the magnitude of its displaced load. SDG&E proposes that the applicant describe in writing the operation of the principal components of the facility, and that the applicant also address supplementary firing devices and incorporate a detailed

<sup>55</sup> Net output determines whether small power production facilities that are not eligible solar, wind, waste or geothermal facilities as defined by section 3(17)(E) of the FPA, conform to the 80 MW size limit of § 292.204(a) and whether their owners and operators are eligible for regulatory exemptions provided at §§ 292.601 and 292.602 of the Commission's regulations. See, e.g., *Malacha Power Project, Inc.*, 41 FERC ¶ 61,350 (1987); *Massachusetts Refusetech, Incorporated*, 25 FERC 61,406 (1983); *Power Developers, Inc.*, 32 FERC ¶ 61,101 (1985), *rehearing denied*, 34 FERC ¶ 61,136 (1986); and *Pennitech Papers, Inc.*, 48 FERC ¶ 61,120 (1989).

<sup>56</sup> Comments of American Cogen.

<sup>57</sup> Comments of Independent Energy Producers.

<sup>58</sup> According to Southern California Edison, its QF power purchase contracts specify the amount of electric power which it can rely on at the time of its maximum system peak demands. Southern California uses such contract capacity in its long-term system planning because the QF capacity amount reflects expected operating conditions rather than the most favorable operating conditions.

<sup>59</sup> A gasification system converts coal, waste and other by-product materials to fuel gas, which may be burned in a power production facility.

<sup>60</sup> We shall treat their motion as a comment on the NOPR.

<sup>61</sup> 32 FERC ¶ 61,101 (1985) (*Power Developers*).

<sup>62</sup> 55 FERC ¶ 61,136 (1991) (*Turners Falls*).

<sup>63</sup> According to Granite State Hydropower, the New Hampshire Public Utility Commission (New Hampshire Commission) has interpreted the eligibility restrictions of *Turners Falls* to have, in effect, overruled the New Hampshire Commission's 1981 regulations implementing PURPA and certain of this Commission's Part 292 regulations.

<sup>64</sup> *Carolina Power & Light Company, v. Stone Container Corp.*, Docket Nos. EL94-62-000 and QF85-102-005; *Connecticut Valley Light & Power Company v. Wheelabrator Claremont Company*, Docket Nos. EL94-10-000 and QF86-177-001.

<sup>65</sup> While the Commission notes that AGA's suggestion that the Commission change its policy and rely on minimal information is beyond the scope of this proceeding, its proposal would undercut the Commission's efforts to reduce the incidence of incomplete filings.

thermodynamic heat balance diagram.<sup>66</sup> SDG&E recommends that Form 556 require an applicant to more narrowly specify the facility's electric power production capacity in terms of the qualified portion of the facility instead of simply on a stand-alone basis (*item 4b*).

American Forest and Paper asks the Commission to delete the proposed inquiry into the total energy input of a facility (*items 4d and 5*). It notes that, for a small power production facility, *item 7* addresses compliance with the fossil fuel use limits and that, for a cogeneration facility, the fuel used is relevant only for compliance with the efficiency standard. According to American Forest and Paper, *item 11*, concerning operating and efficiency values for cogeneration, should apply only to oil or natural gas fueled cogeneration facilities.

EEL recommends that the Commission broaden its consideration of waste energy input (*item 4d*) to include the Commission's "no current commercial value" test or a United States Department of the Interior, Bureau of Land Management (BLM) waste determination. SDG&E recommends that the Commission add new *item 4e*, which would require a description of the QF's point of delivery with the purchasing utility. It also suggests that Form 556 require an applicant to present the facility's energy input (*item 5*) in terms of "lower heating value."<sup>67</sup>

EEL suggests that the Commission make its determination of the amount of total energy input into a small power production facility (*Item 7*) in terms of Btu/lb. or Btu/cubic ft. of gas at standard temperature and pressure and that Form 556 require an applicant to specify the annual Btu consumption of primary fuel. EEL notes that Form 556 does not define eligible and non-eligible small power production facilities (*Item 8*).<sup>68</sup>

American Cogen maintains that a cogeneration system cycle diagram depicting the physical arrangement of system components (*item 10*) is often premature and burdensome, since certification often occurs before selecting a general contractor and completing the detailed layout. American Cogen also contends that small facilities, under 2 MW, should be exempt from the cycle diagram requirement. The CPUC, observing that *items 10 and 14* address cogeneration system input and output values, suggests that it would be useful to directly relate each input and output value to the cycle diagram to show more clearly what each value represents.<sup>69</sup> SDG&E suggests that, for absorption chiller thermal applications, there should be specification of the heat that will be sent to the chiller's cooling tower, and any factor converting the chilled water in terms of net Btu cooling output to net heat input to the chiller, as well as the relevant flow rates, temperature, pressure, and enthalpy.

SDG&E suggests that the Commission should require an applicant to specify the entity that will purchase the useful thermal energy output from the facility and any affiliation such entity may have with the cogenerator (*item 12*). SDG&E further recommends that the description of any heat dump, exhaust bypass or other such device for dumping, transferring or applying heat to something other than the designated useful thermal energy output application, be provided in writing along with a simple diagram (*item 13*). AGA contends that, since distribution heat losses are an inherent and unavoidable characteristic of thermal consumption and are not a function of how thermal energy is created, Form 556 should not call for calculations of distribution heat losses.

EEL proposes that, if the Commission decides that applicants must include a completed Form 556 with all QF related filings, the Commission specify the type of filing that the Form 556 submission pertains to (e.g., Commission recertification, self-recertification, or pre-authorized change). EEL also suggests a requirement that, at all times, proper and accurate metering or other measuring and recording will be conducted to verify continuing compliance with the operating and efficiency standards. American Forest and Paper contends that the routine **Federal Register** notice accorded applications for Commission

certification should be sufficient to alert nearby utilities and other interested parties about potential QF obligations.

**Commission Response:** Applications for Commission certification under § 292.207(b) must include Form 556. Further, because the final rule will require filings under § 292.207(d)(2) to conform to the requirements of § 292.207(b), filings under § 292.207(d)(2) will include a completed and current Form 556. The Commission will also require that notices of self-certification under § 292.207(a)(1) include a completed Form 556. However, the final rule does not require applicants to include Form 556 with preauthorized change filings under § 292.207(a)(2). To do so would be inconsistent with the notion that preauthorized changes do not require additional Commission review.

Concerning EEL's comments about verification of compliance with operating and efficiency standards, the Commission notes that cogenerators and small power producers are responsible for installing adequate monitoring equipment to ensure compliance with the Commission's regulations.

In response to American Forest and Paper's comment that **Federal Register** notice should suffice for applications for Commission certification, as we noted above, the adoption of Form 556 is intended to benefit QFs by facilitating successful applications for Commission certification and making cogenerators and small power producers more aware of QF standards. American Forest and Paper's comments concerning notice to affected utilities does not account for these benefits. Moreover, as discussed elsewhere in this final rule, the Commission is requiring a completed Form 556 for each self-certification filing, which, at revised *item 3b*, will specify the purchasing and wheeling utilities, if known. Since the Commission does not publish notices of self-certification in the **Federal Register**, the Commission will require that applicants provide copies of notices of self-certification to each affected utility and state commission.

We decline to adopt American Cogen's proposal to exempt facilities under 2 MW from the cycle diagram requirement. A cycle diagram is a minimal showing of the operation of the cogeneration process.

We decline to adopt SDG&E's suggestion that applicants specify several factors related to absorption chiller thermal applications. The Commission has held that PURPA does not require the thermal use to be the

<sup>66</sup> This information should be provided in Form 556, items 4a and 10.

<sup>67</sup> Lower heating value refers to the amount of useful heat energy that can be obtained during the combustion process, since the latent heat of water vaporization in the combustion of hydrocarbon fuels is not recoverable. Order No. 69, FERC Stats. and Regs., Regulations Preambles 1977-1981 ¶ 30,134 at 30,937. Section 292.202(m) requires that one use lower heating value to measure the energy input of oil or natural gas. SDG&E also asks the Commission to require an applicant to specify the conversion factor that it uses to convert the higher heating value to the lower heating value.

<sup>68</sup> Under section 3(17)(E) of the FPA, eligible facilities are certain solar, wind, waste and geothermal powered small power production facilities that are not capped at the PURPA 80 MW size limit, for which a filing regarding QF status had been submitted to the Commission by the end of 1994 and for which the construction must generally commence before the end of 1999.

<sup>69</sup> The Commission agrees that there should be a correlation between the input and output information provided in *items 10 and 14*.

most efficient; the requirement is that it be "useful."<sup>70</sup>

Concerning AGA's comment that Form 556 should not require calculations of distribution heat losses, the Commission recognizes that accounting for inefficiencies of heating and cooling equipment is burdensome and unnecessary. Form 556 will not require that applicants specify this information.

The Commission will publish Form 556 in Part 131 of the Commission's regulations. To help focus attention on the relevant standards, the Commission will divide the form into three parts. Part A, entitled "General Information To Be Submitted By All Applicants" (*items 1-6*), covers: (a) The identity of the applicant; (b) the type of facility (small power or cogeneration); (c) the expected or actual installation and operation dates, (d) the fuel input and power output; and (e) the identity of the relevant utilities with which the facility will transact business. Part B, entitled "Description Of the Small Power Production Facility" (*items 7-8*), concerns certain restrictions on use of oil, natural gas and coal and the one-mile limit on common fuel supplies shared by multiple facilities. Part C, entitled "Description Of the Cogeneration Facility" (*items 9-15*), concerns compliance with, *inter alia*, the operating and/or efficiency standards, and contains sections that specifically pertain to topping-cycle (*items 13-14b*) and bottoming-cycle (*item 15*) facilities.

To make Form 556 easier to use, the Commission is eliminating redundancies and, wherever possible, cross-referencing items to related sections of the Commission's regulations or stating the underlying FPA or Commission requirement.

The Commission is also modifying the title of Form 556 to indicate that applicants must complete up-to-date Forms 556 for both existing and proposed facilities.<sup>71</sup> The Commission

is requiring a description of the operation of the principal components of the facility (*item 4a*). The Commission is clarifying the reference to eligible small power production facilities (*item 8*) with an explanation and a reference to section 3(17)(E) of the Federal Power Act. The Commission is also requiring that an applicant specify the identity of the thermal host; but the Commission is not requiring that in all cases applicants must divulge their affiliation with the cogenerator (*item 13*).<sup>72</sup>

The Commission is also not requiring applicants to specify the utility load that a QF will displace, since it is sufficient for utility planning and system operating purposes that applicants identify all of the utilities with which they expect to transact business. The Commission's practice has long required that applicants provide information on thermal delivery losses and any thermal energy return, in order to determine the amount of the useful thermal energy output of the facility (*item 14a*). Experienced cogenerators have routinely provided this information. The Commission is not eliminating this critical requirement.<sup>73</sup> The final rule clarifies Form 556 accordingly.

#### *F. Proposed Technical Modifications for Qualifying Small Power Production and Cogeneration Facilities Under Part 292*

##### **1. Calendar Year Fossil Fuel Use and Operating and Efficiency Value Calculations**

The Commission's current rules require cogeneration facilities to meet the operating and efficiency standards on a calendar year basis.<sup>74</sup> Small power production facilities must meet a similar

requirement with respect to the proportion of fossil fuel use.

The NOPR proposed to convert the existing calendar year operating and efficiency standards (for cogeneration facilities<sup>75</sup>) and the current calendar year fossil fuel standard (for small power production facilities<sup>76</sup>) to 12-month standards, because many QFs have experienced difficulty meeting the standards during the first calendar year of operation. For example, if a cogeneration facility first produces electric energy late in the year, it may not have enough time under normal operation during the remainder of the calendar year to meet the Commission's operating and/or efficiency standards. Likewise, it may miss the peak thermal usage of its host(s), and so may be unable to comply with the Commission's operating and/or efficiency standards for that calendar year.

In the NOPR, the Commission proposed to base its determination of whether a QF meets the Commission's technical standards in its first year of operation by examining the facility's operation for a period of 12 consecutive months beginning with the date on which the QF first produces electric energy. The Commission proposed to base subsequent determinations upon each ensuing 12-month period. Accordingly, the Commission proposed to replace the phrase "during any calendar year" in §§ 292.204(b)(2), 292.205(a) and 292.205(b) with the phrase "on a consecutive 12-month basis beginning with the date the facility first produces electric energy."

*Comments:* American Forest and Paper suggests a 60 to 90-day grace period beginning with the first production of electric energy to permit the completion of facility testing. Upon commercial operation, the 12-month standard would apply. Independent Energy Producers suggests that the Commission apply the new 12-month

<sup>70</sup> See Bayside Cogeneration, L.P., 67 FERC ¶ 61,290 at 62,007 & n. 7 (1994).

<sup>71</sup> The Commission is not requiring owners and/or operators of facilities that have applications for certification pending before the Commission, or that the Commission has already certified, or that have already filed a notice of self-certification to file Form 556 unless they file for Commission recertification or self-recertification after the effective date of this final rule.

With respect to facilities not yet built or operating, small power producers and cogenerators must present the relevant information, to the extent possible, in the form of planned compliance. If the small power producer or cogenerator does not supply sufficient information, the Commission will not be able to certify the facility, or the information in a notice of self-certification will not be adequate to ensure that the facility is a QF.

<sup>72</sup> The affiliate relationship between the cogenerator and the thermal host is not relevant unless the thermal application or process, or the end product produced with the aid of the thermal output from the facility, is not common. Since most thermal applications or processes, and/or the end products produced with the aid of such, are common, this information is usually not necessary.

<sup>73</sup> Section 292.202(h), as revised in this final rule, defines thermal energy in terms of thermal energy: (1) Which is made available to an industrial or commercial process (net of any heat contained in condensate return and/or makeup water); (2) which is used in a heating application (e.g., space heating, domestic hot water heating); or (3) which is used in a space cooling application (i.e., steam or hot water used by an absorption chiller). *Item 14a* will contain these three categories.

Line losses and heat exchanging equipment losses must be deducted from the total thermal energy actually consumed. For example, any thermal energy rejected by an absorption system at the input to the chiller must be deducted from the useful thermal output, since what is rejected is not used for cooling purposes. Also, the proper location of the metering equipment at the host site can eliminate the need to calculate line losses.

<sup>74</sup> See, e.g., Everett Energy Corporation, 45 FERC ¶ 61,314 (1988).

<sup>75</sup> The current operating standard requires all topping-cycle cogeneration facilities to have at least a 5 percent operating value with regard to useful thermal energy output (§ 292.205(a)). Oil or gas-fired topping-cycle cogeneration facilities are also subject to an efficiency standard (§ 292.205(a)). The useful electric power output of the facility plus one-half the useful thermal energy output must be no less than 42.5 percent of the total energy input of natural gas or oil. If the useful thermal energy output is less than 15 percent of the total energy output (i.e., the operating value is less than 15 percent), the efficiency value must be 45 percent rather than 42.5 percent. For supplementary fired bottoming-cycle facilities, the useful electric power output must be at least 45 percent of the total oil and natural gas input (§ 292.205(b)(1)).

<sup>76</sup> The use of coal, oil and natural gas by qualifying small power production facilities is limited to certain purposes and cannot exceed 25 percent of the total fuel input (§ 292.204(b)(2)).



standard to consecutive 12-month periods, rather than to rolling 12-month periods beginning with each month.

Pennsylvania P&L suggests that the Commission apply the 12-month standard only to new QFs in order to minimize administrative problems with existing QFs whose power purchase contracts may be based on calendar year periods. SDG&E and Southern California Edison suggest that the Commission continue to apply the existing calendar year standard, beginning with the first full calendar year of a QF's operation and apply the new 12-month standard only to the initial period of operation.<sup>77</sup> SDG&E and Southern California Edison believe that this would respond to the Commission's concern about the difficulties QFs initially encounter in their operation and make it easier for utilities to monitor the operation of a large number of QFs.<sup>78</sup>

*Commission Response:* American Forest and Paper's proposal to establish a 60–90 day grace period for new facilities is beyond the scope of this proceeding and the Commission will not adopt it.

The Commission is revising its regulations to require that the technical standards be measured during the first year of operation, on a consecutive 12-month basis beginning with the date the facility first produces electric energy. A new facility can fail to meet the technical standards in any period from one to 11 months as long as the facility meets the technical standards for the 12-month period. Compliance with the technical standards will be required on a calendar year basis beginning with the first full calendar year of operation following the date of initial electric

power production.<sup>79</sup> This should simplify compliance with contracts and regulations. The final rule revises the Commission's operating, efficiency and small power fuel use standards accordingly.

## 2. Clarification of the Sequential Use of Energy Requirement

In the NOPR, the Commission proposed to clarify its requirements pertaining to cogeneration facilities' sequential use of energy and useful thermal energy output. The Commission, therefore, proposed to define sequential use of energy in a new § 292.202(t); in the final rule, this new section is designated § 292.202(s). The NOPR also proposed to codify Commission precedent that: (a) A topping-cycle installation must subsequently use some of the reject heat from the electric power production process for a useful thermal purpose; and (b) that the useful portion of thermal energy output refers to the heat used in a heating or cooling application or made available to a commercial or industrial process.<sup>80</sup> In the case of a bottoming-cycle cogeneration installation, where all of the energy is first used for a commercial or industrial process, the Commission proposed that the facility must subsequently use some of the reject heat to produce electric power.

*Comments:* EEI refers to a multiple turbine cogeneration configuration in which some of the turbines are sequentially producing electric power and useful thermal output, and other turbines are only producing electric power. EEI contends that the latter turbines should not qualify because they do not save fuel. Southern Companies also maintains that sequential energy use must remain central to the

qualifying cogeneration facility concept. AGA approves of the Commission's discussion in the NOPR on this matter, because it contemplates that useful thermal energy will be extracted at any point along a chain of linked turbines rather than from every turbine in a multi-turbine topping-cycle installation.

SDG&E asks the Commission to specify a minimum percentage threshold for sequentially produced useful thermal energy output. It submits that the setting of a minimum threshold would better promote the conservation and efficiency goals of PURPA. SDG&E also recommends that the Commission exclude from the operating and efficiency values of a facility the incremental electrical and thermal output related to any supplementary firing in a combined-cycle (topping-cycle) extraction turbine configuration. SDG&E contends that to allow supplementary firing when only a token portion of the thermal input is converted to useful thermal energy output is not an efficient use of energy.

American Cogen suggests that the Commission require facilities to account for inefficiencies in the thermal host's equipment with greater specificity. However, if the Commission's intent is to net out such inefficiencies from the useful thermal energy output at each point of interconnection with the thermal process or application, American Cogen contends that accounting for such inefficiencies is onerous and should not be adopted. Electric Generation Association raises similar concerns. Independent Energy Producers suggests that the Commission use an approach similar to that proposed for waste fuels and provide a non-exclusive list of useful thermal purposes to help reduce any uncertainty.

SDG&E is concerned that the proposed revised definition of useful thermal energy output does not exclude heat dumped or rejected after delivery to the process, and that space and domestic water heating and cooling uses have not been included in useful thermal energy output.<sup>81</sup> SDG&E also suggests that a modified independent business purpose test be applied to determine the usefulness of novel thermal applications or processes.

*Commission Response:* With regard to the concerns of EEI, Southern Companies and American Cogen, the Commission's final rule both maintains the sequential use of energy concept and permits a QF to extract useful thermal energy at any point along a chain of

<sup>77</sup> Southern California Edison also suggests that, since certain combined-cycle configurations have characteristics of both topping-cycle and bottoming-cycle facilities, the Commission should make the operating and efficiency standards for combined-cycle facilities the same as for topping-cycle facilities. The Commission considers combined-cycle installations to be topping-cycle facilities subject to the operating and efficiency standards applicable to such facilities.

Southern California Edison suggests that the Commission should also require combined cycle facilities to calculate the efficiency value to take into account total energy input. The Commission includes the total energy input of only oil or natural gas to such topping cycle facilities in the calculation of the efficiency value.

<sup>78</sup> SDG&E also contends that the current operating and efficiency standards have failed to encourage alternative energy development and conservation and suggests that the Commission should initiate a new rulemaking proceeding to raise the operating and the efficiency standards. At this juncture, however, the Commission is primarily concerned with codifying QF precedent and otherwise streamlining its QF regulations. It is not prepared to initiate another generic QF proceeding at this time.

<sup>79</sup> Under this approach, small power producers and cogenerators will account for the early period of a QF's operation under both the 12-month standard and the calendar year standard. For example, with respect to a facility that first produces power on July 1, 1994, conformance with the 12-month standard will be necessary for the 12-month period ending June 30, 1995. In addition, conformance with the calendar year standard will be necessary for that facility for the calendar year ending December 31, 1995.

<sup>80</sup> Under the Commission's proposal, a topping-cycle cogenerator applicant would provide a mass, heat balance (cycle) diagram to demonstrate sequentiality, an adequate level of useful thermal energy output, and conformance with the operating and efficiency standards. Cycle diagrams delineate average annual hourly energy flows at various points of the cogeneration facility (including points of fuel input and working fluid input), accounting for hourly and seasonal variations, and conditions such as temperature, pressure and enthalpy (heat content) at these inputs, at the outputs of the prime movers, and at delivery points to the thermal application/process, and account for losses between the cogenerator and the host.

<sup>81</sup> (See Electrodynne Research Corporation, 32 FERC ¶ 61,102 (1985) (*Electrodynne*)).



turbines as long as the turbines are linked in a sequential energy flow. While SDG&E believes that the proposed definition of sequential use of energy was too vague, the Commission notes that the new definition explicitly considers the operating standard with respect to topping-cycle cogeneration facilities. Under the operating standard, 5 percent of the total energy output of a topping-cycle cogeneration facility must be useful thermal energy output in order for a facility to meet the sequentiality requirement.

The Commission agrees with American Cogen and Electric Generation Association that it is unduly burdensome for cogenerators to compile data on net useful thermal energy output that accounts for host equipment inefficiencies, and that this requirement would not be consonant with streamlining the QF regulations. It is not practical to account for inefficiencies related to each piece of host equipment. The Commission, however, agrees with SDG&E's proposal to clarify the definition of useful thermal energy output to clearly account for such common applications as space heating and space cooling, and domestic water heating.

The Commission declines to adopt Independent Energy Producers' proposal to create a non-exclusive list of useful thermal energy output applications and processes similar to the proposed list for waste fuels. Since, by design, most thermal applications and processes are common and, therefore, presumptively useful, a listing of permitted thermal applications/processes would be virtually impossible to compile. Also, any such list would likely exclude unforeseen variations of previously allowed thermal applications/processes that would also fall within the presumptively useful category.

SDG&E has raised a concern about separate firing in combined cycle facilities, in which fuel is used to produce steam, some of which is directly used in the thermal application/process and some of which is used in an extraction turbine generator to produce additional electric energy and subsequently additional thermal output. As long as the direct and indirect use of thermal output amounts to 5 percent of the facility's total energy output, the facility meets the operating standard and the sequential use of energy requirement. The Commission does not allow the use of duct burners (*i.e.*, separate firing of heat recovery boilers) solely to produce electric power in

condensing turbine configurations.<sup>82</sup> In response to SDG&E's suggestion to modify the independent business purpose test, the Commission, has not proposed to modify its *Electrodyn* standard in this proceeding. Thus, SDG&E's proposal is beyond the scope of the instant proceeding.

The final rule adopts § 292.202(s) accordingly.

### 3. Section 292.204(a)—Criteria for Small Power Production Facilities

In the NOPR, the Commission proposed to amend § 292.204(a) of its regulations to reflect the addition by Congress of subsection 3(17)(E) of the Federal Power Act (FPA) pursuant to the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990, as subsequently amended in 1991 (the Incentives Act). Subsection 3(17)(E) temporarily removed the otherwise applicable subsection 3(17)(A) 80 MW size limitation on eligible small power production facilities.

Eligible facilities are those solar, wind, waste and geothermal powered small power production facilities for which either a notice of self-certification, or an application for Commission certification, was submitted to the Commission by December 31, 1994. In addition, construction of eligible facilities must commence not later than December 31, 1999, or, if not by then, reasonable diligence must be exercised toward the completion of such facilities taking into account all factors relevant to their construction.

*Comments:* EEI suggests that the Commission require that operators of eligible facilities provide evidence that they have made a good faith effort toward the timely completion of such facilities by December 31, 1999, taking into account all factors relevant to their construction, in order to maintain eligibility for exemption from the size restriction.

Independent Energy Producers expresses concern that under the Incentives Act, as amended, existing small power production facilities of greater than 80 MW may lose their qualifying status if they must be recertified subsequent to December 31, 1994. They request that the Commission clarify that recertification of an existing eligible solar, wind, waste or geothermal small power production facility larger than 80 MW after December 31, 1994, will not endanger that project's qualifying status. Independent Energy Producers asserts that it would be

unreasonable to interpret the Incentives Act, as amended, to take away existing benefits from a project which otherwise meets all eligibility requirements simply because it undergoes modification or some other change in circumstances, not related to the size cap, requiring a subsequent filing some time during the project's useful life. Such modifications include minor changes in a project's size, transmission routing, or ownership and occur frequently, according to Independent Energy Producers.

*Commission Response:* In adding Subsection 3(17)(E) to the FPA, Congress only required that applicants exercise reasonable diligence toward the completion of construction of eligible small power production facilities, in those instances when construction has not commenced by December 31, 1999. In deciding to allow eligible small power producers to start construction after December 31, 1999, Congress obviously considered the potential for delays, yet, notably, it did not establish a requirement that construction be completed by any particular date. Therefore, it would not be appropriate for the Commission to adopt EEI's suggestion to require in all cases eligible small power producers to demonstrate reasonable diligence to complete construction of eligible facilities by December 31, 1999.

In response to Independent Energy Producers, we do not believe that an eligible solar, wind waste or geothermal facility will lose QF status if, subsequent to December 31, 1994, such facility either files a notice of self-recertification or an application for Commission recertification, as long as the project is not fundamentally altered from the project described in the notice of self-certification or application for Commission certification filed prior to January 1, 1995.<sup>83</sup>

The Commission will retain the proposed regulatory text for 18 CFR 292.204(a).

### 4. Waste

In the NOPR the Commission proposed to drop the existing definition of "waste" as a by-product material.<sup>84</sup>

<sup>83</sup> At this juncture, the Commission believes it is appropriate to determine whether a project has been fundamentally altered on a case-by-case basis.

<sup>84</sup> PURPA does not define the term "waste." In the preamble to its final rule implementing PURPA, the Commission defined waste as "by-product materials other than biomass." FERC Stats. and Regs., Regulations Preambles, 1977-1981 ¶ 30.134 at 30.934. In *Kenvil Energy Corporation (Kenvil)*, 23 FERC ¶ 61,139 (1983), the Commission found that, to be waste, an energy source must be both a by-product and have no commercial value. Subsequently, the Commission found that applying the by-product test is not only cumbersome, but

<sup>82</sup> See *Adolf Coors Company*, 34 FERC ¶ 61,209 (1986).

The Commission intended to make it easier to determine the energy sources that certain qualifying small power production facilities can use. To make it easier to certify a qualifying facility, the Commission also proposed to list specific energy sources that it had previously approved for treatment as waste.<sup>85</sup>

**Comments:** EEI and Southern Companies are concerned that eliminating the by-product test in the revised definition of waste may encourage the deliberate creation of a waste material. Each recommends that an energy source not qualify as waste unless it would otherwise exist in the absence of the QF that will rely on it. American Iron and Steel, Utility Systems Florida, Anthracite IPPs and Independent Energy Producers suggest that whether the owner or operator of a QF pays for the energy source, incurs costs associated with its removal and transportation to the QF, and adds value by way of upgrade, should not affect the determination of commercial value. American Iron and Steel proposes that the Commission consider commercial value in the context of its value to potential purchasers other than owners and operators of QFs. Anthracite IPPs observes that upgrades, such as cleaning and washing, might be necessary before a QF can use a waste. Utility Systems Florida notes that almost everything has some commercial value after it is cleaned, and suggests that the Commission define waste in terms of an energy source that is both an environmental hazard and has little or no commercial value.

American Iron and Steel, EEI and Southern Companies urge the Commission to state that, once the Commission determines that a QF's energy source is waste, the Commission will continue to treat that energy source as waste even if the waste subsequently acquires commercial value. They maintain that this approach is necessary to maintain the QF's qualifying status.

The CPUC, EEI and Southern Companies propose that the Commission periodically review and update its list of waste materials.<sup>86</sup>

also is not needed to address the issue of what constitutes waste. For example, in *Big Horn Energy Partners*, 38 FERC ¶ 61,265, *order on rehearing*, 40 FERC ¶ 61,305 (1987) (*Big Horn*), the Commission certified as waste, coal which was not a true by-product of the coal mining operation but was simply not extracted because it was unwanted.

Section 292.202(a) defines "biomass" as any organic material not derived from fossil fuels.

<sup>85</sup>The Commission intended that its waste list not be exclusive.

<sup>86</sup>The CPUC notes that the proposed waste list is based upon market data for the period 1987 through 1991. EEI is concerned that technology may quickly

Anthracite IPPs and Applied Energy argue that it is unnecessary to limit petroleum coke and used rubber tires to that which cannot be commercially marketed, since the Commission has already listed each item as waste.<sup>87</sup> American Iron and Steel suggests that the Commission specifically list coke oven gas and blast furnace gas as waste.<sup>88</sup>

Ridgewood and RW Partners suggest that the Commission include on the list of waste environmentally problematic substances such as used crankcase oil and other used petroleum products.<sup>89</sup> Anthracite IPPs recommends that the Commission include on the waste list coal "fines," regardless of their BTU content.<sup>90</sup> It argues that fines are extremely difficult to handle because of their small particle size and their tendency to become difficult to handle when wet.<sup>91</sup> Anthracite IPPs also proposes that the list be expanded to include subbituminous coal or blends of bituminous and subbituminous coal, regardless of whether such material is in place or is a refuse.<sup>92</sup>

cause a listed waste to acquire some economic value. Southern Companies, concerned about delay, recommends that the Commission establish a list of wastes but not include the list in the Commission's regulations. Southern Companies suggests that the Commission invite public comment on the list and update the list periodically.

<sup>87</sup>Anthracite IPPs cites *Sunlaw Energy Corp.*, 37 FERC ¶ 62,255 (1986) and *Exeter Energy Limited Partnership*, 48 FERC ¶ 62,135 (1985). *Applied Energy* cites *Ultrapower, Inc.*, 34 FERC ¶ 62,144 (1986), *GWF Power Systems Company, Inc.*, 45 FERC ¶ 62,159 (1988), and the Commission's discussion of petroleum coke without regard to its commercial value at FERC Stats. and Regs., Regulations Preambles 1977-1981 ¶ 30,134 at 30,934. In that latter discussion, the Commission also referred to refinery gas and plastics as additional examples of waste.

<sup>88</sup>American Iron and Steel states that these gases cannot be marketed outside the steel industry due to low Btu content, intermittent production, and capture and storage problems. It also suggests that the Commission consider including as waste steel industry process gases such as *Corex* off-gas and direct steel making off-gas.

<sup>89</sup>Ridgewood, RW Partners, Utility Systems Florida, Donald L. Warner and Steven Anthony Duff maintain that listing used crankcase oil as waste would provide an incentive for its proper disposal, reduce its role as an environmental nuisance, encourage its recycling for use in electric generation, help reduce oil imports, and remove skepticism among lenders as to the status of self-certified facilities that rely on it.

<sup>90</sup>Fines are small or powdery-sized particles of coal that result from coal mining, sizing or processing operations.

<sup>91</sup>Anthracite IPPs further states that utilities do not specifically purchase fines, and that fines are typically in the form of silt comprised of coal fines and ash materials from coal washing operations and are disposed of in settling or slurry ponds.

<sup>92</sup>Subbituminous coal has a lower heat content than bituminous coal, averaging 9,000 Btu/lb.

Anthracite IPPs also proposes that the Commission regard as waste: (1) Top or bottom anthracite coal, and (2) subbituminous and

**Commission Response:** The Commission is simplifying the qualifying status determination of facilities that use waste energy inputs in two ways. First, the Commission is publishing a list of waste energy inputs that the Commission has previously approved. Second, the Commission is streamlining its waste determination process for those energy inputs that do not appear on the list, by changing its two-part *Kenvil* approach (*i.e.*, application of a "by-product test" in conjunction with a "little or no current commercial value" test) to require only that the proposed waste fuel source have little or no current commercial value.

Section 292.204(b) requires that, for a waste-fueled qualifying small power production facility, 75 percent or more of the total energy input to the facility must be waste.<sup>93</sup> Determining whether a facility meets this criterion will entail an evaluation of the average quality characteristics of the fuel, if the fuel is a waste fossil fuel energy input to a facility, or a description of the facility's energy input if it is not using a waste fossil fuel.

The final rule will provide that even if the owner and/or operator of a QF pays for a material and incurs expenses to transport and upgrade it, the material is a waste if no other sector of the Nation's economy uses the material; but, if there is a demand for the material, other than in the QF industry, the material is considered to have commercial value and is, therefore, not waste under the "little or no commercial value" test. The Commission will not consider value to the cogenerator or small power producer as commercial value. Should a waste material acquire commercial value after the Commission has certified a facility that uses such material, or after a small power

bituminous coal that the United States Department of the Interior's Bureau of Land Management (BLM) has determined to be waste, including any of this coal with the same characteristics that may extend onto non-Federal or Indian land not under the BLM's jurisdiction. Anthracite IPPs notes that, since BLM jurisdiction only extends to Federal or Indian lands, the waste list's reference to BLM approved wastes on such lands is redundant.

Anthracite IPPs also wants the Commission to provide in its regulations that any coal source not listed as a waste in the Commission's regulations may qualify as waste upon a showing that it has no commercial value. Anthracite IPPs also wants all references to Btu or ash content to refer to average values so that variations in Btu or ash content will not preclude a potential fuel source from qualifying.

<sup>93</sup>Section 292.204 reads in relevant part, as follows:

(b) *Fuel use.* (1)(i) The primary energy source of the facility must be biomass, waste, renewable resources, geothermal resources, or any combination thereof, and 75 percent or more of the total energy input must be from these sources.

producer or cogenerator has filed a notice of self-certification referring to such material, the facility will not lose its qualifying status because the material from which it generates electric energy has acquired commercial value.<sup>94</sup>

The requirement that the waste energy input exist in the absence of the QF industry will allow the Commission to regard as waste those materials that are not by-products of industrial processes but are nevertheless unwanted, while precluding the creation of contrived energy inputs for the sole purpose of having the Commission view them as "waste."

It is virtually impossible to develop a simplified determination procedure that will work perfectly to determine what is waste. There may, for example, be substances that the Commission has not listed as waste and do not qualify as waste under the "no commercial value" component of the test that, nevertheless, may truly be waste. The Commission will consider reasonable proposals for the special treatment of specific materials as "waste," on a case-by-case basis.

The Commission will list petroleum coke and used rubber tires as waste, without reference to their commercial marketability.<sup>95</sup> The Commission will also add refinery off-gas and plastic to the list of those materials that it regards as waste. The Commission will consider the average Btu and ash content of coal located in refuse ponds when determining whether it is waste.

The Commission notes that it currently accepts BLM determinations regarding waste coal located both within BLM's jurisdiction and located on non-Federal or non-Indian lands outside of BLM's jurisdiction, provided that applicants show that the latter refuse is an extension of a portion of the relevant coal seam (e.g., top or bottom coal) or

other refuse source (e.g., refuse pile) determined to be waste by BLM. However, since reference to Federal or Indian lands serves to clarify the extent of BLM's jurisdiction for all applicants, the Commission sees no reason to modify the regulatory text in this regard.<sup>96</sup>

The Commission will not list as waste: Anthracite and bituminous coal fines; subbituminous coal; blends of bituminous and subbituminous coal having an average heat value greater than 9,500 Btu per pound with an average of 25 percent or more ash content; or used crankcase oil or other used petroleum products.<sup>97</sup>

In this proceeding, the Commission does not intend to make generic rulings on specific materials that it has not previously considered. With respect to materials which the Commission has not listed as "waste," an applicant is always free to submit a showing that in a particular case the material has little or no current commercial value and would not exist in the absence of the QF industry.

Finally, in light of the Commission's treatment of waste natural gas for cogeneration purposes,<sup>98</sup> the final rule will provide that a cogeneration facility may use a waste that meets the definition of § 292.202(b) as an energy input without considering the waste fuel's energy input to the cogeneration facility in computing its efficiency value under § 292.205.

The Commission agrees with Anthracite IPPs' suggestions that any coal source not listed as a waste in the Commission's regulations may qualify as waste upon a showing that it has little or no commercial value and that all references to Btu or ash content refer to average values.

The final rule revises and clarifies §§ 292.202(b) and 292.205 accordingly.

<sup>94</sup> See *Big Horn*.

<sup>95</sup> Some Anthracite and bituminous coal fines, when dried and where transportation distances are short, have a high Btu content and commercial value. Some public utilities and various other entities use anthracite silt ponds as a source of fuel. See *Electrodyne*. Form 423 data for 1992 suggest that electric utilities purchase subbituminous coal with a heat content of 9,500 Btu per pound and an ash content of more than 25 percent.

Used crankcase oil is currently reprocessed for use as an industrial boiler fuel, in asphalt production and cement kilns. It is also refined for use in lubricants and for reuse as motor oil.

The Commission lacks sufficient information to support a generic finding that hot gases, such as oxygen furnace off-gas and hot blast furnace air, have no commercial value.

<sup>98</sup> Red Top Cogeneration Project, L.P., 62 FERC ¶ 61,205, *reh'g denied*, 65 FERC ¶ 61,044 (1993).

#### *G. Part 294—Procedures for Shortages of Electric Energy and Capacity Under Section 206 of Public Utilities Regulatory Policies Act*

In the NOPR, the Commission proposed to modify § 294.101(b) to provide that a public utility need not file with the Commission a contingency plan for accommodating shortages of electric energy or capacity affecting its firm power wholesale customers, or modify such a contingency plan already on file with the Commission, if the public utility includes certain provisions in the appropriate wholesale rate schedule. The Commission also proposed to modify § 294.101 by adding a new paragraph (f), which would provide that, if a public utility includes in its rate schedule provisions that it will report anticipated shortages of electric energy or capacity to appropriate state regulators and to its wholesale customers, then the public utility need only report to the Commission the nature and projected duration of the anticipated capacity or energy supply shortage and furnish a list of the firm power or wholesale supply customers likely to be affected by the shortage.

EI, NEP and Southern Companies support the proposed revisions to the Commission's reporting requirements. Baltimore Gas & Electric asks the Commission to eliminate the requirement to report to the Commission anticipated shortages of electric energy and/or capacity for those public utilities that file an Integrated Resource Plan or least-cost plan containing the required information with their State regulatory authorities.

The Commission declines to adopt Baltimore Gas & Electric's suggestion. As the Commission noted in the NOPR, section 202(g) of the FPA requires that public utilities file contingency plans for shortages with the Commission as well as with any appropriate state regulatory authority. To satisfy section 202(g), it is not enough for public utilities to file contingency plans with state regulatory authorities only; they must also file with this Commission contingency plans that affect wholesale customers.

The proposed rule simply gives a public utility the option of not separately reporting its contingency plans if it already includes certain provisions in its wholesale rate schedules. Otherwise, the public utility must file a brief statement, summarizing the public utility's contingency plans. If a public utility does not avail itself of the new rate schedule option, it will merely have to summarize how, under

<sup>94</sup> The Commission rejects Southern Companies' suggestion that the Commission publish updated lists of waste materials without revising its regulations. Under Southern Companies' recommended procedure, there would still be notice and comments and the Commission would still frequently have to update its list of waste materials. The Commission would be taking on an additional administrative burden without saving any time.

It would be impractical to establish a special update procedure for the waste list. Since various materials may gain or lose commercial value over time, a detailed listing of waste materials could require frequent revisions of the Commission's regulations.

<sup>95</sup> Petroleum coke is a by-product of the oil refining process that is very low in volatile matter, usually high in sulfur content, and an environmentally hazardous waste. Used rubber tires, while high in heat content, are not burned in conventional boilers, do not represent an energy source for electric utilities, and are detrimental to the environment.

the plan that it files with the state, it will treat its wholesale customers in the event of a shortage of electric energy. The Commission does not consider this requirement burdensome, and the requirement will satisfy the Commission's obligation to ensure that a public utility will treat its wholesale customers in a fair and non-discriminatory manner in the event of a shortage of electric energy. Accordingly, the Commission adopts the changes to part 294 as proposed in the NOPR.

#### H. Part 382—Annual Charges

The proposed rule would modify §§ 382.102 and 382.201, which pertain to the requirement that public utilities report total annual adjusted sales for resale megawatt-hours and total annual coordination sales megawatt-hours for the purposes of computing annual charges. Under the proposed rule, public utilities that are exempt from filing Form 1 would be subject to the annual charge regulations and would be assessed annual charges.<sup>99</sup> The proposed rule also would change definitions in the annual charge regulations to allow for calculation of annual charges consistent with the classification of transactions volumes as reported on Form 1. The proposed rule would also revise the regulations to state how the Commission proposes to calculate annual charges.

*Comments:* EEI requests a fuller explanation of the Commission's proposed changes in the calculation of annual charges and of how those contemplated changes will interact with the elimination of certain filing fees proposed in Docket No. RM92-17-000.<sup>100</sup> EEI also recommends that the Commission bill applicants directly for filings that are unusually extensive or that require an extraordinary amount of the Commission's time and effort to process.

NEP expresses concern that the proposed change in the formula for calculating utilities' annual charges may produce dramatic increases in the assessments on individual public utilities. NEP asks the Commission to defer adoption of the proposed change in the annual charge formula until the utilities have an opportunity to assess the likely effect of the change.

<sup>99</sup> The Commission has determined that the annual charge obligation also applies to all public utility power marketers. Morgan Stanley Capital Group, Inc., 69 FERC ¶ 61,175 (1994), *reh'g pending*.

<sup>100</sup> Subsequent to the filing of EEI's comments, the Commission issued a final rule in Docket No. RM92-17-000 revising its filing fee structure. See Elimination of Filing Fees, Order No. 548, 58 FR 2968 (Jan. 7, 1993), III FERC Stats. & Regs. ¶ 30,960 (1993).

Southern Companies comments that public utilities, whether or not they file a Form 1, should pay annual charges.

*Commission's Response:* With respect to EEI's comments, the rule eliminating certain filing fees does not affect the fact that utilities are assessed annual charges. With respect to EEI's and NEP's comments, the proposed rule changed some definitions and explained how transaction volumes would be reported. However, the proposed rule does not change the formula for calculating annual charges. The proposed rule is clarifying in nature, linking the reporting of transaction volumes to specific statistical classifications on Form 1.

We will deny NEP's request that we defer adopting the change in the annual charge regulations. Public utilities have had approximately two years since the issuance of the NOPR to assess the effect of the change. Further deferral of action is unwarranted.

Accordingly, we will adopt the final rule as proposed.

#### I. Part 385—Rules of Practice and Procedure

The proposed rule deleted Rule 717, § 385.717, which expired by its own terms on May 21, 1986, and deleted cross-references to Rule 717 contained in other rules. EEI supports the deletion of Rule 717, and there were no comments opposing the deletion of Rule 717. Accordingly, we will adopt the final rule as proposed.

#### IV. Environmental Statement

Commission regulations require that an environmental assessment or an environmental impact statement be prepared for any Commission action that may have a significant adverse effect on the human environment.<sup>101</sup> The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment.<sup>102</sup> No environmental consideration is necessary for the promulgation of a rule that is clarifying, corrective, or procedural or that does not substantially change the effect of legislation or regulations being amended or applies to accounting orders, the establishment of just and reasonable rates, the issuance and purchase of corporate securities or corporate regulation.<sup>103</sup> The final rule is clarifying and procedural in nature. It merely makes clerical and clarifying

<sup>101</sup> Regulations Implementing National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs., Regulations Preambles 1987-1990, ¶ 30,783 (1987).

<sup>102</sup> 18 CFR 380.4.

<sup>103</sup> 18 CFR 380.4(a)(2)(ii), 380.4(a)(15)-(16).

changes and deletes reporting requirements and regulations that the Commission has decided are no longer necessary or that refer only to: (a) The establishment of just and reasonable rates; or (b) the issuance and purchase of corporate securities.

Section 201 of PURPA includes "waste" as an allowable primary energy source for qualifying small power production facilities. To the extent the Commission is revising the definition of "waste," incorporating an illustrative list of waste energy sources, this action merely codifies current Commission practice; it does not substantially change the effect of the underlying legislation.

Accordingly, neither an environmental assessment nor an environmental impact statement is necessary.

#### V. Regulatory Flexibility Certification

The Regulatory Flexibility Act<sup>104</sup> requires rulemakings to either contain a description and analysis of the impact the proposed rule will have on small entities or to certify that the rule will not have a substantial economic impact on a substantial number of small entities. The final rule removes unnecessary and obsolete regulations. The only additional reporting requirements that the Commission is adopting will serve to reduce discovery burdens and improve processing of filings. The Commission's newly adopted regulations governing QFs merely clarify and codify Commission precedent. Finally, since the final rule is designed to reduce regulatory burdens, the Commission expects that any impact on small entities affected by the final rule will be beneficial. Accordingly, the Commission certifies that these proposed rules, if adopted, will not have "a significant economic impact on a substantial number of small entities."

The Small Business Administration supports the substance of the proposed rule and, specifically, agrees that the proposed rule will be beneficial to QFs. However, the Small Business Administration maintains that the Commission should perform a regulatory flexibility analysis under the Regulatory Flexibility Act. According to the Small Business Administration, unless the Commission can demonstrate that the beneficial effects of the rule will not be significant, the Commission must prepare a final regulatory flexibility analysis pursuant to section 604 of the Regulatory Flexibility Act. The Small Business Administration contends that such an analysis may lead to further

<sup>104</sup> 5 U.S.C. 601-612.

methods of reducing the regulatory burdens imposed on small generators of electricity.

The Commission finds that the proposed rules will assist small businesses in a significant but unquantifiable manner and that further regulatory flexibility analysis is unnecessary.

## VI. Information Collection Statement

The Office of Management and Budget's (OMB) regulations<sup>105</sup> require that OMB approve certain information collection requirements imposed by an agency. The information collection requirements in the final rule are contained in FERC-516 "Electric Rate Filings" (1902-0096), FERC-523 "Applications to Issue Securities" (1902-0043), FERC 525 "Financial Audits" (1902-0092), FERC-556 "Application for Certification of Qualifying Status as a Small Power Production Facility or Cogeneration Facility" (1902-0075), FERC-582 "Oil, Gas and Electric Fees and Annual Charges" (1902-0132) and FERC-585 "Reports on Electric Energy Shortages and Contingency Plans Under PURPA 206" (1902-0138).

The respondents are: Utilities and persons wishing to issue securities, or assume obligations or liabilities as a guarantor, endorser, or surety, in accordance with sections 19, 20 and 204 of the FPA; to file rate schedules showing all rates and charges pertaining to any transmission or sale of electric energy in interstate commerce in accordance with sections 15, 19, 20, 205, 206 and 207 of the FPA; ensure their financial records comply with accounting, financial reporting and other regulations established under mandates of the FPA; submit contingency plans with regard to shortages of electric energy or capacity; submit payment for charges of costs incurred by the Commission to process industry filings; and to obtain Commission certification or file a notice of the qualifying status of their small power production and cogeneration facilities.

The Commission uses the data collected in these information requirements to carry out its regulatory responsibilities pursuant to the Federal Power Act, Public Utility Regulatory Policies Act of 1978, and the Interstate Commerce Act. The Commission's Office of Electric Power Regulation uses the data for determination of electric rate filings submitted by industry, applications for certification of qualifying cogeneration and small

power production facilities and appropriate procedures in the event of shortages of electric energy. The Office of Financial Management uses the data for compilation of annual charges. The Office of the Chief Accountant uses the data to ensure that industry has followed the appropriate procedures for issuing securities or assumptions of liabilities obligations and to ensure that jurisdictional companies comply with the Uniform System of Accounts. Respondents would be public utilities, licensees or QF applicants who desire certification of their facility.

The Commission is submitting to the Office of Management and Budget a notification of these changes. Interested persons may obtain information on these reporting requirements by contacting the Federal Energy Regulatory Commission, 941 North Capitol Street NE., Washington, DC 20426 (Attention: Michael Miller, Information Services Division, (202) 208-1415). Comments on the requirements of this final rule can also be sent to the Office of Information and Regulatory Affairs of OMB (Attention: Desk Officer for Federal Energy Regulatory Commission). FAX: (202) 395-5167.

## List of Subjects

### 18 CFR Part 2

Administrative practice and procedure, Electric power, Natural gas pipelines, Reporting and recordkeeping requirements.

### 18 CFR Part 34

Electric power, Electric utilities, Reporting and recordkeeping requirements, Securities.

### 18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

### 18 CFR Part 41

Administrative practice and procedure, Electric utilities, Reporting and recordkeeping requirements, Uniform System of Accounts.

### 18 CFR Part 131

Electric power.

### 18 CFR Part 292

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

### 18 CFR Part 294

Electric utilities, Reporting and recordkeeping requirements.

### 18 CFR Part 382

Administrative practice and procedure, Electric power, Pipelines, Reporting and recordkeeping requirements.

### 18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Reporting and recordkeeping requirements.

By the Commission.

**Lois D. Cashell,**  
Secretary.

In consideration of the foregoing, the Commission is amending parts 2, 34, 35, 41, 131, 292, 294, 382, and 385, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

## PART 2—GENERAL POLICY AND INTERPRETATIONS

1. The authority citation for Part 2 is revised to read as follows:

**Authority:** 15 U.S.C. 717-717w, 3301-3432; 16 U.S.C. 791a-825r, 2601-2645; 42 U.S.C. 4321-4361, 7101-7352.

2. In § 2.4, paragraph (d) is removed and paragraphs (e), (f), (g) and (h) are redesignated paragraphs (d), (e), (f) and (g), respectively.

## PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

3. The authority citation for Part 34 is revised to read as follows:

**Authority:** 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

4. In § 34.1, paragraphs (c)(1) and (c)(2) are revised to read as follows:

**§ 34.1 Applicability; definitions; exemptions in case of certain State regulation, certain short-term issuances and certain qualifying facilities.**

\* \* \* \* \*

(c) *Exemptions.* (1) If an agency of the State in which the utility is organized and operating approves or authorizes, in writing, the issuance of securities prior to their issuance, the utility is exempt from the provisions of sections 19, 20 and 204 of the Federal Power Act and the regulations under this part, with respect to such securities.

(2) This part does not apply to the issue or renewal of, or assumption of liability on, a note or draft maturing one year or less after the date of such issue, renewal, or assumption of liability, if the aggregate of such note or draft and all other then-outstanding notes and drafts of a maturity of one year or less on which the utility is primarily or

<sup>105</sup> 5 CFR 1320.12.

secondarily liable, is not more than 5 percent of the par value of the other then-outstanding securities of the utility as of the date of issue or renewal of, or assumption of liability on, the note or draft. In the case of securities having no par value, the par value for the purpose of this part is the fair market value, as of the date of issue or renewal of, or assumption of liability on, the note or draft.

\* \* \* \* \*

5. Section 34.2 is revised to read as follows:

#### § 34.2 Placement of securities.

(a) *Method of issuance.* Upon obtaining authorization from the Commission, utilities may issue securities by either a competitive bid or negotiated placement, provided that:

- (1) Competitive bids are obtained from at least two prospective dealers, purchasers or underwriters; or
- (2) Negotiated offers are obtained from at least three prospective dealers, purchasers or underwriters; and
- (3) The utility:

- (i) Accepts the bid or offer that provides the utility with the lowest cost of money for securities with fixed or variable interest or dividend rates, or
- (ii) Accepts the bid or offer that provides the utility with the greatest net proceeds for securities with no specified interest or dividend rates, or
- (iii) The utility has filed for and obtained authorization from the Commission to accept bids or offers other than those specified in paragraphs (a)(3)(i) or (a)(3)(ii) of this section.

(b) *Exemptions.* The provisions of paragraph (a) of this section do not apply where:

- (1) The securities are to be issued to existing holders of securities on a pro rata basis;
- (2) The utility receives an unsolicited offer to purchase the securities;
- (3) The securities have a maturity of one year or less; or
- (4) The securities are to be issued in support of or to guarantee securities issued by governmental or quasi-governmental bodies for the benefit of the utility.

(c) *Prohibitions.* No securities will be placed with any person who:

- (1) Has performed any service or accepted any fee or compensation with respect to the proposed issuance of securities prior to submission of bids or entry into negotiations for placement of such securities; or
- (2) Would be in violation of section 305(a) of the Federal Power Act with respect to the issuance.

6. In § 34.3, the heading and introductory text are revised, the word

“and” is added at the end of paragraph (e)(5), the phrase “; and” is removed at the end of paragraph (e)(6), and replaced by a period, paragraphs (e)(7), (f) and (g) are removed and paragraphs (h), (i), (j), (k), (l), (m) and (n) are redesignated as paragraphs (f), (g), (h), (i), (j), (k) and (l), respectively to read as follows:

#### § 34.3 Contents of application for issuance of securities.

Each application to the Commission for authority to issue securities shall contain the information specified in this section. In lieu of filing the information required in paragraphs (e), (i) and (j) of this section, a specific reference may be made to the portion of the registration statement filed under § 34.4(f), which includes the information required in these paragraphs.

\* \* \* \* \*

7. In § 34.4, paragraph (a) is revised, paragraphs (c), (g) and (h) are removed, paragraphs (d) and (e) are redesignated as paragraphs (c) and (d), respectively, and revised, and a new paragraph (e) is added to read as follows:

#### § 34.4 Required exhibits.

(a) *Exhibit A.* The applicant must file the statement of corporate purposes from its articles of incorporation.

\* \* \* \* \*

(c) *Exhibit C.* The Balance Sheet and attached notes for the most recent 12-month period for which financial statements have been published, provided that the 12-month period ended no more than 4 months prior to the date of the filing of the application, on both an actual basis and a pro forma basis in the form prescribed for the “Comparative Balance Sheet” of FERC Form No. 1, “Annual Report for major electric utilities, licensees and others.” Each adjustment made in determining the pro forma basis must be clearly identified.

(d) *Exhibit D.* The Income Statement and attached notes for the most recent 12-month period for which financial statements have been published, provided that the 12-month period ended no more than 4 months prior to the date of the filing of the application, on both an actual basis and a pro forma basis in the form prescribed for the “Statement of Income for the Year” of FERC Form No. 1, “Annual Report for major electric utilities, licensees and others.” Each adjustment made in determining the pro forma basis must be clearly identified.

(e) *Exhibit E.* A Statement of Cash Flows and Computation of Interest Coverage on an actual basis and a pro forma basis for the most recent 12-month period for which financial

statements have been published, provided that the 12-month period ended no more than 4 months prior to the date of the filing of the application. The Statement of Cash Flows must be in the form prescribed for the “Statement of Cash Flows” of the FERC Form No. 1, Annual Report for major electric utilities, licensees and others,” followed by a computation of interest coverage, in the form of the following worksheet:

Federal Energy Regulatory Commission worksheet for computation of interest coverage	Actual for the year ended mm-dd-yy	OMB control No. 1902-0043, pro forma for the year ended mm-dd-yy
Net income Add: Interest on Long-Term Debt, Interest on Short-Term Debt, Other Interest Expense, Total Interest Expense Federal and State Income Taxes Income Before Interest and Income Taxes Computation of Interest Coverage Total Interest Expense ÷ Income Before Interest and Income Taxes = Interest Coverage		

\* \* \* \* \*

8. Section 34.10 is revised to read as follows:

#### § 34.10 Reports.

The applicant must file reports under § 131.43 and § 131.50 of this chapter no later than 30 days after the sale or placement of long-term debt or equity securities or the entry into guarantees or assumptions of liabilities pursuant to authority granted under this part.

#### PART 35—FILING OF RATE SCHEDULES

9. The authority citation for Part 35 continues to read as follows:

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

10. In § 35.13, paragraph (a)(2)(i) is revised, paragraphs (a)(2)(ii) and (a)(2)(iii) are redesignated as paragraphs (a)(2)(iii) and (a)(2)(iv) and newly designated (a)(2)(iii) is revised, a new paragraph (a)(2)(ii) is added, paragraph (d)(1) introductory text is revised and paragraph (h)(24) is amended to add a

sentence at the end of the paragraph, to read as follows:

**§ 35.13 Filing of changes in rate schedules.**

(a) *General rule.* \* \* \*

(2) *Abbreviated filing requirements—*

(i) *For certain small rate increases.* Any utility that files a rate increase for power or transmission services not covered by paragraph (a)(2)(ii) of this section may elect to file under this paragraph instead of paragraph (a)(1) of this section, if the proposed increase for the Test Period, as defined in paragraph (a)(2)(i)(A) of this section, is equal to or less than \$200,000, regardless of customer consent, or equal to or less than \$1 million if all wholesale customers that belong to the affected rate class consent.

(A) *Definition:* The *Test Period*, for purposes of paragraph (a)(2)(i) of this section, means the most recent calendar year for which actual data are available, the last day of which is no more than fifteen months before the date of tender for filing under § 35.1 of the notice of rate schedule.

(B) Any utility that elects to file under this subparagraph must file the following information, conforming its submission to any rule of general applicability and to any Commission order specifically applicable to such utility:

(1) A complete cost of service analysis for the Test Period, consistent with the requirements of paragraph (h)(36), Statement BK, of this section.

(2) A complete derivation and explanation of all allocation factors and special assignments, consistent with the information required in § 35.12(b)(5).

(3) A complete calculation of revenues for the Test Period and for the first 12 months after the proposed effective date, consistent with the requirements of paragraph (c)(1) of this section.

(4) If the proposed rates contain a fuel cost or purchased economic power adjustment clause, as defined in § 35.14, the company must provide the derivation of its base cost of fuel (Fb) and its monthly fuel factors (Fm) for the Test Period and the resulting fuel adjustment clause revenues. If any pro forma adjustments affect the fuel clause in any way, the company must show the impact on Fm, kWh sales in the base period (Sm), Fb and kWh sales in the current period (Sb), as well as on fuel adjustment clause revenues.

(5) Rate design calculations and narrative consistent with the information required in paragraph (h)(37) of this section and in § 35.12(b)(5).

(6) The information required in paragraphs (b), (c)(2) and (c)(3) of this section and in § 35.12(b)(2).

(C) Data shall be reconciled with the utility's most recent FERC Form 1. If the utility has not yet submitted Form 1 for the Test Period, the utility shall submit the relevant Form 1 pages in draft form.

(D) The utility may make pro forma adjustments for post-Test Period changes that occur before the proposed effective date and that are known and measurable at the time of filing. The utility shall provide a narrative statement explaining all pro forma adjustments.

(E) If the utility models its filing in whole or in part on retail rate decisions or settlements, the utility must provide detailed calculations and a narrative statement showing how all retail rate treatments are factored into the cost of service.

(F) If the Commission sets the filing for hearing, the Commission will allow the company a specific time period in which to file testimony, exhibits, and supplemental workpapers to complete its case-in-chief. While not required under this subpart, a utility may elect to submit Statements AA through BM for the Test Period in accord with the requirements of paragraphs (d), (g) and (h) of this section.

(ii) *Rate increases for service of short duration or for interchange or coordination service.* Any utility that files a rate increase for any service of short duration and of a type for which the need and usage cannot be reasonably forecasted (such as emergency or short-term power), or for service that is an integral part of a coordination and interchange arrangement, may submit with its filing only the information required in paragraphs (b), (c) and (h)(37) of this section and in § 35.12(b)(2) and (b)(5), conforming its submission to any rule of general applicability and to any Commission order specifically applicable to such utility.

(iii) *For rate schedule changes other than rate increases.* Any utility that files a rate schedule change that does not provide for a rate increase or that provides for a rate increase that is based solely on a change in delivery points, a change in delivery voltage, or a similar change in service, must submit with its filing only the information required in paragraphs (b) and (c) of this section.

(d) *Cost of service information—(1) Filing of Period I data.* Any utility that is required under paragraph (a)(1) of this section to submit cost of service information, or that is subject to the

exceptions in paragraphs (a)(2)(i) and (a)(2)(ii) of this section but elects to file such information, shall submit Statements AA through BM under paragraph (h) of this section using:

\* \* \* \* \*

(h) *Cost of service statements.* \* \* \*

(24) *Statement AX—Other recent and pending rate changes.* \* \* \*

Notwithstanding any other provision of this section, Statement AX is required to be filed only if the proposed rate design tracks retail rates.

\* \* \* \* \*

**PART 41—ACCOUNTS, RECORDS AND MEMORANDA**

11. The authority citation for Part 41 is revised to read as follows:

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 42 U.S.C. 7101–7352.

12. Section 41.3 is amended by adding a sentence at the end of the section to read as follows:

**§ 41.3 Facts and argument.**

\* \* \* If a person consents to the matter being handled under the shortened procedure, that person has waived any right to subsequently request a hearing under § 41.7 and may not later request such a hearing.

13. Section 41.7 is revised to read as follows:

**§ 41.7 Assignment for oral hearing.**

Except when there are no material facts in dispute, when a person does not consent to the shortened procedure, the Commission will assign the proceeding for hearing as provided by subpart E of part 385 of this chapter. Notwithstanding a person's not giving consent to the shortened procedure, and instead seeking assignment for hearing as provided for by subpart E of part 385 of this chapter, the Commission will not assign the proceeding for a hearing when no material facts are in dispute. The Commission may also, in its discretion, at any stage in the proceeding, set the proceeding for hearing.

**PART 131—FORMS**

14. The authority section for Part 131 is revised to read as follows:

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

15. Subchapter D is amended by revising the heading of the subchapter, by revising § 131.50 and by adding § 131.80, to read as follows:



**Subchapter D—Approved Forms, Federal Power Act and Public Utility Regulatory Policies Act of 1978**

**PART 131—FORMS**

\* \* \* \* \*

**§ 131.50 Reports of proposals received.**

No later than 30 days after the sale or placement of long-term debt or equity securities or the entry into guarantees or assumptions of liabilities (collectively referred to as "placement") pursuant to authority granted under Part 34 of this chapter, the applicant must file a summary of each proposal or proposals received for the placement. The proposal or proposals accepted must be indicated. The information to be filed must include:

- (a) Par or stated value of securities;
- (b) Number of units (shares of stock, number of bonds) issued;
- (c) Total dollar value of the issue;
- (d) Life of the securities, including maximum life and average life of sinking fund issue;
- (e) Dividend or interest rate;
- (f) Call provisions;
- (g) Sinking fund provisions;
- (h) Offering price;
- (i) Discount or premium;
- (j) Commission or underwriter's spread;
- (k) Net proceeds to company for each unit of security and for the total issue;
- (l) Net cost to the company for securities with a stated interest or dividend rate.

**§ 131.80 FERC Form No. 556, Certification of qualifying facility status for an existing or a proposed small power production or cogeneration facility.**

(See § 292.207 of this chapter.)

FERC FORM 556, OMB No. 1902-0075 Expires \_\_\_\_\_

*Certification of Qualifying Facility Status for an Existing or a Proposed Small Power Production or Cogeneration Facility*

(To be completed for the purpose of demonstrating up-to-date conformance with the qualification criteria of Section 292.203(a)(1) or Section 292.203(b), based on actual or planned operating experience)

*General instructions:* Part A of the form should be completed by all small power producers or cogenerators. Part B applies to small power production facilities. Part C applies to cogeneration facilities. All references to sections are with regard to Part 292 of Title 18 of the Code of Federal Regulations, unless otherwise indicated.

**Part A—General Information To Be Submitted by all Applicants**

- 1a. Full name:  
Docket Number assigned to the immediately preceding submittal filed with the Commission in connection with the instant facility, if any:  
QF \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_.  
Purpose of instant filing (self-certification or self-recertification (Section 292.207(a)(1)), or application for Commission certification or recertification (Sections 292.207 (b) and (d)(2))):
- 1b. Full address of applicant:
- 1c. Indicate the owner(s) of the facility (including the percentage of ownership held by any electric utility or electric utility holding company, or by any persons owned by either) and the operator of the facility. Note that any combination of direct and/or indirect electric utility or electric utility holding company ownership cannot exceed 50 percent of the total ownership (Sections 292.206 and 292.202(n)). For non-electric utility owners, identify the upstream owners, including owners holding 10 percent or more of the equity interest of such non-electric utility owners. Additionally, state whether or not any of the non-electric utility owners or their upstream owners are engaged in the generation or sale of electric power, or have any ownership or operating interest in any electric facilities other than qualifying facilities. In order to facilitate review of the application, the applicant may also provide an ownership chart identifying the upstream ownership of the facility. Such chart should indicate ownership percentages where appropriate.
- 1d. Signature of authorized individual evidencing accuracy and authenticity of information provided by applicant:
- 2. Person to whom communications regarding the filed information may be addressed:  
Name:  
Title:  
Telephone number:  
Mailing address:
- 3a. Location of facility to be certified:  
State:  
County:  
City or town:  
Street address (if known):
- 3b. Indicate the electric utilities that are contemplated to transact with the qualifying facility (if known) and describe the services those electric utilities are expected to provide: utilities interconnecting with the facility and/or providing wheeling service (Section 292.303(c) and (d)): utilities purchasing the useful electric power

output (Sections 292.101(b)(2), 292.202(g) and 292.303(a)): utilities providing supplementary power, backup power, maintenance power, and/or interruptible power service (Sections 292.101(b) (3) and (8), 292.303(b) and 292.305(b)):

4a. Describe the principal components of the facility including boilers, prime movers and electric generators, and explain their operation. Include transmission lines, transformers and switchyard equipment, if included as part of the facility.

4b. Indicate the maximum gross and maximum net electric power production capacity of the facility at the point(s) of delivery and show the derivation.

4c. Indicate the actual or expected installation and operation dates of the facility, or the actual or expected date of completion of the reported modification to the facility:

4d. Describe the primary energy input (e.g., hydro, coal, oil (Section 292.202(l)), natural gas (Section 292.202(k)), solar, geothermal, wind, waste, biomass (Section 292.202(a)), or other). For a waste energy input that does not fall within one of the categories on the Commission's list of previously approved wastes, demonstrate that such energy input has little or no current commercial value and that it exists in the absence of the qualifying facility industry (Section 292.202(b)).

5. Provide the average annual hourly energy input in terms of Btu for the following fossil fuel energy inputs, and provide the related percentage of the total average annual hourly energy input to the facility (Section 292.202(j)). For any oil or natural gas fuel, use lower heating value (Section 292.202(m)):

Natural gas:

Oil:

Coal (applicable only to a small power production facility):

6. Discuss any particular characteristic of the facility which the cogenerator or small power producer believes might bear on its qualifying status.

**Part B—Description of the Small Power Production Facility**

7. Describe how fossil fuel use will not exceed 25 percent of the total annual energy input limit (Sections 292.202(j) and 292.204(b)). Also, describe how the use of fossil fuel will be limited to the following purposes to conform to Federal Power Act Section 3(17)(B): Ignition, start-up, testing, flame stabilization, control use, and minimal amounts of fuel required to alleviate or prevent unanticipated equipment outages and emergencies directly affecting the public.



8. If the facility reported herein is not an eligible solar, wind, waste or geothermal facility, and if any other non-eligible facility located within one mile of the instant facility is owned by any of the entities (or their affiliates) reported in Part A at item 1c. above and uses the same primary energy input, provide the following information about the other facility for the purpose of demonstrating that the total of the power production capacities of these facilities does not exceed 80 MW (Section 292.204(a)):

Facility name, if any (as reported to the Commission):

Commission Docket Number: QF \_\_\_\_\_

Name of common owner:

Common primary energy source used as energy input:

Power production capacity (MW):

An eligible solar, wind, waste or geothermal facility, as defined in Section 3(17)(E) of the Federal Power Act, is a small power production facility that produces electric energy solely by the use, as a primary energy input, of solar, wind, waste or geothermal resources, for which either an application for Commission certification of qualifying status (Section 292.207(b)) or a notice of self-certification of qualifying status (Section 292.207(a)) was submitted to the Commission not later than December 31, 1994, and for which construction of such facility commences not later than December 31, 1999, or if not, reasonable diligence is exercised toward the completion of such facility, taking into account all factors relevant to construction of the facility.

#### Part C—Description of the Cogeneration Facility

9. Describe the cogeneration system (Sections 292.202(c) and 292.203(b)), and state whether the facility is a topping-cycle (Section 292.202(d)) or bottoming-cycle (Section 292.202(e)) cogeneration facility.

10. To demonstrate the sequentiality of the cogeneration process (Section 292.202(s)) and to support compliance with other requirements such as the operating and efficiency standards (item 11 below), provide a mass and heat balance (cycle) diagram depicting average annual hourly operating conditions. Also, provide:

Using lower heating value (Section 292.202(m)), all fuel flow inputs in Btu/hr., separately indicating fossil fuel inputs for any supplementary firing in Btu/hr. (Section 292.202(f)):

Average net electric output (kW or MW) (Section 292.202(g));

Average net mechanical output in horsepower (Section 292.202(g));

Number of hours of operation used to determine the average annual hourly facility inputs and outputs; and

Working fluid (e.g., steam) flow conditions at input and output of prime mover(s) and at delivery to and return from each useful thermal application:

Flow rates (lbs./hr.):

Temperature (deg.F):

Pressure (psia):

Enthalpy (Btu/lb.):

11. Compute the operating value (applicable to a topping-cycle facility under Section 292.205(a)(1)) and the efficiency value (Sections 292.205(a)(2) and Section 292.205(b)), based on the information provided in and corresponding to item 10, as follows:

$P_t$  = Average annual hourly useful thermal energy output

$P_e$  = Average annual hourly electrical output

$P_m$  = Average annual hourly mechanical output

$P_i$  = Average annual hourly energy input (natural gas or oil)

$P_s$  = Average annual hourly energy input for supplementary firing (natural gas or oil)

Operating standard = 5% or more

Operating value =  $P_t / (P_t + P_e + P_m)$

Efficiency standard applicable to natural gas and oil fuel used in a topping-cycle facility:

= 45% or more when operating value is less than 15%, or 42.5% or more when operating value is equal to or greater than 15%.

Efficiency value =  $(P_e + P_m + 0.5P_i) / (P_i + P_s)$

Efficiency standard applicable to natural gas and oil fuel used for supplementary firing component of a bottoming-cycle facility:

= 45% or more

Efficiency value =  $(P_e + P_m) / P_s$

#### For Topping-Cycle Cogeneration Facilities

12. Identify the entity (i.e., thermal host) which will purchase the useful thermal energy output from the facility (Section 292.202(h)). Indicate whether the entity uses such output for the purpose of space and water heating, space cooling, and/or process use.

13. In connection with the requirement that the thermal energy output be useful (Section 292.202(h)):

For process uses by commercial or industrial host(s), describe each process (or group of similar processes using the same quality of steam) and provide the average annual hourly thermal energy made available to the process, less process return. For a complex system, where the primary steam header at the host-side is divided into various sub-

uses, each having different pressure and temperature characteristics, describe the processes associated with each sub-use and provide the average annual hourly thermal energy delivered to each sub-use, less process return from such sub-use. Provide a diagram showing the main steam header and the sub-uses with other relevant information such as the average header pressure (psia), the temperature (deg.F), the enthalpy (Btu/lb.), and the flow (lb./hr.), both in and out of each sub-use. For space and water heating, describe the type of heating involved (e.g., office space heating, domestic water heating) and provide the average annual hourly thermal energy delivered and used for such purpose. For space cooling, describe the type of cooling involved (e.g., office space cooling) and provide the average annual hourly thermal energy used by the chiller.

#### For Bottoming-Cycle Facilities

14. Provide a description of the commercial or industrial process or other thermal application to which the energy input to the system is first applied and from which the reject heat is then used for electric power production.

#### PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION

16. The authority citation for Part 292 is revised to read as follows:

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

17. In § 292.101, paragraph (b)(1) is revised to read as follows:

#### § 292.101 Definitions.

\* \* \* \* \*

(b) Definitions. \* \* \*

(1) *Qualifying facility* means a cogeneration facility or a small power production facility that is a qualifying facility under Subpart B of this part.

(i) A qualifying facility may include transmission lines and other equipment used for interconnection purposes (including transformers and switchyard equipment), if:

(A) Such lines and equipment are used to supply power output to directly and indirectly interconnected electric utilities, and to end users, including thermal hosts, in accordance with state law; or

(B) Such lines and equipment are used to transmit supplementary, standby, maintenance and backup power to the qualifying facility,

including its thermal host meeting the criteria set forth in *Union Carbide Corporation*, 48 FERC ¶ 61,130, *reh'g denied*, 49 FERC ¶ 61,209 (1989), *aff'd sub nom.*, *Gulf States Utilities Company v. FERC*, 922 F.2d 873 (D.C. Cir. 1991); or

(C) If such lines and equipment are used to transmit power from other qualifying facilities or to transmit standby, maintenance, supplementary and backup power to other qualifying facilities.

(ii) The construction and ownership of such lines and equipment shall be subject to any applicable Federal, state, and local siting and environmental requirements.

\* \* \* \* \*

18. In § 292.202, paragraphs (b), (d), (e) and (h) are revised and paragraph (s) is added to read as follows:

#### § 292.202 Definitions.

\* \* \* \* \*

(b) *Waste* means an energy input that is listed below in this subsection, or any energy input that has little or no current commercial value and exists in the absence of the qualifying facility industry. Should a waste energy input acquire commercial value after a facility is qualified by way of Commission certification pursuant to § 292.207(b), or self-certification pursuant to § 292.207(a), the facility will not lose its qualifying status for that reason. *Waste* includes, but is not limited to, the following materials that the Commission previously has approved as waste:

(1) Anthracite culm produced prior to July 23, 1985;

(2) Anthracite refuse that has an average heat content of 6,000 Btu or less per pound and has an average ash content of 45 percent or more;

(3) Bituminous coal refuse that has an average heat content of 9,500 Btu per pound or less and has an average ash content of 25 percent or more;

(4) Top or bottom subbituminous coal produced on Federal lands or on Indian lands that has been determined to be waste by the United States Department of the Interior's Bureau of Land Management (BLM) or that is located on non-Federal or non-Indian lands outside of BLM's jurisdiction, provided that the applicant shows that the latter coal is an extension of that determined by BLM to be waste.

(5) Coal refuse produced on Federal lands or on Indian lands that has been determined to be waste by the BLM or that is located on non-Federal or non-Indian lands outside of BLM's jurisdiction, provided that applicant shows that the latter is an extension of that determined by BLM to be waste.

(6) Lignite produced in association with the production of montan wax and lignite that becomes exposed as a result of such a mining operation;

(7) Gaseous fuels, except:

(i) Synthetic gas from coal; and

(ii) Natural gas from gas and oil wells

unless the natural gas meets the requirements of § 2.400 of this chapter;

(8) Petroleum coke;

(9) Materials that a government agency has certified for disposal by combustion;

(10) Residual heat;

(11) Heat from exothermic reactions;

(12) Used rubber tires;

(13) Plastic materials; and

(14) Refinery off-gas.

\* \* \* \* \*

(d) *Topping-cycle cogeneration facility* means a cogeneration facility in which the energy input to the facility is first used to produce useful power output, and at least some of the reject heat from the power production process is then used to provide useful thermal energy;

(e) *Bottoming-cycle cogeneration facility* means a cogeneration facility in which the energy input to the system is first applied to a useful thermal energy application or process, and at least some of the reject heat emerging from the application or process is then used for power production;

\* \* \* \* \*

(h) *Useful thermal energy output* of a topping-cycle cogeneration facility means the thermal energy:

(1) That is made available to an industrial or commercial process (net of any heat contained in condensate return and/or makeup water);

(2) That is used in a heating application (e.g., space heating, domestic hot water heating); or

(3) That is used in a space cooling application (i.e., thermal energy used by an absorption chiller).

\* \* \* \* \*

(s) *Sequential use of energy* means:

(1) For a topping-cycle cogeneration facility, the use of reject heat from a power production process in sufficient amounts in a thermal application or process to conform to the requirements of the operating standard; or

(2) For a bottoming-cycle cogeneration facility, the use of reject heat from a thermal application or process, at least some of which is then used for power production.

19. In § 292.204, paragraphs (a)(1) and (b)(2) are revised to read as follows:

#### § 292.204 Criteria for qualifying small power production facilities.

(a) *Size of the facility.*—(1) *Maximum size.* There is no size limitation for an

eligible solar, wind, waste or facility, as defined by section 3(17)(E) of the Federal Power Act. For a non-eligible facility, the power production capacity for which qualification is sought, together with the power production capacity of any other non-eligible small power production facilities that use the same energy resource, are owned by the same person(s) or its affiliates, and are located at the same site, may not exceed 80 megawatts.

\* \* \* \* \*

(b) *Fuel use.* \* \* \*

(2) Use of oil, natural gas and coal by a facility, under section 3(17)(B) of the Federal Power Act, is limited to the minimum amounts of fuel required for ignition, startup, testing, flame stabilization, and control uses, and the minimum amounts of fuel required to alleviate or prevent unanticipated equipment outages, and emergencies, directly affecting the public health, safety, or welfare, which would result from electric power outages. Such fuel use may not, in the aggregate, exceed 25 percent of the total energy input of the facility during the 12-month period beginning with the date the facility first produces electric energy and any calendar year subsequent to the year in which the facility first produces electric energy.

20. In § 292.205, paragraphs (a)(1), (a)(2)(i) introductory text, and (b)(1) are revised to read as follows:

#### § 292.205 Criteria for qualifying cogeneration facilities.

(a) *Operating and efficiency standards for topping-cycle facilities.*

(1) *Operating standard.* For any topping-cycle cogeneration facility, the useful thermal energy output of the facility must be no less than 5 percent of the total energy output during the 12-month period beginning with the date the facility first produces electric energy, and any calendar year subsequent to the year in which the facility first produces electric energy.

(2) *Efficiency standard.* (i) For any topping-cycle cogeneration facility for which any of the energy input is natural gas or oil, and the installation of which began on or after March 13, 1980, the useful power output of the facility plus one-half the useful thermal energy output, during the 12-month period beginning with the date the facility first produces electric energy, and any calendar year subsequent to the year in which the facility first produces electric energy, must:

\* \* \* \* \*

(b) *Efficiency standards for bottoming-cycle facilities.* (1) For any bottoming-cycle cogeneration facility for which

any of the energy input as supplementary firing is natural gas or oil, and the installation of which began on or after March 13, 1980, the useful power output of the facility during the 12-month period beginning with the date the facility first produces electric energy, and any calendar year subsequent to the year in which the facility first produces electric energy must be no less than 45 percent of the energy input of natural gas and oil for supplementary firing.

\* \* \* \* \*

21. In § 292.207, paragraphs (a), (b) and (d) are revised to read as follows:

**§ 292.207 Procedures for obtaining qualifying status.**

(a) *Self-certification and pre-authorized Commission*

*recertification.*—(1) *Self-certification.* (i) A small power production facility or cogeneration facility that meets the applicable criteria established in § 292.203 is a qualifying facility.

(ii) The owner or operator of a facility or its representative self-certifying under this section must file with the Commission, and concurrently serve on each electric utility with which it expects to interconnect, transmit or sell electric energy to or purchase supplementary, standby, back-up and maintenance power, and the State regulatory authority of each state where the facility and each affected utility is located, a notice of self-certification which contains a completed Form 556.

(iii) Subsequent notices of self-recertification for the same facility may reference prior notices or prior Commission certifications, and need only refer to changes which have occurred with respect to the facility since the prior notice or the prior Commission certification.

(iv) Notices of self-certification or self-recertification will not be published in the **Federal Register**.

(2) *Pre-authorized Commission recertification.* (i) For purposes of paragraph (b) of this section, the following alterations or modifications are not considered substantial alterations or modifications and will not result in revocation of qualifying status previously granted by the Commission pursuant to paragraph (b) of this section:

(A) A change which does not affect the upstream ownership of the facility;

(B) A change in the installation or operation date;

(C) A change in the manufacturer of the power generation equipment selected for the facility's installation when there is no change in capacity or operating characteristics;

(D) A change in the location of a cogeneration facility, or a small power production facility, if the new location would not cause the facility to violate the 80 MW limitation of § 292.204(a)(1);

(E) A decrease in the amount of natural gas or oil or any change in the amount of other fuel used by a cogeneration facility, provided that the efficiency value and the operating value calculation for the facility remain at or above the values stated when the certification or recertification order was issued;

(F) A decrease in the amount of fossil fuel used by a small power production facility;

(G) A change in the primary energy source of a small power production facility, provided that the facility continues to comply with the requirements of § 292.204;

(H) An additional use of a cogeneration facility's thermal output, if the original uses are as stated when the certification order was issued;

(I) An increase in the efficiency value of a cogeneration facility or an increase in the operating value of a cogeneration facility determined in accordance with § 292.205;

(J) A decrease in the power production capacity of a small power production facility;

(K) A change in the power production capacity of a cogeneration facility if the efficiency value and the operating value calculation for the facility remain at or above the values stated when the certification or recertification order was issued; or

(L) A change in the purchaser of the cogeneration facility's thermal output, when there is no change in the specified thermal application or process.

(ii) The owner or operator of a qualifying facility that has been certified under paragraph (b) of this section must file with the Commission notice of each change listed in this subsection, and must concurrently serve a copy of such notice on each electric utility with which it expects to interconnect, transmit or sell electric energy to, or purchase supplementary, standby, back-up and maintenance power, and the State regulatory authority of each state where the facility and each affected electric utility is located.

(b) *Optional procedure*—(1) *Application for Commission certification.* In lieu of the certification procedures in paragraph (a) of this section, an owner or operator of a facility or its representative may file with the Commission an application for Commission certification that the facility is a qualifying facility. The application must be accompanied by the

fee prescribed by part 381 of this chapter.

(2) *General contents of application.* The application must include a completed Form 556.

(3) *Commission action.* (i) Within 90 days of the later of the filing of an application or the filing of a supplement, amendment or other change to the application, the Commission will either: inform the applicant that the application is deficient; or issue an order granting or denying the application; or toll the time for issuance of an order. Any order denying certification shall identify the specific requirements which were not met. If the Commission does not act within 90 days of the date of the latest filing, the application shall be deemed to have been granted.

(ii) For purposes of paragraph (b) of this section, the date an application is filed is the date by which the Office of the Secretary has received all of the information and the appropriate filing fee necessary to comply with the requirements of this Part.

(4) *Notice.* (i) Applications for certification filed under paragraph (b) of this section must include a copy of a notice of the request for certification for publication in the **Federal Register**. The notice must state the applicant's name, the date of the application, a description of the facility for which qualification is sought and, if known, the names of the electric utilities to which the facility expects to interconnect, transmit or sell electric energy, or from which the facility expects to purchase supplementary, standby, back-up and maintenance power. This description must include:

(A) A statement indicating whether such facility is a small power production facility or a cogeneration facility;

(B) The primary energy source used or to be used by the facility;

(C) The power production equipment and capacity of the facility; and

(D) The location of the facility.

(ii) The notice must be in the following form:

(Name of Applicant)

Docket No. QF—

NOTICE OF APPLICATION FOR COMMISSION CERTIFICATION OF QUALIFYING STATUS OF A (SMALL POWER PRODUCTION) (COGENERATION) FACILITY

On (date application was filed), (name and address of applicant) filed with the Federal Energy Regulatory Commission an application for certification (or recertification) of a facility as a qualifying (small power production) (cogeneration) facility pursuant to § 292.207(b) of the

Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

[Description of facility.]

[Names of the electric utilities with which the facility expects to interconnect, transmit or sell electric energy to, or purchase supplementary, standby, back-up and maintenance power (if known).]

Any person who wishes to be heard or to object to granting qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. A motion or protest must be filed within \_\_\_\_\_ days after the date of publication of this notice and must be served on the applicant. 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. A person who wishes to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

\* \* \* \* \*

(d) *Revocation of qualifying status*

(1)(i) If a qualifying facility fails to conform with any material facts or representations presented by the cogenerator or small power producer in its submittals to the Commission, the notice of self-certification of the qualifying status of the facility, pre-authorized Commission re-certification notice, or Commission order certifying the qualifying status of the facility may no longer be relied upon. At that point, if the facility continues to conform to the Commission's qualifying criteria under this part, the cogenerator or small power producer may file either a notice of self-recertification of qualifying status pursuant to the requirements of paragraph (a)(1) of this section, a pre-authorized Commission recertification notice pursuant to the requirements of paragraph (a)(2) of this section, or an application for Commission recertification pursuant to the requirements of paragraph (b) of this section, as appropriate.

(ii) The Commission may, on its own motion or on the motion of any person, revoke the qualifying status of a facility that has been certified under paragraph (b) of this section, if the facility fails to conform to any of the Commission's qualifying facility criteria under this part.

(iii) The Commission may revoke the qualifying status of a self-certified qualifying facility upon the filing of a petition for a declaratory order that the self-certified qualifying facility does not meet applicable requirements for qualifying facilities.

(2) Prior to undertaking any substantial alteration or modification of a qualifying facility which has been certified under paragraph (b) of this section, a small power producer or cogenerator may apply to the Commission for a determination that the proposed alteration or modification will not result in a revocation of qualifying status. This application for Commission recertification of qualifying status should be submitted in accordance with paragraph (b) of this section.

**PART 294—PROCEDURES FOR SHORTAGES OF ELECTRIC ENERGY AND CAPACITY UNDER SECTION 206 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978**

22. The authority citation for Part 294 is revised to read as follows:

**Authority:** 5 U.S.C. 553; 16 U.S.C. 791a–825r; 42 U.S.C. 7107–7352.

23. In § 294.101, paragraphs (b)(5) and (f) are added as follows:

**§ 294.101 Shortages of electric energy and capacity.**

\* \* \* \* \*

(b) *Accommodation of shortages.*

\* \* \*

(5) Notwithstanding any other provision of this section, a public utility need not file the statement with the Commission if the public utility provides in its rate schedules to firm power wholesale customers that:

(i) During electric energy and capacity shortages it will treat without undue discrimination or preference, prejudice, or disadvantage firm power wholesale customers; and

(ii) It will report any modifications to its contingency plans for accommodating shortages within 15 days to:

(A) The appropriate State regulatory agency and

(B) To the affected wholesale customers.

\* \* \* \* \*

(f) *Report of anticipated shortage.*

Notwithstanding any other provision of this part, if a public utility provides in its rate schedule that it will make such reports to the appropriate state regulatory agency and to its firm power wholesale requirements customers, then it need only report to the Commission the nature and projected duration of the anticipated capacity or energy supply shortage and supply a list of the firm power wholesale customers affected or likely to be affected by the shortage. Upon receiving the public utility's report of anticipated shortage of electric energy or capacity, the Commission will

decide what further reports, if any, to require.

**PART 382—ANNUAL CHARGES**

24. The authority citation for part 382 is revised to read as follows:

**Authority:** 5 U.S.C 551–557; 15 U.S.C 717–717w, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

25. In § 382.102, paragraphs (h), (i), (j) and (k) are revised, paragraphs (l), (m) and (n) are removed, and paragraphs (o), (p), (q), (r) and (s) are redesignated (l), (m), (n), (o) and (p), respectively to read as follows:

**§ 382.102 Definitions.**

\* \* \* \* \*

(h) *Long-term firm sales and transmission activities* means the portion of the Commission's electric regulatory program devoted to the regulation of long-term firm sales and transmission.

(1) *Long-term firm sales* are the jurisdictional sales of capacity and energy under contracts that do not anticipate service interruptions, and are of five years or more duration. The capacity and energy must be available to a resale customer at all times during the period covered by a commitment, even under adverse conditions. This includes sales supplying the full requirements or partial requirements of a customer, and sales of energy from unit or system capacity of a long-term duration (five years or more) under contracts that do not anticipate service interruptions when capacity is operationally available. These sales are those reported in the FERC Form No. 1 in Account 447 as Sales-for-Resale transactions with statistical classifications of RQ, LF or LU or sales determined on a basis consistent with FERC Form No. 1 reporting for those public utilities exempt from § 141.1 of this chapter.

(2) *Long-term firm transmission* is jurisdictional transmission of capacity and energy under contracts that do not anticipate service interruptions, and are of one year or more duration. This transmission is that reported in the FERC Form No. 1 in Account 456 as Transmission for Others transactions with the statistical classification of LF or transmission for others determined on a basis consistent with FERC Form No. 1 reporting for those public utilities exempt from § 141.1 of this chapter. All MWhs attributable to sales and transmission transactions are to be reported in their respective accounts on the FERC Form No. 1 irrespective of the method of billing.

(i) *Short-term sales and transmission and exchange activities* means the portion of the Commission's electric regulatory program consisting of the regulation of all jurisdictional sales, exchange and transmission of capacity and energy except those described in paragraph (h) of this section. This includes exchange delivered as reported in the FERC Form No. 1 in Account 555 as Gross Exchange Delivered transactions with the statistical classification of EX or gross exchange delivered determined on a basis consistent with FERC Form No. 1 reporting for those public utilities exempt from § 141.1 of this chapter. All MWhs attributable to sales and transmission transactions are to be reported in their respective accounts in the FERC Form No. 1 irrespective of the method of billing.

(j) *Long-term firm sales and transmission megawatt-hours* means the number of megawatt-hours of electrical energy associated with the transactions described in paragraph (h) of this section, and the rates, charges, terms and conditions of which are regulated by the Commission.

(k) *Short-term sales and transmission and exchange megawatt-hours* means the number of megawatt-hours of electrical energy associated with the transactions described in paragraph (i) of this section, the rates, charges, terms and conditions of which are regulated by the Commission.

\* \* \* \* \*

26. In § 382.201, paragraph (a) and (b) are revised and the worksheet in paragraph (b)(4)(ii) is removed, to read as follows:

**§ 382.201 Annual charges under Parts II and III of the Federal Power Act and related statutes.**

(a) *Determination of costs to be assessed against public utilities.* The adjusted costs of administration of the electric regulatory program, excluding the costs of regulating the Power Marketing Agencies and any electrical programs for which separate application fees are collected, will be apportioned between long-term firm sales and transmission activities and short-term sales and transmission and exchange activities in proportion to the total staff time dedicated to each. The amount apportioned to long-term firm sales and transmission activities will constitute *long-term firm sales and transmission costs*, and the amount apportioned to short-term sales and transmission and exchange activities will constitute *short-term sales and transmission and exchange costs*.

(b) *Determination of annual charges to be assessed against public utilities.*

(1) The long-term firm sales and transmission costs determined under paragraph (a) of this section will be assessed against each public utility based on the proportion of the long-term firm sales and transmission megawatt-hours of each public utility in the immediately preceding reporting year (either a calendar year or fiscal year, depending on which accounting convention is used by the public utility to be charged) to the sum of the long-term firm sales and transmission megawatt-hours in the immediately preceding reporting year of all public utilities being assessed annual charges.

(2) The short-term sales and transmission and exchange costs determined under paragraph (a) of this section will be assessed against each public utility based on the proportion of the short-term sales and transmission and exchange megawatt-hours of each public utility in the immediately preceding reporting year (either a calendar year or fiscal year, depending on which accounting convention is used by the public utility to be charged) to the sum of the short-term sales and transmission and exchange megawatt-hours in the immediately preceding reporting year of all public utilities being assessed annual charges.

(3) The annual charges assessed against each public utility will be the sum of the amounts determined in paragraphs (b)(1) and (b)(2) of this section.

(4) *Reporting requirement.* For purposes of computing annual charges, a public utility, as defined in § 382.102(b) must submit under oath to the Office of the Secretary by April 30 of each year an original and conformed copies of the following information (designated as FERC Reporting Requirement No. 582):

(i) The total annual long-term firm sales for resale and transmission megawatt-hours as defined in § 382.102(j); and

(ii) The total annual short-term sales, transmission and exchange megawatt-hours as defined in § 382.102(k).

\* \* \* \* \*

**PART 385—RULES OF PRACTICE AND PROCEDURE**

27. The authority citation for Part 385 continues to read as follows:

**Authority:** 5 U.S.C. 551–557; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

**§ 385.702 [Amended]**

28. In § 385.702, paragraph (b) is removed, and paragraph (c) is redesignated paragraph (b).

**§ 385.708 [Amended]**

29. In § 385.708, in paragraph (b)(1), the phrase “and, if appropriate under Rule 717, a written revised initial decision” is removed; in paragraph (b)(2)(i), the phrase “or oral revised initial” is removed; in paragraph (b)(3), the phrase “or, if appropriate under Rule 717, any revised initial decision” is removed; in paragraph (b)(4), the phrase “as appropriate” is removed and the phrase “or revised initial” is removed in both places where it appears; in paragraph (c), in the heading the phrase “and revised initial” is removed; in paragraph (c)(1), the phrase “or, if appropriate, the revised initial decision” is removed; in paragraph (c)(2), the phrase “or revised initial” is removed; and in paragraph (d), in the heading the phrase “and revised initial” and in the text the phrase “or, if appropriate under Rule 717, a revised initial decision” are removed.

30. In § 385.711, in the heading the phrase “or revised initial” is removed, and in paragraph (a)(1)(i), the phrase “In proceedings not subject to Rule 717,” is removed, and the word “Any” is capitalized.

**§ 385.712 [Amended]**

31. In § 385.712, in the heading the phrase “and revised initial” is removed and in paragraph (a) the phrase “or revised initial” is removed.

**§ 385.713 [Amended]**

32. In § 385.713, in paragraph (a)(2)(i), the phrase “or, if appropriate under Rules 717 and 711, to a revised initial decision” is removed; in paragraph (a)(2)(iv), the phrase “or revised” is removed; and in paragraph (a)(3), the phrase “or any revised initial decision under Rule 717” is removed.

**§ 385.717 [Removed]**

33. Section 385.717 is removed.

[FR Doc. 95–1449 Filed 1–24–95; 8:45 am]

BILLING CODE 6717–01–P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****Office of the Secretary****24 CFR Part 91**

[Docket No. R-95-1731; FR-3611-C-03]

RIN 2501-AB72

**Consolidated Submission for Community Planning and Development Program, Final Rule; Correction**

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule; correction.

**SUMMARY:** On January 5, 1995 (60 FR 1878), the Department published in the **Federal Register**, a final rule that consolidated into a single consolidated submission the planning and application aspects of the Comprehensive Housing Affordability Strategies (CHAS), the Community Development Block Grant (CDBG), the Emergency Shelter Grant (ESG), the HOME Investment Partnerships (HOME), and Housing Opportunities for Persons With AIDS (HOPWA) formula programs. The rule also consolidated the reporting requirements for those programs, replacing five general performance reports with one performance report. In total, the consolidated plan and consolidated report replaced 12 documents.

The purpose of this document is to correct the definition for the term "Overcrowding" as it appeared in § 91.5, and to add to the end of several sections in 24 CFR part 91, the OMB approval number for the paperwork burden requirements contained in those sections.

EFFECTIVE DATE: February 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Joseph F. Smith, Director, Policy Coordination, Office of Community Planning and Development, 451 Seventh Street, SW, Washington, DC 20410-7000, telephone (202) 708-1283 (voice) or (202) 708-2565 (TDD). (These are not toll-free telephone numbers.) Copies of this rule will be made available on tape or large print for those with impaired vision that request them. They may be obtained at the above address.

**SUPPLEMENTARY INFORMATION:**

Accordingly, FR Doc. 94-32150, a final rule amending 24 CFR part 91, et al., Consolidated Submission for Community Planning and Development Programs, published in the **Federal Register**, on January 5, 1995 (60 FR 1878), is corrected as follows:

1. On page 1898, in § 91.5, in the first column, the definition for the term

"Overcrowding", is corrected to read as follows:

**§ 91.5 Definitions.**

\* \* \* \* \*

*Overcrowding.* For purposes of describing relative housing needs, a housing unit containing more than one person per room, as defined by the U.S. Census Bureau, for which data are made available by the Census Bureau. (See 24 CFR 791.402(b).)

\* \* \* \* \*

**§§ 91.220, 91.225, 91.230, 91.235, 91.310, 91.320, 91.330, 91.430 [Corrected]**

2. On pages 1905, 1906, 1907, 1908, 1910, 1911, and 1912, respectively, §§ 91.220, 91.225, 91.230, 91.235, 91.310, 91.320, 91.330, and 91.430, are corrected by adding to the end of each section the following phrase:

(Approved by the Office of Management and Budget under control number 2506-0117).

Dated: January 19, 1995.

**Andrew Cuomo,**

*Assistant Secretary for Community Planning and Development.*

[FR Doc. 95-1791 Filed 1-24-95; 8:45 am]

BILLING CODE 4210-32-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[PP 2E4148/R2093; FRL-4923-5]

RIN 2070-AB78

**Sodium Chlorate; Exemption from the Requirement of a Tolerance**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This document establishes an exemption from the requirement of a tolerance for residues of sodium chlorate in or on the raw agricultural commodity potato when applied as a defoliant in accordance with good agricultural practices. The Interregional Research Project No. 4 (IR-4) requested this exemption.

**EFFECTIVE DATE:** This regulation becomes effective January 25, 1995.

**ADDRESSES:** Written objections, identified by the document control number, [PP 2E4148/R2093], 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 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 360277M, Pittsburgh, PA 15251.

**FOR FURTHER INFORMATION CONTACT:** By mail: Hoyt Jamerson, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8783.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of November 2, 1994 (59 FR 54869), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 2E4148 to EPA on behalf of the Agricultural Experiment Station of California. PP 2E4148 requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1020 by establishing an exemption from the requirement of a tolerance for residues of sodium chlorate on potatoes when used as a defoliant in accordance with good agricultural practices.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption 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 and/or request a hearing with the Hearing Clerk, 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 such issues, 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 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 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 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 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 17, 1995.

**Steven 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.

#### **§ 180.1020 [Amended]**

2. By amending § 180.1020 *Sodium chlorate; exemptions from the requirement of a tolerance* by adding and alphabetically inserting in the list therein the commodity "potatoes".

[FR Doc. 95-1854 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-F

#### **40 CFR Part 180**

[PP 0E3907/R2094; FRL-4923-7]

RIN 2070-AB78

#### **Pesticide Tolerance for 3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl)Benzamide**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This document establishes a tolerance for combined residues of the herbicide 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide (also known as pronamide) and its metabolites in or on the raw agricultural commodity radicchio greens (tops). The Interregional Research Project No. 4 (IR-4) submitted to EPA a petition requesting the maximum permissible level for residues of the herbicide.

**EFFECTIVE DATE:** This regulation becomes effective January 25, 1995.

**ADDRESSES:** Written objections, identified by the document control number, [PP 0E3907/R2094], 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 copy of 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: Hoyt L. Jamerson, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of October 26, 1994 (59 FR 53771), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 0E3907 to EPA on behalf of the Agricultural Experiment Station of California. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), establish a tolerance for combined residues of the herbicide 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide and its metabolites (calculated as 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide) in or on the raw agricultural commodity radicchio greens (tops) at 2 parts per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted on the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the permanent tolerance will protect the public health. Therefore, the tolerance 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



and/or request a hearing with the Hearing Clerk, 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 such issues, 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 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 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 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 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 13, 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 § 180.317, by amending paragraph (a) in the table therein by adding and alphabetically inserting the commodity radicchio greens (tops), to read as follows:

#### § 180.317 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.

(a) \* \* \*

Commodity	Parts per million
* * *	
Radicchio greens (tops) .....	2.0
* * *	
* * *	

[FR Doc. 95-1855 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-F

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 76

[MM Docket No. 92-266; FCC 95-8]

##### Cable Act of 1992—Rate Regulation

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** On its own motion, the Commission amends its rules in order to provide certain cable operators with further incentives to add new channels to cable programming services tiers and to single-tier systems. These incentives apply to independent small systems, to small systems owned by small multiple system operators, and to independent systems and systems owned by small multiple system operators which incur additional monthly per subscriber headend costs of one full cent or more for an additional channel. These systems may take advantage of the streamlined cost-of-service procedure for headend upgrades associated with channel additions, as well as the per channel rate adjustments and programming expense adjustments available to all cable systems adding channels under the existing rule. The Order also provides that the streamlined cost-of-service procedure for headend upgrades associated with channel additions shall apply to single-tier systems.

**EFFECTIVE DATE:** February 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Joel Kaufman or Meryl S. Iove, Cable Services Bureau, (202) 416-0800.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Seventh Order on Reconsideration in MM Docket 92-266, FCC 95-8, adopted January 5, 1995, and released January 5, 1995. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (ITS), at 2100 M St., NW., Washington, DC 20037, (202) 857-3800.

#### Synopsis of the Seventh Order on Reconsideration

##### A. Background

In the Second Order on Reconsideration, Fourth Report and Order, and Fifth Notice of Proposed Rulemaking ("Fourth Report and Order") in this docket, 59 FR 17943 (April 15, 1994), the Commission specified a "going-forward" mechanism under which price-capped rates are adjusted for changes in the number of channels offered on the basic service tier ("BST") and on cable programming service tiers ("CPSTs"). Under this mechanism, operators first remove all external costs from the tier charge and then adjust the residual component of the tier charge by a per channel adjustment which declines as the number of channels on the system increases. Operators were also allowed



to pass through to subscribers the programming costs associated with new channels as well as a mark-up of 7.5% on new programming expense.

In the Sixth Order on Reconsideration and Fifth Report and Order ("Sixth Reconsideration Order"), 59 FR 62614 (December 6, 1994), the Commission *inter alia*, supplemented its existing going forward rules by creating an alternative channel adjustment methodology. Cable operators adding channels to CPSTs or single-tier systems may recover from subscribers (a) a flat per channel mark-up of up to 20 cents per subscriber per month, subject to a cap on the total amount recovered through December 31, 1997, and (b) programming costs, subject to a cap that applies through December 31, 1996. Operators adding channels to CPSTs or single-tier systems on and after May 15, 1994 may use either the new rules or the existing rules to adjust rates after December 31, 1994, but must use either the existing rules or the new rules consistently with respect to all channels added after December 31, 1994.

In the Sixth Reconsideration Order, the Commission also adopted a special streamlined cost-of-service procedure that permits independent small systems and small systems owned by small multiple system operators ("MSOs") to recover the costs of upgrading their headend equipment when they add new channels to CPSTs. A small system is a cable system that serves 1,000 or fewer subscribers from the system's principal headend, including any technically integrated headends and microwave receive sites. See 47 CFR 76.901(c). A small MSO is defined as a MSO that has 250,000 or fewer total subscribers, owns only systems with less than 10,000 subscribers each, and has an average system size of 1,000 or fewer subscribers. See 47 CFR 76.922(b)(5). To prevent the potential for unreasonably sharp rate increases to small system subscribers, the amount a small system can recover for each channel added was limited to programming costs incurred plus the lesser of the actual cost of the headend equipment or \$5,000. Headend costs that are to be recovered through increased rates must be depreciated over the useful life of the equipment. In addition, the rate of return the small system may earn on such headend costs may not exceed 11.25%. Small systems that increase rates as a result of any channel additions pursuant to this methodology may be reimbursed for the addition of a maximum of seven channels to CPSTs between May 15, 1994 and December 31, 1997. Qualifying small systems adding channels to CPSTs were allowed to choose between this

streamlined cost-of-service procedure and the going forward rules applicable to all systems.

#### B. Discussion

On our own motion, we find our requirement that qualifying small systems elect between the per channel adjustment methodology and the streamlined cost-of-service procedure for upgrading headend equipment insufficient to give qualifying systems an appropriate incentive to add new channels. Although the return of up to 11.25% on the cost of headend equipment was intended to allow small systems a profit when they added channels, we now believe that our formula as a whole may give such systems an insufficient incentive to add channels. This is the case because, except for very small systems, the per subscriber rate adjustment associated with the streamlined cost-of-service showing would be less than the 20 cents per subscriber per month allowed under our general going forward regulations. If the maximum \$5,000 in headend costs is depreciated by a 1,000 subscriber system with an 11.25% rate of return, for example, the monthly per subscriber cost would be just over five cents, assuming a 15 year depreciation period. The Commission has not prescribed depreciation rates for headend equipment, but requires cable operators to follow reasonable depreciation practices in depreciating equipment over its useful life. The Cable Services Bureau, acting on delegated authority in examining cost-of-service rate justifications, concluded that operators generally assign 15-year useful lives to headend equipment and adjusted cable operator's proposed useful lives upward to reflect that norm.

Accordingly, independent small systems and small systems owned by small MSOs will not be required to choose between the per channel adjustment methodology and the streamlined cost-of-service procedure for upgrading headend equipment. Instead, we will allow independent small systems and small systems owned by small MSOs to recover for each channel added by using both the per channel adjustment methodology and the streamlined cost-of-service procedure for upgrading headend equipment in the following manner. First, such operators may recover the lesser of the actual cost of the headend equipment or \$5,000 associated with the channel addition. The recovery of the lesser of the actual cost of the headend equipment or \$5,000 shall otherwise remain subject to the conditions set forth in the Sixth Reconsideration

Order, namely that the headend costs be depreciated over the useful life of the equipment, the rate of return on this investment not exceed 11.25%,<sup>1</sup> and the headend costs may be recovered for no more than seven channels through December 31, 1997. Second, in addition to recovery of headend upgrade costs in a streamlined cost-of-service proceeding, such operators may make rate adjustments to reflect channel additions and programming expenses that all other operators are permitted to make under the existing going forward rules. Specifically, operators may make per channel adjustments under either the new or the "old" going forward rules. As explained in the Sixth Reconsideration Order, operators that elect the new going forward rules are allowed to recover programming expenses associated with adding channels subject to the License Fee Reserve and the Operator's Cap. Of course, headend costs are not included in the Operator's Cap.

In addition, we believe that limiting eligibility to use the streamlined cost-of-service procedure for upgrading headend equipment to independent small systems and small systems owned by small MSOs may fail to give slightly larger systems an appropriate incentive to add channels. Accordingly, we have decided to allow larger systems to use the streamlined cost of service approach subject to the same conditions as independent small systems and small systems owned by small MSOs provided that (a) the systems are either independently owned or owned by small MSOs and (b) the monthly per subscriber cost of the additional headend equipment necessary to receive an additional channel is one cent or more.<sup>2</sup> We are providing this relief for systems that are slightly larger than those that fall under the definition of a small system because we believe that such operators may have higher than average costs and may not always have access to the financial resources or other purchasing discounts of larger companies. However, since average equipment costs were built into the per

<sup>1</sup> Operators are permitted to recover an 11.25% rate of return on the lesser of the actual cost of the headend equipment associated with adding a channel or \$5,000. Therefore, if the cost of the headend equipment associated with adding a channel is \$5,000 or more, the operator is entitled to recover \$5,000 plus an 11.25% rate of return on the \$5,000 investment.

<sup>2</sup> The monthly per subscriber cost of the additional headend equipment necessary to receive the additional channel must be one full cent or more. For this purpose, operators may not round up monthly per subscriber costs of less than one cent. Additionally, operators must depreciate these costs at the same rate as they depreciate all similar equipment.

channel adjustment of up to 20 cents, we believe that it is unnecessary to allow systems with additional per subscriber headend equipment costs of less than one cent for each channel added to use the streamlined cost-of-service procedure for upgrading headend equipment. We believe that such operators may have sufficient resources to add channels without the additional incentive created by the streamlined cost-of-service procedure. However, we note that we may reconsider this issue in light of the comments we have received in response to our Fifth Order on Reconsideration and Further Notice of Proposed Rulemaking, 59 FR 51,869 (10/13/94). In that notice, the Commission solicited comments on whether it should retain its current definitions of small operators and small systems owned by small MSOs and whether it should employ the current Small Business Administration definition of small cable company. The definitions of these terms in the instant item may be affected by the outcome of the Further Notice.

In the Sixth Reconsideration Order, the Commission provided that rates for the BST will continue to be governed exclusively by our current rules, except that where a system offered only one tier on May 14, 1994, the cable operator will be allowed to use the revised per channel adjustment of up to 20 cents. We did not, however similarly provide that the streamlined cost-of-service procedure for headend upgrades by eligible small systems would be available to operators of single-tier systems. We did not intend to exclude single-tier systems from this procedure and, therefore, on our own motion, we reconsider the limitation of the streamlined cost-of-service procedure for headend upgrades to CPSTs. We conclude that the streamlined cost-of-service procedure should also apply to single-tier systems because we recognize that qualifying systems have the same small customer base over which to spread the cost of new equipment associated with providing channels, whether or not they have CPSTs. We also recognize that single-tier systems are commonly smaller systems. Accordingly, we believe that the streamlined cost-of-service procedure for headend upgrades associated with channel additions should apply to single-tier systems as well as CPSTs.

#### Regulatory Flexibility Act Analysis

Pursuant to the Regulatory Act of 1980, 5 U.S.C. 601-612, the Commission's final analysis with respect to the Seventh Order on Reconsideration is as follows:

*Need and purpose of this action.* The Commission, in compliance with § 3 of the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 (1992), pertaining to rate regulation, adopts revised rules and procedures intended to ensure that cable services are offered at reasonable rates with minimum regulatory and administrative burdens on cable entities.

*Summary of issues by the public in response to the Initial Regulatory Flexibility Analysis.* There were no comments submitted in response to the Initial Regulatory Flexibility Analysis. The Chief Counsel for Advocacy of the United States Small Business Administration (SBA) filed comments in the original rulemaking order. The Commission addressed the concerns raised by the Office of Advocacy in the Report and Order and Further Notice of Proposed Rulemaking, 58 FR 29769 (5/21/93). Consistent with our rules, the SBA also filed an ex parte letter on August 3, 1994.

*Significant alternatives considered and rejected.* In the course of this proceeding, petitioners representing cable interest and franchising authorities submitted several alternatives aimed at minimizing administrative burdens. The Commission has attempted to accommodate the concerns expressed by these parties. In this order, the Commission is providing additional incentives to qualifying small systems to add channels to CPSTs and single-tier systems.

#### Paperwork Reduction Act

The requirements adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found not to impose a new or modified information collection requirement on the public.

#### Ordering Clauses

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 4(j), 303(r) 612, 622(c) and 623 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 532, 542(c) and 543, the rules, requirements and policies discussed in this Seventh Order on Reconsideration, ARE ADOPTED and Part 76 of the Commission's rules, 47 CFR part 76, IS AMENDED as set forth below.

*It Is Further Ordered* that the Secretary shall send a copy of this Order to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Public Law

No. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601 et seq. (1981).

*It Is Further Ordered* that the requirements and regulations established in this decision shall become effective 30 days following publication in the **Federal Register**.

#### List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

Part 76 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 76—CABLE TELEVISION SERVICE

1. The authority citation for part 76 continues to read as follows:

**Authority:** Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. Secs. 152, 153, 154, 301, 303, 307, 308, 309, 532, 535, 542, 543, 552 as amended, 106 Stat. 1460.

2. Section 76.922 is amended by revising paragraph (e)(7) to read as follows:

#### § 76.922 Rates for the basic service tier and cable programming service tiers.

\* \* \* \* \*

(e) \* \* \*  
(7) *Headend upgrades.* When adding channels to CPSTs and single-tier systems, cable systems that are either independently owned or owned by small MSOs and incur additional monthly per subscriber headend costs of one full cent or more for an additional channel or are either independently owned or owned by small MSOs as defined in paragraph (b)(5) of this section, may choose among the methodologies set forth in paragraphs (e)(2) and (e)(3) of this section. In addition, such systems may increase rates to recover the actual cost of the headend equipment required to add up to seven such channels to CPSTs and single-tier systems, not to exceed \$5,000 per additional channel. Rate increases pursuant to this paragraph may occur between January 1, 1995, and December 31, 1997, as a result of additional channels offered on those tiers after May 14, 1994. Headend costs shall be depreciated over the useful life of the headend equipment. The rate of return on this investment shall not exceed 11.25 percent. In order to recover costs for headend equipment pursuant to this paragraph, systems must certify to the Commission their eligibility to use this paragraph, the level of costs they have actually incurred for adding the

headend equipment and the depreciation schedule for the equipment.

\* \* \* \*

[FR Doc. 95-1819 Filed 1-24-95; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 642

[Docket No. 940710-4292; I.D. 011895A]

#### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction

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

**ACTION:** Trip limit reduction.

**SUMMARY:** NMFS reduces the commercial trip limit of Atlantic group Spanish mackerel in the southern zone to 1,000 lb (454 kg) per day in or from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the Atlantic Spanish mackerel resource.

**EFFECTIVE DATE:** The 1,000-lb (454-kg) commercial trip limit is effective 12:01 a.m., local time, January 20, 1995, and remains in effect through March 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642 under the authority of the Magnuson Fishery Conservation and Management Act.

An adjusted allocation and commercial trip limits were recommended by the Councils and implemented by NMFS for Atlantic migratory group Spanish mackerel from the southern zone. As set forth at 50 CFR 642.27(b), the adjusted allocation is 4.35 million lb (1.97 million kg). In accordance with 50 CFR 642.27(a)(2)(iii), after 75 percent of the adjusted allocation of Atlantic group

Spanish mackerel from the southern zone is taken until 100 percent of the adjusted allocation is taken, Spanish mackerel in or from the EEZ in the southern zone may not be possessed aboard or landed from a vessel in a day in amounts exceeding 1,000 pounds (454 kg). In accordance with 50 CFR 642.27(a)(2)(iv), after 100 percent of the adjusted allocation of Atlantic group Spanish mackerel from the southern zone is taken through the end of the fishing year, Spanish mackerel in or from the EEZ in the southern zone may not be possessed aboard or landed from a vessel in a day in amounts exceeding 500 lb (227 kg) per day.

NMFS has determined that 75 percent of the adjusted allocation for Atlantic group Spanish mackerel from the southern zone will be taken by January 19, 1995. Accordingly, the 1,000-pound (454-kg) per day commercial trip limit applies to Spanish mackerel in or from the EEZ in the southern zone effective 12:01 a.m., local time, January 20, 1995, through March 31, 1995, unless changed by further notification in the **Federal Register**.

The southern zone of Atlantic group Spanish mackerel extends from the Georgia/Florida boundary (30°42'45.6" N. lat.) southward to the Dade/Monroe County, Florida, boundary (25°20.4' N. lat.).

#### Classification

This action is taken under 50 CFR 642.27(a)(2)(iii) and (b) and is exempt from review under E.O. 12866.

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

Dated: January 19, 1995.

**David S. Crestin,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-1776 Filed 1-19-95; 4:32 pm]

BILLING CODE 3510-22-F

#### 50 CFR Parts 675 and 677

[Docket No. 950112014-5014-01; I.D. 010695A]

RIN 0648-AH42

#### Groundfish of the Bering Sea and Aleutian Islands Area, North Pacific Fisheries Research Plan; Trawl Closure To Protect Red King Crab

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

**ACTION:** Emergency interim rule; request for comments.

**SUMMARY:** NMFS has determined that an emergency exists in the groundfish fisheries being conducted in the Bering Sea and Aleutian Islands (BSAI) management area. The number of female red king crab in Bristol Bay has declined to a level that presents a serious conservation problem for this stock. To protect Bristol Bay area red king crab, NMFS is implementing by emergency rule a trawl closure in an area of Zone 1 in the Bering Sea (BS). NMFS is also implementing changes to observer-coverage requirements that will aid the monitoring of red king crab bycatch in the BS flatfish trawl fisheries conducted outside of the closure area in Zone 1. These management measures are intended to accomplish the objectives of the North Pacific Fishery Management Council (Council) with respect to fishery management in the BSAI.

**DATES:** Effective January 20, 1995 through April 25, 1995. Comments must be submitted by February 9, 1995.

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, Attention: Lori Gravel. Copies of the Environmental Assessment (EA) prepared for the emergency rule may be obtained from the same address.

**FOR FURTHER INFORMATION CONTACT:**

Kaja Brix, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the BSAI is managed by NMFS according to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The FMP was prepared by the Council under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*), (Magnuson Act), and is implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 675 and 676. General regulations that also pertain to U.S. fisheries are codified at 50 CFR part 620.

At times, amendments to the FMP or its implementing regulations are necessary to respond to fishery conservation and management problems that cannot be addressed within the timeframe of the normal procedures provided for by the Magnuson Act. Section 305(c) of the Magnuson Act authorizes NMFS to implement emergency regulations necessary to address these situations. These emergency regulations may remain in effect for not more than 90 days after

publication in the **Federal Register**, with a possible 90-day extension.

The number of red king crab in the Bristol Bay area of the BS is declining. Data from the 1994 NMFS crab survey indicate that the number of female red king crab is below threshold. This triggered closure of the 1994 directed Bristol Bay red king crab pot fishery by the Alaska Department of Fish and Game (ADF&G). Due to the closure of the red king crab fishery in ADF&G shellfish management Area T, the area east of 163° W. long. was closed to *C. bairdi* Tanner crab fishing for the 1994–95 season. Current regulations close Federal Statistical Area 512 to trawling to protect the red king crab stock and the need to further protect and conserve red king crab in the Bristol Bay area of the BS, NMFS is implementing, by emergency rule, the following measures:

1. A closure in a portion of Bycatch Zone 1 (defined at § 675.2) to directed fishing for groundfish by vessels using trawl gear other than pelagic trawl gear;

2. Catcher/processors or catcher vessels equal to or greater than 60 ft (18.3m) length overall (LOA) must carry a NMFS-certified observer during 100 percent of their fishing days when participating in the flatfish fishery, defined at § 677.10(a)(1)(ii)(E), in areas of Zone 1 outside of the closure area implemented under this emergency rule; and

3. Catcher/processors or catcher vessels, equal to or greater than 60 ft (18.3m) LOA, must carry a NMFS-certified observer during 100 percent of their fishing days in which the vessel uses pelagic trawl gear in the closure area implemented under this emergency rule.

For the duration of this emergency rule, NMFS is also requesting that observers onboard vessels that have INMARSAT Standard A satellite communications equipment and the appropriate software and that are fishing for flatfish in Zone 1, report electronically crab bycatch data and certain haul statistics on a daily basis. This would not entail any additional regulatory requirement for vessel operators. Details of these measures follow.

#### Red King Crab Savings Area (RKCSA)

Based on NMFS survey data, the 1994 abundance index for legal-sized male Bristol Bay red king crab was 5.5 million crab compared to 7.3 million in 1993. The abundance index for mature female crab declined from 14.2 million crab in 1993 to 7.5 million crab in 1994. This number is below the threshold

value of 8.4 million crab established pursuant to the FMP for the Commercial King and Tanner Crab Fisheries in the BSAI. These declines were corroborated by the length-based assessment model that was newly developed by ADF&G. Because the abundance of female crab was below threshold, ADF&G closed the 1994 Bristol Bay red king crab fishery, as well as the directed pot fishery for Tanner crab in Zone 1 east of 163° W. long. The Bristol Bay red king crab stock continues to suffer from a long period of low recruitment and sublegal crab levels are among the lowest on record.

At the September 1994 Council meeting, the Crab Plan Team presented the Council with information detailing the status of the red king crab stocks in the Bristol Bay area of the BS. Because female red king crab were below the sustainable threshold, emergency action was considered to conserve this resource. At a subsequent teleconference on November 14, 1994, the Council reviewed an analysis prepared by ADF&G that examined alternative closure areas. At this teleconference, the Council recommended a closure area between 55°45' and 57°00' N. lat. and between 162° and 164° W. long. The intent of this trawl closure is to reduce the number of female red king crab taken as bycatch in the trawl fisheries. However, it would be at the expense of most of the optimal rock sole fishing grounds. After reviewing additional analysis prepared by ADF&G subsequent to the Council's teleconference and reexamining the administrative record on this issue, NMFS is implementing a closure area that would meet the intent of the Council to protect female red king crab, while minimizing the displacement of trawl fisheries and the foregone opportunity to harvest roe-bearing rock sole.

To conserve the red king crab resource in the Bristol Bay area of the BS, NMFS is implementing emergency measures to prohibit directed fishing for groundfish by vessels using trawl gear other than pelagic trawl gear in the RKCSA, which is bounded by a straight line connecting the following coordinates in the order listed below:

Latitude	Longitude
56°00' N. ....	162°00' W.
56°00' N. ....	164°00' W.
57°00' N. ....	164°00' W.
57°00' N. ....	164°00' W.
56°00' N. ....	162°00' W.

The highest bycatch of red king crab has been from the rock sole/other flatfish fishery category, especially in 1993 and 1994 when the red king crab

bycatch in Zone 1 was estimated at 134,000 and 193,000 crab, respectively. During this same period, the bottom trawl pollock fishery caught the next highest amount of Zone 1 red king crab (44,000 and 39,000, respectively) and the yellowfin sole and Pacific cod fisheries also took some king crab. Red king crab bycatch has been greatest in the rock sole fishery during the months of January and February when the rock sole roe fishery occurs. Significantly reduced bycatch rates of red king crab occur in other trawl fisheries throughout the year.

The current closure area for red king crab (Federal Statistical Area 512) in the BS was designed to protect approximately 90 percent of the mature female red king crab. This consideration was based on the distribution of female crab in the mid 1980's. Annual NMFS crab survey data show distribution and relative abundance of female red king crab vary from year to year. However, survey data since 1990 indicate that relatively large numbers of female crab have been taken at survey stations in Bristol Bay located at 56° N. long. and north. Although only a limited number of survey stations are located south of 56° N. long., survey data from this area indicate a relatively low abundance of crab and no female crab have been taken in this area during the 1990–1994 trawl surveys.

Recent 1993 and 1994 trawl survey data show female red king crab are present at survey stations located along 56° N. long. The relative abundance of female red king crab at these stations was significantly greater in 1993 compared to 1994. The distribution of crab indicated from summer trawl surveys may not represent the distribution of various stock components during winter months when intensive trawl operations for roe-bearing rock sole occur in the Bristol Bay area. Although no recent winter trawl survey data exists, crab generally are believed to move shoreward during the molting and mating season. Although the breeding season for crab can be protracted and dependent on a number of variables, the peak breeding season is believed to occur during March-May.

Available observer data on the sex composition of Bristol Bay red king crab taken as bycatch in the trawl fisheries are limited. Sex composition data collected in 1993 for observed hauls south of 56° N. lat. are not available. However, 1993 data for observed hauls between 56° and 56°10' N. lat. show about one third of the crab sampled for sex composition were females and almost 80 percent of the crab sampled

for sex composition between 56° and 57° N. lat. were females.

Given the available data on the distribution of female red king crab and the assumption that crab move shoreward during winter months, NMFS believes that a closure between 162° and 164° W. long. and between 56° and 57° N. lat. will adequately protect female red king crab during the winter trawl fisheries without unnecessarily jeopardizing the trawl fishery's opportunity to harvest valuable roe-bearing rock sole.

The majority of king crab bycatch in observed hauls in all fisheries during 1990–94 occurred in the area between 56° and 57° N. Lat. and 162° and 164° W. long. This also corresponds to an area of high fishing effort. Most of the hauls were taken between January and March, which also corresponds to the timing of the rock sole roe fishery.

Observer data from 1990–94 show that between 20 and 45 percent of the groundfish catch in the rock sole fishery has come from within this area. The highest number of king crab is consistently taken by the rock sole fishery. Between 40 and 70 percent of the red king crab incidental catch in the rock sole fishery is taken within this area.

The RKCSA also accounts for between 10 and 45 of the halibut incidental catch in the rock sole fishery. Although closure of the RKCSA to protect red king crab stocks would also reduce halibut bycatch within this area, relocated fishing effort could result in similar or higher halibut bycatch rates in the open areas. Fishing effort relocated from the closure area could also result in greater bycatch of *C. bairdi* Tanner crab. This may cause the rock sole roe fishery to attain specified halibut and *C. bairdi* bycatch allowances more quickly, which would close the fishery sooner. Higher bycatch rates of either halibut or *C. bairdi* Tanner crab in the rock sole fishery would not pose a conservation problem because the overall bycatch amount of these species is managed under specified bycatch allowances that, when reached, will close the directed fishery for rock sole. As a result, displaced fishing effort from the RKCSA to other fishing grounds could result in closure of the rock sole roe fishery before the end of the roe season (early to mid-March) to the extent that an increased bycatch rate for halibut or *C. bairdi* would result in a more rapid attainment of the bycatch allowances specified for these species.

#### Observer Coverage

Concurrent with the implementation of the RKCSA, NMFS is requiring that

all vessels equal to or greater than 60 ft (18.3m) LOA carry a NMFS-certified observer onboard during 100 percent of their fishing days while fishing for flatfish in the open areas of Zone 1. This requirement will provide NMFS with better information on the bycatch of red king crab, as well as other prohibited species. With the shift in effort from the RKCSA to other areas of Zone 1, NMFS anticipates changes in the bycatch rate of not only red king crab, but other species as well. Increased observer coverage will enable NMFS to obtain more complete bycatch data and facilitate the inseason monitoring of crab and halibut bycatch to avoid exceeding specified bycatch allowances. Between January and the end of April 1994, 30 catcher/processors participated in a directed fishery for flatfish. Of these 30 vessels, 27 are equal to or greater than 125 ft (38.1m) LOA and already are required to carry an observer at all times. Three are less than 125 ft (38.1m) LOA but were equal to or greater than 60 ft (18.3m) LOA and under the emergency rule will have to carry an observer at all times. One shoreside processor participated in the flatfish fishery in 1994. Five catcher vessels equal to or greater than 60 ft (18.3m) LOA delivered flatfish to this processor. Under this emergency rule, these catcher vessels will also be required to carry an observer at all times while fishing for flatfish in Zone 1. Four of the five catcher vessels currently must carry an observer 100 percent of the time. The requirement under this emergency rule will only affect three catcher/processors and one catcher vessel if the same fleet fished for flatfish in 1995 as in 1994.

Under the emergency rule, NMFS is also requiring vessels equal to or greater than 60 ft (18.3m) LOA that use pelagic trawl gear in the RKCSA to carry an observer during 100 percent of their fishing days. This is necessary to ensure that the vessel operators adhere to the current performance standard for pelagic trawl gear set out at § 675.7(n).

During the first pollock season in 1994, 20 catcher vessels delivered pollock to shoreside facilities. Eight of these vessels were equal to or over 125 ft (38.1m) LOA and are already required to carry an observer at all times. The remaining 12 were greater than 60 ft (18.3m) LOA and are currently required to have only 30-percent observer coverage. Of these 12 vessels, 10 delivered significant quantities of pollock and two delivered incidental amounts, probably as bycatch in other fisheries. Therefore, 10–12 pollock vessels, based on 1994 information, would be affected by the additional observer-coverage requirements.

The term “fishing days” is defined at § 677.2 for purposes of observer coverage requirements and does not include days during which a vessel only delivered unsorted codends to a processor. Therefore, catcher vessels used only for this purpose are exempt from increased observer coverage requirements implemented under this emergency rule.

#### Data Reporting

To keep a more accurate and timely count of red king crab bycatch amounts in the open areas of Zone 1, NMFS requests the observers onboard those vessels with INMARSAT Standard A satellite communication equipment, and the necessary hardware and software, fishing in the flatfish target fisheries to report electronically the prohibited species catch statistics and associated data on haul location and size on a daily basis. Such reporting will provide more timely data and enable NMFS to monitor more effectively the prohibited species bycatch allowances specified for the 1995 groundfish fisheries.

NMFS requests this information only from observers onboard vessels that already have the appropriate satellite communication equipment (INMARSAT Standard A) and the software that was supplied by the NMFS Observer Program Office. This emergency rule does not require that portion of the industry that does not already have the above-mentioned satellite communication capabilities to obtain electronic communication equipment. Existing observer regulations specify that the observer shall have access to communication equipment onboard the vessel. Under this emergency rule, the observer will simply be transmitting a portion of the same reports as those currently being sent, but on a daily basis. This will involve somewhat higher data transmission costs for the vessel compared to the status quo operation.

For those vessels that do not already have the capabilities for electronic communication, the observer will continue to send the data via conventional means, but also on a daily basis. The operators of these vessels will not be required under this emergency rule to acquire any additional communication equipment.

Currently, 21 catcher/processors that fished in the flatfish fishery in 1994 have the appropriate satellite communication capabilities. The remaining nine catcher/processors that fished in the flatfish tart fishery in 1994 do not have various components of the necessary equipment. Of these nine vessels, three or four catcher/processors

may have satellite communication equipment by the 1995 trawl season, and five vessels will probably not have satellite communication capabilities for the 1995 season.

#### Economic Considerations

A total of 62 processor vessels and six shoreside processors participated in the nonpelagic trawl fisheries in the BSAI in 1994. Based on 1994 ADF&G fish tickets, at least 61 catcher vessels delivered to either shoreplants or motherships. The majority of fishing activity in the RKCSA is carried out by the rock sole roe fishery.

Thirty catcher/processor vessels and five catcher vessels participated in a flatfish fishery in the BS between January and May 1994. Between 2.5 and 3 percent of the total groundfish catch in the BSAI came from the closure area in 1992 and 1993, respectively. Data from 1990–1994 indicate that between 20 and 45 percent of the rock sole catch has come from the closure area. The estimated gross wholesale value of rock sole harvests in the BSAI between January and April 1994 was \$36,313,484. The displacement of fishing effort for rock sole from the RKCSA to less productive areas of the Bering Sea in anticipated to result in some foregone harvest of roe-bearing rock sole and an increase in operating costs. A quantitative assessment of these costs is not possible because the amount of roe-bearing rock sole that will be harvested outside the RKCSA is unknown. Given the improbable assumption that the entire amount of rock sole harvested in the RKCSA would be foregone, the maximum potential impact incurred by the rock sole fishery could range from \$7.3 million to \$16.3 million. More likely, the greatest potential for foregone revenue is associated with the increased probability of a closure of the rock sole fishery due to increased bycatch rates of *C. bairdi* and halibut, and a more rapid attainment of a crab or halibut bycatch allowance before the end of the roe season. The rock sole roe season typically ends by the first week of March, although some fishing effort continues into mid March. In 1994, Zone 1 was closed February 28 because of red king crab bycatch; however, the fishery was able to continue outside the area until Zone 2 was closed to the rock sole fleet on May 7, when the *C. bairdi* Tanner crab bycatch allowance was reached. This closure likely will occur sooner under the emergency rule, as would a closure of the BSAI due to attainment of the halibut bycatch allowance, but a projection of the actual date, as well as the potential foregone

harvest of rock sole, cannot be estimated given available information.

Additional observer coverage on the flatfish and pelagic pollock vessels would result in costs per vessel of approximately \$200/day for each observer. Three catcher/processor vessels and one catcher vessel participating in a Zone 1 flatfish fishery in 1994 were under 125 ft (38.1m) LOA and may be subject to the additional requirement for 100-percent observer coverage for the duration of this emergency rule. Ten to 12 vessels that participated in the 1994 pelagic trawl pollock fishery were also under 125 ft (38.1 m) LOA and may also be subject to the requirement for 100-percent observer coverage under this rule.

Observer-coverage requirements currently are specified under regulations implementing the North Pacific Fishery Research Plan (Research Plan) at 50 CFR part 677. Under the Research Plan, the costs of increased observer coverage incurred by catcher/processors under this emergency rule may be credited up to each processor's 1995 Research Plan fee liability. This credit amount would reduce the revenue to the North Pacific Observer Fund by a corresponding amount. Increased observer-coverage requirements for catcher vessels under this emergency rule will not affect the amount of fees generated under the Research Plan because these vessels are exempt from 1995 Research Plan fees (§ 677.6(b)(1)).

Electronic reporting, on a daily basis, by the observers on those vessels that currently have INMARSAT Standard A satellite communication capabilities would result in additional transmission costs for operators of each of the 21 vessels. The cost of an electronic transmission is between \$3–5 per transmission. The remaining nine vessels in the flatfish fisheries would incur additional cost of daily fax transmission, which range between \$10–20 per fax. No other cost would be incurred by the industry for the daily electronic reporting.

NMFS concurs that the above regulatory measures must be implemented by emergency rulemaking to conserve the female red king crab stocks in the Bristol Bay area of the BS.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable laws.

This rule is exempt from the procedures of the Regulatory flexibility

Act, because it is not required to be issued with prior notice and opportunity for prior public comment.

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

NMFS finds that the immediate need to protect and conserve female red king crab in the Bristol Bay area of the BS, as explained in the preamble to this rule, constitutes good cause to waive the requirement to provide prior notice and an opportunity for public comment pursuant to authority set forth at 5 U.S.C. 553(b)(B), as a delay to provide prior notice and an opportunity for public comment would be contrary to the public interest. Similarly, the need to implement these measures in a timely manner to protect female red king crab during the rock sole roe fishery, which opens January 20, 1995, constitutes good cause under authority contained in 5 U.S.C. 553(d)(3) to make the rule effective less than 30 days after publication in the **Federal Register**.

#### List of Subjects in 50 CFR Parts 675 and 677

Fisheries, Reporting and recordkeeping requirements.

Dated: January 19, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR parts 675 and 677 are amended as follows:

#### PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREAS

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

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

2. In § 675.22, paragraph (h) is added to read as follows:

#### § 675.22 Time and areas closures.

\* \* \* \* \*

(h) *Red king crab savings area.*

Directed fishing for groundfish by vessels using trawl gear other than pelagic trawl gear is prohibited at all times, in that part of the Bering Sea Subarea defined by straight lines connecting the following coordinates, in the order listed:

Latitude	Longitude
56°00' N. ....	162°00' W.
56°00' N. ....	164°00' W.
57°00' N. ....	164°00' W.
57°00' N. ....	162°00' W.
56°00' N. ....	162°00' W.

PART 677—NORTH PACIFIC  
FISHERIES RESEARCH PLAN

3. In § 677.10, paragraphs (a)(1)(i)(G) and (a)(1)(i)(H) are added and paragraph (c)(3) is revised to read as follows:

§ 677.10 General requirements.

- (a) \* \* \*
- (1) \* \* \*
- (i) \* \* \*
- (G) A catcher/processor or catcher vessel equal to or greater than 60 ft (18.3m) LOA must carry a NMFS-certified observer during 100 percent of its fishing days in which the vessel uses trawl gear to participate in the flatfish

- fishery, defined at § 677.10(a)(1)(ii)(E), in Zone 1, defined at § 675.2 of this chapter.
- (H) A catcher/processor or catcher vessel equal to or greater than 60 ft (18.3m) LOA must carry a NMFS-certified observer during 100 percent of its fishing days in which the vessel uses pelagic trawl gear in the area of the Bering Sea Subarea defined at § 675.22(h) of this chapter.
- \* \* \* \* \*
- (c) \* \* \*
- (3) Facilitate transmission of observer data by:
  - (i) Allowing observers to use the vessel's communication equipment and

- personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observers, the State of Alaska, or the United States; and
  - (ii) Ensuring that the communication equipment that is on vessels fishing in a flatfish fishery, defined at § 677.10(a)(1)(ii)(E), in Bycatch Zone 1, defined at § 675.2 of this chapter, and that is used by observers to transmit daily bycatch data is fully functional and operational.
  - \* \* \* \* \*
- [FR Doc. 95-1777 Filed 1-19-95; 4:32 pm]  
BILLING CODE 3510-22-W

# Proposed Rules

Federal Register

Vol. 60, No. 16

Wednesday, January 25, 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.

## DEPARTMENT OF AGRICULTURE

### Consolidated Farm Service Agency

#### 7 CFR Part 723

RIN 0560-AD64, -AD65

#### National Marketing Quotas for Fire-Cured (Type 21), Fire-Cured (Types 22 & 23), Maryland (Type 32), Dark Air-Cured (Types 35 & 36), Virginia Sun-cured (Type 37), Cigar Filler (Type 41), Cigar Filler (Type 46) Cigar-Filler and Cigar-Binder (Types 42-44 & 53-55), and Cigar Binder (Types 51 & 52) Tobaccos

**AGENCY:** Consolidated Farm Service Agency, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Secretary of Agriculture (the Secretary) is required by the Agricultural Adjustment Act of 1938 (the Act), as amended, to proclaim by March 1, 1995, national marketing quotas for Maryland (type 32), Virginia sun-cured (type 37), cigar filler (type 41), and cigar binder (types 51 & 52) tobacco for the 1995-96, 1996-97, and 1997-98 marketing years (MY's) and to determine and announce the amounts of the national marketing quotas for fire-cured (type 21), fire-cured (types 22 & 23), Maryland (type 32), dark air-cured (types 35 & 36), Virginia sun-cured (type 37), cigar-filler (type 41) cigar-filler (type 46), cigar-filler and cigar-binder (types 42-44 & 53-55), and cigar binder (types 51 & 52) kinds of tobacco for the 1995-96 MY. The public is invited to submit written comments, views, and recommendations concerning the determination of the national marketing quotas for such kinds of tobacco, and other related matters which are discussed in this proposed rule.

**DATES:** Comments must be received on or before February 3, 1995, in order to be assured of consideration.

**ADDRESSES:** Send comments to Robert Miller, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture (USDA),

room 3739, South Building, P.O. Box 2415, Washington, DC 20013-2415. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, except holidays, in room 3739, South Building, 14th and Independence Avenue, SW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Tarczy, CFSA, USDA, room 3739, South Building, P.O. Box 2415, Washington, DC 20013-2415, on 202 720-8839.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

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

##### Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are Commodity Loans and Purchases—10.051.

##### Executive Order 12778

This proposed rule has been reviewed in accordance with Executive Order 12778, Civil Justice Reform. The provisions of this rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

##### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable because CFSA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of these determinations.

##### Paperwork Reduction Act

The amendments to 7 CFR part 723 set forth in this proposed rule do not contain information collections that require clearance through the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35.

##### Discussion

This proposed rule would amend 7 CFR part 723 to set forth the 1995-crop marketing quotas for these nine kinds of tobacco.

Section 312(b) of the Act provides that the Secretary shall determine and

announce, not later than March 1, 1995, with respect to kinds of tobacco specified in this proposed rule, the amount of the national marketing quota which will be in effect for MY 1995 in terms of the total quantity of tobacco which may be marketed that will allow a supply of each kind of tobacco equal to the reserve supply level.

Section 312(c) of the Act provides that, within 30 days after proclamation of national marketing quotas for Maryland (type 32), Virginia sun-cured (type 37), Pennsylvania filler (type 41), and cigar binder (types 51-52) the Secretary conduct referenda of farmers engaged in the 1994 production of each kind of tobacco to determine whether they favor or oppose marketing quotas for MY's 1995, 1996, and 1997. These referenda are required because MY 1994 is the last year of the three consecutive MYs for which marketing quotas previously proclaimed will be in effect; or because marketing quotas previously proclaimed were disapproved by producers in referenda held in 1992.

The Secretary shall proclaim the results of any referendum. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose the quota, the national marketing quota previously proclaimed shall not become effective. The referendum results shall in no way affect or limit any subsequent quota proclamation and submission to a future referendum as otherwise authorized in section 312.

Section 313(g) of the Act authorizes the Secretary to convert the national marketing quota into a national acreage allotment by dividing the national marketing quota by the national average yield for the 5 years immediately preceding the year in which the national marketing quota is proclaimed. In addition, the Secretary is authorized to apportion, through county committees, the national acreage allotment to tobacco producing farms, less a reserve not to exceed 1 percent thereof for new farms, to make corrections and adjust inequities in old farm allotments, through the national factor. The national factor is determined by dividing the preliminary quota (the sum of quotas for old farms) into the quota determined for the marketing year in question (less the reserve). Procedures will continue unchanged for (1) converting marketing quotas into acreage allotments; (2) apportioning allotments among old



farms; (3) apportioning reserves for use in (a) establishing allotments for new farms, and (b) making corrections and adjusting inequities in old farm allotments; and (4) holding referenda.

#### Request for Comments

This rule proposes to amend 7 CFR part 723, subpart A to include 1995-crop national marketing quotas for fire-cured (type 21), fire-cured (types 22 & 23), Maryland (type 32), dark air-cured (types 35 & 36), Virginia sun-cured (type 37), cigar-filler (type 41), cigar-filler (type 46), cigar-filler and cigar-binder (types 42–44 & 53–55) and cigar binder (types 51 & 52) tobaccos. These nine kinds of tobacco account for about 6 percent of total U.S. tobacco production.

Accordingly, comments are requested concerning the proposed establishment of the national marketing quotas for the subject tobaccos at the following levels:

##### (1) Fire-Cured (Type 21) Tobacco

The 1995-crop national marketing quota for fire-cured (type 21) tobacco will range from 1.5 to 2.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.75 to 1.0.

##### (2) Fire-Cured (Types 22 & 23) Tobacco

The 1995-crop national marketing quota for fire-cured (types 22 & 23) tobacco will range from 32.0 to 40.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.8 to 1.0.

##### (3) Dark Air-Cured (Types 35 & 36) Tobacco

The 1995-crop national marketing quota for dark air-cured (types 35 & 36) tobacco will range from 8.0 to 10.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.8 to 1.0.

##### (4) Virginia Sun-Cured (Type 37) Tobacco

The 1995-crop national marketing quota for Virginia sun-cured (type 37) tobacco will range from 80,000 to 100,000 pounds. This range reflects the assumption that the national acreage factor will range from 0.8 to 1.0.

##### (5) Cigar-Filler and Cigar-Binder (Types 42–44 & 53–55) Tobacco

The 1995-crop national marketing quota for cigar-filler and cigar-binder (types 42–44 & 53–55) tobacco will range from 8.0 to 10.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.8 to 1.0.

##### (6) Cigar Filler (Type 46) Tobacco

The 1995-crop national marketing quota for cigar-filler (type 46) tobacco will be zero.

##### (7) Maryland (Type 32) Tobacco

The national acreage factor will be 1.0 and the national marketing quota will be 5.8 million pounds.

##### (8) Pennsylvania Filler (Type 41) Tobacco

The national acreage factor will be 1.0 and the national marketing quota will be 1.5 million pounds.

##### (9) Cigar Binder (Types 51 & 52) Tobacco

The national acreage factor will be 1.0 and the national marketing quota will be 670,000 pounds.

#### List of Subjects in 7 CFR Part 723

Acreage allotments, Marketing quotas, Penalties, Reporting recordkeeping requirements, Tobacco.

Accordingly, it is proposed that 7 CFR part 723, subpart A be amended as follows:

#### PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

**Authority:** 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1413e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1377–1379, 1421, 1445–1, and 1445–2.

2. Sections 723.113 is amended by adding paragraph (c) to read follows:

##### § 723.113 Fire-cured (type 21) tobacco.

- (a) \* \* \*
- (b) \* \* \*

(c) The 1995-crop national marketing quota will range from 1.5 million pounds to 2.0 million pounds.

3. Section 723.114 is amended by adding paragraph (c) to read as follows:

##### § 723.114 Fire-cured (types 22–23) tobacco.

- (a) \* \* \*
- (b) \* \* \*

(c) The 1995-crop national marketing quota will range from 32.0 million pounds to 40.0 million pounds.

4. Section 723.115 is amended by adding paragraph (c) to read as follows:

##### § 723.115 Dark air-cured (types 35–36) tobacco.

- (a) \* \* \*
- (b) \* \* \*

(c) The 1995-crop national marketing quota will range from 8.0 million pounds to 10.0 million pounds.

5. Section 723.116 is amended by adding paragraph (c) to read as follows:

##### § 723.116 Sun-cured (type 37) tobacco.

- (a) \* \* \*
- (b) \* \* \*

(c) The 1995-crop national marketing quota will range from 80,000 to 100,000 pounds.

6. Section 723.117 is amended by adding paragraph (c) to read as follows:

##### § 723.117 Cigar-filler and Cigar binder (types 42–44; 53–55) tobacco.

- (a) \* \* \*
- (b) \* \* \*

(c) The 1995-crop national marketing quota will range from 8.0 million pounds to 10.0 million pounds.

7. Section 723.118 is amended by adding paragraph (c) to read as follows:

##### § 723.118 Cigar filler (type 46) tobacco.

- (a) \* \* \*
- (b) \* \* \*

(c) The 1995-crop national marketing quota is 0.0 million pounds.

8. Section 723.119 is added to read as follows:

##### § 723.119 Maryland (type 32) tobacco.

The 1995-crop national marketing quota is 5.8 million pounds.

9. Section 723.120 is added to read as follows:

##### § 723.120 Pennsylvania filler (type 41) tobacco.

The 1995-crop national marketing quota is 1.5 million pounds.

10. Section 723.121 is added to read as follows:

##### § 723.121 Cigar binder (types 51 & 52) tobacco.

The 1995-crop national marketing quota is 670,000 pounds.

Signed at Washington, DC on January 19, 1995.

**Bruce R. Weber,**

*Acting Administrator, Consolidated Farm Service Agency.*

[FR Doc. 95–1852 Filed 1–24–95; 8:45 am]

BILLING CODE 3510–05–P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 20 and 35

RIN 3150–AF10

### Medical Administration of Radiation and Radioactive Materials

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is proposing to amend its regulations to clarify that the medical

administration of radiation or radioactive materials to any individual, even an individual not supposed to receive a medical administration, is regulated by the NRC's provisions governing the medical use of byproduct material rather than the dose limits in the NRC's regulations concerning standards for protection against radiation. The proposed rule does not represent a change in policy, but is necessary to indicate clearly that this is the NRC's policy and to clarify the relationship of NRC's regulations.

**DATES:** The comment period expires April 10, 1995. Comments received after this date will be considered if it is practicable to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland between 7:45 am and 4:15 pm on Federal workdays.

Examine comments received at: The NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Stephen A. McGuire, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6204.

#### SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Summary of the Proposed Changes.
- III. Request for Comment on Notification.
- IV. Consistency With the 1979 Medical Policy Statement and Coordination With ACMUI.
- V. Coordination With and Issue of Compatibility With Agreement States.
- VI. Finding of No Significant Environmental Impact: Availability.
- VII. Paperwork Reduction Act Statement.
- VIII. Regulatory Analysis.
- IX. Regulatory Flexibility Certification.
- X. Backfit Analysis.

#### I. Background

Radioactive materials are administered in the practice of medicine to roughly 8 to 9 million patients per year for the diagnosis or treatment of disease. Occasionally, a radioactive material is administered by mistake to an individual for whom it is not intended. For the years 1989 and 1990 combined, the NRC is aware of about 200 cases out of 5 to 6 million administrations performed under NRC license in which a diagnostic radiopharmaceutical was administered to the wrong individual.

The misadministration of radiopharmaceuticals is dealt with in NRC regulations in 10 CFR part 35, "Medical Use of Byproduct Material." As defined in § 35.2, misadministrations include administrations of licensed radioactive material or the radiation therefrom to the wrong individual, using the wrong radiopharmaceutical, in the wrong amount, by the wrong route, or to the wrong treatment site. This proposed rule only concerns administrations to the wrong individual.

An administration to the wrong individual is a misadministration, as defined in § 35.2, if it involves: (1) A radiopharmaceutical dosage greater than 30 microcuries of either sodium iodide I-125 or I-131; (2) any therapeutic administration other than sodium iodide I-125 or I-131; (3) any gamma stereotactic radiosurgery radiation dose; (4) any teletherapy dose; (5) any brachytherapy radiation dose; or (6) a diagnostic radiopharmaceutical dosage, other than quantities greater than 30 microcuries of either sodium iodide I-125 or I-131, when the dose to the individual exceeds 5 rems effective dose equivalent or 50 rems dose equivalent to any individual organ. The practical effect of this definition of a misadministration is that some relatively low dose diagnostic administrations of radiopharmaceuticals to individuals for whom they were not intended are not misadministrations as defined in § 35.2.

If a misadministration occurs, § 35.33 requires that the NRC, the referring physician, and the individual receiving the administration (or a responsible relative or guardian) be informed of the misadministration (unless the referring physician makes a decision based on medical judgement that telling the individual or responsible relative or guardian would be harmful.) If the dose from a diagnostic administration to the wrong individual does not exceed the threshold for a misadministration, the administration is not a misadministration as defined in § 35.2, and part 35 does not require notification of the NRC or the individual.

Separate from the requirements for misadministrations, § 20.1301(a)(1) contains a dose limit for members of the public of 0.1 rem (1 millisievert). However, the scope of part 20 in § 20.1002 states that, "The limits in this Part do not apply to doses due \* \* \* to exposure of patients to radiation for the purpose of medical diagnosis or therapy. \* \* \*"

A question arose about the applicability of those words in a specific case in which an individual mistakenly received an administration of a

diagnostic radiopharmaceutical because of an error on the part of the physician requesting the test. In that particular case the dose to the individual receiving the administration was below the threshold for reporting of the misadministration, but above the 0.1 rem (1 millisievert) dose limit in § 20.1301(a)(1) for a member of the public. Was there a violation of § 20.1301(a)(1) or do the words in the scope of part 20 exclude this event from being subject to the dose limits in part 20? In other words, does the exclusion from the part 20 dose limits exclude any medical administration to any individual, even an individual not supposed to receive an administration?

The Commission concludes that, in general, the administration of radiopharmaceuticals should be regulated by part 35 rather than part 20. The medical administration of radioactive materials is a very special use of radioactive materials that is best dealt with by specific regulations covering those administrations. In particular, the Commission believes that an administration to any individual is and should be subject to the regulations in part 35. This was the Commission's intent when the current misadministration requirements were adopted in the final rule, "Quality Management Programs and Misadministrations," (July 25, 1991; 56 FR 34104) and continues to be the Commission's intent.

In establishing which errors in administration should be under the misadministration reporting requirements, the NRC sought to optimize the cost effectiveness of the rule by concentrating its regulatory requirements on those events with the greatest risk and placing fewer requirements on those with relatively low risk, such as most diagnostic uses of radiopharmaceuticals. In the final rule on "Quality Management Programs and Misadministrations" (July 25, 1991; 56 FR 34104), the Commission stated that the proposed requirements that would have had minimal impact on risk were eliminated to make the final rule more cost effective (e.g., deleting the diagnostic components of the proposed rule).

In reaching its conclusion, the Commission recognized that in the event of administration of radioactive material to the wrong individual, the ability to control the dose to that individual has been lost. One cannot decide to terminate the exposure at a certain point to prevent exceeding a dose limit. Therefore, the relevant questions are: What steps are appropriate to reduce the likelihood of

an administration to the wrong individual; what corrective actions should be taken if the mistake occurs; and what regulatory response is appropriate if such a mistake occurs?

Each of these questions was dealt with in developing the rule on quality management programs and misadministrations. The Commission considered, in the rulemaking on quality management program and misadministrations, what steps should be taken to avoid the administration of radioactive materials to an individual not supposed to receive the administration. Those steps are contained in § 35.32, "Quality management program." In adopting those requirements, the Commission decided to apply the requirements in § 35.32 only to administrations with the potential for relatively high doses and to exclude most diagnostic administrations from the requirements. For those diagnostic administrations not covered by § 35.32, it was considered adequate to rely on the normal and traditional methods and techniques that medical care providers use to ensure that medications are given to the right individual in the right amount at the right time.

Similarly, the NRC's requirements that licensees take appropriate corrective actions in response to a misadministration are contained in § 35.32. The specific requirements dealing with corrective actions apply to any administration requiring a quality management program.

With regard to the appropriate regulatory response to mistakes in administrations, the Commission decided that violation of the quality management program requirements, which apply to the more significant administrations, were significant enough that they may result in a civil penalty.

Thus, in the quality management program and misadministrations rulemaking, the Commission clearly addressed the issue of when the administration of a radioactive material to the wrong individual was sufficiently significant to warrant certain actions. Specific thresholds were established and codified to reflect the Commission's view of a reasonable balance between harm and burden. In particular, the Commission concluded that lower thresholds would not significantly reduce risk and would divert resources that should be directed toward reducing the more serious of those errors. The Commission continues to endorse the judgement that it made in that rulemaking.

## II. Summary of the Proposed Changes

To clarify the meaning and intent of part 20, the NRC is proposing to amend the scope of part 20, the definitions of public dose and occupational dose, and the wording in § 20.1301(a)(1) on public dose limit to clarify that the dose limit for individual members of the public does not apply to dose contributions from any medical administration the individual has received. Thus, the medical administration of radioactive materials or radiation to any individual, even an individual not supposed to receive an administration, is not subject to the public dose limit in § 20.1301(a)(1), but is within the scope of part 35.

The proposed changes in part 20 would replace the word "patient" with the word "individual." The word "patient" has sometimes been taken to mean only the individual intended to receive the administration. At other times, the view has been that anyone who receives a medical procedure is a "patient." Replacing "patient" with "individual" would clarify that the statement refers to anyone receiving a medical administration. For consistency, in terminology between parts, the word "patient" in the definition of misadministration in § 35.2, "Definitions," and in certain locations in paragraph (a)(2) of § 35.33 would be replaced by the word "individual."

In § 20.1002, the phrase "for the purpose of medical diagnosis and therapy" would be replaced by the phrase "any medical administration the individual has received." The existing wording raised the question of whether an administration was within the scope of part 20 if the administration had no valid medical purpose. The proposed wording would make it clear that regardless of the purpose or lack of purpose, dose to an individual from any medical administration the individual has received is not within the scope of part 20, but is within the scope of part 35.

For the sake of consistency and clarity, the same words would be used in § 20.1002, "Scope," in § 20.1003, "Definitions," (in the definitions of both public dose and occupational dose), and in § 20.1301, "Dose limits for individual members of the public." Also for consistency and clarity, the exclusion of dose from background radiation and from voluntary participation in medical research programs that are now included in §§ 20.1002 and 20.1003 would be added to § 20.1301(a).

The existing § 20.1301(a) also excludes dose contributions from the

licensee's disposal of radioactive material into sanitary sewerage. That exclusion would not be added to §§ 20.1002 and 20.1003 because the question of dose from sewer disposal of radioactive material is now under consideration by the NRC. When that issue is resolved, it is intended that the wording concerning dose from sewer disposal will be made consistent in §§ 20.1002, 20.1003, and 20.1301(a).

Another recently published proposed rule (June 15, 1994; 59 FR 30724), which deals with criteria for the release of individuals administered radioactive material, would also amend § 20.1301(a)(1). When that amendment of § 20.1301(a)(1) is published in final form, the wording on what is excluded from the dose limit will be inserted in §§ 20.1002 and 20.1003 (in the definitions of public dose and occupational dose) so that the same parallelism will exist throughout.

In addition, another proposed rule (February 3, 1994; 59 FR 5132) would amend the definitions of public dose and occupational dose in 10 CFR part 20. However, that proposed rule would only amend the first sentence in the definitions and would not change the wording associated with what is excluded from public dose. Therefore, this proposed rule and that proposed rule do not conflict.

## III. Request for Comment on Notification

Another question related to the administration of radioactive materials to the wrong individual concerns informing the individual of the error. Section 35.33 generally requires notification of the individual in the case of a misadministration. However, if the dose or the amount is less than the misadministration threshold, § 35.33 does not require that the individual who received an administration of a radiopharmaceutical by mistake be notified of the error. One fundamental difference in the case in which the wrong individual receives the administration is that, unlike the intended patient, who it may be argued may have been informed that he or she will be exposed to radiation and has thereby implicitly or explicitly consented to the procedure, the wrong individual has generally not consented to any radiation dose at all. The question then becomes, should part 35 require that the individual be notified of the error regardless of the dose that would be received?

The Commission was divided on whether the individual should be notified. The NRC's Advisory Committee on Medical Uses of Isotopes

(ACMUI) has assured the NRC that standard medical practice is that a physician who becomes aware that a medical procedure has been performed on the wrong individual should and almost always would notify the individual of the mistake. The current quality management program and misadministrations rule does not require the physician to notify the individual if the dose or amount is below the threshold for a misadministration. The NRC is now seeking comment on whether it should continue to rely on standard medical practice below the misadministration threshold or whether it is appropriate to impose an NRC requirement for notification below the misadministration threshold if the administration is to the wrong individual. For example, the NRC would like comments on whether a broader notification requirement would implicitly impose recordkeeping and procedural requirements upon licensees beyond those explicitly set forth in part 35.

#### **IV. Consistency With the 1979 Medical Policy Statement and Coordination With ACMUI**

On February 9, 1979 (44 FR 8242), the NRC published a Statement of General Policy on the Regulation of the Medical Uses of Radioisotopes. The first statement of the policy states, "The NRC will continue to regulate the medical uses of radioisotopes as necessary to provide for the radiation safety of workers and the general public." The proposed rule is consistent with this statement because it continues to provide for administrations of radioactive materials to be regulated under 10 CFR part 35. The proposed rule further clarifies that additional regulations are not considered necessary.

The second statement of the policy states, "The NRC will regulate the radiation safety of patients where justified by the risk to patients and where voluntary standards, or compliance with these standards, are inadequate." The proposed rule is consistent with the statement because it clarifies that existing requirements concerning misadministrations continue to be concentrated on administrations having the greatest risk significance.

The third statement of the policy states, "The NRC will minimize intrusion into medical judgements affecting patients and into other areas traditionally considered to be a part of the practice of medicine." The proposed rule is consistent with this statement because it limits its specific regulatory

requirements for notification to the most serious errors in administration and minimizes requirements on errors in administrations that have less risk significance.

Thus, the proposed rule is considered to be consistent with the 1979 medical policy statement.

The subject of this proposed rule was discussed with the NRC's Advisory Committee on Medical Uses of Isotopes (ACMUI) on May 19, 1994. The ACMUI agreed that medical administrations, including those to an individual not supposed to receive an administration, should be regulated by part 35 rather than part 20. The ACMUI stated that notification of an individual of an error in administration below the misadministration threshold is the current practice and should not be regulated.

#### **V. Coordination With and Issue of Compatibility for Agreement States**

This proposed rulemaking was discussed with representatives of Agreement States at a meeting, "Organization of Agreement State Managers Workshop and Public Meeting on Rulemaking," in Herndon, VA, on July 12, 1994. There was some concern that the NRC approach was different from how State regulations address inadvertent x-ray exposures, but no strong opposition. The proposed rule was revised to address the concerns of the States and then discussed at a subsequent meeting of the Agreement States in Portland, ME, on October 24, 1994. The States were polled on how they regulated an administration to the wrong individual, and it was found that they would regulate the administration the same way as in this proposed rule.

The NRC believes that the proposed modification of part 20 should be a Division 1 matter of compatibility consistent with past practice of requiring basic definitions to be uniform for effective communication of basic radiation concepts. The Commission specifically requests comments on whether the proposed modification to part 20 should be made a Division 1 matter of compatibility.

#### **VI. Finding of No Significant Environmental Impact**

The NRC has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required.

The NRC has not prepared a separate environmental assessment. The following discussion constitutes the assessment. The proposed rule would not change the NRC's requirements concerning the administration of radiation and radioactive materials. Those requirements are and would continue to be contained in part 35 of the NRC's regulations. When the potential ambiguity concerning application of part 20 and part 35 requirements was recognized, the Commission specifically informed the staff of its view that the proper interpretation was that the more specific part 35 requirements should govern all medical administrations and directed that action be taken to remove from the regulations any ambiguity on this issue. The staff has, accordingly, not interpreted § 20.1301(a)(1) as applying to any medical administrations, but has proceeded with this rulemaking to remove any ambiguity in the regulations. The proposed rule would merely amend part 20 to make it clear that part 20 does not address medical administrations. Thus, the proposed rule, if adopted, would clarify the NRC's requirements rather than change them, and there would be no environmental impact.

#### **VII. Paperwork Reduction Act Statement**

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150-0014 and 3150-0010.

#### **VIII. Regulatory Analysis**

The regulatory analysis for this proposed rulemaking is as follows:

##### *1. Alternatives*

##### *Alternative 1: Part 20 Regulates Doses to Wrong Individuals*

In this alternative, a medical administration of radiation or radioactive material to an individual when no administration is intended that results in a total effective dose equivalent greater than 1 millisievert (0.1 rem) would be a violation of § 20.1301. If the event did not meet the threshold definition of a misadministration, NRC would receive a notification of the event from the licensee pursuant to § 20.2203, "Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the limits" and the individual involved would receive notification of

the exposure from the licensee pursuant to § 19.13(d), "Notifications and reports to individuals."

Under this alternative, notification and recordkeeping requirements of 10 CFR parts 19 and 20 would apply to the medical administration of radiation or radioactive material to the wrong individual that involves a dose to the individual above 1 millisievert (0.1 rem) but less than the threshold definition of a misadministration.

#### *Alternative 2: Part 35 Regulates Doses to Wrong Individuals*

In this alternative, the medical administration of radiation or radioactive material to any individual would be the exclusive province of the regulations in 10 CFR part 35. Section 20.1301 would not be applicable. Under this alternative, errors in the administration of radiation or radioactive material to individuals would be subject to the reporting and notification requirements of 10 CFR part 35 rather than the reporting and notification requirements in 10 CFR parts 19 and 20. This alternative is consistent with the Commission's determination, published in the rule on quality management programs and misadministrations (July 25, 1991; 56 FR 34104), that licensees should direct their resources toward preventing the more serious errors in the administration of byproduct material.

However, there would be no requirement in the event of errors in the administration of byproduct material to individuals who were not intended to receive any administration for the medical licensee to notify either the NRC or the individual of the error unless the error meets the threshold definition of a misadministration in § 35.2. In general, standard medical practice is that a physician who becomes aware that a medical procedure has been performed on the wrong individual would notify the individual of the mistake.

#### *Preferred Alternative*

Alternative 2 (Part 35 is controlling) is preferable because it maintains the intent of the rulemaking on quality management programs and misadministrations by concentrating regulatory requirements on those events with the greatest risk and placing fewer requirements on those with relatively low risk, such as most diagnostic uses of radiopharmaceuticals. Also, this alternative would allow the Commission to treat all medical administrations of licensed material consistently under the regulations in Part 35.

#### *2. Impact of Proposed Action*

**Licensees.** There is no anticipated impact on licensees, except that licensees will more clearly understand the meanings of the regulations.

**Individuals.** There is no anticipated impact on an individual because this action will not increase or decrease the error rate for administrations of radiation or radioactive material.

**NRC Resources.** No NRC resources would be required to implement the rule.

#### **IX. Regulatory Flexibility Certification**

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that, if adopted, this proposed rule would not have a significant economic impact on a substantial number of small entities. The impact of the revised regulation would not be significant because the proposed amendment represents a continuation of current practice and merely clarifies existing requirements.

#### **X. Backfit Analysis**

The NRC has determined that the backfit rule, § 50.109, does not apply to this proposed rule and, therefore, that a backfit analysis is not required for this proposed rule, because these amendments do not involve any provisions which would impose backfits as defined in § 50.109(a)(1).

#### **List of Subjects**

##### *10 CFR Part 20*

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

##### *10 CFR Part 35*

Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements. For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR parts 20 and 35.

#### **PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION**

1. The authority citation for part 20 continues to read as follows:

**Authority:** Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

2. Section 20.1002 is revised to read as follows:

##### **§ 20.1002 Scope.**

The regulations in this part apply to persons licensed by the Commission to receive, possess, use, transfer, or dispose of byproduct, source, or special nuclear material or to operate a production or utilization facility under parts 30 through 35, 39, 40, 50, 60, 61, 70, or 72 of this chapter. The limits in this part do not apply to doses due to background radiation, due to any medical administration the individual has received, or due to voluntary participation in medical research programs.

3. In § 20.1003, the definitions of Occupational dose and Public dose are revised to read as follows:

##### **§ 20.1003 Definitions.**

\* \* \* \* \*

**Occupational dose** means the dose received by an individual in a restricted area or in the course of employment in which the individual's assigned duties involve exposure to radiation and to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from voluntary participation in medical research programs, or as a member of the general public.

\* \* \* \* \*

**Public dose** means the dose received by a member of the public from exposure to radiation and to radioactive material released by a licensee, or to another source of radiation either within a licensee's controlled area or in unrestricted areas. It does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, or from voluntary participation in medical research programs.

\* \* \* \* \*

4. In § 20.1301, paragraph (a)(1) is revised to read as follows:

**§ 20.1301 Dose limits for individual members of the public.**

(a) \* \* \*

(1) The total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1 mSv) in a year, exclusive of the dose contributions from background radiation, any medical administration the individual has received, voluntary participation in medical research programs, and the licensee's disposal of radioactive material into sanitary sewerage in accordance with § 20.2003.

\* \* \* \* \*

5. The authority citation for part 35 continues to read as follows:

**Authority:** Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

6. In § 35.2, the definition for *misadministration* is revised at paragraphs (1)(i), (2)(i), (3)(i), (4)(i), (5)(i), (6)(i), and (6)(ii) by removing the word "patient" and inserting the word "individual."

7. In § 35.33, paragraph (a)(2) is revised to read as follows:

**§ 35.33 Notifications, reports, and records of misadministrations.**

(a) \* \* \*

(2) The licensee shall submit a written report to the appropriate NRC Regional Office listed in 10 CFR 30.6 within 15 days after discovery of the misadministration. The written report must include the licensee's name; the prescribing physician's name; a brief description of the event; why the event occurred; the effect on the individual; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee notified the individual, or the individual's responsible relative or guardian (this person will be subsequently referred to as "the patient" in this section), and if not, why not, and if the patient was notified, what information was provided to the patient. The report must not include the patient's name or other information that could lead to identification of the patient.

\* \* \* \* \*

Dated at Rockville, Maryland, this 19th day of January, 1995.

For the Nuclear Regulatory Commission.

**John C. Hoyle,**

*Acting Secretary of the Commission.*

[FR Doc. 95-1817 Filed 1-24-95; 8:45 am]

BILLING CODE 7590-01-P

**10 CFR Part 52**

RIN 3150-AE42

**Combined Licenses; Conforming Amendments; Post-Promulgation Comment**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule; comment response.

**SUMMARY:** The Nuclear Regulatory Commission (Commission) is addressing the one comment that it received in response to a supplementary post-promulgation comment opportunity on a portion of its final rule amending its regulations to conform to the provisions of Title XXVIII of Public Law 102-486, the "Energy Policy Act of 1992," signed into law on October 24, 1992. This notice is necessary to inform the public of the Commission's response to that post-promulgation comment.

**DATES:** The final rule became effective January 22, 1993. Comments to the supplementary comment opportunity were due by July 11, 1994.

**FOR FURTHER INFORMATION CONTACT:** Grace H. Kim, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301-415-3605.

**SUPPLEMENTARY INFORMATION:****Background**

By Federal Register notice published on June 10, 1994 (59 FR 29965), the Commission offered a supplementary 30-day opportunity for "post-promulgation" comment on a portion of the final rule revising 10 CFR part 52 in light of Title XXVIII of the Energy Policy Act of 1992 (Pub. L. 102-486, 106 Stat. 2776), which amended the Atomic Energy Act to authorize explicitly the issuance of combined construction and operating licenses for nuclear power plants.<sup>1</sup> As the Commission explained in its **Federal Register** notice, this supplementary comment opportunity, limited to the so-called "Sholly" portion of the final part 52 rule,<sup>2</sup> was provided

<sup>1</sup> As required by 10 CFR 2.804(f), the Commission had also invited post-promulgation comment at the time it promulgated the final part 52 rule. See 57 FR 60975 (December 30, 1992). In response to this comment opportunity, the Commission received comments only from the Nuclear Management and Resources Council (NUMARC). The Commission responded to this comment in a Federal Register notice published on December 30, 1993 (58 FR 69220).

<sup>2</sup> The "Sholly" procedure, which the Commission made applicable to combined licenses in the final rule in accordance with the Energy Policy Act (see 57 FR at 60976; 10 CFR 52.97(b)(2)(ii)), allows the Commission to make an amendment to a combined license immediately effective (*i.e.*, prior to a hearing if it makes a finding that there are no significant hazards considerations).

by the Commission in conjunction with an agreement for the voluntary withdrawal of a petition for review of the final part 52 rule that had been filed by the Nuclear Information and Resource Service in the Court of Appeals for the District of Columbia Circuit. See *id.* The Commission received only one comment in response, which was submitted on July 8, 1994 by the Nuclear Energy Institute (NEI) (the successor organization to NUMARC). In its submittal NEI essentially mirrors NUMARC's previous comments with respect to the "Sholly" provisions of the final rule, expressing its support for the Commission's amendment of 10 CFR 52.97 to make the "Sholly" procedure applicable to combined licenses and reiterating NUMARC's earlier request that the Commission modify certain language in the final rule's statement of considerations to clarify the Commission's intent regarding the implementation of § 52.97. See 58 FR at 69220, 69221. Because NEI merely reiterates NUMARC's comments, which have already been fully considered and addressed by the Commission (*id.*), no further response is necessary.

**List of Subjects in 10 CFR Part 52**

Administrative practice and procedure, Antitrust, Backfitting, Combined license, Early site permit, Emergency planning, Fees, Inspection, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Reporting and recordkeeping requirements, Standard design, Standard design certification.

Dated at Rockville, Maryland this 19th day of January, 1995.

For the Nuclear Regulatory Commission.

**John C. Hoyle,**

*Acting Secretary of the Commission.*

[FR Doc. 95-1816 Filed 1-24-95; 8:45 am]

BILLING CODE 7590-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 2, 57, 85, 86, 122, 123, 145, 233, 260, 270, 271, 281, 350, 403, 704, 707, 710, 712, 716, 717, 720, 723, 750 and 790**

[FRL-5143-6]  
RIN 2020-AA21

**Public Information and Confidentiality Regulations**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Extension of comment period.

**SUMMARY:** On November 23, 1994 (59 FR 60445) EPA issued a proposal to revise provisions concerning confidentiality of business information. This proposal provided for a 60-day comment period, ending on January 23, 1995. EPA is extending the comment period to February 24, 1995, in response to requests to provide more time for comment preparation.

**DATES:** Comments will be accepted until February 24, 1995.

**ADDRESSES:** Send or deliver written comments to Donald A. Sadowsky, General and Information Law Division (2379), Office of General Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Donald A. Sadowsky, Office of General Counsel. Telephone 202/260-5469.

**SUPPLEMENTARY INFORMATION:** On November 23, 1994 (59 FR 60445), EPA proposed to modify certain regulations at 40 CFR part 2, subpart A, governing the Freedom of Information Act, at subpart B, governing confidential business information, and at other parts of Title 40, governing confidential business information submitted to specific Agency programs.

The Agency has received several requests for extension of the comment period. The requestors have stated that the complexity and breadth of the issues in the proposal require additional time in order to adequately comment on the proposal.

EPA is interested in a full range of comments and information on these issues. Therefore the Agency is granting an extension of the comment period until February 24, 1995.

Dated: January 14, 1995.

**Jean Nelson,**  
General Counsel.

[FR Doc. 95-1737 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 91

[FRL-5145-1]

RIN 2060-AE54

#### Control of Air Pollution; Emission Standards for New Gasoline Spark-Ignition and Diesel Compression-Ignition Marine Engines

**AGENCY:** Environmental Protection Agency.

**ACTION:** Extension of comment period for the notice of proposed rulemaking.

**SUMMARY:** EPA announces an extension of the public comment period until March 2, 1995 for the proposed

rulemaking regarding emission standards for new gasoline spark-ignition and diesel compression-ignition marine engines. EPA is extending the deadline for public comment at the request of the National Marine Manufacturers Association and the Engine Manufacturers Association. Extension of the comment period will facilitate the submission of public comment by allowing a more reasonable time frame.

**DATES:** Comments must be received on or before Thursday, March 2, 1995.

**ADDRESSES:** Interested parties may submit written comments (in triplicate, if possible) for EPA consideration by addressing them as follows: EPA Air Docket (LE-131), Attention: Docket Number A-92-28, Room M-1500, 401 M Street, S.W., Washington, DC 20460. Materials relevant to this rulemaking are contained in this docket and may be reviewed at this location from 8:00 a.m. until noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. As provided in 40 CFR part 2, a reasonable fee may be charged by EPA for photocopying.

**FOR FURTHER INFORMATION CONTACT:** Deanne North, Office of Mobile Sources, Certification Division, (313) 668-4283 or Holly Pugliese, Office of Mobile Sources, Certification Division, (313) 668-4288.

**SUPPLEMENTARY INFORMATION:** Authority for the proposed new marine engine emission standards is granted to EPA by sections 203, 204, 205, 206, 207, 208, 209, 213, 215, 216, and 301(a) of the Clean Air Act (CAA) as amended. The notice of proposed rulemaking (NPRM) was published in the **Federal Register** on Wednesday, November 9, 1994 (59 FR 55930).

The current comment period would close on Tuesday, January 31, 1995. However, with this notice, EPA has extended the comment period to Thursday, March 2, 1995, at the request of two marine engine manufacturer associations. EPA has received a request from the National Marine Manufacturers Association for an extension of the deadline to allow smaller manufacturers (and other manufacturers) additional time to study and comment on the proposed rule. Some of the smaller companies who have not worked directly with the association in providing data and input to EPA during the development of the proposal need additional time to study the proposal to provide meaningful comment. In addition, EPA has received a request from the Engine Manufacturers Association for an extension of the comment period to allow EMA member

companies additional time to study and comment on the diesel compression-ignition portions of the proposed rule, particularly on the technical test procedure issues. The Agency has an interest in examining comprehensive information from interested parties that may be useful in developing the most appropriate final rule. Therefore, EPA has extended the comment period until Thursday, March 2, 1995.

Dated: January 19, 1995.

**Mary Nichols,**

Assistant Administrator.

[FR Doc. 95-1858 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-P

#### DEPARTMENT OF DEFENSE

#### 48 CFR Parts 210, 215, and 252

#### Defense Federal Acquisition Regulations Supplement; Specifications and Standards

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** This extends the public comment period for the proposed rule on Specifications and Standards that the Department of Defense published on December 23, 1994 (59 FR 66287).

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before February 23, 1995, to be considered in the formulation of the final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Michele Peterson, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 94-D003 in all correspondence related to this proposed rule.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Michele Peterson, (703) 602-0131.

**Claudia L. Naugle,**

Deputy Director, Defense Acquisition Regulations Council.

[FR Doc. 95-1821 Filed 1-24-95; 8:45 am]

BILLING CODE 5000-04-M



**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration**

**49 CFR Parts 171, 172, 173, 174, 175, 176, 177, 178, 179, and 180**

[Docket No. HM-221; Notice No. 95-2]

RIN 2137-AC62

**Alternate Standards for Open-Head Fiber Drum Packaging**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Supplemental advance notice of proposed rulemaking; reopening of public comment period and announcement of public hearing.

**SUMMARY:** RSPA is inviting additional proposals and comments concerning alternate standards for open-head fiber drum packagings, for the domestic transportation of liquid hazardous materials. Among the matters on which further comments may be submitted are the alternate standards proposed by the International Fibre Drum Institute; a proposed exception for certain shipments of hazardous wastes; and the factors which RSPA should consider in this rulemaking proceeding.

**DATES:** *Written comments:* Comments must be received on or before March 13, 1995.

*Public hearing:* A public hearing will be held on February 17, 1995, beginning at 9:30 a.m.

**ADDRESSES:** *Comments:* Address comments to Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001. Comments should identify the Docket (HM-221) and be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard showing the docket number. The Dockets Unit is located in Room 8419 of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590-0001. Telephone: 202-366-5046. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday except Federal holidays.

*Public hearing:* The February 17, 1995 public hearing will be held at the Federal Aviation Administration's Auditorium, 3rd floor, 800 Independence Avenue, SW., Washington, DC. Any person planning to present an oral statement at the public hearing should notify John Potter or Diane LaValle, by telephone or in

writing by February 15, 1995. Each request must include the identity of the speaker and organization represented, if any; a daytime telephone number; and anticipated length of presentation, not to exceed 10 minutes. Speakers are requested to provide a written copy of their prepared text to the presiding officer prior to making their oral statement. The hearing may conclude before 5 p.m. if all persons wishing to speak have been heard.

**FOR FURTHER INFORMATION CONTACT:** John Potter or Diane LaValle, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001; telephone 202-366-4488.

**SUPPLEMENTARY INFORMATION:****I. Background**

On and after October 1, 1996, fiber drums used for the transportation of liquid hazardous materials must meet the performance-oriented standards set forth in Subpart M of 49 CFR Part 178. See 49 CFR 171.14(a)(1)(iii). These consist of the tests and standard prescribed in the following sections of 49 CFR:

§ 178.603—drop test  
§ 178.604—leakproofness test  
§ 178.605—hydrostatic test  
§ 178.606—stacking test  
§ 178.608—vibration standard

These performance-oriented standards were adopted in RSPA's rulemaking proceeding No. HM-181. 55 FR 52042 (Dec. 21, 1990); 56 FR 66124 (Dec. 20, 1991); 57 FR 45442, 45446 (Oct. 1, 1992); 57 FR 46624 (Oct. 9, 1992).

On October 7, 1994, RSPA published in the **Federal Register** an advance notice of proposed rulemaking (ANPRM), Docket No. HM-221; Notice No. 94-9 (59 FR 51157), soliciting comments and proposals for alternate standards for open-head fiber drum packaging. The ANPRM was issued to fulfill the requirement in Section 122(a) of the Hazardous Materials Transportation Authorization Act of 1994 (Pub. L. 103-311) (the "Act") that DOT initiate a rulemaking proceeding

To determine whether the requirements of section 5103(b) of title 49, United States Code (relating to regulations for safe transportation) as they pertain to open head fiber drum packaging can be met for the domestic transportation of liquid hazardous materials (with respect to those classifications of hazardous materials transported by such drums pursuant to regulations in effect on September 30, 1991) with standards other than the performance-oriented packaging standards adopted under

docket number HM-181 contained in part 178 of title 49, Code of Federal Regulations.

If, as a result of this rulemaking proceeding, DOT determines

That a packaging standard other than the performance-oriented packaging standards referred to in [Section 122(a)] will provide an equal or greater level of safety for the domestic transportation of liquid hazardous materials than would be provided if such performance-oriented standards were in effect, [DOT] shall issue regulations which implement such other standards and which take effect before October 1, 1996.

Section 122(b). The Act also requires that the rulemaking proceeding be completed before October 1, 1995 (Section 122(c)), but that this rulemaking and any regulations issued "shall not apply to packaging for those hazardous materials regulated by the Department of Transportation as poisonous by inhalation \* \* \*" Section 122(d)(1).

In the ANPRM, RSPA requested "[d]etailed comments and proposals . . . that will assist RSPA in developing an appropriate regulatory proposal consistent with the requirement quoted above." 59 FR 51158. RSPA invited proposals, "preferably in the form of a draft standard, that would assist RSPA in accomplishing the intended effect of this law." *Id.* RSPA also invited comments on whether alternate standards for open head fiber drums should be limited to domestic transportation of liquid hazardous materials. The comment period on the ANPRM closed December 12, 1994.

In response to the ANPRM, RSPA received comments from 17 parties. In addition, RSPA's Administrator and other DOT officials have held two meetings concerning this rulemaking with: (1) Counsel for the International Fibre Drum Institute (IFDI) and officials of Sonoco Products Company (a member of IFDI), on September 30, 1994, and (2) representatives of the Association of Container Reconditioners, the 3M Corporation, USX Corporation, and the Steel Shipping Container Institute (SSCI), on December 16, 1994. Notes of these two meetings have been placed in the public docket file of this rulemaking proceeding.

Only IFDI has proposed alternate standards for open-head fiber drum packaging for the transportation of liquid hazardous materials. Several other commenters expressed opposition to alternate standards, including SSCI which asserted that alternate standards would move the United States away from an international system of hazardous materials regulations, forcing some shippers to stock different packagings for domestic and



international shipments, and compromise transportation safety by authorizing lower quality packagings. Another commenter stated that alternate packagings should be approved only under the provisions of 49 CFR 178.601(h), which authorizes RSPA's Associate Administrator for Hazardous Materials Safety to approve packagings which are "shown to be equally effective, and testing methods used must be equivalent."

Another party, Monsanto Company, expressed general support for the performance-oriented packaging standards adopted in HM-181, but urged RSPA to provide a limited exception to allow the use of non-standard fiber drums for the shipment of liquid hazardous wastes in packing groups II and III to incineration facilities. Monsanto's proposal would apply to the situation when the entire package (with its contents) was to be incinerated, and would allow the one-time use of drums similar in design to former DOT specifications 21C and 21P, under conditions similar to those set forth in 49 CFR 173.12(c) (authorizing the reuse of standard packagings for shipments of hazardous waste, by highway only, when the packaging is packed at least 24 hours in advance of transportation, inspected for leaks, and loaded by the shipper and unloaded by the consignee—or handled only by private or contract carrier). Monsanto would also limit to 90 days the total time the non-standard fiber drum could contain the liquid hazardous waste.

Other commenters stated that any alternate standards adopted should apply to all open-head drums (of whatever construction materials); Russell-Stanley Corp. specifically requested that RSPA expand this rulemaking to include steel and plastic drums "of equal performance," if RSPA issued alternate standards for fiber drums.

In its comments, IFDI stated that open-head fiber drums presently being manufactured meet the stacking test set forth in 49 CFR 178.606 and the vibration standard set forth in 49 CFR 178.608. As alternatives to the other three HM-181 performance standards (drop, leakproofness, and hydrostatic pressure tests), IFDI has proposed, and it discussed in its written comments, a set of six standards entitled as follows:

- IFDI Standard 101, Rev. 1—Compatibility Test
- IFDI Standard 110, Rev. 1—Joint Integrity Test
- IFDI Standard 120, Rev. 1—Leakage Spray Test
- IFDI Standard 130, Rev. 1—Weatherproofing Test

IFDI Standard 140, Rev. 1—Fibre Drum Structure

IFDI Standard 150, Rev. 1—Impact Test

These six proposed standards appear to be identical to standards proposed by IFDI's predecessor organization, the Fibre Drum Technical Council (FDTC), in a June 8, 1992 application for an exemption. RSPA's Associate Administrator for Hazardous Materials Safety denied FDTC's application for an exemption because he found that FDTC's proposed impact test was not equivalent to the 3.9 and 2.6 foot drop tests required for Packing Group II and III packagings, respectively, and that FDTC's other proposed tests did not address the pressure requirements of the leakproofness and hydrostatic pressure tests required for packagings intended for liquid hazardous materials.

RSPA's Acting Administrator affirmed the denial of FDTC's application for an exemption and found that the standards proposed by FDTC would not achieve a level of safety "at least equal to that specified in the regulation from which the exemption is sought." 49 CFR 107.103(b)(9)(1). (Attachment A to IFDI's written comments contains copies of FDTC's application for an exemption to allow the continued use, after October 1, 1996, of open-head fiber drums that do not meet the HM-181 performance-oriented packaging standards; RSPA's denials of that application; RSPA's evaluation form and issue papers; and FDTC's appeal of RSPA's denial of the application for an exemption.)

In a separate letter, which IFDI also included in its written comments (Attachment B), IFDI has asserted that the ANPRM was deficient for failing to specify factors that, according to IFDI,

Congress directed DOT to consider. These factors are set forth in the legislative history and include: (1) DOT's Hazardous Incident Reporting System as it pertains to fibre drums; (2) the fibre drum industry's own safety record; (3) the 30 years of shipping experience associated with use of these drums; and (4) existing industry standards that have led to the industry's "excellent shipping record."

## II. Request for Additional Comment

Based on the comments to the ANPRM, RSPA is issuing this supplemental ANPRM and scheduling a public hearing, to allow interested parties to submit additional proposals and comments with regard to alternate standards for open-head fiber drum packaging. Additional comments are requested on the issue of whether the alternate standards proposed by IFDI "will provide an equal or greater level of safety for the domestic transportation

of liquid hazardous materials than would be provided if [the HM-181] performance-oriented packaging standards were in effect," as required by Section 122(b) of the Act, particularly in light of RSPA's prior determination (on FDTC's exemption application) that similar standards did not provide an equal or greater level of safety than the HM-181 performance standards. Comments are also requested on the factors "set forth in the legislative history" of Section 122, as outlined above. Further comments are also invited on whether alternate standards, if adopted, should apply to packagings other than fiber drums, as well as with regard to Monsanto's proposal for an exception to allow non-standard fiber drums to be used for shipping hazardous wastes to incineration facilities.

Interested parties are encouraged to consult the ANPRM and submit any comments relevant to the direction in Section 122 of the Act, including, but not limited to, those matters specified in the preceding paragraph.

To facilitate the submission of further comments, RSPA is mailing to each party that has submitted comments on the ANPRM a copy of IFDI's December 12, 1994 written comments and the text of the six alternative standards proposed by IFDI. Any interested person may obtain a copy of these materials or a copy of RSPA's Action on Appeal affirming the denial of FDTC's application for an exemption, at no cost, from RSPA's Docket's Unit (see the address and telephone number set forth in ADDRESSES above).

## III. Regulatory Analyses and Notices

### A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This supplemental advance notice of proposed rulemaking is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. This supplemental advance notice of proposed rulemaking is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034; February 26, 1979).

### B. Executive Order 12612

RSPA will evaluate any proposed rule in accordance with the principles and criteria contained in Executive Order 12612 ("Federalism").

### C. Regulatory Flexibility Act

RSPA will evaluate any proposed rule to determine whether it would have a

significant economic impact on a substantial number of small entities.

*D. Paperwork Reduction Act*

There are no new information collection requirements in this advance notice of proposed rulemaking.

*E. Regulations Identifier Number (RIN)*

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Issued at Washington, DC, on January 19, 1995, under authority delegated in 49 CFR Part 106.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 95-1804 Filed 1-24-95; 8:45 am]

BILLING CODE 4910-60-P

# Notices

Federal Register

Vol. 60, No. 16

Wednesday, January 25, 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

### Commodity Credit Corporation

#### Feed Grain Donations; Northern Cheyenne Indian Reservation of Montana

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice.

**SUMMARY:** The Acting Executive Vice President, Commodity Credit Corporation (CCC) is announcing that the Northern Cheyenne Indian Reservation of Montana is an acute distress area and that CCC-owned feed grain will be donated to needy livestock owners on the reservation.

**FOR FURTHER INFORMATION CONTACT:** John Newcomer, Consolidated Farm Service Agency, P.O. Box 2415, Washington, DC, 20013-2415, 202-720-6157.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, notice is being given that it is determined that:

1. The chronic economic distress of the needy members of the Northern Cheyenne Tribes using the Northern Cheyenne Indian Reservation of Montana has been materially increased and become acute because of severe drought during the 1994 growing season and the ensuing Baby Dean fire, thereby severely affecting livestock feed production and causing increased economic distress. This reservation is utilized by members of the Northern Cheyenne Tribes for grazing purposes.

2. The use of feed grain or products thereof made available by CCC for livestock feed for such needy members of the Northern Cheyenne Tribes using the Northern Cheyenne Indian Reservation will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, the Northern Cheyenne Indian Reservation of Montana is declared an acute distress area and the donation of feed grain owned by the CCC is authorized to livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Northern Cheyenne Tribes utilizing such lands. These donations by the CCC may commence upon December 8, 1994, and shall be made available through April 30, 1995, or such other date as may be stated in a notice issued by the Acting Executive Vice President, CCC.

Signed at Washington, DC, on January 19, 1995.

**Bruce R. Weber,**

*Acting Executive Vice President Commodity Credit Corporation*

[FR Doc. 95-1865 Filed 1-24-95; 8:45 am]

**BILLING CODE 3410-05-P**

## DEPARTMENT OF COMMERCE

### Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** International Trade Administration (ITA).

**Title:** Application for the President's E Award and E Star Awards.

**Agency Form Number:** ITA-725P.  
**OMB Approval Number:** 0625-0065.

**Type of Request:** Extension of a currently approved collection.

**Burden:** 2,055 hours.

**Number of Respondent's:** 75.

**Avg Hours Per Response:** Approximately 30 hours.

**Needs and Uses:** The President's E Award was created in 1961. Its purpose is to provide recognition to persons, firms, or organizations which have significantly contributed in the effort to increase exports. The applications are review by the President's Interagency E Award Committee and decisions on award recipients are based on the information submitted.

**Affected Public:** Businesses or other for-profit organizations, non-profit institutions, individuals, farms, state or local governments.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain a benefit.

**OMB Desk Officer:** Don Arbuckle, (202) 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Tache, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: January 18, 1995.

**Gerald Tache,**

*Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR Doc. 95-1796 Filed 1-24-95; 8:45 am]

**BILLING CODE 3510-CW-F**

### Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**Agency:** Bureau of the Census.

**Title:** Special Population Censuses.

**Form Number(s):** SC-19, SC-19AR.

**Agency Approval Number:** 0607-0368.

**Type of Request:** Revision of a currently approved collection.

**Burden:** 67,083 hours.

**Number of Respondents:** 700,000.

**Avg Hours Per Response:** 5.75 minutes.

**Needs and Uses:** The special census program is a service offered and performed contractually by the Census Bureau for states, counties, and other governmental units which require current population data between decennial censuses. Since many states distribute funds based on current population statistics, many local jurisdictions use the special census data to apply for state funds. The Census Bureau also uses special census data as a part of the Bureau's local population estimates calculations. Census requests approval to notify the Office of Management and Budget (OMB) of any

question changes and/or additions to individual special census questionnaires 30 days prior to the scheduled census date. In most cases, changes would be for slight wording variations and would not increase the burden per response. Questions added would be special purpose questions, as requested by the contracting area. Census would inform OMB of the revised and added questions in a letter to be forwarded to OMB no less than 30 days prior to the census day of the special census in question.

**Affected Public:** Individuals or households.

**Frequency:** As requested.

**Respondent's Obligation:** Voluntary.

**OMB Desk Officer:** Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: January 19, 1995.

**Gerald Taché,**

*Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR Doc. 95-1798 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-07-F

### Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**Agency:** Bureau of the Census.

**Title:** Current Industrial Reports Program, Bed and Bath Furnishings (formerly Sheets, Pillowcases, and Towels).

**Form Number(s):** MQ23X.

**Agency Approval Number:** 0607-0650.

**Type of Request:** Revision of a currently approved collection.

**Burden:** 282 hours.

**Number of Respondents:** 94.

**Avg Hours Per Response:** 45 minutes.

**Needs and Uses:** The Census Bureau conducts this quarterly survey to collect data on the production, quantity, value of shipments, inventories, and unified sales orders of bed and bath furnishings. Census requests only data needed by the

Office of Textiles and Apparel (OTEXA) to monitor several textile categories in multifiber agreements. OTEXA uses the data to support specific concerns and trade limitations in these categories and to provide the basis for developing a U.S. position for negotiations with countries with whom trade agreements are about to expire and to initiate appropriate action when exports from uncontrolled countries surge. The Committee for the Implementation of Textile Agreements, of which OTEXA is a part, uses the data to determine the health of the U.S. multifiber industry and to measure foreign penetration. Other Federal agencies, businesses, and trade organizations use the data to analyze and forecast long-term growth in the industry.

**Affected Public:** Businesses or other for-profit organizations.

**Frequency:** Quarterly.

**Respondent's Obligation:** Mandatory.

**OMB Desk Officer:** Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: January 19, 1995.

**Gerald Taché,**

*Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR Doc. 95-1799 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-07-F

### Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**Agency:** Bureau of the Census.

**Title:** Current Industrial Reports Program, Apparel.

**Form Number(s):** MQ23A.

**Agency Approval Number:** 0607-0560.

**Type of Request:** Revision of a currently approved collection.

**Burden:** 5,808 hours.

**Number of Respondents:** 3,077.

**Avg Hours Per Response:** 53 minutes.

**Needs and Uses:** The Census Bureau conducts this survey quarterly (some

small companies report annually) to collect information on apparel production. The domestic apparel industry is provided some protection from imports through bilateral trade agreements. The Multifiber Arrangement (MFA) provides the legal framework for the regulation of trade. The Committee for the Implementation of Textile Agreements (CITA) negotiates bilateral trade agreements and determines whether and when to request consultations with an exporting country to avoid market disruptions in the United States. The MFA requires that requests for consultations be accompanied by a factual statement of market disruption prepared by the Office of Textiles and Apparel (OTEXA). Quarterly Census Bureau data from this survey provide the detailed information needed by CITA and OTEXA to meet this requirement.

**Affected Public:** Businesses or other for-profit organizations.

**Frequency:** Quarterly and Annually.

**Respondent's Obligation:** Mandatory.

**OMB Desk Officer:** Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: January 19, 1995.

**Gerald Taché,**

*Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR Doc. 95-1800 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-07-F

### Bureau of the Census

[Docket Number 950111013-5013-01]

### Transportation Annual Survey

**AGENCY:** Bureau of the Census, Commerce.

**ACTION:** Notice of determination.

**SUMMARY:** In accordance with Title 13, United States Code, Sections 131, 182, 224, and 225, I have determined that 1994 operating revenue and expenses are needed for the for-hire trucking, and public warehousing industries to provide a sound statistical basis for the formation of policy by various governmental agencies, and that these

data also apply to a variety of public and business needs. These data are not publicly available from nongovernment or other governmental sources.

**FOR FURTHER INFORMATION CONTACT:** Thomas E. Zabelsky, Chief, Current Services Branch, Services Division, on (301) 457-2766.

**SUPPLEMENTARY INFORMATION:** The Census Bureau is authorized to conduct surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code. This survey will provide continuing and timely national statistical data on trucking and warehousing services for the period between economic censuses. The next economic census is in 1997. The data collected in this survey will be within the general scope and nature of those inquiries covered in the economic censuses.

The Bureau of the Census needs reports only from a limited sample of trucking and warehousing firms in the United States. The probability of a firm's selection is based on revenue size (estimated from payroll). The sample will provide with measurable reliability, national level statistics on operating revenue and expenses for these industries. We will mail report forms to the firms covered by this survey and require their submission within thirty days after receipt.

A notice of consideration was published for this survey on December 6, 1994, Volume 59, Number 233, page 62709. This survey has been submitted to the Office of Management and Budget (OMB), in accordance with the Paperwork Reduction Act, Public Law 96-511, as amended, and was approved under OMB Control Number 0607-0798. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, D.C. 20233.

Based upon the foregoing, I have directed that an annual survey be conducted for the purpose of collecting these data.

Dated: January 13, 1995.

**Martha Farnsworth Riche,**

*Director, Bureau of the Census.*

[FR Doc. 95-1891 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-07-P

## Minority Business Development Agency

### Business Development Center Applications: Ponce, Puerto Rico

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications to operate its Ponce Minority Business Development Center (MBDC).

The purpose of the MBDC Program is to provide business development services to the minority business community to help establish and maintain viable minority businesses. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of client services to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business. The MBDC will provide service in the Ponce, Puerto Rico Metropolitan Area. The award number of the MBDC will be 02-10-95008-01.

**DATES:** The closing date for applications is March 1, 1995. Applications must be received in the MBDA Headquarters' Executive Secretariat on or before March 1, 1995. A pre-application conference will be held on February 15, 1995, at 9:00 a.m., at the Atlanta Regional Office, 401 W. Peachtree Street, N.W., Suite 1715, Atlanta, Georgia 30308-3516, (404) 730-3300.

**ADDRESSES:** U.S. Department of Commerce, Minority Business Development Agency, MBDA Executive Secretariat, 14th and Constitution Avenue, N.W., Room 5073, Washington, D.C. 20230, (202) 482-3763.

**FOR FURTHER INFORMATION, CONTACT:** Robert Henderson, Regional Director at (404) 730-3300.

**SUPPLEMENTARY INFORMATION:** Contingent upon the availability of Federal funds, the cost of performance for the first budget period (13 months) from June 1, 1995 to June 30, 1996, is estimated at \$222,196. The total Federal amount is \$188,867 and is composed of \$184,260 plus the Audit Fee amount of \$4,607. The application must include a minimum cost share of 15%, \$33,329 in non-federal (cost-sharing) contributions for a total project cost of \$222,196. Cost-sharing contributions may be in the form of cash, client fees, third party in-kind contributions, non-cash applicant contributions or combinations thereof.

The funding instrument for this project will be a cooperative agreement. For those applicants who are not incumbent organizations or who are incumbents that have experienced closure due to a break in service, a 30-day start-up period will be added to

their first budget period, making it a 13-month award. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated on the following criteria: the knowledge, background and/or capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (45 points), the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (25 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest point score will not necessarily receive the award. Periodic reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

The MBDC shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDC may charge client fees for services rendered. Fees may range from \$10 to \$60 per hour based on the gross receipts of the client's business.

Anticipated processing time of this award is 120 days. Executive order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Federal funds for this project include audit funds for non-CPA recipients. In event that a CPA firm wins the competition, the funds allocated for audits are not applicable. Questions concerning the preceding information can be answered by the

contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640-0006.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

#### **Pre-Award Costs**

Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

#### **Outstanding Account Receivable**

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

#### **Name Check Policy**

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

#### **Award Termination**

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the MBDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

#### **False Statements**

A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

#### **Primary Applicant Certifications**

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

#### **Nonprocurement Debarment and Suspension**

Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies.

#### **Drug Free Workplace**

Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies.

#### **Anti-Lobbying**

Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000 or the single family maximum mortgage limit for affected programs, whichever is greater.

#### **Anti-Lobbying Disclosures**

Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

#### **Lower Tier Certifications**

Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL,

"Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

#### **Buy American-Made Equipment or Products**

Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-121, Sections 606 (a) and (b).

11.800 Minority Business Development Center

(Catalog of Federal Domestic Assistance)

Dated: January 20, 1995.

**Melvin A. Jackson,**

*Alternate Federal Register Liaison Officer,  
Minority Business Development Agency.*

[FR Doc. 95-1885 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-21-P

#### **Business Development Center Applications: Charleston, SC**

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications to operate its Charleston, South Carolina Minority Business Development Center (MBDC).

The purpose of the MBDC Program is to provide business development services to the minority business community to help establish and maintain viable minority businesses. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of client services to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business. The MBDC will provide service in the Charleston, South Carolina Metropolitan Area. The award number of the MBDC will be 04-10-95004-01.

**DATES:** The closing date for applications is March 1, 1995. Applications must be received in the MBDA Headquarters' Executive Secretariat on or before March 1, 1995. A pre-application conference will be held on February 15, 1995, at 9:00 a.m., at the Atlanta Regional Office,

401 W. Peachtree Street, N.W., Suite 1715, Atlanta, GA 30308-3516, (404) 730-3300.

**ADDRESSES:** U.S. Department of Commerce, Minority Business Development Agency, MBDA Executive Secretariat, 14th and Constitution Avenue, N.W., Room 5073, Washington, D.C. 20230, (202) 482-3763.

**FOR FURTHER INFORMATION CONTACT:** Robert Henderson, Regional Director at (404) 730-3300.

**SUPPLEMENTARY INFORMATION:**

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (13 months) from June 1, 1995 to June 30, 1996 is estimated at \$198,971. The total Federal amount is \$169,125 and is composed of \$165,000 plus the Audit Fee amount of \$4,125. The application must include a minimum cost share of 15%, \$29,846 in non-federal (cost-sharing) contributions for a total project cost of \$198,971. Cost-sharing contributions may be in the form of cash, client fees, third party in-kind contributions, non-cash applicant contributions or combinations thereof.

The funding instrument for this project will be a cooperative agreement. For those applicants who are not incumbent organizations or who are incumbents that have experienced closure due to a break in service, a 30-day start-up period will be added to their first budget period, making it a 13-month award. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated on the following criteria: the knowledge, background and/or capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (45 points), the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (25 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the

determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest point score will not necessarily receive the award. Periodic reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

The MBDC shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDC may charge client fees for services rendered. Fees may range from \$10 to \$60 per hour based on the gross receipts of the client's business.

Anticipated processing time of this award is 120 days. Executive order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Federal funds for this project include audit funds for non-CPA recipients. In event that a CPA firm wins the competition, the funds allocated for audits are not applicable. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640-0006.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

**Pre-Award Costs**

Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

**Outstanding Account Receivable**

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements

satisfactory to the Department of Commerce are made.

**Name Check Policy**

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

**Award Termination**

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the MBDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

**False Statements**

A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

**Primary Applicant Certifications**

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

**Nonprocurement Debarment and Suspension**

Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies.

**Drug-Free Workplace**

Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies.

**Anti-Lobbying**

Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000 or the single family maximum mortgage limit for affected programs, whichever is greater.

**Anti-Lobbying Disclosures**

Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

**Lower Tier Certifications**

Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

**Buy American-Made Equipment or Products**

Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-121, Sections 606 (a) and (b).

11.800 Minority Business Development Center

(Catalog of Federal Domestic Assistance)

Dated: January 20, 1995.

**Melvin A. Jackson,**

*Alternate Federal Register Liaison Officer,  
Minority Business Development Agency.*

[FR Doc. 95-1883 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-21-P

**Business Development Center  
Applications: Memphis, Tennessee**

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications to operate its Memphis, Tennessee Minority Business Development Center (MBDC).

The purpose of the MBDC Program is to provide business development services to the minority business community to help establish and maintain viable minority businesses. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of client services to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business. The MBDC will provide service in the Memphis, Tennessee Metropolitan Area. The award number of the MBDC will be 04-10-95005-01.

**DATES:** The closing date for applications is March 1, 1995. Applications must be received in the MBDA Headquarters' Executive Secretariat on or before March 1, 1995. A pre-application conference will be held on February 15, 1995, at 9:00 a.m., at the Atlanta Regional Office, 401 W. Peachtree Street, N.W., Suite 1715, Atlanta, Georgia 30308-3516, (404) 730-3300.

**ADDRESSES:** U.S. Department of Commerce, Minority Business Development Agency, MBDA Executive Secretariat, 14th and Constitution Avenue, N.W., Room 5073, Washington, D.C. 20230, (202) 482-3763.

**FOR FURTHER INFORMATION, CONTACT:** Robert Henderson, Regional Director at (404) 730-3300.

**SUPPLEMENTARY INFORMATION:** Contingent upon the availability of Federal funds, the cost of performance for the first budget period (13 months) from June 1, 1995 to June 30, 1996, is estimated at \$222,196. The total Federal amount is \$188,867 and is composed of \$184,260 plus the Audit Fee amount of \$4,607. The application must include a minimum cost share of 15%, \$33,329 in non-federal (cost-sharing) contributions for a total project cost of \$222,196. Cost-sharing contributions may be in the form of cash, client fees, third party in-kind contributions, non-cash applicant contributions or combinations thereof.

The funding instrument for this project will be a cooperative agreement.

For those applicants who are not incumbent organizations or who are incumbents that have experienced closure due to a break in service, a 30-day start-up period will be added to their first budget period, making it a 13-month award. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated on the following criteria: the knowledge, background and/or capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (45 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (25 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest point score will not necessarily receive the award. Periodic reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

The MBDC shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDC may charge client fees for services rendered. Fees may range from \$10 to \$60 per hour based on the gross receipts of the client's business.

Anticipated processing time of this award is 120 days. Executive order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Federal funds for this project include audit funds for non-CPA



recipients. In event that a CPA firm wins the competition, the funds allocated for audits are not applicable. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640-0006.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

#### **Pre-Award Costs**

Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

#### **Outstanding Account Receivable**

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

#### **Name Check Policy**

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

#### **Award Termination**

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the MBDC work requirements; and reporting inaccurate or inflated claims of client assistance.

Such inaccurate or inflated claims may be deemed illegal and punishable by law.

#### **False Statements**

A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

#### **Primary Applicant Certifications**

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

#### **Nonprocurement Debarment and Suspension**

Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies.

#### **Drug Free Workplace**

Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies.

#### **Anti-Lobbying**

Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000 or the single family maximum mortgage limit for affected programs, whichever is greater.

#### **Anti-Lobbying Disclosures**

Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

#### **Lower Tier Certifications**

Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding

Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

#### **Buy American-Made Equipment or Products**

Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-121, Sections 606 (a) and (b).

11.800 Minority Business Development Center

(Catalog of Federal Domestic Assistance)

Dated: January 20, 1995.

**Melvin A. Jackson,**

*Alternate Federal Register Liaison Officer,  
Minority Business Development Agency.*

[FR Doc. 95-1884 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-21-P

#### **Business Development Center Applications: El Paso, TX**

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications to operate its El Paso Minority Business Development Center (MBDC).

The purpose of the MBDC Program is to provide business development services to the minority business community to help establish and maintain viable minority businesses. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of client services to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business. The MBDC will provide service in the El Paso, Texas Metropolitan Area. The award number of the MBDC will be 06-10-95006-01.

**DATES:** The closing date for applications is February 23, 1995. Applications must be received in the MBDA Headquarters' Executive Secretariat on or before

February 23, 1995. A pre-application conference will be held on February 2, 1995, at 10:00 a.m., at the Dallas Regional Office, 1100 Commerce Street, Room 7B23, Dallas, Texas 75242, (214) 767-8001.

**ADDRESSES:** U.S. Department of Commerce, Minority Business Development Agency, MBDA Executive Secretariat, 14th and Constitution Avenue, N.W., Room 5073, Washington, D.C. 20230, (202) 482-3763.

**FOR FURTHER INFORMATION CONTACT:** Demetrice Jenkins at (214) 767-8001.

**SUPPLEMENTARY INFORMATION:** Contingent upon the availability of Federal funds, the cost of performance for the first budget period (13 months) from July 1, 1995 to July 31, 1996, is estimated at \$222,196. The total Federal amount is \$188,867 and is composed of \$184,260 plus the Audit Fee amount of \$4,607. The application must include a minimum cost share of 15%, \$33,329 in non-federal (cost-sharing) contributions for a total project cost of \$222,196. Cost-sharing contributions may be in the form of cash, client fees, third party in-kind contributions, non-cash applicant contributions or combinations thereof.

The funding instrument for this project will be a cooperative agreement. For those applicants who are not incumbent organizations or who are incumbents that have experienced closure due to a break in service, a 30-day start-up period will be added to their first budget period, making it a 13-month award. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated on the following criteria: the knowledge, background and/or capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (45 points), the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (25 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number

of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest point score will not necessarily receive the award. Periodic reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

The MBDC shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDC may charge client fees for services rendered. Fees may range from \$10 to \$60 per hour based on the gross receipts of the client's business.

Anticipated processing time of this award is 120 days. Executive order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Federal funds for this project include audit funds for non-CPA recipients. In event that a CPA firm wins the competition, the funds allocated for audits are not applicable. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640-0006.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

#### **Pre-Award Costs**

Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

#### **Outstanding Account Receivable**

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is

established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

#### **Name Check Policy**

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

#### **Award Termination**

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the MBDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

#### **False Statements**

A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

#### **Primary Applicant Certifications**

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

#### **Nonprocurement Debarment and Suspension**

Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies.

#### **Drug-Free Workplace**

Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the

certification form prescribed above applies.

#### Anti-Lobbying

Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000 or the single family maximum mortgage limit for affected programs, whichever is greater.

#### Anti-Lobbying Disclosures

Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

#### Lower Tier Certifications

Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

#### Buy American-Made Equipment or Products

Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-121, Sections 606 (a) and (b).

11.800 Minority Business Development Center

(Catalog of Federal Domestic Assistance)

Dated: January 20, 1995.

**Melvin A. Jackson,**

*Alternate Federal Register Liaison Officer,  
Minority Business Development Agency.*

[FR Doc. 95-1886 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-21-P

#### Native American Business Development Center Applications: Minnesota

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications for its Native American Business Development Center (NABDC).

The purpose of the NABDC is to provide integrated business development services to Native American entrepreneurs. The recipient will provide service in the Minnesota Metropolitan Area. The award number of the NABDC will be 05-10-95006-01.

**DATES:** The closing date for applications is April 1, 1995. Applications must be received on or before April 1, 1995.

Anticipated processing time of this award is 120 days. A pre-application conference will be held on February 3, 1995, at the U.S. General Services Administration, Bishop Henry Whipple Federal Building, 1 Federal Drive, Room 196, Fort Snelling, Minnesota 55111, Attention: Carrie Benhoff.

**ADDRESSES:** U.S. Department of Commerce, Minority Business Development Agency, MBDA Executive Secretariat, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 482-3763.

**FOR FURTHER INFORMATION CONTACT:** David Vega, Regional Director at (312) 353-0182.

**SUPPLEMENTARY INFORMATION:** The funding instrument for this project will be a cooperative agreement. Contingent upon the availability of Federal funds, the cost of performance for the first budget period (13 months) from July 1, 1995 to July 30, 1996, is estimated at \$169,125. The total Federal amount is \$169,125 and is composed of \$165,000 plus the Audit Fee amount of \$4,125.

Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions. Applications will be evaluated on the following criteria: the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of Native American businesses, individuals and organizations (45 points), the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the

application (25 points); and the firm's estimated cost for providing such assistance (20 points).

An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for funding. The applicant with the highest point score will not necessarily receive the award.

If an application is selected for funding, MBDA 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 MBDA.

Executive order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Federal funds for this project include audit funds for non-CPA recipients. In event that a CPA firm wins the competition, the funds allocated for audits are not applicable. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640-0006. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address.

#### Pre-Award Activities

Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at the risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award activities.

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

#### Delinquent Federal Debts

No award of Federal funds shall be made to an applicant who has an

outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

#### **Name Check Policy**

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

#### **Award Termination**

The Departmental Grants Officer may terminate any cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the NABDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

#### **False Statements**

A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

#### **Primary Applicant Certifications**

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

#### **Nonprocurement Debarment and Suspension**

Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies.

#### **Drug-Free Workplace**

Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace

(Grants)" and the related section of the certification form prescribed above applies.

#### **Anti-Lobbying**

Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater.

#### **Anti-Lobbying Disclosures**

Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

#### **Lower Tier Certifications**

Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

#### **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% of the total proposed direct costs dollar amount in the application, whichever is less.

#### **Buy American-Made Equipment or Products**

Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in

Public Law 103-121, Sections 606 (a) and (b).

11.801 Native American Program  
(Catalog of Federal Domestic Assistance)

Dated: January 20, 1995.

**Melvin A. Jackson,**

*Alternate Federal Register Liaison Officer,  
Minority Business Development Agency.*

[FR Doc. 95-1887 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-21-P'

### **National Oceanic and Atmospheric Administration**

[I.D. 011295C]

#### **Marine Mammals**

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

**ACTION:** Receipt of application to modify permit no. 887 (P79H).

**SUMMARY:** Notice is hereby given that Dr. Ronald J. Schusterman, Research Biologist, Institute of Marine Sciences, University of California, Santa Cruz, CA 95064, has requested a modification to permit No. 887.

**ADDRESSES:** The modification request 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);

Southwest Region, NMFS, 501 W. Ocean Boulevard, Long Beach, CA 90802-4213 (310/980-4047).

Written data or views, or requests for a public hearing on this request should be submitted to the Chief, Permits Division, 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 this 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 this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

**SUPPLEMENTARY INFORMATION:** The subject modification to permit No. 889, issued on March 9, 1994 (59 FR 12266), is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking

and Importing of Marine Mammals (50 CFR part 216).

Permit No. 889 authorizes the permit holder to maintain one elephant seal. The seal will be trained for in-air and underwater sound detection threshold tests. The permit holder requests authorization to maintain an additional elephant seal from beached/stranded stock to conduct visual sensitivity tests.

Dated: January 18, 1995.

**P.A. Montanio,**

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

[FR Doc. 95-1782 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-22-F

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Clarification of Guidelines for Exempt Certifications for "India Items"

January 13, 1995.

**AGENCY:** Committee for the  
Implementation of Textile Agreements  
(CITA).

**ACTION:** Issuing a directive to the  
Commissioner of Customs clarifying  
guidelines for exempt certifications.

**EFFECTIVE DATE:** January 26, 1995.

**FOR FURTHER INFORMATION CONTACT:**  
Jennifer Tallarico, International Trade  
Specialist, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
(202) 482-4212.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated December 31, 1994, the Governments of the United States and India outlined further guidelines for issuing and accepting exempt certifications for "India items." These guidelines are to be used in conjunction with the "Agreed List of Traditional Folklore Handicraft Textile Products of India—India Items" (Annex E) of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile of February 6, 1987, as amended and extended.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs not to accept exempt certifications for "Indian items" which include closure devices such as zippers, elastic (any form), elasticized fabric (any form), or hook-and-pile fasteners (such as "Velcro" or other similar holding fabric). In addition, U.S. Customs Service shall not accept items

with buttons (including snap buttons) used as a means of securing at the waist such Indian items as salwar, ghagra/lahnga and pavadai. The design and/or ornamentations of such items should be a uniquely "traditional and historical Indian" design.

Shipments of "Indian items" which do not conform with the guidelines in Annex E of the bilateral agreement and the MOU of December 31, 1994 shall be denied entry.

See 44 FR 68504, published on November 29, 1979.

**Rita D. Hayes,**

*Chairman, Committee for the Implementation  
of Textile Agreements.*

### Committee for the Implementation of Textile Agreements

January 13, 1995.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC  
20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 26, 1979, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain textile products, produced or manufactured in India for which the Government of India has not issued an appropriate visa or exempt certification.

The purpose of this directive is to further clarify the guidelines currently used by U.S. Customs Service in accepting exempt certifications for textile products exported from India and certified as "India items," under the provisions of the bilateral agreement.

In a Memorandum of Understanding dated December 31, 1994, the Governments of the United States and India agreed that Indian items may not include closure devices such as zippers, elastic (any form), elasticized fabric (any form), or hook-and-pile fasteners (such as "Velcro" or other similar holding fabric). In addition, buttons (including snap buttons) may not be used as a means of securing at the waist such Indian items as salwar, ghagra/lahnga and pavadai.

When considering the design and/or ornamentations, it should be a uniquely "traditional and historical Indian" design.

Effective on January 26, 1995, you are directed to deny entry of textile products certified by the Government of India as "India items" which do not conform with the current guidelines and the guidelines provided in this directive.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

**Rita D. Hayes,**

*Chairman, Committee for the Implementation  
of Textile Agreements.*

[FR Doc. 95-1797 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-DR-F

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Meeting of the Commission on Roles and Missions of the Armed Forces

**AGENCY:** Department of Defense,  
Commission on Roles and Missions of  
the Armed Forces.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of a forthcoming meeting of the Commission on Roles and Missions of the Armed Forces. The Commission will meet in open session from 12:45 p.m. until approximately 2:00 p.m., and in closed session from approximately 2:15 p.m. until 5:30 p.m.

During the open part of the meeting, the Commission will hear a report from its infrastructure panel, discuss selected infrastructure issues, and consider the progress of the staff work being done on process issues. During the closed portion of the meeting, the Commission will address topics that require the disclosure of classified information, including counterproliferation and other classified issues.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92-453, as amended (5 U.S.C. App II), it has been determined that these portions of the Commission on Roles and Missions meeting concern matters listed in 5 U.S.C. 552b(c)(1), and that, accordingly, the meeting will be closed to the public during these times.

**DATES:** February 8, 1995, 12:45 p.m.  
until 5:30 p.m.

**ADDRESSES:** Rosslyn Westpark Hotel,  
1900 North Fort Myer Drive, Arlington,  
Virginia.

#### FOR FURTHER INFORMATION CONTACT:

Commander Gregg Hartung, Director for  
Public Affairs, Commission on Roles  
and Missions, 1100 Wilson Boulevard,  
Suite 1200F, Arlington, Virginia 22209;  
telephone (703) 696-4250.

**SUPPLEMENTARY INFORMATION:** Seating  
will be available on a first-come, first-  
served basis. Members of the press who  
wish to reserve seating should contact  
Commander Gregg Hartung, Director for  
Public Affairs, in advance at (703) 696-  
4250.

Dated: January 20, 1995.

**L.M. Bynum,**

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

[FR Doc. 95-1882 Filed 1-24-95; 8:45 am]

BILLING CODE 5000-04-M

**Meeting of the DOD Advisory Group on Electron Devices**

**AGENCY:** Department of Defense, Advisory Group on Electron Devices.

**ACTION:** Notice.

**SUMMARY:** Working Group C (Mainly Opto-Electronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

**DATES:** The meeting will be held at 0900, Thursday, February 2, 1995.

**ADDRESSES:** The meeting will be held at Palisades Institute for Research Services, Inc., 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Cheri Spencer, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

**SUPPLEMENTARY INFORMATION:** The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II§ 10(d) (1988)), it has been determined that this Advisory Group 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 20, 1995.

**L. M. Bynum,**

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

[FR Doc. 95-1881 Filed 1-24-95; 8:45 am]

BILLING CODE 5000-04-M

**Meeting of the DOD Advisory Group on Electron Devices**

**AGENCY:** Department of Defense, Advisory Group on Electron Devices.

**ACTION:** Notice.

**SUMMARY:** Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

**DATES:** The meeting will be held at 0900, Wednesday, February 1, 1995.

**ADDRESSES:** The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Warner Kramer, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

**SUPPLEMENTARY INFORMATION:** The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director, Defense Research Engineering (DDR&E), and through DDR&E, to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II§ 10(d) (1988)), it has been determined that this Advisory Group 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 20, 1995.

**L.M. Bynum,**

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

[FR Doc. 95-1880 Filed 1-24-95; 8:45 am]

BILLING CODE 5000-04-M

**Joint Service Committee On Military Justice: Public Meeting**

**AGENCY:** Joint Service Committee on Military Justice (JSC).

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a public meeting of the JSC. This notice also describes the functions of the JSC.

**DATES:** Wednesday, March 1, 1995, 10:00 a.m. to 12:00 p.m.

**ADDRESSES:** Building 111, Washington Navy Yard, Washington, DC.

**FUNCTION:** The JSC was established by the Judge Advocates General in 1972. The JSC currently operates under Department of Defense Directive 5500.17 of January 23, 1985. It is the function of the JSC to improve Military Justice through the preparation and evaluation of proposed amendments and changes to the Uniform Code of Military Justice and the Manual for Courts-Martial.

**AGENDA:** The JSC will receive public comment concerning the revision to Military Rule of Evidence 412. This review is necessitated by Military Rule of Evidence 1102. This proposed revision was published on January 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** LT Kristen M. Henrichsen, JAGC, USN, Executive Secretary, Joint Service Committee on Military Justice, Building 111, Washington Navy Yard, Washington, DC, 20374-1111; (202) 433-5895.

Dated: January 20, 1995.

**L.M. Bynum,**

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

[FR Doc. 95-1888 Filed 1-24-95; 8:45 am]

BILLING CODE 3810-01-M

**Proposed Changes to U.S. Court of Appeals for the Armed Forces Rules**

**ACTION:** Notice of proposed changes to the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces.

**SUMMARY:** This notice announces the following proposed changes (italicized) to Rule 4(b), Rule 19(d), Rule 27(a)(1)(E), Rule 30 and Rule 31 of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces, and the proposed addition of a Student Practice Rule for public notice and comment:

**Rule 4. Jurisdiction**

\* \* \* \* \*

(b) Extraordinary Writ.

(1) The Court may, in its discretion, entertain *original* petitions for extraordinary relief including, but not limited to, writs of mandamus, writs of prohibition, writs of habeas corpus, and writs of error coram nobis. See 28 USC 1651(a) and Rules 18(b), 27(a), and 28. *Absent good cause, no such petition shall be filed unless relief has first been sought in the appropriate Court of Criminal Appeals. Original writs are rarely granted.*

(2) The Court may, in its discretion, entertain a writ appeal petition to review a decision of a Court of Criminal Appeals on a petition for extraordinary relief. See Rules 18(a)(4), 27(b), and 28.

\* \* \* \* \*

#### Rule 19. Time Limits

\* \* \* \* \*

(d) Petition for extraordinary relief. A petition for extraordinary relief under Rule 4(b)(1) shall be filed, with a supporting brief and any available record, as soon as possible but, in any event, no later than 20 days after the petitioner learns of the action complained of. However, a petition for writ of habeas corpus or writ of error coram nobis may be filed at any time. See Rules 27(a) and 28.

\* \* \* \* \*

#### Rule 27. Petition for Extraordinary Relief, Writ Appeal Petition, Answer, and Reply

(a) Petition for extraordinary relief. (1) A Petition for extraordinary relief, together with any available record, shall be filed within the time prescribed by Rule 19(d), shall be accompanied by proof of service on all named respondents, and shall contain:

\* \* \* \* \*

(E) The jurisdictional basis for the relief sought, *including an explanation of how the writ will be in aid of the Court's jurisdiction*; the reasons the relief sought cannot be obtained during the ordinary course of trial or appellate review or through administrative procedures; *and the reasons relief has not been sought from the appropriate Court of Criminal Appeals, if that is the case, see Rule 4(b)(1);* and

\* \* \* \* \*

#### Rule 30. Motions

\* \* \* \* \*

(b) An answer to a motion may be filed no later than 5 days after the filing of the motion.

(c) [New] A reply to an answer to a motion may be filed no later than 5 days after the filing of the answer.

\* \* \* \* \*

[Subsections (c) through (f) to be redesignated as subsections (d) through (g), respectively.]

(g) [As redesignated] Notwithstanding any other provision of these rules, the Court may immediately act on any motion without awaiting an answer or a reply, if it appears that the relief sought ought to be granted. \* \* \*

\* \* \* \* \*

#### Rule 31. Petition for Reconsideration

\* \* \* \* \*

(c) [New] A reply to an answer to a petition may be filed no later than 5 days after the filing of the answer.

[Subsections (c) and (d) to be redesignated subsections (d) and (e), respectively.]

#### Proposed Student Practice Rule

##### a. Appearance by Law Student

With leave of this Court, an eligible law student acting under a supervising attorney may appear in a particular case, except a case in which any party is under or is potentially subject to a sentence of death, on behalf of any party, including the United States, provided that the student and supervising attorney comply with the provisions of this rule.

##### b. Eligibility of Student

To be eligible to appear and participate in any case, a law student must:

(1) Be a student in good standing in a law school approved by the American Bar Association, or be a recent graduate of such school awaiting the result of a state bar examination;

(2) Have completed legal studies amounting to at least four semesters, or the equivalent if the school is on some basis other than a 3 year, 6 semester basis;

(3) Have completed and received a passing grade in courses in criminal procedure and criminal law;

(4) Neither ask for nor receive any compensation or remuneration of any kind from the person on whose behalf the services are rendered; and

(5) Be familiar with the Uniform Code of Military Justice and the rules of this Court.

##### c. Supervising Attorney Requirements

A supervising attorney must:

(1) Be an attorney of record in the case;

(2) Be a member in good standing of the bar of this Court;

(3) Have been admitted to practice for a minimum of two years and have appeared and argued in at least one case before this Court or appeared and argued in at least three cases before state or Federal appellate courts;

(4) Not supervise more than five (5) students at any one time;

(5) Appear with the student in any oral presentations before this Court;

(6) Read, approve and sign all documents filed with this Court;

(7) Assume personal professional responsibility for the student's work in matters before this Court;

(8) Be responsible to supplement the oral or written work of the student as

necessary to ensure proper representation of the client;

(9) Guide and assist the student in preparation to the extent necessary or appropriate under the circumstances;

(10) Be available to consult with the client; and

(11) Neither ask for nor receive any compensation or remuneration of any kind from the person on whose behalf the services are rendered.

##### d. Authorization and Certification

(1) The party on whose behalf the student appears must consent to the representation by that student in writing.

(2) The supervising attorney must indicate in writing approval of the appearance by the law student and consent to supervise the law student.

(3) The law student must be certified by the dean of the student's law school as being of good character and competent legal ability.

(4) Before commencing student representation in any case under this rule, the supervising attorney shall file a motion for leave to allow student representation in such case. The motion should put forth that the provisions of this rule have been met and that in counsel's view the case is an appropriate one for student representation. The written consent, approval and certification referred to above shall be attached to the motion. A copy of the motion shall be served on opposing counsel, but no answer will be allowed except with leave of the Court. Once these documents are filed, the Court will decide, using its discretion on a case-by-case basis, whether to allow the student representation.

##### e. Activities

Upon fulfilling the requirements of this rule, the student may enter an appearance in a case and:

(1) assist in the preparation of briefs and other documents to be filed in this Court, but such briefs or documents must also be signed by the supervising attorney;

(2) participate in oral argument, but only in the presence of the supervising attorney; and

(3) take part in other activities in connection with the case, subject to the direction of the supervising attorney.

##### f. Termination

The dean's certification of the student:

(1) shall remain in effect, unless sooner withdrawn, until the publication of the results of the first bar examination taken by such student following the student's graduation. For any student



who passes that examination the certification shall continue in effect until the date the student is admitted to the bar;

(2) may be withdrawn by the Court at any time; and

(3) may be withdrawn by the dean at any time.

#### g. Exceptions

(1) This rule does not apply to an appearance or an oral argument by a law student on behalf of an *amicus curiae*. A law student may appear on behalf of an *amicus curiae* on motion and in accordance with the provisions of Rules 26 and 40(b)(2).

(2) Nothing in this rule shall preclude the Government or any agency, firm, or organization from compensating a law student for services rendered under such rule.

(3) The Court retains the authority, on good cause shown, to establish exceptions to these procedures in any case. See Rule 33.

**DATES:** Comments on the proposed changes and addition must be received by February 24, 1995.

**ADDRESSES:** Forward written comments to Thomas F. Granahan, Clerk of the Court, United States Court of Appeals for the Armed Forces, 450 E Street, Northwest, Washington, DC 20442-0001.

**FOR FURTHER INFORMATION CONTACT:** Thomas F. Granahan, Clerk of the Court, telephone (202) 272-1448 (x600).

**SUPPLEMENTARY INFORMATION:** The Rules Advisory Committee Report on the proposed changes to Rule 4(b), Rule 19(d), Rule 27(a)(1)(E), Rule 30, and Rule 31 and the Proposed Student Practice Rule is included as an attachment to this notice.

#### Committee Report on Proposed Rules 4(b) and 27(a)(1)(E)

The purpose of the proposed changes to Rules 4(b) and 27(a)(1)(E) is to make clear to practitioners that a petition for extraordinary relief should not be filed with the Court unless efforts to obtain the requested relief from the appropriate Court of Criminal Appeals (formerly Court of Military Review) have been unavailing. See, e.g., *United States v. Coffey*, 38 MJ 290, 291 (CMA 1993) (per curiam). Since those courts have All Writs Act powers, and share with the Judge Advocates General responsibility for the administration of military justice in their branch of the service, it is only sensible that they be afforded an opportunity to address extraordinary writ issues before they reach the United States Court of Appeals for the Armed Forces (formerly Court of Military

Appeals). This will give those closest to the issues a chance to bring their experience to bear, and in some number of cases may make it unnecessary for the Court of Appeals for the Armed Forces to become involved. Even if relief is denied by the Court of Criminal Appeals, their consideration may help to frame the issues and develop a record. Both of these factors will facilitate efficient and intelligent review by the Court of Appeals for the Armed Forces. It is presumed, on the other hand, that extraordinary writ cases will be addressed expeditiously by the Courts of Criminal Appeals.

In keeping with the policy underlying Article 36(a), that military practice should conform to the extent practicable with civilian federal practice, these proposed rule changes take into account the practice of the Supreme Court and the Article III courts of appeals.

Fed.R.App.P. 22(a) requires that original habeas corpus petitions be filed in the district court. (The part of Fed.R.App.P. 22(a) that calls for resort to the district court merely made former practice explicit. 9 *Moore's Federal Practice* ¶ 222.01[2], at 22-3 (James Wm. Moore, Bernard J. Ward & Jo Desha Lucas 2d ed. 1993) (Advisory Committee Note).)

The Supreme Court discourages the filing of original extraordinary writ petitions with it. S.Ct.R. 20.1, 20.3, 20.4; Robert L. Stern, Eugene Gressman, Stephen M. Shapiro & Kenneth S. Geller, *Supreme Court Practice* § 11.3, at 501-03 (7th ed. 1993) (last time Court granted original habeas petition was in 1925); see also 28 USC 2242 (1988) (habeas application directed to a Justice "shall state the reasons for not making application to the district court of the district in which the applicant is held").

Because courts-martial are not standing bodies, requiring resort to the trial court is not feasible in the military context. Requiring resort to the intermediate courts serves similar purposes.

These proposed rule changes permit a petitioner to petition the Court of Appeals for the Armed Forces without having first sought relief from the Court of Criminal Appeals only if there is good cause to do so. This exception has been included only because it is impossible to anticipate all eventualities. It is intended that a stringent standard would be applied in this connection. The Committee believes that what constitutes good cause for this purpose will be spelled out by the Court in its opinions. While we have used the term already used by the Court for requests to suspend the Rules, see Rule 33, and by Congress in Article 67(a)(3) with respect to petitions

for grant of review, we do not, by so doing, mean to imply that the standards would be comparable. Extraordinary writs are and should remain extraordinary, and bypassing the Courts of Criminal Appeals should be permitted sparingly and only for compelling reasons.

The Committee considered inserting in Rule 27(a)(1)(E) a clause requiring counsel to state the exceptional circumstances that are believed to warrant an exercise of the Court's discretionary powers. This proposal was not adopted because the Committee believes that such a requirement is already implicit in Rule 27(a)(1)(F), which requires counsel to state the "[r]easons for granting the writ." Subdivision (E) speaks to jurisdiction, rather than the divers prudential factors that bear on whether the Court's All Writs Act authority should be exercised.

These proposed rule changes originated with a version proposed by Judge Richard M. Mollison of the United States Navy-Marine Corps Court of Criminal Appeals.

#### Committee Report on Proposed Rule 19(d)

The Court's Rules Advisory Committee, with one member dissenting, recommends that Rule 19(d) be changed to eliminate the apparent 20-day time limit for petitioning the Court for a writ of error coram nobis.

Noting that only petitions for writ of habeas corpus are expressly exempted from the 20-day time limit established by Rule 19(d), the Committee suggests the failure also to exempt petitions for writ of error coram nobis may be due to an oversight by the drafters of Rule 19.

The All Writs Act, 28 USC 1651(a), which is the basis for the Court's extraordinary relief jurisdiction, establishes no fixed time limit for applications for writs of error coram nobis. See *United States v. Morgan*, 346 U.S. 502 (1954) (writ available after sentence already served when the conviction was sought to be used to enhance sentence on a later conviction).

When Rule 19 was drafted, the Court of Appeals for the Armed Forces had not previously suggested any time limit for the filing of a petition for writ of error coram nobis. See *Del Prado v. United States*, 23 USCMA 132, 48 CMR 748, 749 (1974) (citing *United States v. Morgan, supra*). Nor has the Court strictly enforced its present rule. Cf. *Garrett v. Lowe*, 39 MJ 293, 295 and n.2 (CMA 1994). Coincidentally, the joint Courts of Criminal Appeals (formerly Courts of Military Review) Rules do not impose a time limit on any petitions for extraordinary relief, including those for



writs of error coram nobis. Joint Ct. Crim. App. R. 20, 22 MJ at cxxxv (1985); see *Tillman v. United States*, 32 MJ 962 (ACMR 1991); but see AFCEMR R. 5-2b (1992) (time limits same as Ct. Crim. App. r. 19(d)). Accordingly, the Rules Advisory Committee recommends that the last sentence of Rule 19(d) be amended to read as follows: "However, a petition for writ of habeas corpus or writ of error coram nobis may be filed at any time."

#### Committee Report on Proposed Rules 30 and 31

The purpose of these proposed rule changes is to eliminate the need for counsel to seek leave of court when filing replies to answers to motions generally and petitions for reconsideration. *E.g.*, D.C. Cir. R. 27(d); 4th Cir. IOP 27.3; D.D.C.R. 108(d); Fed. C1. R. 83.2; see Robert L. Stern, Eugene Gressman, Stephen M. Shapiro & Kenneth S. Geller, *Supreme Court Practice* § 16.6, at 642 n.6 (7th ed. 1993). The changes will bring motion and reconsideration practice into line with the Court's normal practice of permitting replies. See C.A.A.F.R. 19(a)(5)(A)-(B), 19(a)(7)(B), 19(b), 19(c), 19(e), 19(f), 21(c)(1)-(2), 22(b), 23(b), 27(b), 28(c), 29(c).

#### Committee Report on Proposed Student Practice Rule

The Court Rules Advisory Committee, with one member dissenting, recommends adoption of a Student Practice Rule. The proposed rule allows for the entry of appearance on behalf of a party by a third-year law student under the guidance of a supervising attorney who must also be the counsel of record. This rule is a natural extension of the Court's current policy allowing law students to argue on behalf of *amici curiae*. It facilitates the interest of the Court and the Armed Forces in training future judge advocates. The rule is similar to student practice rules in force in over half of the other Federal courts of appeals.

The rule provides a structure that will assure that parties receive appropriate representation. It permits third-year law students who have been certified by the dean of their law school as being in good standing to enter an appearance on behalf of a party in any case except a capital case, under the guidance of the supervising attorney. In order to supervise participating law students, the supervising attorney must be an attorney of record for the case, must have been admitted to practice for at least two years, must be a member of the bar of this Court, and must have appeared and argued in at least one case

before this Court or appeared and argued in at least three cases before state or Federal appellate courts.

The rule is not self-executing. Permission of the Court to allow the student to participate in a case is always required. This discretion should allow the Court to monitor the progress of student practice under the rule as well as to adapt to unforeseen circumstances as they arise.

Dated: January 20, 1995.

**L.M. Bynum,**

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

[FR Doc. 95-1879 Filed 1-24-95; 8:45 am]

BILLING CODE 5000-04-M

#### Department of the Air force

##### **Acceptance of Group Application Under PL 95-202 and DODD 1000.20 "U.S. Civilian Flight Crew and Aviation Ground Support Employees of Braniff Airways, Who Served Overseas as a Result of a Contract With the Air Transport Command During the Period February 26, 1942 through August 14, 1945"**

Under the provisions of Section 401, Public Law 95-202 and DOD Directive 1000.20, the Department of Defense Civilian/Military Service Review Board has accepted an application on behalf of the group known as: "U.S. Civilian Flight Crew and Aviation Ground Support Employees of Braniff Airways, Who Served Overseas as a Result of a Contract With the Air Transport Command During the Period February 26, 1942 through August 14, 1945." Persons with information or documentation pertinent to the determination of whether the service of this group should be considered active military service to the Armed Forces of the United States are encouraged to submit such information or documentation within 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force, Washington, D.C. 20330-1000. Copies of documents or other materials submitted cannot be returned. For further information, contact Lt Col Orban, (301) 981-3504.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

FR Doc. 95-1787 Filed 1-24-95; 8:45 am]

BILLING CODE 3910-01-M

#### Office of the Secretary of the Army

##### **Finding of No Significant Impact (FNSI) and Environmental Assessment for Disposal and Reuse of Nike Battery Kansas City 30, Pleasant Hill, Missouri**

**AGENCY:** Department of the Army, DoD.

**ACTION:** Finding of no significant impact.

**SUMMARY:** The proposed action analyzed by this document is the disposal and reuse of the Nike Battery Kansas City 30 (Nike KC-30) as required by the Defense Authorization Amendments and the Base Closure and Realignment Act (Public Law 100-526). The purpose of the Environmental Assessment (EA) is to identify and evaluate the anticipated effects of disposal by the Army and reuse of Nike KC-30 by non-Army entities.

The EA studied in detail three possible alternatives for complying with the recommendation made by the Defense Secretary's Commission on Base Realignment and Closure to dispose of Nike KC-30. These alternatives included: no action; encumbered disposal in which the Army would identify and impose reuse constraints on future owners; and unencumbered disposal where potential encumbrances would be identified and removed by the Army prior to disposal of the property. The EA found that encumbered disposal of Nike KC-30 is the most desirable course of action to comply with the Commission's recommendation. Encumbered disposal of the facility would result in positive environmental effects. Prior to disposal of the property, the Army would identify all areas of environmental contamination and conduct remedial actions to return the site to a level consistent with future use without presenting unacceptable risks to occupants or workers. Encumbered disposal of the site would also allow the Army to return surplus capacity to public or private use.

However, encumbered disposal of the Nike KC-30 site would result in an Army imposed reuse constraint on future owners. This constraint would require the future owner to remove sections of the existing buried, non-friable asbestos-containing water distribution and sewage lines if the future owner disturbs these underground lines during development. Removal and disposal of the disturbed sections would be required to be conducted in accordance with federal and state regulations governing asbestos containing material. Additional constraints may be identified during

future investigations of the property. These constraints would be identified and imposed by the Army at the time of deed transfer. Currently, the facility is in compliance with all applicable federal environmental statutes and executive orders.

Implementation of the unencumbered alternative would have similar environmental effects as the encumbered disposal alternative. However, unencumbered disposal would require the Army to remediate for all site contamination, including the buried, non-friable asbestos-containing water distribution and sewage lines. These lines are not a hazard to human health or the environment, unless disturbed.

Implementation of the no-action alternative would perpetuate maintenance costs incurred by the Army. Additionally, no remedial actions would be taken for known contaminants on the site.

The EA results in a Finding of No Significant Impact (FNSI), therefore an Environmental Impact Statement (EIS) is not required for encumbered disposal of Nike KC-30.

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

**ADDRESSEE:** Persons wishing to comment may obtain a copy of the EA or inquire regarding the FNSI by writing to Mr. Alan Gehrt, Environmental Resources Branch, Planning Division, U.S. Army Corps of Engineers, Kansas City, 601 East 12th Street, Kansas City, Missouri 64106-2896.

**FOR FURTHER INFORMATION:** Questions regarding this FNSI may be directed to the U.S. Army Corps of Engineers, ATTN: Mr. Alan Gehrt, at (816) 426-3358.

Dated: January 19, 1995.

**Lewis D. Walker,**

*Deputy Assistant Secretary of the Army,  
(Environment, Safety and Occupational  
Health) OASA (IL&E).*

[FR Doc. 95-1869 Filed 1-24-95; 8:45 am]

BILLING CODE 3710-08-M

## Department of the Navy

### Notice of Intent To Prepare an Environmental Impact Statement for Disposal and Reuse of Naval Air Station Cecil Field, Florida

Pursuant to the National Environmental Policy Act as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500-1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the potential

environmental effects of disposal and reuse of Naval Air Station (NAS) Cecil Field, located in Duval and Clay Counties near Jacksonville, Florida.

In accordance with the Defense Base Closure and Realignment Act (DBCRA) (PL 101-510), as implemented by the 1993 Base Realignment And Closure process, the Navy has been directed to close and dispose of NAS Cecil Field and its associated Outlying Landing Field (OLF) at Whitehouse.

The proposed action to be evaluated in the EIS involves the disposal of land, buildings, and infrastructure at NAS Cecil Field, including OLF Whitehouse which is located approximately seven miles to the north. The Navy intends to analyze the environmental effects of disposal of NAS Cecil Field based upon reasonable reuse scenarios for the property. The community established a local redevelopment authority, identified as the Cecil Field Development Commission (CFDC), that is charged with planning appropriate new uses for the properties. The EIS will evaluate these alternative reuse scenarios, including the "no action" alternative (retention of the property in caretaker status). However, because of the process mandated by DBCRA, selection of the "no action" alternative would be considered impracticable for the Navy to implement.

The EIS will evaluate the impacts of disposal and reuse of NAS Cecil Field properties on the natural environment, including but not limited to, plant and wildlife habitats, water resources such as streams and wetlands, and air quality. It will also evaluate effects on the socioeconomic environment, including potential impacts to the regional economy, the local tax base, and land uses. In addition, as required by Section 106 of the National Historic Preservation Act, the Navy will be preparing a cultural resources survey to determine if any sensitive archaeological resources or historic buildings or structures will be affected by the proposed reuse.

The Navy is initiating a scoping process for the purpose of determining the scope of issues to be addressed and for identifying significant issues related to proposed reuse. The Navy will hold a public scoping meeting on February 9, 1995, beginning at 7:00 p.m. in the Main Drill Hall at the Post of Snyder, Florida Army National Guard Center, 9900 Normandy Boulevard, Jacksonville, Florida. The location of this meeting will also be advertised in local and regional newspapers.

A brief presentation will precede a request for public comment and will include a presentation on proposed uses

that have been identified for the properties. Navy representatives will be available at this meeting to receive comments regarding issues of concern to the public. It is important that federal, state, and local agencies and interested individuals take this opportunity to identify environmental concerns that should be addressed during the preparation of the EIS. Further, because it is anticipated that the CFDC reuse-plan will not be completed until July, 1995, the scoping process offers an opportunity to incorporate public environmental concerns into the CFDC planning process.

Agencies and the public are also invited and encouraged to provide written comment in addition to, or in lieu of, oral comments at the scoping meeting. To be most helpful, scoping comments should clearly describe the specific issues or topics the commenter believes the EIS should address. In the interest of available time, each speaker will be asked to limit oral comments to five minutes. Written statements and/or questions regarding the scoping process should be mailed no later than March 11, 1995, to: Commanding Officer, Southern Division, Naval Facilities Engineering Command, P.O. Box 190010, North Charleston, SC 29419-9010, (Attn: Mr. Robert Teague, Code 203RT) telephone (803) 743-0785.

Dated: January 20, 1995.

**L. R. McNees,**

*LCDR, JAGC, USN, Federal Register Liaison  
Officer.*

[FR Doc. 95-1889 Filed 1-24-95; 8:45 am]

BILLING CODE 3810-FF-P

## Government-owned Inventions; Availability for Licensing

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice of availability of inventions for licensing.

**SUMMARY:** The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$3.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$6.95 each (\$10.95 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are

deleted from the copies of patent applications sold to avoid premature disclosure.

**FOR FURTHER INFORMATION CONTACT:**

Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research (Code OOC), Arlington, Virginia 22217-5660, telephone (703) 696-4001.

- Patent 5,272,932: TORSIONAL DEVICE FOR REMOTE CONTROL STEERING SYSTEM; filed 28 May 1992; patented 28 December 1993.
- Patent 5,315,988: REACTIVE, CLOSED-CIRCUIT UNDERWATER BREATHING APPARATUS; filed 29 September 1992; patented 31 May 1994.
- Patent 5,325,098: INTERACTING MULTIPLE BIAS MODEL FILTER SYSTEM FOR TRACKING MANEUVERING TARGETS; filed 1 June 1993; patented 28 June 1994.
- Patent 5,325,701: IMPACT DYNAMOMETER; filed 11 August 1992; patented 5 July 1994.
- Patent 5,325,722: SPLIT PIPE TESTING DEVICE FOR THE MEASUREMENT OF BOND OF REINFORCEMENT UNDER CONTROLLED CONFINEMENT; filed 14 August 1992; patented 5 July 1994.
- Patent 5,325,913: MODULE COOLING SYSTEM; filed 25 June 1993; patented 5 July 1994.
- Patent 5,326,291: ACTUATOR MECHANISM FOR OPERATING A TORPEDO TUBE SHUTTER DOOR; filed 13 October 1992; patented 5 July 1994.
- Patent 5,326,474: LOW FLOW FLUID SEPARATOR; filed 13 November 1992; patented 5 July 1994.
- Patent 5,327,316: POWER TERMINAL PROTECTION DEVICE; filed 9 October 1990; patented 5 July 1994.
- Patent 5,327,745: MALONE BRAYTON CYCLE ENGINE/HEAT PUMP; filed 28 September 1993; patented 12 July 1994.
- Patent 5,327,810: UNIVERSAL RECEIVER HAVING PNEUMATIC SAFE/ARM/FIRING MECHANISM; filed 3 December 1993; patented 12 July 1994.
- Patent 5,327,941: CASCADE ORIFICAL RESISTIVE DEVICE; filed 16 June 1992; patented 12 July 1994.
- Patent 5,328,129: GUIDANCE METHOD FOR UNTHROTTLED, SOLID-FUEL DIVERT MOTORS; filed 17 June 1993; patented 12 July 1994.
- Patent 5,328,141: SAG COMPENSATED VIBRATION ISOLATION MOUNT; filed 2 August 1993; patented 12 July 1994.
- Patent 5,328,261: METHOD AND APPARATUS FOR DISSOLVING POWER IN A LIQUID; filed 4 October 1993; patented 12 July 1994.
- Patent 5,328,633: EXTENDED-RELEASE PLAQUE PREVENTING AND DISSOLVING COMPOSITIONS; filed 4 May 1990; patented 12 July 1994.
- Patent 5,328,853: METHOD OF MAKING A PHOTODETECTOR ARRAY HAVING HIGH PIXEL DENSITY; filed 18 June 1993; patented 12 July 1994.
- Patent 5,328,957: POLYURETHANE-ACRYLIC INTERPENETRATING POLYMER NETWORK ACOUSTIC DAMPING MATERIAL; filed 26 August 1991; patented 12 July 1994.
- Patent 5,329,110: METHOD OF FABRICATING A MICROELECTRONIC PHOTOMULTIPLIER DEVICE WITH INTEGRATED CIRCUITRY; filed 22 November 1993; patented 12 July 1994.
- Patent 5,329,245: HYBRID HIGH POWER AMPLIFIER; filed 28 June 1993; patented 12 July 1994.
- Patent 5,329,280: ADJACENT CODE SYSTEM; filed 29 June 1992; patented 12 July 1994.
- Patent 5,329,442: OPTIMAL DISTRIBUTED CONTROL SYSTEM FOR A LINEAR DISTRIBUTED PARAMETER SYSTEM; filed 29 August 1991; patented 12 July 1994.
- Patent 5,329,495: PASSIVE BEAMFORMER WITH LOW SIDE LOBES; filed 30 June 1993; patented 12 July 1994.
- Patent 5,329,540: SILICATE GEL LASER; filed 31 March 1993; patented 12 July 1994.
- Patent 5,329,607: PURE-SILICA CORE DUAL-MODE OPTICAL FIBER; filed 28 February 1992; patented 12 July 1994.
- Patent 5,329,758: STEAM AUGMENTED GAS TURBINE; filed 21 May 1993; patented 19 July 1994.
- Patent 5,330,918: METHOD OF FORMING A HIGH VOLTAGE SILICON-ON-SAPPHIRE PHOTOCELL ARRAY; filed 31 August 1992; patented 19 July 1994.
- Patent 5,331,062: POLYURETHANE-EPOXY INTERPENETRATING POLYMER NETWORK ACOUSTIC DAMPING MATERIAL; filed 28 August 1991; patented 19 July 1994.
- Patent 5,331,236: MICRODYNAMIC DEVICES FABRICATED ON SILICON-ON-SAPPHIRE SUBSTRATES; filed 19 August 1992; patented 19 July 1994.
- Patent 5,331,273: THERMAL FIXTURE FOR TESTING AN INTEGRATED CIRCUIT; filed 10 April 1992; patented 19 July 1994.
- Patent 5,331,328: METHOD OF PHASED MAGNITUDE CORRELATION USING BINARY SEQUENCES; filed 15 November 1993; patented 19 July 1994.
- Patent 5,331,404: LOW NOISE FIBER GYROSCOPE SYSTEM WHICH INCLUDES EXCESS NOISE SUBTRACTION; filed 30 November 1992; patented 19 July 1994.
- Patent 5,331,603: MAGNETIC HEADING SENSOR ALIGNMENT AND ROLL REDUCING DEVICE; filed 18 March 1993; patented 19 July 1994.
- Patent 5,331,605: REINFORCED FOAM CORE ACOUSTIC BAFFLE; filed 14 September 1993; patented 19 July 1994.
- Patent 5,331,897: SHIP DECOY; filed 7 October 1977; patented 26 July 1994.
- Patent 5,332,659: LIGHT EMISSION-OR ABSORBANCE-BASED BINDING ASSAYS FOR POLYNUCLEIC ACIDS; filed 15 January 1993; patented 26 July 1994.
- Patent 5,332,681: METHOD OF MAKING A SEMICONDUCTOR DEVICE BY FORMING A NANOCHANNEL MASK; filed 12 June 1992; patented 26 July 1994.
- Patent 5,332,723: SUPERCONDUCTING THIN FILM WITH FULLERENES AND METHOD OF MAKING; filed 28 July 1993; patented 26 July 1994.
- Patent 5,333,142: TECHNIQUE FOR INTRACAVITY SUM FREQUENCY GENERATION; filed 12 August 1993; patented 26 July 1994.
- Patent 5,333,444: SUPERCONDUCTING ELECTROMAGNETIC THRUSTER; filed 11 February 1993; patented 2 August 1994.
- Patent 5,333,570: DAMPED LINKAGE FOR TORPEDO STEERING ACTUATOR; filed 18 May 1992; patented 2 August 1994.
- Patent 5,333,667: SUPERSTRENGTH METAL COMPOSITE MATERIAL AND PROCESS FOR MAKING THE SAME; filed 31 January 1992; patented 2 August 1994.
- Patent 5,334,629: CONTROL OF CONTINUOUS PHASE PH USING VISIBLE LIGHT TO ACTIVATE PH-DEPENDENT FIBERS AND GELS IN A CONTROLLED AND REVERSIBLE MANNER; filed 27 August 1992; patented 2 August 1994.
- Patent 5,334,853: SEMICONDUCTOR COLD ELECTRON EMISSION DEVICE; filed 29 September 1993; patented 2 August 1994.
- Patent 5,334,881: HIGH ISOLATION ELECTRONIC SWITCH; filed 19 March 1992; patented 2 August 1994.
- Patent 5,334,903: COMPOSITE PIEZOELECTRICS UTILIZING A NEGATIVE POISSON RATIO POLYMER; filed 4 December 1992; patented 2 August 1994.
- Patent 5,335,259: SUBMICROSECOND, SYNCHRONIZABLE X-RAY SOURCE;

- filed 31 March 1993; patented 2 August 1994.
- Patent 5,335,297: TARGET DETECTION FOR VISION SYSTEMS; filed 3 May 1993; patented 2 August 1994.
- Patent 5,335,620: PROTECTIVE FAIRING FOR UNDERWATER SENSOR LINE ARRAY; filed 31 March 1993; patented 9 August 1994.
- Patent 5,335,886: LIFT ENHANCEMENT DEVICE; filed 26 May 1993; patented 9 August 1994.
- Patent 5,336,892: METHOD AND SYSTEM FOR ELECTRON BEAM LITHOGRAPHY; filed 13 May 1992; patented 9 August 1994.
- Patent 5,337,053: METHOD AND APPARATUS FOR CLASSIFYING TARGETS; filed 22 October 1993; patented 9 August 1994.
- Patent 5,337,288: ACOUSTIC AND VIBRATION ATTENUATION COMPOSITE MATERIAL; filed 30 September 1992; patented 9 August 1994.
- Patent 5,337,673: CONTROLLED FRAGMENTATION WARHEAD CASE; filed 17 December 1993; patented 16 August 1994.
- Patent 5,337,803: METHOD OF CENTRIFUGALLY CASTING REINFORCED COMPOSITE ARTICLES; filed 25 May 1993; patented 16 August 1994.
- Patent 5,338,374: METHOD OF MAKING COPPER-TITANIUM NITRIDE ALLOY; filed 26 July 1993; patented 16 August 1994.
- Patent 5,338,432: CORROSIVITY SENSOR; filed 30 June 1993; patented 16 August 1994.
- Patent 5,338,599: VIBRATION-DAMPING STRUCTURAL COMPONENT; filed 26 November 1991; patented 16 August 1994.
- Patent 5,339,024: NONDESTRUCTIVE TESTING APPARATUS FOR DETERMINING THE ORIENTATION OF REINFORCING BARS WITHIN A CONCRETE STRUCTURE; filed 17 December 1992; patented 16 August 1994.
- Patent 5,339,025: METHOD FOR DETERMINING THE GRANULAR NATURE OF SUPERCONDUCTORS USING PULSED CURRENT; filed 28 January 1993; patented 16 August 1994.
- Patent 5,339,057: LIMITED BANDWIDTH MICROWAVE FILTER; filed 26 February 1993; patented 16 August 1994.
- Patent 5,339,189: NONLINEAR FREQUENCY CONVERSION OPTICAL FILTER; filed 20 September 1993; patented 16 August 1994.
- Patent 5,339,285: MONOLITHIC LOW NOISE PREAMPLIFIER FOR PIEZOELECTRIC SENSORS; filed 12 April 1993; patented 16 August 1994.
- Patent 5,339,291: FLEXIBLE COMPONENT SHEET EMBEDDING OPERATIONAL COMPONENTS; filed 7 May 1969; patented 16 August 1994.
- Patent 5,339,378: TORQUE-BALANCED EXTENDABLE FIBER OPTIC CABLE; filed 6 October 1993; patented 16 August 1994.
- Patent 5,339,691: ULTRASONIC TEST SYSTEM; filed 13 October 1993; patented 23 August 1994.
- Patent 5,339,762: UNDERSEA LAUNCHER FOR A TETHERED DEVICE; filed 21 June 1993; patented 23 August 1994.
- Patent 5,340,054: SUPPRESSOR OF OSCILLATIONS IN AIRFRAME CAVITIES; filed 11 February 1992; patented 23 August 1994.
- Patent 5,341,056: MAGNETOSTRICTIVE MOTOR SYSTEM; filed 18 January 1991; patented 23 August 1994.
- Patent 5,341,205: METHOD FOR CHARACTERIZATION OF OPTICAL WAVEGUIDE DEVICES USING PARTIAL COHERENCE INTERFEROMETRY; filed 15 January 1991; patented 23 August 1994.
- Patent 5,341,463: SELECTIVE POLYGON MAP DISPLAY METHOD; filed 31 January 1990; patented 23 August 1994.
- Patent 5,341,718: LAUNCHED TORPEDO DECOY; filed 19 August 1993; patented 30 August 1994.
- Patent 5,343,794: INFRARED DECOY METHOD USING POLYDIMETHYLSILOXANE FUEL; filed 7 October 1981; patented 6 September 1994.
- Patent 5,345,093: GRADED BANDGAP SEMICONDUCTOR DEVICE FOR REAL-TIME IMAGING; filed 15 April 1991; patented 6 September 1994.
- Patent 5,345,825: MATERIAL CHARACTERIZING SYSTEM; filed 8 February 1991; patented 13 September 1994.
- Patent 5,346,745: ELASTIC MICRO-FABRICATED SURFACE LAYER FOR REDUCING TURBULENCE AND DRAG ON AN OBJECT WHILE IT MOVES THROUGH A FLUID MEDIUM; filed 1 June 1993; patented 13 September 1994.
- Patent 5,346,852: LOW TEMPERATURE PROCESS FOR PRODUCING INDIUM-CONTAINING SEMICONDUCTOR MATERIALS; filed 25 February 1993; patented 13 September 1994.
- Patent 5,347,281: FREQUENCY-CODED MONOPULSE MTI; filed 23 July 1976; patented 13 September 1994.
- Patent 5,347,496: METHOD AND SYSTEM OF MAPPING ACOUSTIC NEAR FIELD; filed 11 August 1993; patented 13 September 1994.
- Patent 5,347,645: TIME CODE INTERFACE; filed 26 December 1991; patented 13 September 1994.
- Patent 5,347,872: MAGNETOMECHANICAL SENSOR ATTACHMENT METHOD; filed 25 August 1986; patented 20 September 1994.
- Patent 5,347,877: STORM WATER RUNOFF FIRST FLUSH SAMPLER; filed 21 September 1993; patented 20 September 1994.
- Patent 5,348,052: MULTI-LAYERED TRANSLATED RIB-STIFFENED COMPOSITE HOLLOW CYLINDER ASSEMBLY; filed 30 September 1994; patented 20 September 1994.
- Patent 5,348,236: IMPELLER ASSEMBLY FOR PROCESSING DEVICE; filed 28 September 1993; patented 20 September 1994.
- Patent 5,348,601: METHOD OF MAKING AN OFFSET CORRUGATED SANDWICH CONSTRUCTION; filed 23 June 1993; patented 20 September 1994.
- Patent 5,348,609: METHOD FOR LASER-ASSISTED SILICON ETCHING USING HALOCARBON AMBIENTS; filed 25 May 1993; patented 20 September 1994.
- Patent 5,348,917: CERAMICS FORMED BY PYROLYSIS OF EITHER LINEAR OR THERMOSETTING CARBORANE (SILOXANE OR SILANE) ACETYLENE BASED PRECURSOR POLYMERS; filed 8 February 1993; patented 20 September 1994.
- Patent 5,348,937: ALIGNED BISMUTH, STRONTIUM, CALCIUM CUPRATE COATINGS ON POLYCRYSTALLINE SUBSTRATES; filed 21 December 1993; patented 20 September 1994.
- Patent 5,349,355: CREDENTIAL TRACKING SYSTEM; filed 21 January 1993; patented 20 September 1994.
- Patent 5,349,437: ELECTROMAGNETIC RADIATION DETECTOR UTILIZING AN ELECTROMAGNETIC RADIATION ABSORBING ELEMENT IN A MACH-ZEHNDER INTERFEROMETER ARRANGEMENT; filed 30 September 1992; patented 20 September 1994.
- Patent 5,349,550: LONG SEQUENCE CORRELATION COPROCESSOR; filed 27 June 1991; patented 20 September 1994.
- Patent 5,349,624: SOLID PARTICLE CONTAMINANT DETECTION AND ANALYSIS SYSTEM; filed 21 May 1993; patented 20 September 1994.
- Patent 5,349,685: MULTIPURPOSE BUS INTERFACE UTILIZING DIGITAL SIGNAL PROCESSOR; filed 5 May 1992; patented 20 September 1994.
- Patent 5,349,738: ATTACHMENT METHODOLOGY FOR COMPOSITE CYLINDER ASSEMBLY; filed 30

- September 1993; patented 27 September 1994.
- Patent 5,349,916: SYSTEM FOR EFFECTING UNDERWATER COUPLING OF OPTICAL FIBER CABLES CHARACTERIZED BY A NOVEL POD-TO-VEHICLE INTERLOCK; filed 13 September 1993; patented 27 September 1994.
- Patent 5,349,986: VALVE MECHANISM FOR AN ACOUSTIC MODULATOR; filed 23 August 1993; patented 27 September 1994.
- Patent 5,350,308: ELASTOMERIC ELECTRICAL CONNECTOR; filed 16 August 1993; patented 27 September 1994.
- Patent 5,350,828: SYNTHESIS AND POLYMERIZATION OF DITHIOETHER-LINKED PHTHALONITRILE MONOMERS; filed 18 December 1992; patented 27 September 1994.
- Patent 5,351,057: DIRECTIVE OPTIMIZATION OF COHERENT SIDELobe CANCELLER SYSTEMS; filed 25 November 1974; patented 27 September 1994.
- Patent 5,351,058: GENERAL PURPOSE SIDELobe CANCELLER SYSTEM; filed 26 February 1979; patented 27 September 1994.
- Patent 5,351,260: THORIATED-TUNGSTEN, SPLIT-RING HOLLOW-CATHODE ELECTRODE FOR DISCHARGE DEVICES; filed 14 March 1994; patented 27 September 1994.
- Patent 5,351,311: NEURAL NETWORK FOR DETECTION AND CORRECTION OF LOCAL BOUNDARY MISALIGNMENTS BETWEEN IMAGES; filed 28 July 1992; patented 27 September 1994.
- Patent Application 07/709,901: THERMOACOUSTIC SOUND GENERATOR; filed 31 May 1991.
- Patent Application 07/936,369: SELF-ORGANIZING NEURAL NETWORK FOR CLASSIFYING PATTERN SIGNATURES WITH A POSTERIORI CONDITIONAL CLASS PROBABILITY; filed 29 August 1992.
- Patent Application 08/020,939: LOCKING DEVICE FOR FLUID COUPLING; filed 19 February 1993.
- Patent Application 08/046,255: DETECTION OF VIBRATIONAL ENERGY VIA OPTICAL INTERFERENCE PATTERNS; filed 15 April 1993.
- Patent Application 08/049,777: SUBMARINE TRAINING SYSTEM; filed 21 April 1993.
- Patent Application 08/094,663: APPARENT SIZE PASSIVE RANGE METHOD; filed 15 July 1993.
- Patent Application 08/106,746: AUTOMATIC REPEATER STATION FOR SIGNAL TRANSMISSIONS; file 16 August 1994.
- Patent Application 08/107,431: ELASTOMERIC ELECTRICAL CONNECTOR; filed 16 August 1993.
- Patent Application 08/120,880: SYSTEM FOR EFFECTING UNDERWATER COUPLING OF OPTICAL FIBER CABLES CHARACTERIZED BY A NOVEL POD-TO-VEHICLE INTERLOCK; filed 13 September 1993.
- Patent Application 08/140,388: ADHESION OF SILICON OXIDE TO DIAMOND; filed 22 October 1993.
- Patent Application 08/145,352: WAVEFRONT SIMULATOR FOR EVALUATING RF COMMUNICATION ARRAY SIGNAL PROCESSORS; filed 23 October 1993.
- Patent Application 08/147,271: FUZZY CONTROLLER FOR BEAM RIDER GUIDANCE; filed 5 November 1993.
- Patent Application 08/153,453: SINGLE ERROR CORRECTION AND ERRORS DETECTION SYSTEM; filed 5 November 1993.
- Patent Application 08/168,787: ALUMINUM-FERRICYANIDE BATTERY; filed 29 November 1993.
- Patent Application 08/168,788: ALUMINUM PERMANGANATE BATTERY; filed 30 November 1993.
- Patent Application 08/168,789: IMPROVED DUAL FLOW ALUMINUM HYDROGEN PEROXIDE BATTERY; filed 30 November 1993.
- Patent Application 08/169,923: CROSSPOINT ANALOG DATA SELECTOR; filed 8 December 1993.
- Patent Application 08/172,795: LIQUID METAL CONFINEMENT CYLINDER FOR OPTICAL DISCHARGE DEVICES; filed 27 December 1993.
- Patent Application 08/176,373: SMART MATERIAL JOINT BAND; filed 30 December 1993.
- Patent Application 08/179,013: CERAMIC COMPOSITES WITH CERAMIC FIBERS; filed 7 January 1994.
- Patent Application 08/183,411: SEGMENTED FLOW-THROUGH PISTON FOR USE IN A TORPEDO LAUNCHING SYSTEM; filed 14 January 1994.
- Patent Application 08/186,075: SPACE-BASED ASTEROID DETECTION AND MONITORING SYSTEM; filed 25 January 1994.
- Patent Application 08/196,074: ULTRA HIGH RATE ALL OPTICAL COMMUNICATION SYSTEM; filed 25 January 1994.
- Patent Application 08/199,927: METHOD OF INSTALLING A METALLIC THREADED INSERT IN A COMPOSITE/RUBBER PANEL; filed 22 February 1994.
- Patent Application 08/201,963: COLD FIELD EMITTERS WITH THICK FOCUSING GRIDS; filed 25 February 1994.
- Patent Application 08/209,285: SONAR AND CALIBRATION UTILIZING NON-LINEAR ACOUSTIC RERADIATION; filed 14 March 1994.
- Patent Application 08/215,795: ELASTOMERIC SHUTTER MECHANISM; filed 22 March 1994.
- Patent Application 08/216,567: SYSTEM FOR BROADCASTING MARKER BEACON SIGNALS AND PROCESSING RESPONSES FROM SEEKING ENTITIES; filed 23 March 1994.
- Patent Application 08/216,559: MARKER BEACON CASE; filed 23 March 1994.
- Patent Application 08/216,560: GROUND UNIT FOR THE DETECTION, IDENTIFICATION, AND DIRECTION DETERMINATION OF A MARKER BEACON; filed 23 March 1994.
- Patent Application 08/216,561: LAUNCHER TUBE DEPLOYED MARKER BEACON INCLUDING SETTLEMENT ATOP FOLIAGE FEATURE; filed 23 March 1994.
- Patent Application 08/216,568: AIRBORNE SYSTEM FOR OPERATION IN CONJUNCTION WITH A MARKER BEACON; filed 23 March 1994.
- Patent Application 08/216,569: FLARE-ANTENNA UNIT FOR SYSTEM IN WHICH FLARE IS REMOTELY ACTIVATED BY RADIO; filed 23 March 1994.
- Patent Application 08/216,862: GAS-PROPELLED LINE DEPLOYMENT SYSTEM; filed 23 March 1994.
- Patent Application 08/219,188: REFRACTIVE INDEX-BASED SENSOR FOR THE DISCRIMINATION OF CHLORINATED HYDROCARBONS FROM GROUNDWATER; filed 28 March 1994.
- Patent Application 08/219,318: DOUBLE NETWORK ELASTOMERS AND METHOD OF MAKING SAME; Filed 29 March 1994.
- Patent Application 08/220,718: PHASE SHIFTER FOR DIRECTLY SAMPLED BANDPASS SIGNALS; filed 31 March 1994.
- Patent Application 08/220,855: ACTIVE FIBER CAVITY STRAIN SENSOR WITH TEMPERATURE INDEPENDENCE; filed 31 March 1994.
- Patent Application 08/221,330: SEMICONDUCTOR PHOTODETECTOR DEVICE; filed 31 March 1994.

Patent Application 08/223,350: PROCESS OF MAKING A BISTABLE PHOTOCONDUCTIVE COMPONENT; filed 5 April 1994.

Patent Application 08/226,586: METHOD FOR INTRINSICALLY DOPED III-A AND V-A COMPOUNDS AND PRODUCTS THEREOF; filed 12 April 1994.

Patent Application 08/230,459: CENTER-FED MULTIFILAR HELIX ANTENNA; filed 19 May 1994.

Patent Application 08/230,460: OPTICAL MOTION SENSOR FOR AN UNDERWATER OBJECT; filed 20 April 1994.

Patent Application 08/231,537: METHOD FOR EVALUATING PERIODONTAL DISEASE; filed 21 April 1994.

Patent Application 08/224,034: SURFACE MODIFICATION OF POLYMERS WITH SELF-ASSEMBLED MONOLAYERS THAT PROMOTE ADHESION, OUTGROWTH AND DIFFERENTIATION OF BIOLOGICAL CELLS; filed 28 April 1994.

Patent Application 08/235,842: POLARIZATION INSENSITIVE CURRENT AND MAGNETIC FIELD OPTIC SENSOR; filed 29 April 1994.

Patent Application 08/235,844: DIODE-PUMPED, CONTINUOUSLY TUNABLE, 2.3 MICRON CW LASER SPECIFICATION; filed 21 April 1994.

Patent Application 08/236,858: IN-LINE ROTATIONAL POSITIONING MODULE FOR TOWED ARRAY PARAVANES; filed 2 May 1994.

Patent Application 08/237,568: APPARATUS AND METHOD FOR IONOSPHERIC MAPPING; filed 3 May 1994.

Patent Application 08/239,068: OPTICAL LIMITER STRUCTURE AND METHOD; filed 6 May 1994.

Patent Application 08/243,028: FABRICATION PROCESS FOR COMPLEX COMPOSITE PARTS; filed 5 May 1994.

Patent Application 08/245,284: SIMULTANEOUS DETERMINATION OF INCOMING MICROWAVE FREQUENCY AND ANGLE-OF-ARRIVAL; filed 4 May 1994.

Patent Application 08/246,206: BAF2/GAAS ELECTRONIC COMPONENTS; filed 19 May 1994.

Patent Application 08/246,209: PROCESS FOR FORMING EPITAXIAL BAF2 ON GAAS; filed 19 May 1994.

Patent Application 08/246,901: METHOD OF DISPLAYING TIME SERIES DATA ON FINITE RESOLUTION DISPLAY DEVICE; filed 19 May 1994.

Patent Application 08/2266,402: NON-EXPLOSIVE TARGET DIRECTED

REENTRY PROJECTILE; filed 27 June 1994.

Patent Application 08/266,812: ORTHOGONAL LINE DEPLOYMENT DEVICE; filed 17 June 1994.

Patent Application 08/267,696: SYNCHRONIZATION OF NONAUTONOMOUS CHAOTIC SYSTEMS; filed 29 June 1994.

Patent Application 08/267,697: INFRARED-TO-VISIBLE CONVERTER; filed 29 June 1994.

Patent Application 08/268,341: DIFFUSION WELD TEST FIXTURE; filed 9 June 1994.

Patent Application 08/269,316: ATTACHMENT DEVICE FOR TETHERED TRANSDUCER; filed 30 June 1994.

Patent Application 08/269,322: APPARATUS FOR THE STORAGE OF CYLINDRICAL OBJECTS; filed 30 June 1994.

Patent Application 08/269,430: UNDERWATER VEHICLE RECOVERY SYSTEM; filed 30 June 1994.

Patent Application 08/273,438: MULTI-PROPELLER DRIVE SYSTEM; filed 5 July 1994.

Patent Application 08/255,581: EPOXY PIPELINING COMPOSITION AND METHOD OF MANUFACTURE; filed 14 December 1994.

Dated: January 19, 1995.

**L.R. McNees,**

*LCDR, JAGC, USN, Federal Register Liaison Officer.*

[FR Doc. 95-1892 Filed 1-24-95; 8:45 am]

BILLING CODE 3810-AE-M

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Request

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection request.

**SUMMARY:** The Director, Information Resources Group, invites comments on the proposed information collection request as required by the Paperwork Reduction Act of 1980.

**DATES:** An emergency review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by January 19, 1995.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer: Department of Education, Office of Management and Budget, 726 Jackson

Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets, SW., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

#### FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill (202) 708-9915.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State of Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Resources Group, publishes this notice with attached proposed information collection requests prior to submission to OMB. For each proposed information collection request, groups by office, this notice contains the following information: (1) Type of review requested, e.g., new, revision, extension, existing, or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting and/or Recordkeeping burden; and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section on "Additional Information" in this notice.

Dated: January 19, 1995.

**Gloria Parker,**

*Director, Information Resources Group.*

### Office of Elementary and Secondary Education

**Type of Review:** Emergency  
**Title:** Education Flexibility Partnership Demonstration Program

**Abstract:** The Education Flexibility Partnership Demonstration Program is an education flexibility program under which the Secretary may grant up to six State Educational agencies (SEAs) 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. The Department will use the information to determine which applicants should be designated as "ED-Flex Partnership States," thus receiving delegated authority to grant waivers of certain federal statutory and regulatory requirements.

**Additional Information:** An emergency review for this collection is requested for OMB approval by January 19, 1995, to assure that states will have sufficient notice of the application requirements and selection criteria. We expect to make awards during the spring of 1995 to facilitate State and local reform efforts.

**Frequency:** One time

**Affected Public:** State or local governments

**Reporting Burden:** Responses: 57

**Burden Hours:** 4,560

**Recordkeeping Burden:** Recordkeepers: 3

**Burden Hours:** 240

[FR Doc. 95-1775 Filed 1-24-95; 8:45 am]

**BILLING CODE** 4000-1-M

## DEPARTMENT OF ENERGY

### Notice of Floodplain Statement of Findings for Operable Unit 1 Remedial Action at the Fernald Environmental Management Project

**AGENCY:** Department of Energy (DOE), Fernald Area Office

**ACTION:** Notice of Floodplain Statement of Findings.

**SUMMARY:** This is to give notice of DOE's planned actions for the Fernald Environmental Management Project (FEMP), located approximately 18 miles (29 kilometers) northwest of Cincinnati, Ohio. The subject of this Notice of Floodplain Statement of Findings is Operable Unit 1 Remedial Action. Operable Unit 1 is comprised of eight sub-units or areas: Wastes Pits 1, 2, 3, 4, 5 and 6, the Burn Pit and the Clearwell. DOE proposes to protect human health and the environment by removing Operable Unit 1 waste pit contents, contaminated soils and liquids, treating the waste through drying, and disposing the waste off-property at a commercial disposal facility. Some of these activities take place in a floodplain located in Hamilton County, Ohio. As a part of the Operable Unit 1 Feasibility Study, DOE prepared a floodplain and wetlands assessment describing the effects, alternatives, and measures designed to avoid or minimize potential harm to or within the affected floodplain. The assessment found that the proposed

action would have minimal temporary or long-term impacts on the floodplain.

**DATES:** Written comments must be received by the DOE at the following address on or before February 9, 1995.

**ADDRESSES:** For further information on this proposed action (including location maps) contact: Mr. Wally Quaider, Acting Associate Director, Office of Safety & Assessment, DOE Fernald Area Office, P.O. Box 538705, Cincinnati, Ohio 45253-8705, Phone: (513) 648-3137, Facsimile: (513) 648-3077.

**FOR FURTHER INFORMATION CONTACT:** For further information on general DOE Floodplain/Wetlands environmental review requirements, contact: Ms. Carol M. Borgstrom, Office of NEPA Oversight, EH-25, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, Phone: (202) 586-4600 or 1-800-472-2756.

**SUPPLEMENTARY INFORMATION:** This is a Floodplain Statement of Findings for the Operable Unit 1 Remedial Action prepared in accordance with Executive Order 11988 and 10 CFR Part 1022. A Notice of Floodplain/Wetland Involvement was published in the **Federal Register** (FR) on October 18, 1994 (59 FR 52525) and a floodplain and wetlands assessment was incorporated in the Operable Unit 1 Feasibility Study. DOE is proposing to remove waste pit contents, caps and liners, treat the waste by thermal drying, and dispose of the waste at an off-site permitted commercial disposal facility. The proposed action would result in excavation and grading activities within the 100- and 500-year floodplain of Paddys Run, due to the close proximity of the waste pits to the floodplain. Alternatives to the proposed action are no-action, on-site disposal (treatment through vitrification), on-site disposal (treatment through cement solidification), and off-site disposal to the Nevada Test Site.

The temporary and long-term impacts on the floodplain would be minimal. The Operable Unit 1 remedial activities would have temporary impacts on the floodplain in the short-term due to grading. In addition, a stone-lined drainage ditch would be constructed as part of grading activities in the waste pit area to promote positive drainage. The drainage ditch would only result in minor flow increases during rain events and would not result in significant changes in the flood elevations of Paddys Run.

DOE has determined that there is no practicable alternative to the proposed remedial action and that this action has been designed to minimize harm to the 100- and 500-year floodplain of Paddys

Run. Engineering controls (e.g., expeditious backfilling, silt fences, straw bales) will minimize indirect impacts such as runoff and sediment deposition to the floodplain. In addition, all physically disturbed areas of the floodplain will be regraded to near original contours, resulting in no change to flood elevations. Over the long-term, a positive impact on the floodplain would occur due to an increase in the floodplain area adjacent to the remediated waste pits, thus minimizing the magnitude of downstream flood events. Furthermore, the elimination of contaminated source term material currently located in the floodplain of Paddys Run would have a positive indirect effect. The proposed action does conform to applicable State and local floodplain protection standards. Before this action begins, approval would be obtained from State and Federal agencies having jurisdiction.

Issued in Miamisburg, Ohio on January 18, 1995.

**George R. Gartrell,**

*Acting Manager, Ohio Field Office.*

[FR Doc. 95-1870 Filed 1-24-95; 8:45 am]

**BILLING CODE** 6450-01-P

### Notice of Floodplain Statement of Findings for Operable Unit 2 Remedial Action at the Fernald Environmental Management Project

**AGENCY:** Department of Energy (DOE), Fernald Area Office.

**ACTION:** Notice of Floodplain Statement of Findings.

**SUMMARY:** This is to give notice of DOE's planned actions for the Fernald Environmental Management Project (FEMP), located approximately 18 miles (29 kilometers) northwest of Cincinnati, Ohio. The subject of this Notice of Floodplain Statement of Findings is Operable Unit 2 Remedial Action. Operable Unit 2 is comprised of five sub-units or areas: the Solid Waste Landfill, Lime Sludge Ponds, Inactive Flyash Pile, South Field and the Active Flyash Pile. DOE proposes to protect human health and the environment by excavating waste exceeding Preliminary Remediation Levels (PRLs) not protective of the expanded trespasser and disposing of the waste in an on-property disposal facility (Note: Waste that does not meet waste acceptance criteria [an estimated 1%] for the disposal facility would be disposed of off-site). Excavation and construction activities associated with implementation of this alternative would involve a small portion of the



floodplain along Paddys Run in Fernald, Ohio. As a part of the Operable Unit 2 Feasibility Study/Proposed Plan, DOE prepared a floodplain/wetlands assessment describing the effects, alternatives, and measures designed to avoid or minimize potential harm to or within the affected floodplain. The assessment found that the proposed action would have minimal temporary or long-term impacts on the floodplain.

**DATES:** Written comments must be received by the DOE at the following address on or before February 9, 1995.

**ADDRESSES:** For further information on this proposed action (including location map), contact: Mr. Wally Quaider, Acting Associate Director, Office of Safety & Assessment, U.S. Department of Energy, Fernald Area Office, P.O. Box 538705 Cincinnati, Ohio 45253-8705, Phone: (513) 648-3137, Facsimile: (513) 648-3077.

**FOR FURTHER INFORMATION CONTACT:** For further information on general DOE Floodplain/Wetlands environmental review requirements, contact: Ms. Carol Borgstrom, Director, Office of NEPA Oversight, EH-25, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, Phone: (202) 586-4600 or 1-800-472-2756.

**SUPPLEMENTARY INFORMATION:** This Floodplain Statement of Findings for the Operable Unit 2 Remedial Action at the FEMP has been prepared in accordance with Executive Order 11988 and 10 CFR Part 1022. A Notice of Floodplain/Wetlands Involvement was published in the **Federal Register** (FR) on January 4, 1995 (60 FR 446) and a floodplain/wetlands assessment was incorporated in the Operable Unit 2 Feasibility Study/Proposed Plan (FS/PP). DOE is proposing to protect human health and the environment by controlling continuous migration of contaminants from the five waste areas within Operable Unit 2: the Solid Waste Landfill, Lime Sludge Ponds, Inactive Flyash Pile, South Field, and Active Flyash Pile. In order to eliminate the threat of a release to Paddys Run, limited excavation would occur in the floodplain. Direct physical impact to the floodplain would result from the excavation of contaminated sediments and lead bullets and fragments, the construction of a temporary haul road, and heavy equipment operating within the floodplain. Potential indirect impacts to the 100- and 500-year floodplain as a result of the remedial activities involving the Inactive Flyash Pile, South Field, and Active Flyash Pile include surface water runoff and sedimentation loading into the floodplain. Several alternatives were

considered and evaluated in making this determination, including: no action, consolidation/containment, excavation and off-site disposal, and excavation and on-property disposal with off-site disposal of waste exceeding waste acceptance criteria (i.e., the preferred alternative). Direct and indirect impacts would occur during the implementation of any action alternative considered. However, no change in flood elevations would be expected because disturbed areas would be backfilled and regraded.

DOE has determined that there is no practicable alternative to the proposed remedial action and that this action has been designed to minimize harm to the 100- and 500-year floodplain of Paddys Run. Engineering controls (e.g., expeditious backfilling, silt fences, straw bales) will minimize indirect impacts such as runoff and sediment deposition to the floodplain. In addition, all physically disturbed areas of the floodplain will be regraded to near original contours, resulting in no change to flood elevations. The proposed remedial action has been designed to conform to applicable State and local floodplain protection standards. Before this action begins, approval would be obtained from State and Federal agencies having jurisdiction.

Issued in Miamisburg, Ohio on January 18, 1995.

**George R. Gartrell,**

*Acting Manager, Ohio Field Office.*

[FR Doc. 95-1871 Filed 1-24-95; 8:45 am]

BILLING CODE 6450-01-P

### **Environmental Management Site Specific Advisory Board, the Fernald Citizens Task Force**

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), the Fernald Citizens Task Force.

**DATES:** Saturday, February 18, 1995: 8:30 a.m.-12:30 p.m. (public comment session, 11:45 a.m.-12:00 p.m.)

**ADDRESSES:** The February 18 meeting will be held at: The Joint Information Center, 6025 Dixie Highway, Route 4, Fairfield, Ohio.

**FOR FURTHER INFORMATION CONTACT:** John S. Applegate, Chair of the Fernald Citizens Task Force, P.O. Box 544, Ross, Ohio 45061, or call the Fernald Citizens

Task Force message line (513) 648-6478.

#### **SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the Fernald site.

#### **Tentative Agenda**

*Saturday, February 18, 1995*

8:30 a.m.—Task Force Administration

8:50 a.m.—Review of New Information, Results of January 25, 1995 Public Workshop

9:45 a.m.—Break

10:00 a.m.—Discussion and Draft Resolutions

11:45 p.m.—Public Comment

12:00 p.m.—Vote on Resolutions

12:15 p.m.—Wrap Up

12:30 p.m.—Adjourn

A final agenda will be available at the meeting, Saturday, February 18, 1995.

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Task Force chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Task Force chair at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official, Kenneth Morgan, Public Affairs Officer, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

*Minutes:* The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to John S. Applegate, Chair, the Fernald Citizens Task Force, P.O. Box 544, Ross, Ohio 45061 or by calling the Task Force message line at (513) 648-6478.

Issued at Washington, DC on January 20, 1995.

**Rachel Murphy Samuel,**

*Acting Deputy Advisory Committee Management Officer.*

[FR Doc. 95-1872 Filed 1-24-95; 8:45 am]

BILLING CODE 6450-01-P



### Environmental Management Site Specific Advisory Board, Nevada Test Site

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), Nevada Test Site.

**DATES:** Wednesday, February 1, 1995: 5:30 p.m.–10:00 p.m.

**ADDRESSES:** Holiday Inn Crowne Plaza, 4255 South Paradise Road, Las Vegas, Nevada.

**FOR FURTHER INFORMATION CONTACT:** Don Beck, Public Participation Program Manager, Office of Public Accountability, EM-5, 1000 Independence Avenue, SW Washington, DC 20585, (202) 586-7633.

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Committee.* The EM SSAB provides input and recommendations to the Department of Energy on Environmental Management strategic decisions that impact future use, risk management, economic development, and budget prioritization activities.

#### Tentative Agenda

*Wednesday, February 1, 1995*

5:30 p.m.

Call to Order

Review Agenda

Minutes Acceptance

Financial Report

Correspondence

Reports from Committees, Delegates and Representatives

Unfinished Business

New Business

Evaluation of Board and

Environmental Restoration and

Waste Management Programs

Announcements

10:00 p.m.

Adjournment

If needed, time will be allotted after public comments for old business, new business, items added to the agenda, and administrative details.

A final agenda will be available at the meeting Wednesday, February 1, 1995.

*Public Participation.* The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Don Beck's office at the address or telephone number listed above. Requests must be received 5 days prior

to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. Due to programmatic issues that had to be resolved, the **Federal Register** notice is being published less than fifteen days before the date of the meeting.

*Minutes.* The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays.

Issued at Washington, DC on January 20, 1995.

**Rachel Murphy Samuel,**

*Acting Deputy Advisory Committee Management Officer.*

[FR Doc. 95-1873 Filed 1-24-95; 8:45 am]

BILLING CODE 6450-01-P

### Environmental Management Site Specific Advisory Board, Idaho National Engineering Laboratory

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), Idaho National Engineering Laboratory.

**DATES:** Tuesday, February 7, 1995 from 8:00 a.m. Mountain Standard Time (MST) until 6:00 pm MST and Wednesday, February 8, 1995 from 7:30 a.m. MST until 5:00 p.m. MST. There will be a public comment availability session Tuesday, February 7, 1995 from 5:00 to 6:00 p.m. MST.

The public is invited to a special presentation from the Board to the public and visitors regarding Board activities on Wednesday, February 8, 1995 from 2:00 to 5:00 p.m.

Media availability to the Board will be held Tuesday, February 7, 1995 from 4:30 to 5:00 p.m.

**ADDRESSES:** Red Lion Inn Downtowner, Selway Room, 1800 Fairview, Boise, ID 83702, (208) 344-7691.

#### FOR FURTHER INFORMATION CONTACT:

Idaho National Engineering Laboratory Information 1-800-708-2680 or Marsha

Hardy, Jason Associates Corporation Staff.

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Committee.* The Board will initiate study about future land use issues at the Idaho National Engineering Laboratory. The Board will also discuss spent nuclear fuel issues and initiate its study of risk management theory. A special presentation by the Board to invited guests and presentations by officials describing the State of Idaho's perception of the Idaho National Engineering Laboratory will be held.

#### Tentative Agenda

*February 7, 1995*

7:30 a.m.—Sign-in and Registration

8:00 a.m.—Miscellaneous Business:

*Agenda Review/Revision/Acceptance*  
Old Business

*DDFO Report*

*Chair Report*

*Committee Reports*

*Standing Committee Reports*

*Public Communications*

*Budget*

*Amendment*

*Member Selection*

*Training*

*Member Reports*

*Linda Milam, ANS Presentation*

9:45 a.m.—Break

10:00 a.m.—INEL Future Land Use presentation and discussion

12:00 p.m.—Lunch

1:00 p.m.—Spent Fuel—DOE-Wide

Spent Nuclear Fuel Strategic Plan

2:30 p.m.—Action plan—Distribution, confirmation, development of agenda for March meeting

3:00 p.m.—Break

3:15 p.m.—Working session (agency requests)

5:00 p.m.—Public Comment

Availability

6:00 p.m.—Adjourn

*Wednesday, February 8, 1995*

7:30 a.m.—Sign-In and Registration

8:00 a.m.—Miscellaneous Business

Day Two Agenda review, revision, acceptance

Public Comment from Day 1

Old Business from Day 1

8:30 a.m.—3161 Plan Review and

Board Comments

10:30 a.m.—Break

10:45 a.m.—BWID Risk Management

Film Develop risk-associated

questions for Board follow-up

11:45 a.m.—Risk Training

12:45 p.m.—Lunch

2:00 p.m.—Public Open House

Note: Media Availability (time to be determined)

5:00 p.m.—Adjourn

A final agenda will be available at the meeting.

**Public Comment Availability.** The two-day meeting is open to the public, with a Public Comment Availability session scheduled for Tuesday, February 7, 1995 from 5:00 p.m. to 6:00 p.m. MST. The Board will be available during this time period to hear verbal public comments or to review any written public comments. If there are no members of the public wishing to comment or no written comments to review, the board will continue with its current discussion. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Idaho National Engineering Laboratory Information line or Marsha Hardy, Jason Associates, at the addresses or telephone numbers listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

**Minutes.** The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays.

Issued at Washington, DC on January 20, 1995.

**Rachel Murphy Samuel,**

*Acting Deputy Advisory, Committee Management Officer.*

[FR Doc. 95-1874 Filed 1-24-95; 8:45 am]

BILLING CODE 6450-01-P

## Office of Energy Efficiency and Renewable Energy

### Advisory Committee on the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency; Meeting Cancellation Notice

An open meeting of the Advisory Committee on the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency which

was scheduled to be held on Thursday, January 26, 1995, at 7:00 PM, the Marriott Crystal Gateway Hotel, 1700 Jefferson Davis Highway, Arlington, VA, has been canceled. This meeting was announced in the **Federal Register**, on Monday, January 23, 1995. (60 FR 4410.)

Issued at Washington, D.C. on January 23, 1995.

**Rachel Murphy Samuel,**

*Acting Deputy Advisory Committee Management Officer.*

[FR Doc. 95-1987 Filed 1-23-95; 2:28 pm]

BILLING CODE 6450-01-P

## Federal Energy Regulatory Commission

[Docket No. ER95-393-000, et al.]

### CLP Hartford Sales, L.L.C., et al. Electric Rate and Corporate Regulation Filings

January 17, 1995.

Take notice that the following filings have been made with the Commission:

#### 1. CLP Hartford Sales, L.L.C.

[Docket No. ER95-393-000]

Take notice that on January 6, 1995, CLP Hartford Sales, L.L.C., tendered for filing its initial FERC electric service tariff, Rate Schedule No. 1, and a petition for blanket approvals and waivers of various Commission regulations under the Federal Power Act.

**Comment date:** January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 2. American Electric Power Service Corporation

[Docket No. ER95-394-000]

Take notice that on January 6, 1995, the American Electric Power Service Corporation (AEPSC), tendered for filing, as initial Rate Schedules, two agreements, dated November 1, 1994, between AEPSC, as agent for the AEP System Operating Companies, and (1) Electric Clearinghouse, Inc., and (2) Heartland Energy Services (collectively Marketers).

The Agreements provide the Marketers access to the AEP System for short-term transmission services. The parties request an effective date of January 1, 1995.

A copy of the filing was served upon the Public Utility Commissions of Ohio, Indiana, Michigan, Virginia, West Virginia, Kentucky, Tennessee, and each of the Marketers.

**Comment date:** January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

### 3. The Montana Power Company

[Docket No. ER95-395-000]

Take notice that on January 6, 1995, The Montana Power Company (Montana), tendered for filing a revised Appendix 1 as required by Exhibit C for retail sales in accordance with the provisions of the Residential Purchase and Sale Agreement (Agreement) between Montana and the Bonneville Power Administration (BPA).

The Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Public Law 96-501. The Agreement provides for the exchange of electric power between Montana and BPA for the benefit of Montana's residential and farm customers.

A copy of the filing has been served upon BPA.

**Comment date:** January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

### 4. San Diego Gas & Electric Company

[Docket No. ER95-396-000]

Take notice that on January 9, 1995, San Diego Gas & Electric Company (SDG&E), tendered for filing and acceptance, pursuant to 18 CFR 35.12, an Interchange Agreement (Agreement) between SDG&E and the City of Colton, (Colton).

SDG&E requests that the Commission allow the Agreement to become effective on the 15th day of March, 1995 or at the earliest possible date.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Colton.

**Comment date:** January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

### 5. The Washington Water Power Company

[Docket No. ER95-397-000]

Take notice that on January 9, 1995, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12, an Agreement for Purchase and Sale of summer capacity and associated energy between the Washington Water Power Company and Modesto Irrigation District.

**Comment date:** January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

### 6. San Diego Gas & Electric Company

[Docket No. ER95-398-000]

Take notice that on January 9, 1995, San Diego Gas & Electric Company (SDG&E), tendered for filing and acceptance, pursuant to 18 CFR 35.12,

an Interchange Agreement (Agreement) between SDG&E and the City of Azusa, (Azusa).

SDG&E requests that the Commission allow the Agreement to become effective on the 15th day of March, 1995, or at the earliest possible date.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Azusa.

*Comment date:* January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### **7. The Washington Water Power Company**

[Docket No. ER95-399-000]

Take notice that on January 9, 1995, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a new unsigned Service Agreement for Electric Tariff No. 4.

*Comment date:* January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### **8. The Washington Water Power Company**

[Docket No. ER95-400-000]

Take notice that on January 9, 1995, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.15, a Notice of Termination of Rate Schedule (FERC No. 61), the Firm Wholesale Energy Agreement, Appendix E effective date January 1, 1994 and Rate Schedule (FERC No. 181), Transmission Service Agreement effective date January 27, 1993 between The Washington Water Power Company (WWP) and PacifiCorp. WWP states that WWP and PacifiCorp are the only parties to the above agreements. Termination of these agreements is the result of WWP's purchase of PacifiCorp's Bonner County, Idaho electric system.

*Comment date:* January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### **9. Northern States Power Company (Minnesota Company)**

[Docket No. ER95-401-000]

Take notice that on January 9, 1995, Northern States Power Company (Minnesota) (NSP), tendered for filing an amended Service Schedule E to the Municipal Interconnection and Interchange Agreement between NSP and the City of Kasson (City). Service Schedule E provides for distribution facilities services for the City, and the amended Service Schedule E modifies the monthly facilities charge to be paid by the City.

NSP requests that the Commission alternatively disclaim jurisdiction or accept the amended Service Schedule E of the Municipal Interconnection and Interchange Agreement effective March 20, 1995.

*Comment date:* January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### **10. Northern States Power Company (Minnesota Company)**

[Docket No. ER95-402-000]

Take notice that on January 9, 1995, Northern States Power Company (Minnesota) (NSP), tendered for filing an amended Service Schedule E to the Municipal Interconnection and Interchange Agreement between NSP and the City of Kasota (City). Service Schedule E provides for distribution facilities services for the City, and the amended Service Schedule E modifies the monthly facilities charge to be paid by the City.

NSP requests that the Commission alternatively disclaim jurisdiction or accept the amended Service Schedule E of the Municipal Interconnection and Interchange Agreement effective March 20, 1995.

*Comment date:* January 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### **Standard Paragraphs**

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1830 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EG95-27-000, et al.]

#### **Renewable Energy Ireland Limited, et al.; Electric Rate and Corporate Regulation Filings**

January 18, 1995.

Take notice that the following filings have been made with the Commission:

##### **1. Renewable Energy Ireland Limited**

[Docket No. EG95-27-000]

On January 11, 1995, Renewable Energy Ireland Limited ("REI") filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. REI is engaged directly and exclusively in the business of owning and operating a 6.45 MW wind farm, which is an eligible facility, located at Bellacorick in County Mayo, Ireland and selling electric energy at wholesale in Ireland.

*Comment date:* February 3, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

##### **2. Noram Energy Services, Inc.**

[Docket No. ER94-1247-002]

Take notice that on January 4, 1995, Noram Energy Services, Inc. tendered for filing a Notice of Succession in Ownership or Operation in the above-referenced docket.

*Comment date:* February 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

##### **3. Baltimore Gas and Electric Company**

[Docket No. ER95-185-000]

Take notice that Baltimore Gas and Electric Company (BGE), on January 4, 1995, tendered for filing an amendment to its November 14, 1994, filing of the Short-Term Energy Transactions Agreement between Delmarva Power & Light Company and BGE in the above-captioned docket. The amendment modifies Section II.C of the Agreement to reflect hourly, daily, weekly, and monthly and Maximum Reservation Charges.

BGE has requested waiver of the Commission's notice requirements to allow for an effective date of November 18, 1994, as originally requested.

*Comment date:* February 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

##### **4. New England Power Company**

[Docket No. ER95-253-000]

Take notice that New England Power Company on December 22, 1994,

tendered for filing a correction to a typographical error in its filing letter in this docket.

*Comment date:* February 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Southern Indiana Gas and Electric Company

[Docket No. ER95-375-000]

Take notice that Southern Indiana Gas and Electric Company (SIGECO) on December 30, 1994, tendered for filing Supplement No. 10 to Electric Power Agreement with Alcoa Generating Corporation (AGC), dated May 21, 1971 (Alcoa Generating Corporation, FERC Rate Schedule No. 2) (Southern Indiana Gas and Electric Company, FERC Rate Schedule No. 29), and modified by the Fourth, Fifth, Sixth, Eighth, and Ninth Supplements. The Tenth Supplement proposes to replace Article II, Section 2.6 of the said agreement with a new section 2.6 which provides for the sale of Non-Displacement Energy by AGC from its capacity ownership on Warrick Unit No. 4 to SIGECO, at a rate equal to the out-of-pocket costs of AGC, plus up to ten percent of such costs.

The proposed Supplement will permit Southern Indiana Gas and Electric Company to utilize, to its own and its customers advantage, surplus electric energy that Alcoa Generating Corporation is willing to make available from capacity on its ownership of Warrick Unit 4. The intent of such Non-Displacement Energy purchases is to supplement, but not displace, energy which SIGECO would itself generate to meet its needs.

Waiver of the Commission's Notice Requirements is requested to allow for an effective date of November 14, 1994.

*Comment date:* February 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 6. Portland General Electric Company

[Docket No. ER95-414-000]

Take notice that on January 11, 1995, Portland General Electric Company (PGE), tendered for filing an executed service agreement under FERC Electric Tariff, Original Volume No. (PGE-1), with Gulfstream Energy, LLC. By this filing, PGE seeks to correct the customer name for Service Agreement No. 40 under FERC Electric Tariff, Original Volume No. 1. Copies of the filing have been served on the parties included in the Certificate of Service attached to the filing letter.

*Comment date:* February 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Boston Edison Company

[Docket No. ER95-415-000]

Take notice that on January 11, 1995, Boston Edison Company (Edison), tendered for filing a supplemental Exhibit A to a Service Agreement for Hull Municipal Light Plant (Hull), under its FERC Electric Tariff, Original Volume No. III, Non-Firm Transmission Service (the Tariff). The required Exhibit A specifies the amount and duration of transmission service required by Braintree under the Tariff.

Edison states that it has served the filing on Hull and on the Massachusetts Department of Public Utilities.

Edison requests a waiver of the Commission's notice requirements to permit the Exhibit A to become effective as of the commencement date of the transaction to which it relates, November 1, 1994.

*Comment date:* February 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 8. San Diego Gas & Electric Company

[Docket No. ER95-416-000]

Take notice that on January 12, 1995, San Diego Gas & Electric Company (SDG&E), tendered for filing an Interchange Agreement (Agreement) between SDG&E and Associated Power Services, Inc. (APSI).

SDG&E requests that the Commission allow the Agreement to become effective on the 15th day of March, 1995 or at the earliest possible date.

Copies of this filing were served upon the Public Utilities Commission of the State of California and APSI.

*Comment date:* February 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1831 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-P

#### [Project No. 10867 Indiana]

#### Holliday Historic Restoration Associates; Notice of Availability of Draft Environmental Assessment

January 19, 1995.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47897), the Office of Hydropower Licensing has reviewed the application for a minor license for the existing, unlicensed Holliday Hydroelectric Project, located on the West Fork of the White River, Hamilton County, Indiana, and has prepared a Draft Environmental Assessment (DEA) for the project. In the DEA, the Commission's staff has analyzed the potential environmental impacts of the existing project and has concluded that approval of the project, with appropriate mitigation measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, Room 3104, of the Commission's offices at 941 North Capitol Street, N.E., Washington, D.C. 20426.

Please submit any comments within 30 days from the date of this notice. Comments should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Please affix Project No. 10867 to all comments. For further information, please contact Mary Golato, Environmental Coordinator, at (202) 219-2804.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1836 Filed 1-14-95; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 2587-002 Michigan and Wisconsin]

#### Northern States Power Company Wisconsin; Notice of Availability of Final Environmental Assessment

January 19, 1995.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory

Commission's (Commission's) Regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new license for the Superior Falls Hydroelectric Project, located on the Montreal River in Iron County, Wisconsin, and Gogebic County, Michigan, and has prepared a Final Environmental Assessment (FEA) for the project. In the FEA, the Commission's staff has analyzed the potential environmental impacts of the existing project and has concluded that approval of the project, with appropriate environmental protection or enhancement measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the FEA are available for review in the Public Reference Branch, Room 3104, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1837 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. MG95-1-001]**

**Algonquin LNG, Inc.; Notice of Filing**

January 19, 1995.

Take notice that on January 17, 1995, Algonquin LNG, Inc. (Algonquin LNG), submitted revised standards of conduct under Order Nos. 497 *et seq.*<sup>1</sup> and Order Nos. 566 and 566-A.<sup>2</sup> Algonquin LNG states that it is revising its standards of conduct to incorporate the changes

required by Order Nos. 566 and 566-A. Algonquin LNG also states that it is revising its standards to reflect the Commission's December 7, 1994, Order on Standards of Conduct in Docket No. MG88-55-005.<sup>3</sup>

Algonquin LNG states that copies of this filing have been mailed to all parties on the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before February 3, 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.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1838 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. MG88-2-007]**

**Algonquin Gas Transmission Company; Notice of Filing**

January 19, 1995.

Take notice that on January 17, 1995, Algonquin Gas Transmission Company (Algonquin), submitted revised standards of conduct under Order Nos. 497 *et seq.*<sup>1</sup> and Order Nos. 566 and

<sup>3</sup> 69 FERC ¶ 61,310 (1994).

<sup>1</sup> Order No. 497, 53 FR 22139 (June 14, 1988), III FERC Stats. & Regs. ¶ 30,820 (1988); Order No. 497-A, *order on rehearing*, 54 FR 52781 (December 22, 1989), III FERC Stats. & Regs. 30,868 (1989); Order No. 497-B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), III FERC Stats. & Regs. ¶ 30,908 (1990); Order No. 497-C, *order extending sunset date*, 57 FR 9 (January 2, 1992), III FERC Stats. & Regs. ¶ 30,934 (1991), rehearing denied, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); *Tenneco Gas v. FERC* (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497-D, *order on remand and extending sunset date*, III FERC Stats. & Regs. ¶ 30,958 (December 4, 1992), 57 FR 58978 (December 14, 1992); Order No. 497-E, *order on rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), 65 FERC ¶ 61,381 (December 23, 1993); Order No. 497-F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497-G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,996 (June 17, 1994).

<sup>2</sup> Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,997 (June 17, 1994); Order No. 566-A, *order on rehearing*, 59 FR 52,896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994).

566-A.<sup>2</sup> Algonquin states that it is revising its standards of conduct to incorporate the changes required by Order No. 566-A. Algonquin also states that it is revising its standards to reflect the Commission's December 7, 1994 Order on Standards of Conduct in Docket No. MG88-55-005.<sup>3</sup>

Algonquin states that copies of this filing have been mailed to all parties on the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before February 3, 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.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1839 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP94-397-004]**

**K N Interstate Gas Transmission Co.; Notice of Refiling of Previously Accepted Order No. 497 Compliance Information**

January 19, 1995.

Take notice that on January 13, 1995, K N Interstate Gas Transmission Co. (KNI), tendered for filing, Third Revised Sheet No. 53 and Second Revised Sheet No. 54, to its FERC gas Tariff Second Revised Volume No. 1-B. These tariff sheets are identical to those accepted on July 27, 1994 in Docket No. MT94-5-000. Through inadvertence, the tariff sheets accepted in Docket No. MT94-5-000 were not included in KNI's September 13 filing in Docket No. RP94-397, wherein KNI filed its Revisions to Second Revised Volumes No. 1-A and B.

<sup>2</sup> Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,997 (June 17, 1994); Order No. 566-A, *order on rehearing*, 59 FR 52,896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994).

<sup>3</sup> 69 FERC ¶ 61,310 (1994).

Any person desiring to protest with reference to this filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. All such protest should be filed on or before January 26, 1995. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1835 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP95-30-003]**

**Koch Gateway Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff**

January 19, 1995.

Take notice that on January 12, 1995, Koch Gateway Pipeline Company (Koch Gateway), tendered for as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to be effective December 1, 1994:

2nd Sub Fourth Revised Sheet No. 20  
2nd Sub Fourth Revised Sheet No. 24

Koch Gateway states that on December 15, 1994, it filed a compliance filing in the above referenced proceeding pursuant to Commission's order dated November 30, 1994. Koch Gateway states that it is filing the above referenced tariff sheets to correct typographical errors found on the previously filed Sheets.

Koch Gateway also states that the tariff sheets are being mailed to all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's regulations. All such protests should be filed on or before January 26, 1995. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1833 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP88-259-071]**

**Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff**

January 19, 1995.

Take notice that on January 11, 1995, Northern Natural Gas Company (Northern), tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to be effective December 27, 1994:

First Revised Sheet No. 242  
First Revised Sheet No. 247  
First Revised Sheet No. 249

Northern states that such tariff sheets are being submitted in compliance with the Commission's Letter Order issued December 27, 1994, in the above-referenced Docket Nos. to reproduce the terms and conditions of the pro forma tariff sheets submitted with the Stipulation and Agreement of Settlement filed October 7, 1994.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

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 must be filed on or before January 26, 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. 95-1834 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP94-394-000]**

**Panhandle Eastern Pipe Line Company; Notice of Technical Conference**

January 19, 1995.

In the Commission's order issued on October 6, 1994 in the above-captioned proceeding, the Commission ordered that a technical conference be convened to resolve issues raised by the filing. The conference to address the issues has been scheduled for February 8, 1995, at 10:00 a.m. in a room to be designated at the offices of the Federal Energy

Regulatory Commission, 810 First Street NE., Washington, DC 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1832 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. EL95-19-000]**

**San Diego Gas & Electric Company; Notice of Filing**

January 19, 1995.

Take notice that on January 18, 1995, San Diego Gas & Electric Company (San Diego), filed a Petition For Enforcement pursuant to Section 210(h) of the Public Utility Regulatory Policies Act of 1978 (PURPA), or, in the alternative, for a Declaratory Order. San Diego states that the California Public Utilities Commission (California Commission), has ordered San Diego to sign long-term, fixed price contracts with qualifying facilities (Qfs) to purchase 491 MW of new capacity that will come on line in 1997-99. San Diego asserts that these new contracts will require payments above its avoided cost and will dramatically increase stranded costs in a soon to be restructured electric utility industry. San Diego requests the Commission to relieve San Diego and its customers from these California Commission orders which it asserts violate both PURPA and this Commission's regulations. 18 CFR Part 292.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before February 8, 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.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-1840 Filed 1-24-95; 8:45 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-00401; FRL-4933-8]

**FIFRA Scientific Advisory Panel; Open Meeting****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of open meeting.

**SUMMARY:** There will be a 1-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) Subpanel on Plant Pesticides to review a set of scientific issues being considered by the Agency in connection with Monsanto's application for registration of a transgenic plant pesticide. The plant pesticide contains the active ingredient *Bacillus thuringiensis* subsp. *tenebrionis* delta endotoxin protein as produced by the CryIIIA gene and its controlling sequences in potatoes.

**DATES:** The meeting will be held on Wednesday, March 1, 1995, from 8:30 a.m. to 4:30 p.m.

**ADDRESSES:** The meeting will be held at: Crystal Mall #2, 11th Floor Conference Room (Fish Bowl), 1921 Jefferson Davis Highway, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:**

By mail: Robert B. Jaeger, Designated Federal Official, FIFRA Scientific Advisory Panel (7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 819B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5369 or 7351.

Copies of documents may be obtained by contacting: By mail: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1128 Bay, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5805 or 5454.

**SUPPLEMENTARY INFORMATION:** The agenda for the meeting will be available from the public docket within a week or two prior to the meeting. Copies of information submitted to the Agency in support of this registration (MRID# 429322-01 thru 429322-20), and Agency reviews of these data will be available from the public docket. The release of data is subject to section 10(g) of FIFRA; disclosure requires submission of a signed Affirmation of Non-multinational Status form. Contact the OPP docket staff to receive a copy of the form. Due to the volume of data

(in excess of 3,000 pages), callers will receive the data on microfiche. A papercopy of the data is available for viewing in the docket.

Any member of the public wishing to submit written comments should contact Robert B. Jaeger at the address or the phone number given above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file written statements before the meeting. To the extent that time permits and upon advance notice to the Designated Federal Official, interested persons may be permitted by the chairman of the Scientific Advisory Panel to present oral statements at the meeting. There is no limit on written comments for consideration by the Panel, but oral statements before the panel are limited to approximately 5 minutes. Since oral statements will be permitted only as time permits, the Agency urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral and/or written statements should notify the Designated Federal Official and submit 20 copies of a summary no later than February 17, 1995, in order to ensure appropriate consideration by the Panel.

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket will be available for public inspection in Rm. 1128 Bay at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. All statements will be made part of the record and will be taken into consideration by the Panel.

Copies of the Panel's report of their recommendations will be available 10 to 15 working days after the meeting and may be obtained by contacting the Public Docket and Freedom of Information Section at the address or telephone number given above.

Dated: January 19, 1995.

**Daniel Barolo,**

Director, Office of Pesticide Programs.

[FR Doc. 95-2009 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-F

[OPP-30106; FRL-4934-2]

**Notice of Limited Plant Propagation Registration for a Plant-Pesticide****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA is proposing to issue a limited plant propagation registration under section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to Monsanto Company for the *Bacillus thuringiensis* var. *tenebrionis* (B.t.t) delta endotoxin produced in potatoes for the purpose of increasing reproductive plant materials (plant propagation/seed production). This limited plant propagation registration will be restricted as to the duration of the registration, time and acreage of potatoes planted, the amount of delta-endotoxin produced, and the subsequent harvesting and processing of the resulting crop. EPA is proposing to issue this limited registration because the intent of the plantings is to increase reproductive plant materials.

**DATES:** Comments identified by the docket control number [OPP-30106] must be received on or before February 24, 1995.

**ADDRESSES:** By mail: Submit written comments identified by the document control number [OPP-30106] 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, Attention: Phil Hutton. In person bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of the information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

**FOR FURTHER INFORMATION CONTACT:** Phil Hutton, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW.,



Washington, DC 20460. Telephone number: (703) 308-8260.

**SUPPLEMENTARY INFORMATION:** EPA has received several requests for experimental use permits for plant-pesticides which include acreage dedicated solely to seed increase. Because plant-pesticides are produced in living plants, their commercial development involves the propagation and breeding of new varieties of the crops producing the plant-pesticides. This plant-breeding process also involves increases of plant reproductive materials prior to commercialization. The production of propagative plant products (such as seeds, tubers, corms, cuttings, etc.) is an integral step in the development of new commercial plant varieties. Because of the biology of plants and general planting and harvesting restrictions associated with plant propagation, this step usually takes an entire year in the product development cycle. In the case of tree crops, it may take much longer.

EPA has considered procedural options under FIFRA which would allow plant-pesticides to be propagated for the production of reproductive plant materials under limited acreage and conditions in instances where the Agency has determined that such plant propagation will not result in unreasonable adverse effects to humans or the environment. EPA has determined that a limited registration under section 3(c)(5) is an appropriate regulatory vehicle for pesticides produced in plants grown for the purposes of plant propagation/seed increase. A limited registration will stipulate the conditions under which the plantings could occur and may include such restrictions as the acreage to be planted, the design of the field sites to ensure adequate containment, the locations of the field sites, and any other restrictions deemed necessary. The Agency, in making its finding of no unreasonable adverse effects, will rely in part upon the restrictions set in the limited registration. The limited registration will also stipulate that the company acquiring the registration is liable for the actions of its cooperators in terms of meeting the conditions of the registration. Companies that wish to make applications for a limited registration under FIFRA section 3(c)(5) for the purposes of plant propagation/seed production should be cognizant of tolerance requirements under the Federal Food, Drug, and Cosmetic Act (FFDCA). Crop destruction or other actions to prevent the introduction of the resulting crop into commerce will be a necessary condition of a limited

registration in the absence of a tolerance or exemption from the requirement of a tolerance. Moreover, seeds or other plant parts may be restricted in their sale or distribution.

Monsanto has requested a limited registration for plant propagation and has proposed certain conditions for the registration. The Agency has evaluated the information and data that have been submitted by Monsanto concerning the potential risks from planting potatoes producing *Bacillus thuringiensis* var. *tenebrionis* (B.t.t.) delta endotoxin for the purpose of increasing propagative materials. The information and data evaluated by the Agency to date has led EPA to conclude that, under the restrictions of the limited registration, there will be no unreasonable adverse effects to humans or the environment.

Therefore, EPA is proposing to issue the following limited registration:

524-474. Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198. The approved limited registration for plant propagation would allow the use of 4,988.9 grams of *Bacillus thuringiensis* cryIIIC delta endotoxin produced in potato plants grown from both tubers and plantlets over a total of 8,186 acres. Planting of the product would be limited to the states of Colorado, Idaho, Maine, Michigan, Minnesota, Montana, Nebraska, New York, North Dakota, Oregon, Washington, and Wisconsin. The registration would be limited to plantings from March 1, 1995 through January 1, 1996, and would include associated agronomic activities such as the harvesting and processing of plant propagative materials. Sale or distribution of the crop or plant propagative materials would be prohibited. This registration would also be limited in that all crops must be either destroyed or stored for future plantings or research.

Interested parties should note that EPA will be holding a meeting of the Scientific Advisory Panel on March 1, 1995, for consideration of a full registration under FIFRA section 3(c)(5) (i.e., a registration not restricted to propagation, and unlimited acreage) for this product. The scientific merits of a proposed exemption from the requirement of a tolerance will also be discussed at this meeting.

#### List of Subjects

Environmental protection, Biotechnology, Plant-pesticide, Pesticides, Plants, Registration.

Dated: January 19, 1995.

**Daniel Barolo,**

Director, Office of Pesticide Programs.

[FR Doc. 95-1857 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-F

[OPP-180959; FRL-4930-2]

#### Receipt of Application for Emergency Exemption To Use Fenoxycarb; Solicitation of Public Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received specific exemption requests from the Oregon and Washington Departments of Agriculture (hereafter referred to as the "Applicants") for use of the pesticide fenoxycarb (CAS 72490-01-8) to control pear psylla (*Cacopsylla pyricola*) on up to 10,200, and 26,000 acres of pears, respectively. The Applicants propose the first food use of an active ingredient; therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemptions. **DATES:** Comments must be received on or before February 9, 1995.

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-180959," should be submitted by mail 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 comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Andrea Beard, Registration Division (7505W), Office of Pesticide



Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703-308-8791).

**SUPPLEMENTARY INFORMATION:** Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicants have requested the Administrator to issue specific exemptions for the use of the insecticide fenoxycarb, to control pear psylla, on up to 10,200 acres of pears in Oregon, and 26,000 acres of pears in Washington. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

The Applicants state that pear psylla is a major, chronic pest of pear orchards. If the pest is left uncontrolled, it will cause dramatic yield decreases, and eventual tree debilitation. Damage is caused by honeydew, secreted by the pear psylla nymphs while feeding, which causes deformed fruit and russetting, leading to major quality problems, downgrading of fruit, and increased cullage. In addition, the honeydew causes secondary problems with black sooty mold on the fruit. While feeding, the pear psylla also injects a toxin into the tree, which is debilitating and reduces vigor and, ultimately, yield. The Applicants state that the need for a method of reducing the overwintering adult population before they lay appreciable numbers of eggs in the spring is critical to pear psylla control. The only effective pre-bloom materials for some years were the synthetic pyrethroids, permethrin and fenvalerate. When widespread resistance to these materials became evident in the psylla population by 1987-88, the Applicants state that cyfluthrin was used under section 18 exemptions in 1988-1992, and was found to be efficacious. In 1993, this use of fenoxycarb was first requested by Washington state, who claimed that resistance to cyfluthrin was being observed. However, the toxicology data available at that time for fenoxycarb did not support this use, and cyfluthrin was again used under section 18 during the 1993 season. In the 1993-4 season, both Washington and Oregon requested exemptions for this use. Adequate toxicology data were available to support the use under section 18, and the exemptions were subsequently granted. The Applicants claim that most

of the pear psylla populations are now resistant to cyfluthrin, and are therefore again requesting this use of fenoxycarb for control of pear psylla in pears.

The Applicants wishes to treat up to 10,200 acres of pear trees in Oregon, and up to 26,000 acres in Washington. This would translate to a possible total of 2,550 pounds of active ingredient (10,200 lbs. product) in Oregon, and up to 6,500 lbs. a.i. (26,000 lbs. product) in Washington. Up to two applications would be made per growing season, at a maximum rate of 2 oz. a.i. (8 oz. product) per acre, diluted in water to make a minimum spray volume of 50-400 gallons per acre. Application of fenoxycarb would not be allowed by air or through chemigation equipment.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require publication of a notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing the first food use of an active ingredient. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Oregon and Washington Departments of Agriculture.

#### List of Subjects

Environmental protection, Pesticide and pests, Crisis exemptions.

Dated: January 13, 1995.

**Stephen L. Johnson,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 95-1860 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-F

[OPP-34071; FRL-4931-9]

#### Reregistration Eligibility Decision Documents for Hexadecadienol, et al. and Notice to Remove Benzocaine; Availability for Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability of Reregistration Eligibility Decision documents; opening of public comment period.

**SUMMARY:** This notice announces the availability of the Reregistration Eligibility Decision (RED) documents for the active ingredients Cresol/Xylenol

(List D, cases 4027 and 4098), Disodium cyanodithioimidocarbonate (DCDIC) (List C, case 3065), Fenbutatin-Oxide (List A, case 0245), Hexadecadienol (List D, case 4111), Limonene (List C, case 3083), Nuosept 145 (List C, case 3052), Sodium Cyanide (List C, case 3086), 2-Mercaptobenzothiazole (List B, case 2380) and 2,2-Dibromo-3-nitrilopropionamide (DBNPA) (List C, case 3056). This notice starts a 60-day public comment period. The REDs for the chemicals listed above are the Agency's formal regulatory assessments of the health and environmental data base of the subject chemicals and present the Agency's determination regarding which pesticidal uses are eligible for reregistration. This notice also announces the removal of Benzocaine as an active ingredient under FIFRA (List D, case 4012).

**DATES:** Written comments on these decisions must be submitted by March 27, 1995.

**ADDRESSES:** Three copies of comments identified with the docket number "OPP-34071" and the case number (noted above), should be submitted to: By mail: OPP Pesticide Docket, 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, deliver comments to: OPP Pesticide Docket, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment in response to this Notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket and docket index will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

To request a copy of any of the above listed RED documents, or a RED fact sheet, contact the OPP Pesticide Docket, Public Response and Program Resources Branch, in Rm. 1132 at the address given above or call (703) 305-5805.

Electronic copies of the REDs and RED fact sheets can be downloaded from the Pesticide Special Review and Reregistration Information System at

703-308-7224, and also can be reached on the Internet via FEDWORLD.GOV

and EPA's gopher server, EARTH1.EPA.GOV.

**FOR FURTHER INFORMATION CONTACT:** Technical questions on the above listed decisions should be directed to the appropriate Chemical Review Managers:

Chemical Review Manager	Telephone No.	Chemical Name
Barbara Briscoe .....	(703) 308-8177	Benzocaine
Paul Lewis .....	(703) 308-8015	Cresol/Xylenol
Bonnie Adler .....	(703) 308-8523	Disodium cyanodithioimidocarbonate (DCDIC)
Susan Jennings .....	(703) 308-8021	Fenbutatin-Oxide
Tom Myers .....	(703) 308-8074	Hexadecadienol
Emily Mitchell .....	(703) 308-8583	Limonene
Kathleen Depukat .....	(703) 308-8587	Nuosept 145
		Sodium Cyanide
		2-mercaptobenzothiazole
Richard Gebken .....	(703) 308-8591	2,2-dibromo-3-nitropropionamide (DBNPA)

**SUPPLEMENTARY INFORMATION:** Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1988, EPA is conducting an accelerated reregistration program to reevaluate existing pesticides to make sure they meet current scientific and regulatory standards. The data base to support the reregistration of each of the chemicals listed above is substantially complete. EPA has determined that all currently registered products subject to reregistration containing these active ingredients are eligible for reregistration. The Agency has issued Reregistration Eligibility Decision (RED) documents for the pesticidal active ingredients listed above with the exception of benzocaine, which is being delisted through this notice. The active ingredient known as benzocaine and identified as case 4012 on Reregistration List D is hereby removed because it does not meet the definition of an active ingredient as stated in section 2 of FIFRA. Benzocaine does not prevent, destroy, repel or mitigate any pest. Benzocaine is regulated as a medicine by FDA. The single product currently registered containing benzocaine as an itch reliever also contains sulfur as a pesticidal active ingredient. The product will continue to be regulated by EPA as sulfur is the active ingredient used in the product to repel chiggers (redbugs). This action effectively removes benzocaine as an active ingredient from the Agency's reregistration program.

All registrants of products containing one or more of the above listed active ingredients have been sent the appropriate RED documents and must respond to labeling requirements and product specific data requirements (if applicable) within 8 months of receipt. Products containing other active ingredients will not be reregistered until those other active ingredients are

determined to be eligible for reregistration.

The reregistration program is being conducted under Congressionally mandated time frames, and EPA recognizes both the need to make timely reregistration decisions and to involve the public. Therefore, EPA is issuing these REDs as final documents with a 60-day comment period. Although the 60-day public comment period does not affect the registrant's response due date, it is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the RED. All comments will be carefully considered by the Agency. If any comment significantly affects a RED, EPA will amend the RED by publishing the amendment in the **Federal Register**.

#### List of Subjects

Environmental protection.

Dated: January 12, 1995.

**Peter Caulkins,**

*Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

[FR Doc. 95-1861 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-F

**[OPP-180958; FRL 4930-1]**

#### Receipt of Application for Emergency Exemption to use Pyrethroid-Sodium Herbicide; Solicitation of Public Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received a specific exemption request from the South Carolina Department of Fertilizer and Pesticide Control (hereafter referred to as the "Applicant") for use of the pesticide, pyrethroid-sodium, to control Palmer amaranth on up to

135,000 acres of cotton in South Carolina. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

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

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-180958," should be submitted by mail to: Public Response and Human Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Margarita Collantes, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8347.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for use of the herbicide, pyriithobac-sodium, available as Staple from DuPont Agricultural Products, to control Palmer amaranth on up to 135,000 acres of cotton in South Carolina. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, dinitroaniline (dna) herbicides were used on essentially all of South Carolina's cotton acreage since the mid 1960's. It was not until 1989, that the presence of a dna-resistant Palmer amaranth biotype was first suspected in a Lee County cotton field in South Carolina. Since this time Palmer amaranth has become recognized as South Carolina's most troublesome weed in cotton. This phenomenon is due to the intensive selection pressure associated with yearly applications of dinitroaniline herbicides with essentially no herbicide rotation. In fields where Palmer amaranth exhibited resistance to the dna's and where acceptable early-season control was not achieved with the other soil-applied herbicides, Palmer amaranth could not be controlled with postemergence treatments. No selective postemergence over-the-top herbicides are registered for cotton that will control Palmer amaranth. The applicant estimates a 60 percent yield reduction resulting in significant economic loss if the request for use of pyriithobac-sodium on cotton is not granted.

Under the proposed exemption, a maximum of two ground applications of Staple would be made at 1.0 fluid ounces of product (0.0625 pounds active ingredient=1.2 ounces of product) per acre. Not to exceed 2.0 fluid ounces of product (0.1250 pound active ingredient=2.4 ounces of product) per acre per season for pre and post applications. No applications would be made within 45 days of harvest.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in

any currently registered pesticide) [40 CFR 166.24 (a)(1)].

Pyriithobac-sodium is a new chemical. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the South Carolina Department of Fertilizer and Pesticide Control.

#### List of Subjects

Environmental protection, Pesticide and pests, Crisis exemptions.

Dated: January 17, 1995.

**Stephen L. Johnson,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 95-1859 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-F

#### FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2053]

#### Petitions for Reconstruction of Actions in Rulemaking Proceedings

January 20, 1995.

Petitions for reconsideration have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857-3800. Opposition to these petitions must be filed February 9, 1995. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Telephone Company—Cable Television Cross-Ownership Rules Sections 63.54-63.58; Amendment of Parts 32, 36, 61, 64 and 69 of the Commission's Rules To Establish and Implement Regulatory Procedures for Video Dialtone Service. (CC Docket No. 87-266 and RM-8221)

Number of Petitions Filed: 3

Subject: Implementation of Section 309(j) of the Communications Act—Competitive Bidding. (PP Docket No. 93-253)

Number of Petitions Filed: 6

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 95-1820 Filed 1-24-95; 8:45 am]

BILLING CODE 6712-01-M

#### FEDERAL MARITIME COMMISSION

#### Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended:

Club Med Sales, Inc. and Services et Transports Cruise Lines, 40 West 57th Street, New York, NY 10019  
Vessel: CLUB MED 1

Dated: January 19, 1995.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 95-1801 Filed 1-24-95; 8:45 am]

BILLING CODE 6730-01-M

#### Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Celadon-Jacky Maeder Company, 590 Belleville Turnpike, Kearny, NJ 07032, Officers: Norman Greif, CEO, Leslie Weiss, Exec. Vice President "J.I.F." Jet International Forwarding Inc., 9999 N.W. 89th Avenue Bay, #20, Medley, FL 33178, Officers: Francisco Santana, President, Christina Santana, Vice President Corexport Corporation, 2221 Edge Lake Drive, Ste. 195, Charlotte, NC 28217, Officers: James Lewis Garst, III, President, Catherine M. Gilbert, Vice President

RHE Specialty Transport, Inc., 123 Pennsylvania Ave., South Kearny, NJ 07032, Officer: Oscar S. Lara, President

Cisne Cargo Corporation, 5435 NW 72nd Ave., Miami, FL 33166, Officer: Luis A. Pinedo, President

Dated: January 19, 1995.

By the Federal Maritime Commission.

**Joseph C. Polking,**

Secretary.

[FR Doc. 95-1802 Filed 1-24-95; 8:45 am]

BILLING CODE 6730-01-M

## Ocean Freight Forwarder License Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License Number: 2869

Name: E.D.R. International, Inc.

Address: 5520 NW, 35th Ave., Miami, FL 33142

Date Revoked: December 14, 1994

Reason: Failed to maintain a valid surety bond.

License Number: 1644

Name: Curtis & Churchill, Inc.

Address: 142-32 29th Ave., Flushing, NY 11354

Date Revoked: December 15, 1994

Reason: Surrendered license voluntarily.

License Number: 1112

Name: Circle Airfreight Corp.

Address: 260 Townsend Street, San Francisco, CA 94107

Date Revoked: December 19, 1994

Reason: Surrendered license voluntarily.

License Number: 2632

Name: Max Gruenhut International, Inc.

Address: 260 Townsend Street, San Francisco, CA 94107

Date Revoked: December 19, 1994

Reason: Surrendered license voluntarily.

License Number: 3796

Name: Eagle Freight Services, Inc.

Address: 534 Eccles Ave., So. San Francisco, CA 94080

Date Revoked: December 22, 1994

Reason: Failed to furnish a valid surety bond.

License Number: 2036

Name: Goth Transport Inc.

Address: 196 Birch Hill Rd., Locust Valley, NY 11560

Date Revoked: January 10, 1995

Reason: Surrendered license voluntarily.

License Number: 3866

Name: Blasi Forwarders & Services, Inc.

Address: 1325 N.W. 93rd Ct., Ste. B-112, Miami, FL 33172

Date Revoked: January 10, 1995

Reason: Surrendered license voluntarily.

**Bryant L. VanBrakle,**

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 95-1803 Filed 1-24-95; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Agency Forms Under Review

#### Background

Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

#### FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance

Officer—Mary M. McLaughlin—

Division of Research and Statistics,

Board of Governors of the Federal

Reserve System, Washington, D.C.

20551 (202-452-3829); for the hearing

impaired only, telecommunications

device for the deaf (TTD) (202/452-

3544), Dorothea Thompson, Board of

Governors of the Federal Reserve

System, Washington, D.C. 20551.

OMB Desk Officer—Milo Sunderhauf—

Office of Information and Regulatory

Affairs, Office of Management and

Budget, New Executive Office

Building, Room 3208, Washington,

D.C. 20503 (202-395-7340)

Final approval under OMB delegated authority of the implementation of the following report:

1. *Report title:* Survey of Foreign Exchange and Derivatives Market Activity.

*Agency form number:* FR 3036a (version for financial institutions) and FR 3036c (version for brokers)

*OMB Docket number:* OMB 7100-0275

*Frequency:* One-time survey

*Reporters:* The foreign exchange turnover portion of the survey will include all financial institutions and brokers that are principals in the U.S. foreign exchange market. The derivatives portion of the survey would cover a small subset of this panel.

*Annual reporting hours:* 19,760

*Estimated average hours per response:*

Foreign exchange portion: 40 hours;

derivatives portion: 140 hours

*Number of respondents:* Financial firms: 204 respondents to the foreign

exchange portion, 70 respondents to the derivatives portion; Brokers: 17 respondents to the foreign exchange portion, 8 respondents to the derivatives portion

Small businesses are not affected.

*General description of report:* This information collection is voluntary and is authorized by law (12 U.S.C. 248(a), 353-359, and 3105(b)). Individual respondent data will be given confidential treatment under the Freedom of Information Act (5 U.S.C. 552(b)(4)).

**SUMMARY:** This survey of the foreign exchange and derivatives markets will be conducted in April 1995. The data collected from the survey will provide information about the size and structure of the global markets for foreign exchange and financial derivatives products. The survey will be conducted in coordination with other central banks, and aggregate results from each central bank's survey will be provided to the BIS for the production of global market statistics.

Board of Governors of the Federal Reserve System, January 19, 1995.

**William W. Wiles,**

Secretary of the Board.

[FR Doc. 95-1812 Filed 1-24-95; 8:45am]

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 522, Medical Record—Request for Administration of Anesthesia and For Performance of Operations and Other Procedures is being cancelled and replaced by Optional Form 522, Medical Record—Request for Administration of Anesthesia and For Performance of Operations and Other Procedures. Several states have different requirements in order to meet the standards in providing informed consent for anesthesia and the performance of operations. A single standard form will not meet all of the states needs. Therefore SF 522 is being cancelled and replaced by OF 522 giving the agencies leeway when having to use a state form. 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 10, 1995.

**Theodore D. Freed,**

*Chief, Forms Management Branch.*

[FR Doc. 95-1826 Filed 1-24-95; 8:45 am]

BILLING CODE 6820-34-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health

[Announcement Number 521]

### Occupational Radiation and Energy-Related Health Research Grants; Notice of Availability of Funds for Fiscal Year 1995

#### Introduction

The Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), announces that applications are being accepted for research projects relating to occupational safety and health concerns associated with occupational exposures to radiation and other hazardous agents at nuclear facilities and in other energy-related industries. Studies in the nuclear power industry and deliberate exposure of human subjects in radiation experiments are outside the scope of this announcement.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of "Healthy People 2000," a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering a copy of "Healthy People 2000," see the section "Where to Obtain Additional Information.")

#### Authority

This program is authorized under the Public Health Service Act, as amended, Section 301(a) (42 U.S.C. 241(a)) and the Occupational Safety and Health Act of 1970, Section 20(a) (29 U.S.C. 669(a)). The applicable program regulations are in 42 CFR Part 52.

#### Eligible Applicants

Eligible applicants include domestic and foreign non-profit and for-profit organizations, universities, colleges, research institutions, and other public

and private organizations, including State and local governments and small, minority and/or woman-owned businesses.

#### Smoke-Free Workplace

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission of promoting the protection and advancement of an individual's physical and mental health.

#### Availability of Funds

Approximately \$500,000 is available in FY 1995 to fund approximately 3 to 5 research project grants (R01). The amount of funding available may vary and is subject to change. Awards will range from \$25,000 to \$200,000 in total costs (direct and indirect) per year. Awards are expected to begin on or about September 1, 1995. Awards will be made for a 12-month budget period within a project period not to exceed 3 years. Continuation awards within the project period will be made on the basis of satisfactory progress and availability of funds.

#### Purpose

NIOSH will support applied field research projects to identify and investigate the relationships between health outcomes and occupational exposure to radiation and other hazardous agents; epidemiologic methods research relevant to energy-related occupational health research; and research related to assessing occupational exposures.

#### Programmatic Interest

The focus of grants should reflect the following topical areas, emphasizing field research: (1) Occupational exposure assessment, (2) radiation measurement issues, (3) non-cancer morbidity and mortality outcomes, (4) meta-analysis and combined analysis methodologies, (5) uncertainty analysis, (6) effects of measurement error on risk estimates, and (7) studies of current workers.

#### (1) Retrospective Exposure Assessment

Epidemiologic studies of occupational cohorts frequently involve, and can generally benefit from, retrospective exposure assessment to provide estimates of exposure or categorize groups of workers by common exposure. Exposure assessment in energy-related occupational epidemiology requires evaluating exposures to various hazards including ionizing and non-ionizing radiation, metals, acids, and solvents.

Grant opportunities encompass the fields of industrial hygiene and retrospective exposure assessment of health physics dosimetry. Research areas of general interest include: Methods to use limited data to best advantage; how to treat censored data in retrospective exposure assessment; uncertainty analysis techniques for industrial hygiene exposure data and health physics dosimetry; insight to sampling strategy design yielding a representative understanding of exposed groups; decision logic to select/use the most appropriate exposure metric for epidemiologic and risk assessment use; and, development approaches of "Homogeneous Exposed Groupings" and the advantages/limitations for epidemiologic use. Research opportunities of specific interest include: reconstruction and dose adjustment of historic film badges; exposure assessment for acid mists, carcinogenic solvents, exotic metals, and leukemogens; assessment of electromagnetic field exposure; and evaluation of biomarkers of exposure.

#### (2) Radiation Measurement Issues

This topic will focus on the applicability and utility of radiation dose data in epidemiological research. Examples of such issues include how to use nondetectable values and missing dose data in historical radiation exposure measurements, the accuracy of historical external dosimetry techniques (film and pocket dosimeters), combining external and internal doses into a useful index, historical bioassay, and radiochemistry techniques.

#### (3) Non-cancer Morbidity and Mortality Outcomes

The majority of analytical epidemiologic research of health effects of energy-related occupational and environmental exposures has focused historically on the assessment of the association between cancer mortality and exposure to ionizing radiation. Although the importance of this research should not be underestimated, it is essential that other potential adverse health effects, as well as other possible energy-related exposures, be thoroughly evaluated as well. Among these would be the possible effects of radiation on the reproductive, neurologic, and immune systems. Chemical exposures highly prevalent in Department of Energy facilities, such as beryllium and mercury, have also been associated with a variety of disease outcomes, particularly respiratory and neurologic in nature.

#### (4) *Meta-Analysis and Combined Analysis Methodologies*

Many of the cohorts at nuclear facilities are not individually large enough to detect statistically significant increases in mortality or incidence for rare cancer types. Methods and/or analyses for combining data across studies, whether in summary form or individual data, are valuable to the NIOSH research effort involving energy-related health research.

#### (5) *Uncertainty Analysis*

Measures of occupational exposure are inherently uncertain. Even when measures of external radiation exposure are generally available, the models, used to estimate organ dose, shallow versus deep dose, neutron dose, etc., are subject to error. Measures of dose derived from biological monitoring of urine, feces, blood, etc., are even less precise. Methods for assessing the degree of error in various estimates of exposure to both ionizing radiation as well as other toxic agents (chemicals, EMF, etc.) are desirable.

#### (6) *Effects of Measurement Error on Risk Estimates*

Estimation of both bias and imprecision introduced into risk analyses through exposure measurement error have recently received considerable attention. Many of the suggested approaches are very computer intensive. Practical solutions to this problem with regard to the spectrum of epidemiologic designs (cohort, case-control, cross-sectional, etc.) are needed, with particular attention to the nature of exposure measurement in radiation epidemiology.

#### (7) *Studies of Current Workers*

Much of the epidemiologic research on nuclear workers conducted at nuclear facilities and other sites has emphasized retrospective studies. More recently new activities involve environmental restoration, waste management and other work that is not related to the design and production of nuclear weapons. Workers are being exposed to radiation and other hazardous agents under conditions and in processes not previously encountered. Exposure assessment, epidemiologic and related studies are needed to evaluate these new conditions and processes and the impact on worker health.

#### **Inclusion of Minorities and Women in Study Populations**

Applicants are required to give added attention (where feasible and appropriate) to the inclusion of

minorities and/or women study populations for research into the etiology of diseases, research in behavioral and social sciences, clinical studies of treatment and treatment outcomes, research on the dynamics of health care and its impact on disease, and appropriate interventions for disease prevention and health promotion. Exceptions would be studies of diseases which exclusively affect males or where involvement of pregnant women may expose the fetus to undue risks. If minorities and/or women are not included in a given study, a clear rationale for their exclusion must be provided.

#### **Evaluation Criteria**

Upon receipt, applications will be reviewed for completeness and responsiveness by NIOSH. Incomplete applications will be returned to the applicant without further consideration. If NIOSH staff finds that the application is not responsive to this announcement, it will be returned without further consideration. If the proposed project involves organizations or persons other than those affiliated with the applicant organization, letters of support and/or cooperation must be included.

Applications that are complete and responsive to this announcement will be evaluated for scientific and technical merit by an appropriate peer review group convened by the CDC in accordance with the review criteria stated below. As part of the initial merit review, a process (triage) may be used by the initial review group in which applications will be determined to be competitive or non-competitive based on their scientific merit relative to other applications received in response to this announcement. Applications judged to be competitive will be discussed and be assigned a priority score. Applications determined to be non-competitive will be withdrawn from further consideration and the principal investigator/program director and the official signing for the applicant organization will be promptly notified.

Review criteria for this announcement is the same as those for unsolicited research grant applications:

- Scientific, technical, or medical significance and originality of proposed research;
- Appropriateness and adequacy of the experimental approach and methodology proposed to carry out the research;
- Qualifications and research experience of the Principal Investigator and staff, particularly but exclusively in the area of the proposed research;

- Availability of resources necessary to perform the research;
- Adequacy of plans to include both genders and minorities and their subgroups as appropriate for the scientific goals of the research. Plans for the recruitment and retention of subjects will also be evaluated.

The review group will critically examine the submitted budget and will recommend an appropriate budget and period of support for each scored application.

In the secondary (programmatic importance) review, the following factors will be considered:

1. Results of the initial review;
2. Magnitude of the problem in terms of numbers of workers affected;
3. Severity of the disease or injury in the worker population; and
4. Usefulness to applied technical knowledge in the identification, evaluation, and/or control of occupational safety and health hazards.

Applicants will compete for available funds with all other approved applications. The following will be considered in making funding decisions:

1. Quality of the proposed project as determined by peer review;
2. Availability of funds; and
3. Program balance among research areas of the announcement.

#### **Executive Order 12372—Review**

Applications are not subject to the review requirements of Executive Order 12372, entitled Intergovernmental Review of Federal Programs.

#### **Public Health System Reporting Requirement**

This program is not subject to the Public Health System Reporting Requirements.

#### **Catalog of Federal Domestic Assistance Number**

The Catalog of Federal Domestic Assistance number is 93.262.

#### **Other Requirements**

##### *Human Subjects*

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations (45 CFR part 46) regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate

guidelines and form provided in the application kit.

### Application Submission and Deadlines

#### A. Preapplication Letter of Intent

Although not a prerequisite of application, a non-binding letter of intent-to-apply is requested from potential applicants. The letter should be submitted to the Grants Management Officer (whose address is reflected in section B, "Applications"). It should be postmarked no later than March 15, 1995. The letter should identify the announcement number, name of principal investigator, and specify the priority area to be addressed by the proposed project. The letter of intent does not influence review or funding decisions, but it will enable CDC to plan the review more efficiently, and will ensure that each applicant receives timely and relevant information prior to application submission.

#### B. Applications

Applicants should use Form PHS-398 (OMB Number 0925-0001) and adhere to the ERRATA Instruction Sheet for Form PHS-398 contained in the Grant Application Kit. Please submit an original and five copies on or before April 19, 1995 to: Henry S. Cassell, III, Grants Management Officer, Procurement and Grants Office, Centers for Disease Control and Prevention, (CDC), 255 East Paces Ferry Road, NE., Room 300, MS-E13, Atlanta, GA 30305.

#### C. Deadlines

1. Applications shall be considered as meeting a deadline if they are either:

A. Received at the above address on or before the deadline date, or

B. Sent on or before the deadline date to the above address, and received in time for the review process. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be accepted as proof of timely mailings.

2. Applications which do not meet the criteria above are considered late applications and will be returned to the applicant.

#### Where To Obtain Additional Information

All application procedures and guidelines are contained within the present announcement. Business management information may be obtained from Lisa G. Tamaroff, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., MS-E13, Atlanta,

GA 30305, telephone (404) 842-6796. Programmatic technical assistance may be obtained from Roy M. Fleming, Sc.D., Associate Director for Grants, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Building 1, Room 3053, MS-D30, Atlanta, GA 30333, telephone (404) 639-3343.

When requesting information, please refer to announcement number 521.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report, Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, telephone (202) 783-3238.

Dated: January 18, 1995.

**Linda Rosenstock,**

*Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95-1807 Filed 1-24-95; 8:45 am]

BILLING CODE 4163-19-P

#### [CDC-510]

### Announcement of Cooperative Agreement to the United States Conference of Mayors

#### Summary

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1995 funds for a sole source cooperative agreement with the United States Conference of Mayors (USCM) to continue supporting: an information exchange program among mayors and other local and State government officials concerning HIV prevention; HIV prevention program and policy development; and the provision of technical and financial assistance to community-based organizations (CBOs), local and State health departments, and others involved in health promotion and disease prevention activities.

Approximately \$2,000,000 will be available in FY 1995 to support this project, though the funding estimate may change. This award will begin on or about May 1, 1995, for a 12 month budget period within a 5 year project period. Continuation awards within the project period will be made if progress is satisfactory and funds are available.

The CDC will assist in identifying programs, policies, practices, procedures, and processes pertinent to the program objectives; collaborate in developing, analyzing, and presenting material for information dissemination;

review and comment on all HIV-related materials intended for dissemination; and assist in identifying community planning groups in need of fiscal support.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of "Healthy People 2000," a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of HIV Infection. (For ordering a copy of "Healthy People 2000," see the section "Where to Obtain Additional Information.")

#### Authority

This program is authorized under the Public Health Service Act: Sections 301(a) [42 U.S.C. 241(a)], as amended; and 317 [42 U.S.C. 247b], as amended.

#### Smoke-Free Workplace

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

#### Eligible Applicant

Assistance will be provided only to the USCM. No other applications are solicited. The program announcement and application kit have been sent to USCM. Eligibility is limited to USCM since it provides representation from city and local officials, including social services, education, and other community officials and organizations, in approximately 1,000 cities with populations of more than 30,000 and, through its affiliate the United States Conference of Local Health Officials, provides representation from approximately 2,000 additional local health officials. USCM was created specifically to represent this wide variety of local organizations and community officials to the Federal government and other national organizations and is unique in its role as a liaison between these officials. It has served as a policy-development and capacity-building organization in intergovernmental affairs for more than 60 years and has as one of its major objectives the sharing of information between local governments.

USCM has established a unique HIV prevention program that brings together, at the local level, the key players responding to the Acquired Immune Deficiency Syndrome (AIDS) crisis: mayors, local health department (LHD)



officials, and representatives of community-based organizations and affected communities. Currently, there are three major components of the USCM HIV/AIDS program: (1) Collaborative HIV/AIDS Prevention Grants; (2) Research and Technical Assistance; and (3) Community Planning Case Profiles. Through these programs, USCM: (1) Provides financial and technical support to LHDs and CBOs who work together to implement high priority HIV prevention interventions which have been identified in previous needs assessments; (2) analyzes and disseminates information and provides technical assistance to local and State governments, health departments, and CBOs on innovative and effective HIV prevention-related policies and programs; and (3) assists CDC in its assessment of the HIV prevention community planning process.

#### **Executive Order 12372 Review**

The application is not subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372.

#### **Public Health System Reporting Requirements**

This program is not subject to the Public Health System Reporting Requirements.

#### **Catalog of Federal Domestic Assistance Number**

The Catalog of Federal Domestic Assistance number is 93.939, HIV Prevention Activities—Non-Governmental Organizations.

#### **Where To Obtain Additional Information**

Additional information may be obtained from Kevin Moore, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 320, Mailstop E-15, Atlanta, GA 30305, telephone (404) 842-6550.

A copy of "Healthy People 2000" (Full Report, Stock No. 017-001-00474-0) or "Healthy People 2000" (Summary Report, Stock No. 017-001-00473-1) referenced in the "Summary" may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, telephone (202) 783-3238.

Dated: January 17, 1995.

**Joseph R. Carter,**

*Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95-1806 Filed 1-24-95; 8:45 am]

BILLING CODE 4163-18-P

#### **[CDC 520]**

#### **An International Collaborative Study of Cancer Risk Among Nuclear Industry Workers**

##### **Summary**

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1995 funds for a cooperative agreement with the World Health Organization (WHO), International Agency for Research on Cancer (IARC), to plan and conduct an international, collaborative study of cancer risk among nuclear industry workers. Approximately \$100,000 will be available in FY 1995 to fund the cooperative agreement. The award will begin on or about April 1, 1995, for a 12-month budget period within a project period of up to 5 years. Funding estimates may vary and are subject to change. Continuation award(s) within the project period will be made on the basis of satisfactory progress and the availability of funds.

The purpose of this cooperative agreement is to assist the WHO, IARC, in further developing and strengthening epidemiologic research in order to promote the further understanding of the cancer risk associated with long-term, low-level occupational radiation exposure. The effort funded by this agreement will result in an improved understanding and quantification of the cancer risk encountered by United States workers in nuclear industries.

CDC/NIOSH will provide assistance on program management and administrative matters related to the conduct of the scientific aspects of the cooperative agreement; technical and scientific consultation and assistance in the implementation of all epidemiologic activities conducted under the cooperative agreement; scientific consultation and assistance in formulating the research plan; and collaborate in the preparation of the scientific epidemiologic reports that result from the cooperative agreement.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement

is related to the priority area of Occupational Safety and Health. (For ordering a copy of Healthy People 2000 see the section "Where To Obtain Additional Information.")

##### **Authority**

This program is authorized under Section 301(a) of the Public Health Service Act (42 U.S.C. Section 241(a)) and Section 22(e)(7) of the Occupational Safety and Health Act (29 U.S.C. Section 671(e)(7)).

##### **Smoke-Free Workplace**

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission of promoting the protection and advancement of an individual's physical and mental health.

##### **Eligible Applicant**

Assistance will be provided only to the WHO, IARC, Lyon, France, for this project. No other applications will be solicited. The program announcement and application kit have been sent to WHO, IARC. This organization is the only appropriate and qualified institution to provide the services specified under this cooperative agreement for the following reasons:

1. Serving as the headquarters for international cancer research for the WHO, the IARC is the only organization with access to all the necessary data from the 14-member nations. No one in the United States or its territories has access to this data.

2. The IARC serves as the cancer research arm of the WHO. Located in Lyon, France, the IARC was founded in 1965 and is responsible for conducting cancer epidemiologic research, disseminating information on cancer causes and prevention, and assisting countries in cancer control programs.

3. The IARC has unique experience in planning and conducting cooperative international epidemiologic studies of workers in nuclear industries. In 1988, a collaborative study of over 250,000 nuclear workers was undertaken in the United States, the United Kingdom, and Canada. This study, now nearing completion, was coordinated through IARC.

4. The IARC has already conducted a preliminary study demonstrating the feasibility of this investigation and has in place experts in epidemiology and radiation dosimetry who provided the technical assistance and guidance required for the study mentioned in 3 above. These technical experts will be available to plan and oversee this



epidemiologic study of almost 1,000,000 nuclear workers in 14 nations.

5. Bringing together investigators from different countries is a well-developed practice at IARC. Most of their research on occupational, environmental or lifestyle hazards has been, or is presently being, conducted on an international basis. This provides the opportunity for a wide selection of populations suitable for epidemiologic investigation and facilitates the accumulation of large study populations, thus making the identification and quantification of cancer risk easier.

#### **Executive Order 12372—Review**

The application is not subject to review under Executive Order 12372.

#### **Public Health System Reporting Requirements**

This program is not subject to the Public Health System Reporting Requirements.

#### **Catalog of Federal Domestic Assistance Number**

The Catalog of Federal Domestic Assistance Number for this program is 93.283.

#### **Other Requirements**

##### *Paperwork Reduction Act*

Projects that involve the collection of information from 10 or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

##### *Human Subjects*

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and forms provided in the application kit.

#### **Where To Obtain Additional Information**

If you are interested in obtaining additional information regarding this project, please refer to Announcement 520 and contact Oppie M. Byrd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease

Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E-13, Atlanta, GA 30305, telephone (404) 842-6546.

A copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report, Stock No. 017-001-00473-1) referenced in the "Summary" may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, telephone (202) 783-3238.

Dated: January 19, 1995.

**Richard A. Lemen,**

*Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95-1808 Filed 1-24-95; 8:45 am]

BILLING CODE 4163-19-P

#### **Advisory Committee on Immunization Practices; Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

*Name:* Advisory Committee on Immunization Practices.

*Times and Dates:* 8:30 a.m.-6:30 p.m., February 9, 1995. 8:15 a.m.-4:45 p.m., February 10, 1995.

*Place:* CDC, Auditorium A, Building 2, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

*Status:* Open to the public, limited only by the space available.

*Purpose:* The committee is charged with advising the Director, CDC, on the appropriate uses of immunizing agents.

*Matters to be Discussed:* The committee will discuss recommendations for prevention of hepatitis A: Hepatitis A vaccine and immune globulin; revised recommendations for hepatitis B vaccination; update on varicella vaccine; status on principles and guidelines for combination products; vaccines for children (VFC): influenza vaccine in VFC, hepatitis B for adolescents in VFC, hepatitis A, MMR2—expanded use in VFC; pneumococcal polysaccharide vaccine; adolescent vaccination; poliomyelitis prevention; influenza: 1995-96 influenza vaccine strain selection, 1995-96 influenza vaccine and antiviral recommendations, influenza-associated morbidity during pregnancy, assessment of BBS risk associated with 1993-94 and 1994-95 influenza vaccination, optimal needle length for intramuscular injection into the deltoid, national estimates of influenza vaccination rates; update on meningococcal recommendation; report of a meeting regarding conflicting immunization guidelines and harmonization of the Advisory Committee on Immunization Practices/American Academy of Pediatrics recommendations with the Food and Drug

Administration labeling; update on simplification; progress towards 1996 disease reduction goals; recommendations for immunization linkage with the women's, infants, and children program; vaccine safety; an update on the Injury Compensation Program; an update on the National Vaccine Program; and a presentation on acellular pertussis. Other matters of relevance among the committee's objectives may be discussed.

Agenda items are subject to change as priorities dictate.

*For Further Information Contact:* Gloria A. Kovach, Committee Management Specialist, CDC (1-B72), 1600 Clifton Road, NE., Mailstop A20, Atlanta, Georgia 30333, telephone 404/639-3851.

Dated: January 18, 1995.

**William H. Gimson,**

*Acting Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95-1805 Filed 1-24-95; 8:45 am]

BILLING CODE 4163-18-M

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **Food and Drug Administration**

[Docket No. 94F-0454]

##### **Lyondell-Citgo Refining Co., Ltd.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Lyondell-Citgo Refining Co., Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of white mineral oil as a dust control agent for rough rice. **DATES:** Written comments on the petitioner's environmental assessment by February 24, 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.

**FOR FURTHER INFORMATION CONTACT:** Blondell Anderson, Center for Food Safety and Applied Nutrition (HFS-207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3106.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 5A4440) has been filed by Lyondell-Citgo Refining Co., Ltd., P.O. Box 2451, Houston, TX 77252-2451. The petition proposes to amend the food additive regulations in § 172.878 *White mineral oil* (21 CFR 172.878) to provide for the safe use of white mineral oil as

a dust control agent for rough rice at an application rate of 800 parts per million.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before February 24, 1995, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. 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 office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the final regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: January 13, 1995.

**Alan M. Rulis,**

*Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.*

[FR Doc. 95-1766 Filed 1-24-95; 8:45 am]

BILLING CODE 4160-01-F

## Food and Drug Administration

[Docket No. 94D-0300]

### International Harmonization; Draft Policy on Standards; Availability; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of November 28, 1994 (59 FR 60870). The document provided a draft policy statement of the agency's development and use of standards with

respect to international harmonization of regulatory requirements and guidelines. Specifically, the draft policy addressed the conditions under which FDA participates with standards bodies outside of FDA, domestic or international, in the development of standards applicable to products regulated by FDA. The document was published with some typographical and inadvertent errors. This document corrects those errors.

#### FOR FURTHER INFORMATION CONTACT:

Linda Horton, International Policy Staff (HF-23), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2831.

In FR Doc. 94-29116, appearing on page 60870, in the **Federal Register** of November 28, 1994, the following corrections are made:

1. On page 60872, in the second column, in the eighth line from the bottom, the word "Biologic" is corrected to read "Biologics"; in the third column, in the first full paragraph, in the 21st line, the acronym "(PhMA)" is corrected to read "(PhRMA)"; and in the same column, beginning in the second line from the bottom, the words "standardizing the safety-related terminology used in adverse experience reporting" are corrected to read "standardizing medical definitions and adverse experience reporting".

2. On page 60873, in the first column, in the first full paragraph, in the fourth line from the bottom of the paragraph, the word "Device" is corrected to read "Devices".

Dated: January 18, 1995.

**William K. Hubbard,**

*Interim Deputy Commissioner for Policy.*

[FR Doc. 95-1767 Filed 1-24-95; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-030-03-1220-04; G5-051]

### Notice of Prohibited Acts in Owyhee National Wild and Scenic River Area; Correction

**AGENCY:** Vale District, Bureau of Land Management, Interior.

**ACTION:** Correction.

**SUMMARY:** In notice document 94-30765 beginning on page 64693 in the issue of Thursday, December 15, 1994, make the following correction.

On page 64693 in the third column the **SUMMARY** Section previously stated

paragraph 1. Fire a. Building or maintaining any open campfires except those contained in a firepan or similar metal container. This should be changed to read 1. Fire a. Building or maintaining any open campfires except those contained in a firepan or similar container.

**James E. May,**

*District Manager.*

[FR Doc. 95-1788 Filed 1-24-95; 8:45 am]

BILLING CODE 4310-33-M

## National Park Service

### Pea Ridge National Military Park Advisory Team; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Pea Ridge National Military Park Advisory Team will be held at 6 p.m., on Thursday, February 16, 1995, in the park visitor center auditorium, 15930 Highway 62, Garfield, Arkansas.

The Pea Ridge National Military Park Advisory Team was established under authority of section 3 of Public Law 91-383 (16 U.S.C. 1a-2(c)) to provide a forum for dialogue between community representatives and the Pea Ridge National Military Park on management issues affecting the park and the community.

The matter to be discussed at this meeting includes:

—Boundary Study

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Pea Ridge National Military Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact Steve Adams, Superintendent, Pea Ridge National Military Park, P.O. Box 700, Pea Ridge, AR 72751-0700, Telephone 501/451-8122.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Pea Ridge National Military Park.

Dated: January 12, 1995.

**John D. Linahan,**

*Acting Regional Director, Southwest Region.*

[FR Doc. 95-1769 Filed 1-24-95; 8:45 am]

BILLING CODE 4310-70-M

# **National Register of Historic Places; Notification of Pending Nominations**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 14, 1995. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by February 9, 1995.

**Carol D. Shull,**

*Chief of Registration, National Register.*

## **CALIFORNIA**

### **San Bernardino County**

Foxtrot Petroglyph Site, Address Restricted, Twentynine Palms vicinity, 95000044

## **FLORIDA**

### **Broward County**

Hollywood Woman's Club, 501 N. 14th Ave., Hollywood, 95000055

### **Indian River County**

Vero Beach Woman's Club, 1534 21st St., Vero Beach, 95000051

### **Sarasota County**

Bee Ridge Woman's Club, 4919 Andrew Ave., Sarasota vicinity, 95000052

## **NEW YORK**

### **Cayuga County**

Allen, Henry, House (Moravia MPS), 12 E. Cayuga St., Moravia, 95000060  
House at 17 Aurora Street (Moravia MPS), 17 Aurora St., Moravia, 95000057  
House at 18 Aurora Street (Moravia MPS), 18 Aurora St., Moravia, 95000058  
House at 20 Aurora Street (Moravia MPS), 20 Aurora St., Moravia, 95000059  
House at 31 West Cayuga Street (Moravia MPS), 31 W. Cayuga, Moravia, 95000062  
House at 36 South Main Street (Moravia MPS), 36 S. Main St., Moravia, 95000064  
House at 37 West Cayuga Street (Moravia MPS), 37 W. Cayuga St., Moravia, 95000063  
House at 46 South Main Street (Moravia MPS), 36 S. Main St., Moravia, 95000065  
McGeer, John, House (Moravia MPS), 7 Aurora St., Moravia, 95000056  
Morse Farm (Moravia MPS), 53 S. Main St., Moravia, 95000067  
Sager House (Moravia MPS), 12 W. Cayuga St., Moravia, 95000061  
Tuthill—Green House (Moravia MPS), 52 S. Main St., Moravia, 95000066

### **Chenango County**

White Store Church and Evergreen Cemetery, Jct. of NY 8 and White Store Rd., 4 mi. S of South New Berlin, Norwich, 95000047

### **Erie County**

Rich—Twinn Octagon House, 145 Main St., Akron, 95000050

### **Fulton County**

Rice, Oliver, House, Old NY 30, E side, Mayfield vicinity, 95000046

### **Ulster County**

Holy Cross Monastery, NY 9W, E side, West Park vicinity, 95000045

## **NORTH DAKOTA**

### **Barnes County**

State Normal School at Valley City Historic District, Roughly bounded by College St., SE., Second Ave., SE., Viking Dr. and Second Ave., SW., Valley City, 95000049

## **OKLAHOMA**

### **Beckham County**

Casa Grande Hotel (Route 66 in Oklahoma MPS), 103 E. Third St., Elk City, 95000043  
Magnolia Service Station (Route 66 in Oklahoma MPS), Jct. of Elm St. and US 66, SW corner, Texola, 95000028

### **Craig County**

Randall Tire Company (Route 66 in Oklahoma MPS), 237 S. Wilson St., Vinita, 95000029  
Spraker Service Station (Route 66 in Oklahoma MPS), 240 S. Wilson St., Vinita, 95000030

### **Creek County**

Bridge No. 18 at Rock Creek (Route 66 in Oklahoma MPS), Jct. of US 66 and Rock Cr., Sapulpa vicinity, 95000031  
Bristow Motor Company Building (Route 66 in Oklahoma MPS), 500 N. Main St., Bristow, 95000032  
Bristow Tire Shop (Route 66 in Oklahoma MPS), 115 W. Fourth St., Bristow, 95000033  
Texaco Service Station (Route 66 in Oklahoma MPS), 201 W. Fourth Ave., Bristow, 95000034

### **Lincoln County**

Crane Motor Company Building (Route 66 in Oklahoma MPS), 722 Manvel Ave., Chandler, 95000036  
Hotel Lincoln (Route 66 in Oklahoma MPS), 323 Main St., Stroud, 95000037  
St. Cloud Hotel (Route 66 in Oklahoma MPS), 1216 Manvel Ave., Chandler, 95000035

### **Oklahoma County**

Threatt Filling Station (Route 66 in Oklahoma MPS), Jct. of US 66 and Pottawatomi Rd., SW corner, Luther vicinity, 95000038

### **Ottawa County**

Cities Service Station (Route 66 in Oklahoma MPS), Jct. of First St. and Central Ave., Afton, 95000039  
Horse Creek Bridge (Route 66 in Oklahoma MPS), Jct. of US 66 and Horse Cr., Afton vicinity, 95000040  
Miami Marathon Oil Company Service Station (Route 66 in Oklahoma MPS), 331 S. Main St., Miami, 95000041

### **Rogers County**

Claremore Auto Dealership (Route 66 in Oklahoma MPS), 625 W. Will Rogers Blvd., Claremore, 95000042

## **TENNESSEE**

### **Claiborne County**

Powell Valley Male Academy, Jct. of Old TN 63 and Academy Rd., Speedwell, 95000053

## **TEXAS**

### **Bell County**

Hendrickson—Caskey House (Salado MRA), Center Circle, Salado, 95000054

### **Tarrant County**

Electric Building, 410 W. 7th St., Fort Worth, 95000048

[FR Doc. 95-1768 Filed 1-24-95; 8:45 am]

**BILLING CODE 4310-70-M**

## **Notice of Intent to Repatriate a Cultural Item in the Possession of the Navajo Nation Museum, Window Rock, Arizona**

**AGENCY:** National Park Service, Interior

**ACTION:** Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act of 1990 of the intent to repatriate a cultural item in the possession of the Navajo Nation Museum, Window Rock, AZ, that meets the definitions of "sacred object" and "object of cultural patrimony" under section 2 of the act.

On November 16, 1993, the Navajo Nation Museum sent summary information on their collections to the Oneida Tribe of Indians of Wisconsin. In response to this information, representatives of the Oneida Tribe of Indians of Wisconsin visited the Navajo Nation Museum in October, 1994, identified a carved wooden mask as being a sacred object and an object of cultural patrimony, and requested its repatriation.

The carved wooden mask is approximately life size. The nose of the mask is twisted at an angle. The eye sockets are lined with copper sheeting. Two pieces of horse tail are nailed to the top of the mask so that the hair falls on either side of the face. The surface of the mask is painted red. A buckskin loop is nailed to the top for hanging the mask. Museum records indicate that the mask was ordered from White Deer Indian Traders of Stevens Point, Wisconsin, in 1961.

Representatives of the Oneida Tribe of Indians of Wisconsin have identified this item as a medicine or false face mask. Such masks represent the power of particular medicine beings. This

particular mask represents the Red-Faced Spirit, also known as Keel-Nose. The Oneida Tribe of Indians of Wisconsin resides within sixty miles of Stevens Point, Wisconsin.

Representatives of the Oneida Tribe of Indians of Wisconsin affirm that this specific false face mask is needed by the traditional religious leaders of the Oneida Tribe of Indians of Wisconsin for the practice of the traditional mid-winter ceremony by present-day adherents. Representatives of the Oneida Tribe of Indians of Wisconsin also affirm that this false face mask is owned collectively by the members of the Oneida Tribe of Indians of Wisconsin and no individual had the right to sell or otherwise alienate the mask.

Based on the above mentioned information, officials of the Navajo Nation Museum have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between this false face mask and the Oneida Tribe of Indians of Wisconsin. Officials of the Navajo Nation Museum have also determined that this false face mask meets the definitions of sacred object and object of cultural patrimony pursuant to 25 U.S.C. 3001 (3)(C).

Representatives of any other Indian tribe that believes itself to be culturally affiliated with this object should contact Clarendia Begay, Museum Director, Navajo Nation Museum, Window Rock, Arizona, 86515, telephone (602) 871-6673 before February 24, 1995. Repatriation of this false face mask to the Oneida Tribe of Indians of Wisconsin can begin after that date if no additional claimants come forward. Dated: January 20, 1995.

**Francis P. MacManamon,**

*Departmental Consulting Archeologist,  
Chief, Archeological Assistance Division.*  
[FR Doc. 95-1876 Filed 1-24-95; 8:45 am]

BILLING CODE 4310-70-F

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-725  
(Preliminary)]

### Manganese Sulfate From the People's Republic of China

#### Determination

On the basis of the record<sup>1</sup> developed in the subject investigation, the Commission unanimously determines,

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from the People's Republic of China (China) of manganese sulfate, provided for in subheading 2833.29.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).<sup>2</sup>

#### Background

On November 30, 1994, a petition was filed with the Commission and the Department of Commerce by American MicroTrace Corporation, Virginia Beach, VA, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of manganese sulfate from China. Accordingly, effective November 30, 1994, the Commission instituted antidumping investigation No. 731-TA-725 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of December 8, 1994. (59 F.R. 63379). The conference was held in Washington, DC, on December 21, 1994, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on January 17, 1995. The views of the Commission are contained in USITC Publication 2848 (January 1995), entitled "Manganese Sulfate from the People's Republic of China: Investigation No. 731-TA-725 (Preliminary)."

Issued: January 18, 1995.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 95-1863 Filed 1-24-95; 8:45 am]

BILLING CODE 7020-02-P

<sup>2</sup> The product covered by this investigation is manganese sulfate, including manganese sulfate monohydrate (MnSO<sub>4</sub>•H<sub>2</sub>O) and any other forms whether or not hydrated, without regard to form, shape, or size, the addition of other elements, the presence of other elements as impurities, and/or the method of manufacture.

[Investigation No. 337-TA-358]

### Certain Recombinantly Produced Human Growth Hormones; Notice of Commission Determinations (1) Not To Review Those Portions of the Administrative Law Judge's Initial Determination Dismissing the Complaint With Prejudice and Terminating the Investigation as a Sanction for Complainant's Discovery Abuse; (2) To Take No Position on the Remainder of the Initial Determination; Termination of Investigation Based on a Finding of No Violation of Section 337 of the Tariff Act of 1930

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (Commission) has determined not to review the portion of the presiding administrative law judge's (ALJ's) final initial determination (ID) in the above-referenced investigation dismissing the complaint with prejudice as a sanction for complainant's misconduct during discovery, and to take no position on the remainder of the ID in accordance with *Beloit Corporation v. Valmet Oy, TVP Paper Machines, Inc., and the United States International Trade Commission*, 742 F. 2d 1421 (Fed. Cir. 1984). Notice is also given that the Commission has denied complainant Genentech's motion to supplement the record, and also denied Genentech's motion for leave to reply to an opposition to Genentech's motion to supplement the record.

**FOR FURTHER INFORMATION CONTACT:** Scott Andersen, Esq., telephone 202-205-3099, or Cynthia Johnson, Esq., telephone 202-205-3098, Office of the General Counsel, U.S. International Trade Commission.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on September 29, 1993, based on a complaint filed by Genentech, Inc. of South San Francisco, California. 58 FR 50954. The following six firms were named as respondents: Novo Nordisk A/S of Denmark; Novo Nordisk of North America, Inc. of New York; Novo Nordisk Pharmaceuticals, Inc. of New Jersey; ZymoGenetics, Inc. of Seattle, Washington (collectively, the Novo respondents); Bio-Technology General Corp. of New York; and Bio-Technology General Corp. (Israel) Ltd. (collectively, the BTG respondents). The Commission also provisionally accepted Genentech's motion for temporary relief. *Id.* The Commission terminated the temporary relief proceedings as to the Novo

respondents on the basis of a consent order. 58 FR 60672 (November 17, 1993).

The ALJ held an evidentiary hearing on temporary relief from December 13 through December 18, 1993. On January 26, 1994, the ALJ issued an ID denying Genentech's motion for temporary relief. The temporary relief ID was adopted by the Commission on February 25, 1994.

On March 2, 1994, the ALJ designated the permanent phase of the investigation "more complicated".

The evidentiary hearing on issues concerning permanent relief commenced on April 11, 1994, and concluded on April 24, 1994. On July 28, 1994, the ALJ issued an ID delaying the issuance of his final ID on permanent relief until November 29, 1994. On August 22, 1994, the Commission determined not to review that ID.

On August 29, 1994, the BTG and Novo respondents individually moved for an order imposing sanctions against complainant Genentech for alleged discovery abuse and reopening the record for the reception of additional documentary evidence. In his final ID, issued on November 29, 1994, the ALJ granted the motion for sanctions, and denied the requests to reopen the record. In the ID, the ALJ dismissed the complainant with prejudice and terminated the investigation as a sanction for Genentech's misconduct during discovery. Additionally, the ALJ issued an opinion ruling on the merits of the investigation based on the evidentiary record as it closed on April 24, 1994.

On December 12, 1994, complainant Genentech and the Commission investigative attorney filed petitions for review of the ID. The Novo respondents filed a contingent petition for review. On December 19, 1994, all parties filed responses to the petitions for review.

On December 12, 1994, complainant Genentech filed a motion to supplement the Commission record. Responses to Genentech's motion were filed by the BTG respondents, the Novo respondents, and the IA. The Commission denied Genentech's motion on the basis that the record, as defined by interim rule 210.43(a), already includes the documents at issue. On December 20, 1994, Genentech moved for leave to reply to the BTG respondents' opposition to Genentech's motion to supplement the record. The Commission denied Genentech's motion for leave to reply as moot in view of its denial of Genentech's motion to supplement the record.

This action is taken under the authority of section 337 of the Tariff Act

of 1930, 19 U.S.C. 1337, and Commission interim rule 210.53, 19 C.F.R. 210.53.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: January 17, 1995.

By order of the Commission.

**Donna R. Koehnke,**

Secretary.

[FR Doc. 95-1864 Filed 1-24-95; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Consent Decree in Action Brought Under the Clean Air Act

Notice is hereby given that a proposed Consent Decree in *United States v. Lafarge, et al.*, Civil Action No. 4-94CV-356Y, was lodged with the United States District Court for the Northern District of Texas on December 29, 1994. This Consent Decree resolves a Complaint filed by the United States against Victor Yorstoun pursuant to Section 112 of the Clean Air Act, 42 U.S.C. 7412.

The United States Department of Justice brought this action on behalf of the U.S. Environmental Protection Agency, seeking to impose civil penalties and injunctive relief on Lafarge, Inc., Victor Yorstoun and Art O'Shea for their alleged violations of the National Emission Standards for their alleged violation of the National Emission Standards for Hazardous Air Pollutants ("the NESHAP") for asbestos during demolition activities at a mill building at the Lafarge cement manufacturing and distribution facility in Fort Worth, Texas. The NESHAP for asbestos consists of regulations promulgated by EPA pursuant to the Clean Air Act.

The settlement in this case requires defendant Yorstoun to comply with the asbestos NESHAP in all future demolition and activities which he owns or operates.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this

notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044 and refer to *United States v. Lafarge*, DOJ number 90-5-2-1-1865.

Copies of the proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Texas, 801 Cherry Street, Suite 1700, Fort Worth, Texas 76102, and at the U.S. Environmental Protection Agency, Office of the Regional Counsel, Region VI, 1445 Ross Avenue, Dallas, Texas, 75202. Copies of the proposed Consent Decree may also be obtained from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. A copy of the proposed Consent Decree may be obtained by mail or in person from the Consent Decree Library. When requesting a copy of the Consent Decree, please enclose a check in the amount of \$3.25 (25 cents per page reproduction costs) payable to the Consent Decree Library.

**Bruce S. Gelber,**

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95-1824 Filed 1-24-95; 8:45 am]

BILLING CODE 4410-01-M

### Notice of Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Payne and Dolan, Inc.*, Civil Action No. 95-C-24 was lodged on January 9, 1995, with the United States District Court for the Eastern District of Wisconsin.

The proposed Consent Decree concerns the Key Terminals Facility, which is located on approximately 11 acres on North Main Street, in Kewaunee, Wisconsin. Pursuant to the proposed Consent Decree, and the Resource Conservation and Recovery Act, as amended ("RCRA"), 42 U.S.C. 6901 et seq., Payne and Dolan, Inc. will pay the United States a penalty of \$240,000. Pursuant to other terms of the proposed settlement, Payne and Dolan will also complete RCRA closure of the Key Terminals facility under a plan approved by the Wisconsin Department of Natural Resources ("WDNR").

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication,

comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Payne and Dolan, Inc.*, DOJ Ref. #90-7-1-711.

The proposed Consent Decree may be examined at the office of the United States Attorney, United States Courthouse, 517 E. Wisconsin Avenue, Room 330, Milwaukee, Wisconsin 53202; the Region V Office of the Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$7.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Bruce Gelber,**

*Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 95-1825 Filed 1-24-95; 8:45 am]

BILLING CODE 4410-01-M

### Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 10, 1995, in *United States v. Seymour Recycling Corp., et al.* (Civ. No. IP-80-4567-C), the United States lodged a proposed Consent Decree in the United States District Court for the Southern District of Indiana.

In Seymour Recycling, the United States sought recovery of response costs incurred by the United States at the Seymour Recycling Superfund site located in Seymour, Indiana, as well as performance of remedial action at the site. The proposed Decree would resolve the liability of Blatz Paint Company, one of the remaining defendants in this case, under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 & 9607, for recovery of response costs incurred by the United States at the Site and for future liability at the Site. Almost all other parties in Seymour Recycling have resolved their liability to the United States under prior cost recovery or remedial action settlements.

Under the terms of the proposed Consent Decree, Blatz Paint Company

will pay the United States \$30,000 in return for covenants not to sue for past and future CERCLA liability at the Seymour Recycling Superfund Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Seymour Recycling Corp., et al.*, DOJ Ref. #62-26S-19.

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Indiana, 46 East Ohio Street (5th floor), Indianapolis, Indiana, and at the offices of the U.S. Environmental Protection Agency, Region 5, Office of Regional Counsel, 200 West Adams (29th Floor), Chicago, Illinois. Copies of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. In requesting a copy, please enclose a check in the amount of \$3.00 (25 cents per page reproduction costs), payable to the "Consent Decree Library."

**Bruce S. Gelber,**

*Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 95-1823 Filed 1-24-95; 8:45 am]

BILLING CODE 4410-01-M

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated November 29, 1994, and published in the **Federal Register** on December 6, 1994, (59 FR 62750), Ansys, Inc., 2 Goodyear, Irvine, California 92718, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Phencyclidine (7471) .....	II
1-Piperidinocyclohexane-carbonitrile (8603) .....	II

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, Section 1301.54(e), the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the

application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: January 17, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95-1772 Filed 1-24-95; 8:45 am]

BILLING CODE 4410-09-M

### Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on November 21, 1994, Knight Seed Company, Inc., 151 W. 126th Street, Burnsville, Minnesota 55337, made application to the Drug Enforcement Administration to be registered as an importer of Marihuana (7360) a basic class of controlled substance in Schedule I.

This application is exclusively for the importation of marihuana seed which will be rendered non-viable and used as bird seed.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for

registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: January 17, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95-1774 Filed 1-24-95; 8:45 am]

BILLING CODE 4410-09-M

**Manufacturer of Controlled Substances; Notice of Application**

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 20, 1994, MD Pharmaceutical, Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724) .....	II
Diphenoxylate (9170) .....	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than February 24, 1995.

Dated: January 17, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95-1773 Filed 1-24-95; 8:45 am]

BILLING CODE 4410-09-M

**Manufacturer of Controlled Substances; Notice of Registration**

By Notice dated November 4, 1994, and published in the **Federal Register** on November 15, 1994, (59 FR 58857), Norac Company Inc., 405 S. Motor Avenue, Azusa, California 91702, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Tetrahydrocannabinols (7370), a basic class of controlled substance listed in Schedule I.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: January 17, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95-1770 Filed 1-24-95; 8:45 am]

BILLING CODE 4410-09-M

**Manufacturer of Controlled Substances; Notice of Registration**

By Notice dated November 29, 1994, and published in the **Federal Register** on December 6, 1994, (59 FR 62750), Upjohn Company, 7171 Portage Road, M.L. 7011-126-5, Kalamazoo, Michigan 49001, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of 2,5-Dimethoxyamphetamine (7396), a basic class of controlled substance listed in Schedule I.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: January 17, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95-1771 Filed 1-24-95; 8:45 am]

BILLING CODE 4410-09-M

**DEPARTMENT OF LABOR**

**Pension and Welfare Benefits Administration**

**Advisory Council on Employee Welfare and Pension Benefits Plan; Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on February 15, 1995, in Suite S-2508, U.S. Department of Labor Building, Third and Constitution Avenue NW., Washington, DC 20210.

The purpose of the meeting, which will begin at 9:30 a.m. is to consider the items listed below and to invite public comment on any aspect of the administration of ERISA.

- I. Welcome and Introduction of New Council Members
- II. Assistant Secretary's Report
  - A. PWBA Priorities for 1995
  - B. Report to Congress
  - C. Miscellaneous Issues
  - D. Announcement of Council Chairperson and Vice Chairperson
- III. Introduction of PWBA Senior Staff and Orientation of New Members
- IV. Report of Advisory Council Working Groups (1993/1994 Term)
- V. Determination of Council Working Group/s for 1995
- VI. Procedure for Establishing Council and Working Group Meeting Dates
- VII. Statements From the General Public
- VIII. Adjourn

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting twenty (20) copies on or before February 10, 1995 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department Labor, Suite N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before February 10, 1995.



Signed at Washington, DC, this 20th day of January, 1995.

**Olena Berg,**

*Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 95-1851 Filed 1-24-95; 8:45 am]

BILLING CODE 4510-29-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 95-006]

### NASA Advisory Council; Meeting

**ACTION:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council.

**DATES:** February 9, 1995, 9 a.m. to 2:15 p.m.; and February 10, 1995, 8:30 a.m. to 3 p.m.

**ADDRESSES:** National Aeronautics and Space Administration, Program Review Center, Ninth Floor, Room 9H40, 300 E Street, SW., Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anne L. Accola, Code Z, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0682.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Strategic Plan and Strategic Management System
- Strategic Enterprise Plans
- NASA Budget Outlook
- NASA Congressional Outlook
- Preliminary Report of the National Laboratory Review Task Force
- Reusable Launch System
- Space Station Update
- Committee Reports
- Discussion of Committee Independence
- Discussion of Findings and Recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign an visitor's register.

Dated: January 19, 1995.

**Timothy M. Sullivan,**

*Advisory Committee Management Officer.*

[FR Doc. 95-1810 Filed 1-24-95; 8:45 am]

BILLING CODE 7510-01-M

[Notice 95-007]

### NASA Advisory Council (NAC), Life and Microgravity Sciences and Applications Advisory Committee, Space Station Science and Applications Advisory Subcommittee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Space Station Science and Applications Advisory Subcommittee.

**DATES:** February 14, 1995, 8 a.m. to 6 p.m.; February 15, 1995, 8 a.m. to 6 p.m.; February 16, 1995, 8 a.m. to 12:30 p.m.

**ADDRESSES:** Lunar and Planetary Institute, Center for Advanced Space Studies, 3600 Bay Area Boulevard, Houston, TX 77058.

**FOR FURTHER INFORMATION CONTACT:** Dr. Edmond M. Reeves, Code US, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-2560.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Subcommittee Charter and Membership Orientation
- Station Capabilities Program Update
- Science Utilization Plans
- Research Management Office—Functions and Issues Process
- International Utilization Coordination
- Technology Utilization Program Plans

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 20, 1995.

**Timothy M. Sullivan,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 95-1809 Filed 1-24-95; 8:45 am]

BILLING CODE 7510-01-M

[Notice 95-005]

### NASA Advisory Council (NAC), Minority Business Resource Advisory Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Minority Business Resource Advisory Committee.

**DATES:** February 8, 1995, 9 a.m. to 4 p.m.

**ADDRESSES:** NASA Headquarters, Program Review Center, Room 9H40, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph C. Thomas, III, Office of Small and Disadvantaged Business Utilization, National Aeronautics and Space Administration, Room 9K70, 300 E Street SW., Washington, DC 20546, (202) 358-2088.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Overview of NASA Advisory Council
- Legal Ethics
- Introduction to NASA SDB Program
- Minutes of Last Meeting
- Review of MBRAC Achievements
- Public Comment
- SDB Priorities of 1995

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Dated: January 19, 1995.

**Timothy M. Sullivan,**

*Advisory Committee Management Officer.*

[FR Doc. 95-1811 Filed 1-24-95; 8:45 am]

BILLING CODE 7510-01-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards Subcommittee Meeting on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on February 8, 1995, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and matters the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

*Wednesday, February 8, 1995—1:30 p.m. until the conclusion of business*



The Subcommittee will discuss proposed ACRS activities and related matters. Also, it will discuss status of the appointment of members to the ACRS. 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 person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefore can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415-7360) 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 changes in schedule, etc., that may have occurred.

Dated: January 19, 1995.

**Sam Duraiswamy,**

Chief, Nuclear Reactors Branch.

[FR Doc. 95-1818 Filed 1-24-95; 8:45 am]

BILLING CODE 7590-01-M

### **Advisory Committee on Reactor Safeguards; Meeting Agenda**

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold meetings on February 9-10, 1995, in Conference Room T2B3, 11545 Rockville Pike, Rockville, Maryland. The dates of these meetings were previously published in the **Federal Register** Notice on Wednesday, December 28, 1994 (59 FR 66977).

#### **Thursday, February 9, 1995**

8:30 A.M.-8:45 A.M.: *Opening Remarks by the ACRS Chairman* (Open)—The ACRS

Chairman will make opening remarks regarding conduct of the meeting and comment briefly regarding items of current interest. During this session, the Committee will discuss priorities for preparation of ACRS reports.

8:45 A.M.-10:15 A.M.: *Emergency Procedure Guidelines (EPGs) for BWR Core Power Stability/ATWS* (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff, BWR Owner's Group, and General Electric Nuclear Energy (GENE) regarding the NRC staff Safety Evaluation Report on the modifications to the EPGs to address BWR core power stability/ATWS.

A portion of this session may be closed to discuss GENE proprietary information applicable to this matter.

10:30 A.M.-12:00 Noon: *Environmental Qualification Requirements for Digital Instrumentation and Control (I&C) Systems* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the activities of the Office of Nuclear Regulatory Research related to environmental qualification requirements for digital I&C systems.

Representatives of the industry will participate, as appropriate.

1:00 P.M.-2:00 P.M.: *Analysis of Reactor Water Cleanup (RWCU) System Line-Break Accident for Operating BWRs* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the potential risks associated with and RWCU system pipe break outside of primary containment and the associated staff activities to evaluate this issue.

2:00 P.M.-3:00 P.M.: *Proposed Final Revision to Regulatory Guide 1.118, "Periodic Testing of Electric Power and Protection Systems"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed final revision 3 to Regulatory Guide 1.118, with emphasis on the differing views between the NRC staff and the industry.

Representatives of the industry will participate, as appropriate.

3:15 P.M.-4:15 P.M.: *Potential Research Issues for CANDU3* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding potential research issues for the CANDU3 design.

Representatives of the Atomic Energy of Canada Limited Technologies will participate, as appropriate.

4:15 P.M.-5:15 p.m.: *Operating Plants vs. Safety Goals* (Open)—The Committee will discuss the Commission's request for further guidance and insight in determining where the current population of operating plants fall within the safety goals.

5:30 P.M.-6:45 P.M.: *Appointment of New Members* (Open/Closed)—The Committee will discuss the qualifications of candidates nominated for appointment to the ACRS.

A portion of this session will be closed to discuss information the release of which

would constitute a clearly unwarranted invasion of personal privacy.

#### **Friday, February 10, 1995**

8:30 A.M.-8:35 A.M.: *Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:35 A.M.-9:30 A.M.: *Amendment to 10 CFR 50.55a* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Nuclear Energy Institute regarding the proposed final amendment to 10 CFR 50.55a to incorporate by reference the 1992 Edition with the 1992 Addenda of both Subsections IWE and IWL, Division 1, Section XI of the ASME Code that deal with inspection of concrete and metal containments.

9:30 A.M.-10:15 A.M.: *Report of the Planning and Procedures Subcommittee* (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business and internal organizational and personnel matters relating to the ACRS staff members.

A portion of this session may be closed to discuss matters that relate solely to internal personnel rules and practices of this Advisory Committee, and matters the release of which would constitute a clearly unwarranted invasion of personal privacy.

10:30 A.M.-11:00 A.M.: *Future ACRS Activities* (Open)—The Committee will discuss topics proposed for consideration during future ACRS meetings.

11:00 A.M.-11:15 A.M.: *Reconciliation of ACRS Comments and Recommendations* (Open)—The Committee will discuss responses from the NRC Executive Director for Operations to ACRS comments and recommendations included in recent ACRS reports.

11:15 A.M.-12:15 P.M.: *Preparation of ACRS Reports* (Open)—The Committee will discuss proposed ACRS reports on certain matters considered during this meeting, including a possible report on performance/risk-based regulation.

1:15 P.M.-5:30 P.M.: *Preparation of ACRS Reports* (Open)—The Committee will continue its discussion of proposed ACRS reports on certain matters considered during this meeting.

5:30 P.M.-5:45 P.M.: *New Research Needs* (Open)—The Committee will discuss new research needs, if any, identified during this meeting.

5:45 P.M.-6:00 P.M.: *Miscellaneous* (Open)—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and complete discussions of topics that were not completed during previous meetings as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 5, 1994 (59 FR 50780). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during the open portions of the meeting, and question may be asked only by members of the Committee, its consultants, and staff.

Persons desiring to make oral statements should notify the ACRS Executive Director, Dr. John T. Larkins, at least five days before the meeting if possible, so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the ACRS Executive Director prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) P.L. 92-463 that it is necessary to close portions of this meeting noted above to discuss proprietary information per 5 U.S.C. 552b(c)(4); information that involves the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2); and to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

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 ACRS Executive Director, Dr. John T. Larkins (telephone 301-415-7361), between 7:30 A.M. and 4:15 P.M. EST.

Dated: January 20, 1995.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 95-1894 Filed 1-24-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-482]

### **Wolf Creek Nuclear Operating Corporation, Wolf Creek Generating Station; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License No. NPF-42, issued to Wolf Creek Nuclear Operating Corporation (the licensee), for operation of the Wolf Creek Generating Station (WCGS) located in Coffee County, Kansas.

#### **Environmental Assessment**

##### *Identification of Proposed Action*

The proposed action would allow implementation of a hand geometry biometric system of site access control such that photograph identification badges can be taken off site.

The proposed action is in accordance with the licensee's application dated November 23, 1994, for exemption from certain requirements of 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power plant reactors against radiological sabotage."

##### *The Need for the Proposed Action*

Pursuant to 10 CFR 73.55, paragraph (a), the licensee shall establish and maintain an onsite physical protection system and security organization.

Paragraph (1) of 10 CFR 73.55(d), "Access Requirements," specifies that "licensee shall control all points of personnel and vehicle access into a protected area \* \* \*." It is specified in 10 CFR 73.55(d)(5) that "A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort." It also states that an individual not employed by the licensee (i.e., contractors) may be authorized access to protected areas without escort provided the individual "receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area \* \* \*."

Currently, unescorted access into protected areas of the WCGS is controlled through the use of a photograph on a combination badge and keycard. (Hereafter, these are referred to as badges). The security officers at the entrance station use the photograph on the badge to visually identify the individual requesting access. The badges for both licensee employees and contractor personnel who have been granted unescorted access are issued upon entrance at the entrance/exit location and are allowed to take badges off site.

The licensee proposes to implement an alternative unescorted access control system which would allow all individuals with unescorted access to keep their badges with them when departing the site.

An exemption from 10 CFR 73.55(d)(5) is required to permit contractors to take their badges off site instead of returning them when exiting the site.

The Commission has completed its evaluation of the proposed action. Under the proposed system, each individual who is authorized to unescorted entry into protected areas would have the physical characteristics of their hand (hand geometry) registered with their badge number in the access control system. When an individual enters the badge into the card reader and places the hand on the measuring

surface, the system would record the individual's hand image. The unique characteristics of the extracted hand image would be compared with the previously stored template to verify authorization for entry. Individuals, including licensee employees and contractors, would be allowed to keep their badges with them when they depart the site.

Based on a Sandia report entitled "A Performance Evaluation of Biometric Identification Devices" (SAND91-0276 UC-906 Unlimited Release, printed June 1991), and on its experience with the current photo-identification system, the licensee stated that the false acceptance rate of the proposed hand geometry system is comparable to that of the current system. The licensee stated that the use of the badges with the hand geometry system would increase the overall level of access control. Since both the badge and hand geometry would be necessary for access into the protected area, the proposed system would provide for a positive verification process. Potential loss of a badge by an individual, as a result of taking the badge off site, would not enable an unauthorized entry into protected areas. The licensee will implement a process for testing the proposed system to ensure continued overall level of performance equivalent to that specified in the regulation. The Physical Security Plan for WCGS will be revised to include implementation and testing of the hand geometry access control system and to allow licensee employees and contractors to take their badges off site.

The access process will continue to be under the observation of security personnel. A numbered picture badge identification system will continue to be used for all individuals who are authorized access to protected areas without escorts. Badges will continue to be displayed by all individuals while inside the protected area.

##### *Environmental Impacts of the Proposed Action*

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluent that may be released off site, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

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 nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

#### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the action would be to deny the request. Such action would not change any current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement related to the operation of Wolf Creek Generating Station," dated June 1982 (NUREG-0878).

#### *Agencies and Persons Consulted*

The NRC staff consulted with the State of Kansas regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 23, 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 rooms located at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801, and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 18th day of January 1995.

For the Nuclear Regulatory Commission.

**Theodore R. Quay,**

*Director, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-1815 Filed 1-24-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-456 and STN 50-457]

#### **Commonwealth Edison Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. NPF-72 and NPF-77 issued to the Commonwealth Edison Company (the licensee) for operation of the Braidwood Station, Units 1 and 2, located in Will County, Illinois.

The proposed amendment would revise the Technical Specifications for Braidwood 1 and 2 by deleting Section 4.7.6.e.6 which presently requires a surveillance to verify that the control room ventilation system can be manually isolated and placed in the recirculation mode of operation. This manual isolation would be initiated in response to a report of a chlorine release in the vicinity of the Braidwood Station.

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:

A. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Elimination of the requirement to test control room ventilation manual isolation capability does not involve a significant increase in the probability or consequences of an accident previously evaluated. This requirement had been previously necessary because of the potential of a rail borne chlorine accident. Since that time of the imposed surveillance, the Norfolk and Western railroad line which transported chlorine near Braidwood has been removed. In addition, a study has concluded that there are no potential stationary chlorine release

sources within a 10 mile radius that could pose a threat to control room habitability. The evaluation concluded that the realistic probability of a transported source of chlorine passing within the critical distance of 4900 feet of Braidwood Station is practically zero. Even using the very conservative assumption that all transported sources of chlorine use IL 53 or IL 129, the occurrence of an accidental release from these shipments was calculated to be only  $2 \times 10^{-6}$  events per year. Thus the probability of a chlorine release is within the requirements of NUREG-0800, Standard Review Plan (SRP), July 1981 Section 2.2.3, and removal of the requirement to conduct Control Room ventilation isolation tests every 18 months does not involve a significant increase in the probability or consequences of an accident previously evaluated.

To ensure that no potential stationary chlorine release source is introduced within a ten mile radius of Braidwood Station, the station will perform a survey every three years to ensure that the protection of the control room personnel from risk due to any potential chlorine accident is maintained sufficiently small.

B. The proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The probability of a chlorine accident that could impact the control room environment has been shown to be within the requirements of SRP Section 2.2.3. Control Room isolation capability testing was performed only to address a chlorine accident. Therefore, removal of this requirement does not create the possibility of a new or different kind of accident from any accident previously evaluated.

C. The proposed changes does not involve a significant reduction in a margin of safety.

Control room ventilation isolation testing was performed as a result of the possibility of a chlorine accident in the vicinity of Braidwood. As demonstrated by a recent study, the probability of this event occurring has been reduced to practically zero within the acceptable limits of SRP Section 2.2.3 for transportable chlorine. Survey of the ten mile radius around Braidwood found no stationary chlorine sources with large enough quantities to pose a hazard to control room personnel. Thus, the removal of the requirement to perform Control Room ventilation isolation tests every 18 months does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 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 24, 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 Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington,

Illinois 60481. 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 proceedings; 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 Robert A. Capra: 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 Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690, 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 January 5, 1994, as supplemented on April 26, 1994, September 30, 1994, and January 12, 1995, 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 located at the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Rockville, Maryland, this 19th day of January 1995.

For the Nuclear Regulatory Commission.

**Ramin R. Assa,**

*Project Manager, Project Directorate III-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 95–1814 Filed 1–24–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. STN 50–454, STN 50–455, STN 50–456 and STN 50–457]

**Commonwealth Edison Company; Notice of Consideration of Issuance of Amendments To Facility Operating Licenses, 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 Nos. NPF–37, NPF–66, NPF–72 and NPF–77, issued to the Commonwealth Edison Company (the licensee) for operation of the Byron Station, Units 1 and 2, located in Ogle County, Illinois, and the Braidwood Station, Units 1 and 2, located in Will County, Illinois.

The proposed amendments would revise the Byron Station, Unit 1 and 2, and Braidwood Station, Units 1 and 2, Technical Specifications (TS) Section 3/4.7.6 concerning the Control Room Ventilation (VC) System. These changes are consistent with the revised Standard Technical Specifications for Westinghouse Plants. Specifically, the allowed outage time for one train of the system would be changed from 7 to 30 days, if the train was declared inoperable only due to an inoperable chiller unit. An alternative action would also be added to TS 3.7.6.a, requiring the cessation of all core alterations,

reactivity, additions, and spent fuel movement if one train of the system is inoperable during refueling operations. By letter dated July 19, 1994, the licensee responded to the Commission staff's comments and proposed to revise TS 3/4.7.6 by adding a surveillance requirement to demonstrate the control room ventilation heat load removal capability every 18 months. Revisions to associated Bases and minor editorial changes would also be made for the purpose of updating and clarifying the TS.

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:

A. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The first proposed change will increase the allowed outage time (AOT) for a VC chiller from seven days to thirty days in Modes 1 through 4. The thirty day AOT is based on the low probability of an event requiring control room isolation concurrent with failure of the redundant train of VC. Therefore, one train of VC will always be available to remove normal and accident heat loads and provide control room isolation. Consequently, this change will not result in an increase to offsite dose rates or the exposure of control room operators.

Increasing the AOT will allow for more extensive maintenance and should increase overall availability of the VC chillers. This provides additional assurance that a chiller will be operable on at least one train of VC. In the unlikely event that both VC chillers became inoperable, alternate non-safety related means to maintain control room temperature are available. Based on the above, the proposed increase to the AOT will not increase the probability or consequences of any previously analyzed accident.

The proposed change to the Action for Modes 5 and 6 adds an alternative to placing the remaining operable VC train in the

makeup mode. The alternative would allow the option to suspend CORE ALTERATIONS, positive reactivity changes, and movement of irradiated fuel. In Modes 5 and 6, this greatly reduces the probability of an event that would require control room isolation. The change will have no impact on the consequences of an accident since the remaining train of VC would be capable of isolating the control room on a high radiation signal and providing the necessary temperature control. Based on this review, the proposed Action will not result in an increase in the probability or consequences of a previously analyzed accident.

As noted above, the proposed amendment adds a restriction to suspend movement of irradiated fuel. This change reduces the probability of the occurrence of a fuel handling accident and has no impact on the consequences of any accident. In addition, the wording in Action b was revised to be consistent with the wording in Action a. This change is purely editorial and, therefore, has no impact on the probability or consequences of an accident.

The proposed changes to Section 3/4.7.6 are requested to ensure that surveillances are performed to verify that the Control Room Ventilation System remains capable of performing its design function. Operability of the Control Room Chillers ensures that the ambient air temperature does not exceed the allowable temperature for continuous duty rating for the equipment and instrumentation cooled by the Control Room Ventilation System. The ability of the Control Room Ventilation System to limit the radiation exposure to personnel occupying the control room to 5 rem or less whole body, or its equivalent, is not affected by the addition of this surveillance requirement. The proposed changes do not affect any accident initiators or precursors and do not change or alter the design assumptions for the systems or components used to mitigate the consequences of an accident. Consequently, the changes do not impact any accident previously evaluated in the UFSAR.

Therefore, the proposed changes do not involve an increase in the probability or consequences of an accident previously evaluated.

B. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The first proposed change will increase the AOT for a VC chiller from seven days to thirty days in Modes 1 through 4. During the time one chiller is inoperable, the redundant train is capable of handling the heat loads during normal operation and during all accident scenarios. No new operating conditions are created by this change. Therefore, this change will not result in any new or different accident from those previously analyzed.

The proposed change to the Action for Modes 5 and 6 adds an alternative to allow the option to suspend CORE ALTERATIONS, positive reactivity changes, and movement of irradiated fuel. In Modes 5 and 6, this greatly reduces the probability of an event that would require control room isolation. Also, the remaining train of VC would still be

capable of temperature control and isolating the control room on a high radiation signal. This change will not create any new plant operating conditions. Based on this review, the proposed Action will not result in a new or different kind of accident.

The additional restriction on the movement of irradiated fuel in Modes 5 and 6 will not create any new condition which has not been previously analyzed. In addition, for consistency with the wording in Action a, the word "changes" was replaced by the word "additions." This change is purely editorial and, therefore, has no potential to create a new kind of accident.

The proposed changes to add a surveillance requirement to Section 3/4.7.6 do not affect the design or operation of any system, structure, or component in the plant. There are no changes to parameters governing plant operation; no new or different type of equipment will be installed. The proposed changes ensure that equipment remains capable of performing its design function.

Therefore, the proposed changes do not create the possibility of a new or different type of accident from any previously evaluated.

The proposed changes do not involve a significant reduction in a margin of safety.

The basis for the VC Technical Specification to ensure that the temperature in the control room does not exceed maximum allowable for the equipment and instrumentation inside. The VC system is also required to limit radiation exposure to control room personnel following an accident. Either of the two redundant trains can perform both of these functions. As long as one train of VC is available, the margin of safety assumed in the bases for this specification is maintained.

Increasing the AOT for one VC chiller unit has no impact on the redundant train of VC. Although one train of VC may be inoperable for a longer period of time, the redundant train can perform all normal and accident functions. The length of the AOT is sufficiently short to assure that a scenario involving an accident requiring control room isolation concurrent with the failure of the redundant train is not credible. Therefore, one train of VC will remain available and no reduction is made to the margin of safety.

The second change involves adding an alternative Action in Modes 5 and 6 that would restrict CORE ALTERATIONS, positive reactivity additions, and movement of irradiated fuel. The existing Action requires that the operable train of VC be placed in the makeup mode of operation. This Action ensures that any failures are readily detected. The alternate Action reduces the potential of an event that would require control room isolation while maintaining one train of VC operable. In both cases, the Actions assure that one train of VC is available for normal and emergency use. Therefore, the proposed change maintains the margin of safety.

Another proposed change involves the condition with no VC trains operable in Modes 5 and 6. Since VC is not available, alternative means must be used to maintain control room temperature. Since the primary

alternative involves utilization of outside air, the most appropriate action is to reduce the probability of an event that would require control room isolation. The proposed additional restriction on the movement of irradiated fuel provides added assurance that such an event will not occur. Therefore, the margin of safety is maintained. Also, for consistency with the wording in Action a, the word "changes" was replaced by the word "additions." This change is purely editorial and, therefore, has no impact on the margin of safety.

The final proposed change to add a surveillance requirement does not affect the margin of safety for any Technical Specification. The initial conditions and methodologies used in the accident analyses remain unchanged, therefore, accident analysis results are not impacted. The addition of a Technical Specification surveillance provides further assurance that the Control Room Ventilation System is operable and capable of maintaining the ambient air temperature below the allowable temperature for the continuous duty rating of the equipment and instrumentation cooled by this system. These changes also provides consistency with Standard Technical Specifications.

Therefore, the proposed change does not involve a reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

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 24, 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 rooms located at the Byron Public Library, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010 for the Byron Station; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481. 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. Contention 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 Robert A. Capra: 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 Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690, 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 amendments dated August 31, 1993, as supplemented July 19, 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 located at the Bryon Public Library, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010 for the Byron Station; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Rockville, Maryland, this 19th day of January 1995.

For the Nuclear Regulatory Commission.

**Ramin R. Assa,**

*Project Manager, Project Directorate III-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-1813 Filed 1-24-95; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF PERSONNEL MANAGEMENT

### National Partnership; Meetings

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice of meeting.

**SUMMARY:** The Office of Personnel Management (OPM) announces the February and March meetings of the National Partnership Council (the Council). Notice of these meetings is required under the Federal Advisory Committee Act.

**TIME AND PLACE:** The February meeting will be held February 8, 1995; the March meeting will be held on March 8, 1995. Both meetings will be at 1 p.m., in the OPM Conference Center, Room 1350, Theodore Roosevelt Building, 1900 E Street, NW., Washington, DC 20415-0001. The conference center is located on the first floor.

**TYPE OF MEETING:** These meetings will be open to the public. Seating will be available on a first-come, first-served basis. Handicapped individuals wishing to attend should contact OPM to obtain appropriate accommodations.

**POINT OF CONTACT:** Douglas K. Walker, National Partnership Council, Executive Secretariat, Office of Personnel Management, Theodore Roosevelt Building, 1900 E Street, NW., Room 5315, Washington, DC 20415-0001, (202) 606-1000.

**SUPPLEMENTARY INFORMATION:** The Council will receive reports on and discuss activities contained in the strategic action plan for 1995 that was adopted at the January 10, 1995, meeting.

**PUBLIC PARTICIPATION:** We invite interested persons and organizations to submit written comments or recommendations. Mail or deliver your comments or recommendations to Mr. Douglas K. Walker at the address shown above. Comments should be received by February 3, in order to be considered at the Council's February meeting, and by March 3, in order to be considered at the Council's March meeting.



Office of Personnel Management.

**James B. King,**

*Director.*

[FR Doc. 95-1780 Filed 1-24-95; 8:45 am]

BILLING CODE 6325-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35239; File No. SR-CHX-95-2]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to the Extension of the Waiver of Certain Exchange Transaction Fees for Transactions in Certain Tape B Eligible Issues

January 19, 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 9, 1995, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. On January 18, 1995, the Exchange submitted to the Commission Amendment No. 1 to the proposed rule change, which is also described below.<sup>1</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the waiver of certain transaction fees, as set out in Section (c) (Transaction Fee Schedule) of its Membership Dues and Fees, for transactions in Tape B eligible issues,<sup>2</sup> executed through the Midwest Automated Execution System ("MAX"). The Exchange had waived these fees

through December 31, 1994<sup>3</sup> and now proposes to extend the waiver on MAX executed trades through December 31, 1995. The text of the proposed rule change is as follows [new text is italicized; deleted text is bracketed]:

#### (c) Transaction Fee Schedule

##### Round Lots/Mixed Lots

45 cents per 100 shares.

\$100.00 maximum per trade.

##### Odd Lots

35 cents per trade.

\$400.00 maximum monthly fees.

The above fees include all applicable trade recording fees, as set out in the Midwest Clearing Corporation (MCC) "Services and Schedule of Charges" bulletin, relating to floor executed trades.

The above fees shall not apply to transactions in Tape B eligible issues which are executed through the Midwest Automated Execution System ("MAC") through December 31, 1994[5]; however, all applicable trade recording fees relating to Tape B trades will be assessed as set out in the MCC "Services and Schedule of Charges" bulletin.<sup>4</sup>

#### 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.

<sup>3</sup> See Securities Exchange Act Release No. 33637 (Feb. 17, 1994), 59 FR 9261 (approving File No. SR-CHX-94-4). The Exchange has waived these fees for several consecutive years. See Securities Exchange Act Release No. 31636 (Dec. 22, 1992), 57 FR 62406 (approving File No. SR-MSE-92-15); Securities Exchange Act Release No. 30154 (Jan. 6, 1992), 57 FR 1291 (approving File No. SR-MSE-91-17); Securities Exchange Act Release No. 28916 (Feb. 25, 1991), 56 FR 9028 (approving File No. SR-MSE-91-7).

<sup>4</sup> Amendment No. 1 deleted a reference in the Transaction Fee Schedule that limited the applicability of such fees on round lots/mixed lots and odd lots to transactions in New York Stock Exchange listed issues. This reference was included inadvertently in the Exchange's filings requesting the waiver of these fees for calendar years 1992, 1993, and 1994.

#### 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 continue the Exchange's efforts to attract additional order flow in Tape B eligible securities to enhance the Exchange's competitive position in these issues. Limiting the waiver of fees to MAX trades recognizes the economies of scale and cost savings achieved through electronic order routing versus manually processed trades.

##### 2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(4) of the Securities Exchange Act of 1934 in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and persons using its facilities.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The fee change will impose no 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 fee change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements

<sup>1</sup> See letter from David T. Rusoff, Counsel, Chicago Stock Exchange, to Glen Barrentine, Senior Counsel, Division of Market Regulations, SEC, dated January 18, 1995. See infra note 4 for a description of Amendment No. 1.

<sup>2</sup> The Consolidated Tape, operated by the Consolidated Tape Association ("CTA"), compiles current last sale reports in certain listed securities from all exchanges and market makers trading such securities and disseminates these reports to vendors on a consolidated basis. The CTA is comprised of the New York, American, Boston, Cincinnati, Chicago, Pacific, and Philadelphia Stock Exchanges, as well as the Chicago Board Options Exchange and the National Association of Securities Dealers, Inc. Transactions in American Stock Exchange listed stocks and qualifying regional listed stocks are reported on CTA Tape B.

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 Chicago Stock Exchange. All submissions should refer to File No. SR-CHX-95-2 and should be submitted by February 15, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-1784 Filed 1-24-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-35235; File No. SR-NASD-94-78]

**Self-Regulatory Organizations; Notice of Filing of a Proposed Rule Change by the National Association of Securities Dealers, Inc., Relating to Exercise Cut-Off Procedures for Expiring Equity Options Contracts**

January 18, 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 December 23, 1994, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. 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 NASD proposes to amend Section 63 of the NASD's Uniform Practice Code ("Practice Code") relating to the exercise of expiring standardized equity options contracts. The text of the proposed rule change is available at the Office of the Secretary, NASD, 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 NASD 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 NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

**A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change**

Currently, with regard to expiring standardized equity options, Section 63 of the Practice Code provides that NASD members and their customers are required to indicate their exercise decisions to clearing members no later than 5:30 p.m., E.S.T., on the business day immediately prior to the expiration date of the options ("Exercise Cut-Off Time").<sup>1</sup> this is the latest time by which an exercise instruction<sup>2</sup> may be: (1) Prepared by a clearing member for positions in its proprietary trading account; (2) accepted by a clearing member from a non-clearing member; or (3) accepted by a member from any customer.<sup>3</sup>

The only exemptions to the Exercise Cut-Off Times contained in Section 63 of the Practice Code are: (1) To remedy mistakes or errors made in good faith; (2) to take appropriate action as the result of a failure to reconcile an unmatched option transaction; (3) where exceptional circumstances relating to a customer's or member's

<sup>1</sup> Generally, the rules of the options exchanges provide that equity options may be traded up until the close of business on the last business day before expiration, which is generally the third Friday of the expiration month ("Expiration Friday"). See, e.g., CBOE Rule 11.1 and Phlx Rule 1042.

<sup>2</sup> For customers, an exercise instruction is a notice delivered to a member to exercise an option. for a clearing member of The Options Clearing Corporation ("OCC") or a market maker or floor broker on a national options exchange, an exercise instruction is a notice to OCC to exercise an option that would not be automatically exercised pursuant to OCC's exercise-by-exception procedure ("OCC Rule 805"), or not to exercise an option that would otherwise be automatically exercised pursuant to OCC Rule 805. See infra note 6. The OCC has separate rules regarding cut-off time by which exercise notices must be delivered to OCC by OCC clearing members. The proposed rule change does not in any way affect OCC rules.

<sup>3</sup> In most cases, exercise instructions are electronically transmitted to OCC clearing members through the Clearing Management and Control System ("C/MACS").

ability to communicate exercise instructions to a member (or a member's ability to receive such exercise instructions) prior to the Exercise Cut-Off Time warrant such action; and (4) with respect to options contracts in an account maintained for another member in which only positions of customers of such other member are carried. Members are required to prepare a memorandum of every exercise instruction received from a customer stating the time when such instruction was received. In addition, in the event a member receives and acts on an exercise instruction pursuant to one of the exceptions noted above, the member must prepare a memorandum setting forth the circumstances giving rise to the exception. If the member is relying on either the first or the third exception described above, the member must promptly file a copy of the memorandum with the NASD.

Thus, it is presently a violation of Section 63 of the Practice Code for clearing members to accept exercise instructions after the Exercise Cut-Off Time, except in reliance on one of the exceptions noted above. Because exercise instructions are submitted to the clearing members, without having the audit trail pass directly through the NASD or the particular options exchange(s) trading the expiring option, it is difficult for the NASD to surveil for violations of Section 63. In fact, there have been some situations where members have either delayed making exercise decisions until after the Exercise Cut-Off Time in anticipation of the release of significant news concerning a particular underlying company or, having made exercise decisions prior to the Exercise Cut-Off Time, changed these decisions based upon such news. In one notable situation, the NASD notes that certain firms that anticipated the release of material news regarding a particular company allegedly delayed making their exercise decisions until after the Exercise Cut-Off Time, causing firms who claimed to have been disadvantaged by such conduct to commence a series of highly publicized arbitration proceedings and lawsuits.<sup>4</sup>

Accordingly, in order to enable the options exchanges and the NASD to determine whether options holders have made their final exercise decisions no later than the prescribed Exercise Cut-Off Time and not on the basis of market developments occurring after the Exercise Cut-Off Time, the NASD proposes to amend Section 63 of the

<sup>4</sup> See, e.g., *In re Farmers Group Stock Options Litigation*, Master File No. 88-4994 (E.D.Pa.).

Practice Code to provide for an exercise advice procedure. Specifically, the proposed rule change will alter the existing exercise instruction procedures by requiring that final exercise decisions also be submitted to the relevant options exchange(s) trading a particular equity option. The clearing members will still be responsible for delivering exercise notices to OCC, however, the proposed rule change will allow the NASD, in conjunction with the options exchanges, to accurately document when each exercise instruction was received by a member or clearing member or delivered by a clearing member to OCC.<sup>5</sup> The Exercise Cut-Off Time will still be 5:30 p.m. E.S.T. on the business day immediately prior to the expiration date.

In particular, under the proposal, there will be two means of exercising an expiring equity option: (1) Take no action and allow exercise determinations to be made in accordance with OCC Rule 805;<sup>6</sup> or (2) members may submit a contrary exercise advice (i.e., a notice committing an option holder either to exercise an option that would not otherwise be exercised automatically pursuant to OCC Rule 805, or not to exercise an option that otherwise would be exercised automatically pursuant to OCC Rule 805) ("Contrary Exercise Advice"). A Contrary Exercise Advice will be submitted by NASD members either: (1) To a place designated for that purpose by any national options exchange of which they are a member and where the particular equity option is listed; (2) to a place designated for that purpose by any national options exchange that lists and trades that equity option via a member of such exchange if the member is not a member of such exchange; (3) to any national options exchange of which they are a member and where the equity option is listed via OCC in a form prescribed by OCC;<sup>7</sup> or (4) to any national options

exchange where the equity option is listed via OCC in a form prescribed by OCC, provided the member is a member of OCC. In those instances where OCC Rule 805 has been waived by OCC,<sup>8</sup> the proposal provides that a Contrary Exercise Advice must be submitted prior to the Exercise Cut-Off Time by members wanting to exercise an option that would not have been automatically exercised, or not to exercise an option that would have been automatically exercised, had OCC's exercise-by-exception procedure been in effect.<sup>9</sup> The applicable underlying security price in such instances will be as described in OCC Rule 805(1), which is normally the last sale price in the primary market for the underlying security.

The proposal also requires that members maintaining proprietary or public customer positions in expiring options take necessary steps to ensure that final exercise decisions are properly indicated to the relevant national options exchange with respect to such positions. In addition, the proposal provides that members who have accepted the responsibility to indicate final exercise decisions on behalf of another member also shall take necessary steps to ensure that such decisions are properly indicated to the relevant national options exchange. In this connection, the proposal also provides that members may establish an internal processing cut-off time prior to 5:30 p.m. E.S.T., at which time the member will no longer accept final exercise decisions from its customers in expiring options.

With certain minor modifications,<sup>10</sup> the proposal maintains the current exceptions to Section 63 of the Practice Code. The proposal, however, does add language to Section 63(b)(3) to expressly

members by having to manually process every exercise decision for delivery directly to the relevant options exchange, the procedures and rules being proposed herein will not be implemented by the NASD until OCC submits a written representation to the Commission that C/MACS has been modified as necessary, fully tested, and ready to go on-line to allow members to submit exercise decisions to the options exchanges through C/MACS. The Commission notes that the procedures and rules proposed herein are scheduled for implementation in time for the February 1995 equity option expirations.

<sup>8</sup> This could happen when an underlying security is not traded on its primary market on the trading day immediately preceding an expiration date and, as a result, OCC determines not to fix a closing price for that security. See OCC Rule 805(1).

<sup>9</sup> See *supra* note 6.

<sup>10</sup> Specifically, in order to conform the NASD's proposed rule with the rules of the options exchanges, the NASD proposes to delete the exemption that applies to "option contracts carried in an account maintained for another member in which only positions of customers of such other member are carried."

state that the burden of establishing an exception to the Exercise Cut-Off Time for a proprietary or customer account of a member rests solely on the member seeking to rely on such exception.

In the event a member does not timely submit a Contrary Exercise Advice pursuant to an exception, the responsible member must prepare a written memorandum describing the circumstances surrounding the late submission of the Contrary Exercise Advice and stating the time when such final exercise decision was made or, in the case of a customer, was received. The member must also file a copy of the memorandum with the market surveillance department of the national options exchange trading the option, if it is a member of such exchange, or the NASD's Market Surveillance Department if it is not a member of such exchange, no later than 12:00 p.m., E.S.T., on the business day following that expiration.

Furthermore, in order to highlight the seriousness of violating Section 63 of the Practice Code, the proposed rule language expressly states that submitting or preparing an exercise instruction after the Exercise Cut-Off Time in any expiring equity option on the basis of material information released after the Exercise Cut-Off Time is activity inconsistent with just and equitable principles of trade. The proposal also states that the requirements specified in Section 63(b) will not apply to standardized foreign currency options or standardized index option products.

The NASD represents that the proposed rule change reflects a coordinated effort among all the options exchanges, the NASD, and OCC. In particular, the NASD represents that the proposed exercise advice procedure has been reviewed and endorsed by the Intermarket Surveillance Group ("ISG"),<sup>11</sup> which is in the process of issuing a joint circular explaining the operation of the new exercise cut-off provisions. The NASD notes that the Commission has already approved similar rule proposals from each of the national options exchanges.<sup>12</sup>

<sup>11</sup> ISG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance information sharing arrangements in the stock and options markets. See Intermarket Surveillance Sharing Group Agreement, July 14, 1983. The members of ISG are the American Stock Exchange, Inc., the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Inc., the Chicago Stock Exchange, Inc., the Cincinnati Stock Exchange, Inc., the NASD, the New York Stock Exchange, Inc., the Pacific Stock Exchange, Inc., and the Philadelphia Stock Exchange, Inc.

<sup>12</sup> See Securities Exchange Act Release Nos. 34806 (October 7, 1994), 59 FR 52339 (October 17,

Continued

<sup>5</sup> Because OCC's rules are not affected by this rule proposal, the reporting of final exercise decisions as contemplated by the revised rule does not serve to substitute as the effective exercise notice to OCC for the exercise or non-exercise of expiring options.

<sup>6</sup> OCC Rule 805 provides for the automatic exercise of in-the-money options of expiration without the submission of an exercise notice to OCC if the price of the security underlying the option is at or above a certain price for calls or at or below a certain price for puts; and the non-exercise of an option at expiration if the price of the security underlying the option does not satisfy such price levels. See OCC Rule 805.

<sup>7</sup> Even though this may be accomplished by submitting exercise decisions directly to the relevant options exchange, the more likely manner of accomplishing this will be to submit the exercise decisions to the options exchanges through C/MACS. Due to the burden that would be placed on

The NASD believes that the proposal is consistent with Section 15A(b)(6) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. Specifically, the NASD believes the proposal is consistent with Section 15A(b)(6) of the Act because it should improve the NASD's ability to surveil for and deter violations of the Exercise Cut-Off Time for expiring equity options. In addition, the NASD believes that the requirement that a member must submit a written memorandum describing the circumstances surrounding the late submission of a Contrary Exercise Advice will better enable the NASD to surveil for instances where exercise decisions are impermissibly made or changed on the basis of material information released after the Exercise Cut-Off Time.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The NASD does not believe that the proposed rule change will impose any burden on competition.

#### *C. Self-Regulatory Organization's Statement on Comment on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were either 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 date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory

organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File Number SR-NASD-94-78 and should be submitted by February 15, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-1783 Filed 1-24-95; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-20846; File No. 812-9140]

#### **Anchor National Life Insurance Company, et al.**

January 19, 1995.

**AGENCY:** Securities and Exchange Commission ("SEC" or the "Commission").

**ACTION:** Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act").

**APPLICANTS:** Anchor National Life Insurance company ("Anchor National"), Variable Annuity Account Two ("Separate Account") and Vista Broker-Dealer Services, Inc. ("Vista").

**RELEVANT 1940 ACT SECTIONS:** Order requested under Section 6(c) of the 1940

Act for exemptions from Sections 26(a)(2) and 27(c)(2) thereof.

**SUMMARY OF APPLICATION:** Applicants seek an order to the extent necessary to permit the deduction of mortality and expense risk charges and a distribution expense charge from the assets of the Separate Account under certain individual and group variable annuity contracts (the "Contracts") funded through the Separate Account and under materially similar contracts which may be funded in the future by the Separate Account (the "future contracts"), and from the assets of any other separate account established in the future by Anchor National (the "future separate accounts") in connection with the issuance of contracts that are materially similar to the Contracts.<sup>1</sup>

**FILING DATE:** The application was filed on August 3, 1994, and amended on November 22, 1994.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing on the application by writing to the Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on February 13, 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 Secretary of the Commission.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, c/o Mark J. Mackey, Esq., Routier, Mackey and Johnson, P.C., 1700 K Street NW., Suite 1003, Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** Patrice M. Pitts, Attorney, or Wendy Finck Friedlander, Deputy Chief, Office of Insurance Products, Division of Investment Management, at (202) 942-0670.

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the Commission.

<sup>1</sup> Applicants have agreed to amend this application during the notice period to reflect that the future contracts and the contracts issued by future separate accounts relying on the exemptive relief requested here shall be materially similar to the Contracts.

1994) (order approving File No. SR-PHLX-93-37); 34807 (October 7, 1994), 59 FR 52329 (October 17, 1994) (order approving File No. SR-CBOE-94-06); 34808 (October 7, 1994), 59 FR 52324 (October 17, 1994) (order approving File No. SR-AMEX-94-01); 34810 (October 7, 1994), 59 FR 52334 (October 17, 1994) (order approving File No. SR-PSE-94-12); and 34818 (October 11, 1994), 59 FR 52331 (October 17, 1994) (order approving File No. SR-NYSE-94-12).

<sup>13</sup> 17 CFR 200.30-3(a)(12) (1994).

### Applicants' Representations

1. Anchor National is a stock life insurance company organized under the laws of the State of California. On May 24, 1994, Anchor National established the Separate Account to fund variable annuity contracts. The Separate Account is registered under the 1940 Act as a unit investment trust. The Separate Account is administrated and accounted for as part of the general business of Anchor National, but the income, gains or losses of each subaccount of the Separate Account is/are credited to or charged against the assets held in that subaccount in accordance with the terms of the Contracts, without regard to other income, gains or losses of any other subaccount or arising out of any other business Anchor National may conduct.

2. Vista is a broker-dealer registered under the Securities Exchange Act of 1934, and is the distributor for the Contracts.

3. The Contracts are tax deferred annuities that provide for the accumulation of values and the payment of annuity benefits on a fixed basis, or a combination of both. Typically, a group Contract is issued to a contract holder and covers all participants in the group. Each participant receives a certificate that evidences his or her participation under the Contract. In those states where the group Contract is not available, an individual Contract may be available instead. The individual Contract is substantially similar to the group Contract except that the individual Contract is issued directly to the owner, rather than to a contract holder for the benefit of a participant. (For convenience, references to "participant" and "certificate" herein shall include a Contract owner and the Contract, respectively, in the case of an individual Contract.)

4. The Contracts are available for retirement plans that do not qualify for the special federal tax advantages available under the Internal Revenue code ("non-qualified plans") as well as for retirement plans that do qualify for the federal tax advantages available under the Internal Revenue code ("qualified plans").

5. Purchase payments under the Contracts may be made to the Separate Account, to the general account of Anchor National under the Contract's fixed account option ("Fixed Account"), or allocated between the Separate Account and the Fixed Account. The minimum initial purchase payment for a Contract is \$5,000 for non-qualified contracts, or \$2,000 for qualified

contracts. Additional purchase payments may be made in amounts of at least \$250, or \$100 in the case of an automatic payment plan.

6. Initially, the Contracts will be funded through six subaccounts (the "Subaccounts") of the Separate Account; each Subaccount will invest in the shares of one of six available series of Mutual Fund Variable Annuity Trust ("Trust"). Additional underlying funds may become available in the future.

7. The six available series of the Trust are: the Growth and Income Portfolio; the Capital Growth Portfolio; the International Equity Portfolio; the Asset Allocation Portfolio; the U.S. Treasury Income Portfolio; and the Money Market Portfolio. The Trust is registered under the 1940 Act as a diversified, open-end, management investment company.

8. If the participant dies during the accumulation period, a death benefit will be payable to the beneficiary open receipt by Anchor National of due proof of death. The death benefit is reduced by the premium tax incurred by Anchor National, if any. If the participant is younger than age 70 at the date of certificate issue, the death benefit is equal to the greatest of: (i) The total dollar amount of purchase payments made prior to the death of the participant, reduced by any partial withdrawals and partial annuitizations; (ii) the Contract value at the end of the valuation period during which due proof of death (and an election of the type of payment to the beneficiary) is received by Anchor National; or (iii) where permitted by state law, the Contract value at that anniversary of the certificate issue date preceding the date of death—increased by any purchase payments made and reduced by any partial withdrawals and partial annuitizations since that anniversary—which yields the greatest result. If the participant is at least age 70 on the date of certificate issue, the death benefit will equal (ii) above.

9. An annual contract administration charge of \$30 is charged against each certificate. The amount of this charge is guaranteed and cannot be increased. This charge reimburses Anchor National for expenses incurred in establishing and maintaining records relating to a Contract. The contract administration charge will be assessed on each anniversary of the certificate issue date that occurs on or prior to the annuity date. In the event that a total surrender of Contract value is made, the charge will be assessed as of the date of surrender, without proration. This charge is not assessed during the annuity period. The contract

administration charge is at cost, with no margin included for profit.

10. During the accumulation period, amounts allocated to the Separate Account may be transferred among the Subaccounts and/or to the Fixed Account. Both before and after the annuity date, Contract values may be transferred from the Separate Account to the Fixed Account. The first fifteen transfers in any Contract year are permitted without the imposition of a transfer fee. A transfer fee of \$25 (\$10 in Pennsylvania and Texas) is assessed on the sixteenth and each subsequent transfer within a Contract year. This fee will be deducted from Contract values that remain in the Subaccount or the Fixed Account, as appropriate, from which the transfer was made. If the remaining Contract value is insufficient to pay the transfer fee, the fee will be deducted from transferred Contract values. The transfer fee is at cost, with no anticipation of profit.

11. Although there is a free withdrawal amount that applies to the first withdrawal during a Contract year after the first, a contingent deferred sales charge (the "Withdrawal Charge") may be imposed upon certain withdrawals. Withdrawal Charges will vary in amount depending upon the contribution year of the purchase payment at the time of withdrawal. So that all withdrawals are allocated to purchase payments to which the lowest Withdrawal Charge (if any) applies, withdrawals will be allocated first to investment income, if any, which generally may be withdrawn free of Withdrawal Charge, and then to purchase payments on a first-in, first-out basis.

12. Earnings in a participant's account and purchase payments no longer subject to the Withdrawal Charge may be withdrawn at any time free of the Withdrawal Charge. In addition, there may be a free withdrawal amount for the first withdrawal during the second or any subsequent Contract year. That additional free withdrawal amount is equal to 10% of purchase payments made more than one year prior to the date of withdrawal that remain subject to the Withdrawal Charge and that have not previously been withdrawn, less earnings in the participant's account.

13. Any amounts withdrawn that exceed the limits described above may be subject to a Withdrawal Charge in accordance with the table shown below.

WITHDRAWAL CHARGE TABLE

Contribution year	Applicable withdrawal charge percentage
Zero .....	6
First .....	6
Second .....	5
Third .....	5
Fourth .....	4
Fifth .....	3
Sixth .....	2
Seventh and later .....	0

The Withdrawal Charge may be reduced or waived in certain circumstances, as described in the prospectus for the Contracts.

14. Anchor National deducts a distribution expense charge from each Subaccount during each valuation period that is equal, on an annual basis, to 0.15% of the net asset value of each Subaccount. This charge is designed to compensate Anchor National for assuming the risk that the cost of distributing the Contracts will exceed the revenues from the Withdrawal Charge. In no event will this charge be increased. The distribution expense charge is assessed during both the accumulation period and the annuity period; it is not applied to Contract values allocated to the Fixed Account.

15. Annuity payments will not be affected by the mortality experience of (i) persons receiving such payments or (ii) the general population. The annuity rates may not be changed under the Contract. Anchor National deducts a mortality risk charge from the Separate Account for assuming the risks that: (i) The life expectancy of an annuitant will be greater than that assumed in the guaranteed annuity purchase rates; (ii) the Withdrawal Charge may be waived in the event of the death of the participant; and (iii) the death benefit must be provided before the annuity date. The charge is deducted from each Subaccount during each valuation period at an annual rate of 0.90% of the net asset value of each Subaccount. If the mortality risk charge is insufficient to cover the actual cost of assuming the mortality risks, Anchor National will bear the loss. If the charge proves more than sufficient, the excess will be a gain to Anchor National. To the extent Anchor National realizes any gain, those amounts may be used at its discretion, including offsetting losses experienced when the mortality risk charge is insufficient. The mortality risk charge may not be increased under the Contract.

16. Anchor National bears the risk that the Contract administration charge

will be insufficient to cover the cost of administering the Contracts. For assuming this risk, Anchor National deducts an expense risk charge from the Separate Account during each valuation period at an annual rate of 0.35% of the net asset value of each portfolio. If the expense risk charge is insufficient to cover the actual cost of administering the Contracts, Anchor National will bear the loss. If the charge is more than sufficient, the excess will be a gain to Anchor National. To the extent Anchor National realizes any gain, those amounts may be used at its discretion, including offsetting losses when the expense risk charge is insufficient. The expense risk charge may not be increased under the Contract.

17. Applicants represent that the aggregate amount of any Withdrawal Charges imposed and distribution expense charges paid will not at any time exceed 9% of purchase payments previously made, and that Anchor National will monitor each participant's account for the purpose of ensuring that this limitation is not exceeded. Applicants undertaken to include in the prospectus forming part of the registration statement for the Contracts statements describing the purpose of the distribution expense charge and statements that the staff of the Commission deems such charge to constitute a deferred sales charge. Applicants undertake to abide by the representations and undertakings set forth in this paragraph relating to the distribution expense charge in connection with future contracts, as well as materially similar contracts funded through future separate accounts, relying on the requested order.

#### Applicants' Legal Analysis

1. Applicants hereby request that the Commission, under Section 6(c) of the 1940 Act, grant exemptions from Sections 26(a)(2) and 27(c)(2) thereof to the extent necessary to permit the deduction of mortality and expense risk charges and a distribution expense charge: (i) from the Separate Account under the Contracts and under any future contracts; and (ii) from the assets of any future separate accounts which offer contracts materially similar to the contracts.

2. Pursuant to Section 6(c) of the Act, the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the 1940 Act or from any rule or regulation thereunder, if and to

the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

3. Sections 26(a)(2) and 27(c)(2) of the 1940 Act require, among other things, that all payments received under a periodic payment plan certificate sold by a registered unit investment trust, any depositor thereof or underwriter therefor, be held by a qualified bank as trustee or custodian, under arrangements which prohibit any payment to the depositor or principal underwriter except for the payment of a fee, not exceeding such reasonable amount as the Commission may prescribe, for bookkeeping and other administrative services.

4. Applicants believe that extending the requested relief to the future contracts, as well as to materially similar contracts funded through future separate accounts, is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. Applicants submit that such an order would promote competitiveness in the variable annuity contract market by eliminating the need for Anchor National to file redundant exemptive applications, thereby reducing Anchor National's administrative expenses and maximizing the efficient use of Anchor National's resources. The delay and expense involved in having to seek exemptive relief repeatedly would impair Anchor National's ability effectively to take advantage of business opportunities as they arise. Applicants further submit that the requested relief is consistent with the purposes of the 1940 Act and the protection of investors for the same reasons. Applicants submit that if Anchor National were required repeatedly to seek exemptive relief with respect to the same issues addressed in this application, investors would not receive any benefit or additional protection thereby.

5. Applicants assert that the aggregate of the mortality and expense risk charges, 1.25%, is reasonable in relation to the risks assumed by Anchor National under the contracts and reasonable in amount as determined by industry practice with respect to comparable annuity products. Applicants state that these determinations are based on their analysis of publicly available information about similar industry practices, taking into consideration such factors as current charge levels and benefits provided, the existence of expense charge guarantees and

guaranteed annuity rates. Anchor National undertakes to maintain at its home office, and make available to the Commission upon request, a memorandum detailing the methodology used in making these determinations.

7. Applicants represent that if the mortality, expense risk, or distribution expense charges are insufficient to cover actual costs, Anchor National will bear the loss. To the extent that the mortality and expense risk charges are in excess of actual costs, Anchor National, at its discretion, may use the excess to offset losses when the charges are not sufficient to cover expenses.

8. Anchor National submits that there is a reasonable likelihood that the Separate Account's distribution financing arrangement will benefit the Separate Account and its investors. Anchor National represents that it will maintain and make available to the Commission upon request a memorandum setting for the basis of such conclusion. Similarly, before relying on any exemptive relief granted herein with respect to any future contracts or to any materially similar contracts issued by future separate accounts, Applicants will determine that there is a reasonable likelihood that the distribution financing arrangement will benefit the Separate Account (or future separate accounts) and its (or their) investors. Anchor National will maintain and make available to the Commission upon request a memorandum setting forth the basis for such determination.

9. Anchor National further represents that the assets of the Separate Account and any future separate accounts that rely on the requested order will be invested only in management investment companies that undertake, in the event they should adopt a plan for financing distribution expenses pursuant to Rule 12b-1 under the 1940 Act, to have such plan formulated and approved by their board of directors, the majority of whom are not "interested persons" of the management investment company within the meaning of section 2(a)(19) of the 1940 Act.

### Conclusion

Applicants submit that for the reasons and upon the facts set forth above, the exemptions from Sections 26(a)(2) and 27(c)(2) of the 1940 Act to permit the deduction of mortality, expense risk, and distribution expense charges from the assets of the Separate Account under the Contracts and under any future contracts, and from the assets of any future separate accounts offering contracts which are materially similar to

the contracts, meet the statutory standards of Section 6(c) of the 1940 Act. Accordingly, the Applicants assert that the requested exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-1841 Filed 1-24-95; 8:45 am]

BILLING CODE 8010-01-M

### Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Catalina Lighting, Inc., Common Stock, \$.01 Par Value) File No. 1-9917

January 19, 1995.

Catalina Lighting, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, the Security is listed on the New York Stock Exchange, Inc. ("NYSE"). The Security commenced trading on the NYSE at the opening of business on December 21, 1994 and concurrently therewith the Security was suspended from trading on the Amex.

In making the decision to withdraw the Security from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of the Security on the NYSE and the Amex. The Company does not see any particular advantage in the dual trading of the Security and believes that dual listing would fragment the market for the Security.

Any interested person may, on or before February 9, 1995, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC, 20549, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the

Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 94-1843 Filed 1-24-95; 8:45 am]

BILLING CODE 8010-01-M

### Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Digicon Inc., Common Stock, \$.01 Par Value) File No. 1-7427

January 19, 1995.

Digicon Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, it requests such withdrawal from listing because its Security presently is listed on the Amex, and the volume of Trading on the BSE does not enhance the liquidity of the Security or justify the costs associated with maintaining the BSE listing.

Any interested person may, on or before February 9, 1995, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the BSE and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-1842 Filed 1-24-95; 8:45 am]

BILLING CODE 8010-01-M



**Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (The Penn Traffic Company, Common Stock, \$1.25 Par Value) File No. 1-9930**

January 19, 1995.

The Penn Traffic Company ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, the Security is listed on the New York Stock Exchange, Inc. ("NYSE"). The Security commenced trading on the NYSE at the opening of business on December 21, 1994 and concurrently therewith the Security was suspended from trading on the Amex.

In making the decision to withdraw the Security from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of the Security on the NYSE and the Amex. The Company does not see any particular advantage in the dual trading of the Security and believes that dual listing would fragment the market for the Security.

Any interested person may, on or before February 9, 1995, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20459, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 95-1844 Filed 1-24-95; 8:45 am]

BILLING CODE 8010-01-M

**SMALL BUSINESS ADMINISTRATION**

**Augusta District Advisory Council Meeting; Public Meeting**

The U.S. Small Business Administration Augusta District Advisory Council will hold a public meeting at 9:00 a.m. on Monday, February 27, 1995, at Key Bank Plaza Building, 284 Water Street, Augusta, Maine 04330, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or other present.

For further information, write or call Mr. Roy Perry, District Director, U.S. Small Business Administration, 155 Federal Street, Boston, Massachusetts 02110, (207) 622-8378.

Dated: January 19, 1995.

**Dorothy A. Overall,**

*Director, Office of Advisory Council.*

[FR Doc. 95-1779 Filed 1-24-94; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF STATE**

**Bureau of Public Affairs (Historical Office)**

[Public Notice 2154]

**Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting**

The Advisory Committee on Historical Diplomatic Documentation will meet February 14 to 15, 1995 in the Department of State, in Conference Room 1205.

The Committee will meet in open session from 9:00 a.m. on the morning of Tuesday, February 14, 1995, until 11:50 a.m. The remainder of the Committee's session until 12 noon February 15 will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). It has been determined that discussions during these portions of the meeting will involve consideration of matters not subject to public disclosure under 5 U.S.C. 552b (c)(1), and that the public interest requires that such activities will be withheld from disclosure.

Questions concerning the meeting should be directed to William Z. Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20520, telephone (202) 663-1123.

Dated: January 19, 1995.

**William Z. Slany,**

*Executive Secretary.*

[FR Doc. 95-1789 Filed 1-24-95; 8:45 am]

BILLING CODE 4710-11-M

**DEPARTMENT OF TRANSPORTATION**

**Aviation Proceedings; Agreements Filed During the Week Ended January 13, 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:* 50005

*Date filed:* January 10, 1995

*Parties:* Members of the International

Air Transport Association

*Subject:* TC12 Reso/P 1626 dated

November 8, 1994, South Atlantic-

Europe/Middle East Resos r-1 to r-19

*Proposed Effective Date:* April 1, 1995

*Docket Number:* 50017

*Date filed:* January 12, 1995

*Parties:* Members of the International

Air Transport Association

*Subject:* Telex TC1 Mail Vote 725,

Brazil-Paraguay fares, r-1-003f, r-2-070j

*Proposed Effective Date:* February 1, 1995

**Myrna F. Adams,**

*Acting Chief, Documentary Services Division.*

[FR Doc. 95-1829 Filed 1-24-95; 8:45 am]

BILLING CODE 4910-62-P

**Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended January 13, 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:* 50010

*Date filed:* January 11, 1995

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 8, 1995

*Description:* Application of United Air Lines, Inc., pursuant to 49 U.S.C. Section 41101, and Subpart Q of the Regulations, applies for renewal of authority to serve Saudi Arabia named on segment 2 of its Certificate of Public Convenience and Necessity for Route 603.

*Docket Number:* 50012

*Date filed:* January 12, 1995

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 9, 1995

*Description:* Application of Delta Air Lines, Inc. pursuant to Section 41101 of Title 49 of the U.S.C., and Subpart Q of the Regulations, applies to renew its authority to serve the New York, New York/Boston, Massachusetts-Saudi Arabia market, a route named on segment 3 of Delta's Certificate of Public Convenience and Necessity for Route 616.

*Docket Number:* 50020

*Date filed:* January 12, 1995

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 9, 1995

*Description:* Application of Federal Express Corporation applies pursuant to 49 U.S.C. Section 41102, and Subpart Q of the Regulations, for issuance of an amended certificate of public convenience and necessity for Route 472, so as to authorize Federal Express to provide foreign air transportation of property and mail between any point or points in the United States, on the one hand, and any point or points in Canada, on the other hand.

*Docket Number:* 50037

*Date filed:* January 12, 1995

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 9, 1995

*Description:* Application of Trans World Airlines, Inc., pursuant to 49 U.S.C. Section 41101 and Subpart Q of the Regulations, applies for renewal of its certificate of public convenience and

necessity for Route 468, which authorizes TWA to engage in foreign air transportation of persons, property and mail between St. Louis, on the one hand, and London, England, on the other.

*Docket Number:* 49119

*Date filed:* January 10, 1995

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* January 25, 1995

*Description:* Application of AirTrain Corporation, requests a three (3) month exemption from the dormancy rules of 14 C.F.R. 204.7, as such rules relate to Order 94-1-20 issued by the Department of Transportation on January 24, 1994.

**Myrna F. Adams,**

*Acting Chief, Documentary Services Division.*  
[FR Doc. 95-1828 Filed 1-24-95; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF VETERANS AFFAIRS

### Advisory Committee for Cooperative Studies, Health Service, and Rehabilitation Research and Development Subcommittee on Scientific Review and Evaluation for Health Services Research and Development, Notice of Meeting

The Department of Veteran Affairs, Veterans Health Administration, gives notice under Public Law 92-463, that a meeting of the Advisory Committee for Cooperative Studies, Health Service, and Rehabilitation Research and Development Subcommittee on Scientific Review and Evaluation for Health Services Research and Development will be held at Techworld Plaza, Room 401, 801 I Street, NW, Washington, DC, February 17, 1995. The session on February 17, 1995, is scheduled to begin at 8:00 a.m. and end at 12:00 p.m. (EST). The purpose of the meeting is to review Career

Development Award applications for clinician-researchers with interest in Health Services Research and Development. Recommendations regarding their approval and funding are prepared for the Associate Chief Medical Director for Research and Development.

The meeting will be open to the public (to the seating capacity of the room) at the start of the February 17 session for approximately one hour to cover administrative matters and to discuss the general status of the program. The closed portion of the meeting involves discussion, and oral review of applicant qualifications. During this portion of the meeting, discussion and recommendations will deal with qualifications of the applicant, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. As provided by the subsection 10(d) of Public Law 92-463, as amended by Public Law 94-409, closing portions of these meetings is in accordance with 5 U.S.C. 552b(c) (6) and (9)(B).

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mr. Bill Judy, Review Program Manager (12B3), Health Services Research and Development Service, Department of Veterans Affairs, 810 Vermont Avenue, NW., (Techworld), Washington, DC 20420 (phone: 202-523-7425) at least five days before the meeting.

Dated: January 9, 1995.

By Direction of the Secretary.

**Heyward Bannister,**

*Committee Management Officer.*

[FR Doc. 95-1827 Filed 1-24-95; 8:45 am]

BILLING CODE 8320-01-M

# Sunshine Act Meetings

Federal Register

Vol. 60, No. 16

Wednesday, January 25, 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).

## EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the Board of Directors of the Export-Import Bank of the United States

**TIME AND PLACE:** Monday, February 6, 1995, at 2:15 p.m. The meeting will be held at Eximbank in Room 1141, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

### Agenda

- (1) Intermediary Loan Program
- (2) PEFCO Medium-Term Fixed-Rate Loan Facility Program

**PUBLIC PARTICIPATION:** The meeting will be open to public observation. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Barbara Lane, Room 1112, 811 Vermont Avenue, N.W., Washington, D.C. 20571, (202) 565-3957, not later than Friday, February 3, 1995. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to February 1, 1995, Barbara Lane, Room 1112, 811 Vermont Avenue, N.W., Washington, DC 20571, Voice: (202) 565-3957 or TDD: (202) 535-3377.

**FURTHER INFORMATION:** For further information, contact Barbara Lane, Room 1112, 811 Vermont Avenue, N.W., Washington, D.C. 20571, (202) 565-3957.

**Carol F. Lee,**

*General Counsel.*

[FR Doc. 95-1962 Filed 1-23-95; 12:31 pm]

**BILLING CODE 6690-01-M**

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

**TIME AND DATE:** 12:00 noon, Monday, January 30, 1995.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. 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 20, 1995.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 95-1921 Filed 1-20-95; 4:09 pm]

**BILLING CODE 6210-01-P**

## NATIONAL COUNCIL ON DISABILITY

**TYPE:** 50-State ADA Town Meeting Tour

**SUMMARY:** This notice sets forth the announcement of the National Council on Disability's forthcoming 50-State town meeting tour on the implementation of the Americans with Disabilities Act (ADA). Notice of this meeting is required under Section 522b (e)(1) of the Government in the Sunshine Act, (P.L. 94-409).

**BACKGROUND:** As an independent Federal agency making recommendations to the President and the Congress on issues affecting 49 million Americans with disabilities and their families, NCD has congressional authority and responsibility to monitor ADA implementation. In fact, it was the NCD that first proposed the ADA in 1986. In 1991, NCD established ADA Watch.

These town meetings are being conducted as part of NCD's ADA Watch initiative. NCD is interested in hearing personal stories from consumers as to the law's impact. NCD is particularly interested in hearing about varying types of successes and the methods used to achieve those successes. The stories could be about personal experiences, or something related to changes in the community.

**DATE:** Beginning February 1, 1995.

**LOCATION:** Beginning at the Biscayne Bay Marriott Hotel, 1633 North Bayshore Drive, Miami, Florida 33132, (305) 374-3900.

**ADDITIONAL DATES, LOCATIONS, AND CONTACT NUMBERS:**

February 2, 1995, Jackson, Mississippi (601) 969-0601

February 4, 1995, Atlanta, Georgia (404) 451-2340

February 7, 1995, Frankfort, Kentucky (502) 564-2918

February 9, 1995, Columbia, South Carolina (803) 690-1946

February 14, 1995, Birmingham, Alabama (205) 251-2223

February 15, 1995, Topeka, Kansas (913) 296-6527

February 16, 1995, New Orleans, Louisiana (504) 286-6939

February 17, 1995, Albuquerque, New Mexico (505) 827-6465

February 22, 1995, Dallas, Texas (512) 463-5739

March 15, 1995, Trenton, New Jersey (609) 292-3745

March 16, 1995, Portland, Maine (207) 624-5307

March 17, 1995, Concord, New Hampshire (603) 228-9680

April 6, 1995, Nashville, Tennessee (615) 428-6266

April 11, 1995, Des Moines, Iowa (515) 281-5969

April 12, 1995, Jefferson City, Missouri (314) 751-2600

April 27, 1995, Boise, Idaho (208) 336-3335

For additional dates and locations, please contact the National Council on Disability.

**FOR INFORMATION CONTACT:** Mark S. Quigley, Public Affairs Specialist, National Council on Disability, 1313 F Street, NW, Suite 1050, Washington, DC 20004-1107, Telephone: (202) 272-2004, (202) 272-2074 (TT).

**AGENCY MISSION:** The National Council on Disability is an independent federal agency led by 15 members appointed by the President of the United States and confirmed by the U.S. Senate. The overall purpose of the National Council is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

**ACCOMMODATIONS:** Those needing interpreters or other accommodations should notify the National Council on Disability prior to each town meeting.

**ENVIRONMENTAL ILLNESS:** People with environmental illness must reduce their exposure to volatile chemical substances in order to attend these

meetings. In order to reduce such exposure, we ask that you not wear perfumes or scents at the town meetings. We also ask that you smoke only in designated areas and the privacy of your room. Smoking is prohibited in the meeting rooms and surrounding area.

**OPEN MEETING:** These town meetings of the National Council shall be open to the public.

**AGENDA:** The proposed agenda includes:

Opening Statements  
Success Stories from Consumers  
Discussion  
Announcements  
Adjournment

Records shall be kept of all National Council proceedings and shall be available after the meetings for public inspection at the National Council on Disability.

Signed in Washington, DC, on January 18, 1995.

**Speed Davis,**

*Acting Executive Director.*

[FR Doc. 95-1920 Filed 1-20-95; 4:08 pm]

**BILLING CODE 6820-BS-M**

#### **NATIONAL SCIENCE FOUNDATION**

##### **NATIONAL SCIENCE BOARD**

##### **DATE AND TIME:**

February 2, 1995, 11:00 a.m., Open Session  
February 3, 1995, 8:00 a.m., Closed Session  
February 3, 1995, 8:20 a.m., Open Session

**PLACE:** National Science Foundation, 4201 Wilson Boulevard, Room 1235, Arlington, Virginia 22230.

##### **STATUS:**

Part of this meeting will be open to the public.  
Part of this meeting will be closed to the public.

##### **MATTERS TO BE CONSIDERED:**

**Thursday, February 2, 1995**

*Open Session (11:00 a.m.-12:30 p.m.)*

—Responding to Emerging Opportunities

##### **Friday, February 3, 1995**

*Closed Session (8:00 a.m.-8:20 a.m.)*

—Minutes from November Meeting  
—NSB Nominees  
—FY 96 Budget  
—Grants and Contracts

##### **Friday, February 3, 1995**

*Open Session (8:20 a.m.-12:00 p.m.)*

—Minutes from November Meeting  
—Closed Session Agenda Items for March Meeting  
—Chairman's Report  
—Director's Report  
—NSB Committee Structure  
—Presentation: Small Business Innovation Research  
—Committee Reports  
—Other Business/Adjourn

**Marta Cehelsky,**

*Executive Officer.*

[FR Doc. 94-1936 Filed 1-23-95; 8:45 am]

**BILLING CODE 7555-01-M**

#### **UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS**

##### **Notice of a Meeting**

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, February 6, 1995, and at 8:30 a.m. on Tuesday, February 7, 1995, in Washington, D.C.

The February 6 meeting is closed to the public. (See 59 FR 65126, December 16, 1994, and 60 FR 3946, January 19, 1995.) The February 7 meeting is open to the public and will be held at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, S.W., in the Benjamin Franklin Room. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should

be addressed to the Secretary for the Board, David F. Harris, at (202) 268-4800.

##### **AGENDA;**

##### **Monday Session**

*February 6-1:00 p.m. (Closed)*

1. Consideration of the Postal Rate Commission Opinion and Recommended Decision on Remand in Docket No. R90-1. (Mary S. Elcano, Senior Vice President and General Counsel.)

2. Consideration of Interim Funding for the Chicago, Illinois, Processing & Distribution Center. (Rudolph K. Umscheid, Vice President, Facilities.)

##### **Tuesday Session**

*February 7-8:30 a.m. (Open)*

1. Minutes of the Previous Meeting, January 9-10, 1995.

2. Remarks of the Postmaster General/Chief Executive Officer. (Marvin Runyon.)

3. Appointment of Members to Board Committees. (Chairman Sam Winters.)

4. Final FY 1996 Appropriation Request. (Michael J. Riley, Chief Financial Officer and Senior Vice President.)

5. Capital Investments.

a. Louisville, Kentucky, Airport Mail Facility (final decision) (Henry A. Pankey, Vice President, Mid-Atlantic Area Operations.)

b. Washington-National Airport Mail Center (informational briefing). (Henry A. Pankey, Vice President, Mid-Atlantic Area Operations.)

6. Quarterly Report on Service Performance. (Jeffrey P. Kaneff, Manager, External Measurement Systems, Consumer Affairs.)

7. Quarterly Report on Financial Performance. (Michael J. Riley, Chief Financial Officer and Senior Vice President.)

8. Status Report on Chicago, Illinois, Mail Service. (William J. Good, (Vice President, Great Lakes Area Operations.)

9. Tentative Agenda for the March 6-7, 1995, meeting in Washington, D.C.

**David F. Harris,**

*Secretary.*

[FR Doc. 95-2023 Filed 1-23-95; 3:51 pm]

**BILLING CODE 7710-12-M**

# Corrections

Federal Register

Vol. 60, No. 16

Wednesday, January 25, 1995

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Health Service

### Substance Abuse and Mental Health Services Administration

#### 42 CFR Part 51

RIN 0905-AD99

#### Requirements Applicable to Protection and Advocacy of Individuals with Mental Illness; Notice of Proposed Rulemaking

##### Correction

In proposed rule document 94-30411 beginning on page 64367 in the issue of Wednesday, December 14, 1994 make the following corrections:

1. On page 64368, in the 1st column, under the heading Definitions, in the first paragraph, in the 15th line, "PAIMPI" should read "PAIMI".
2. On the same page, in the same column, under the same heading, in the second paragraph, in the 14th line, "MCHS" should read "CMHS."
3. On page 64369, in the 1st column, in the 28th line, "activities" should read "facilities".
4. On page 64371, in the third column, in the last paragraph, in the fifth line, "and " should read "or".

##### §51.6 [Corrected]

5. On page 64374, in the second column, in §51.6(b), in the eighth line, after "using" insert "other".

##### §51.24 [Corrected]

6. On page 64375, in the 3rd column, in §51.24(a), in the 10th line, after "availability" insert "of staff".

BILLING CODE 1505-01-D

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35132; File Nos. 600-19 and 600-22]

### Self-Regulatory Organizations; MBS Clearing Corporation; Order Granting Approval of Application for Extension of Temporary Registration as a Clearing Agency

December 21, 1994

##### Correction

In notice document 94-32155 appearing on page 67743 in the issue of Friday, December 30, 1994, in the first column, the date line after the subject line was omitted and should read as set forth above.

BILLING CODE 1505-01-D

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35182; File No. SR-PTC-94-07]

### Self-Regulatory Organizations; Participants Trust Company; Notice of Filing of Proposed Rule Change Establishing a Daily Penalty Fee Applicable to Late Funding of Shortfalls in Participants Mandatory Deposits to the Participants Fund

December 30, 1994

##### Correction

In notice document 95-380 appearing on page 2416 in the issue of Monday, January 9, 1995, in the second column, the date line after the subject line, was omitted and should read as set forth above.

BILLING CODE 1505-01-D

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35177; International Series Release No. 765; File No. SR-Phlx-94-42]

### Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment Nos. 1 and 2 to the Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to an Enhanced Parity Split for the Specialist in the Cash/Spot German Mark Foreign Currency Options

December 29, 1994

##### Correction

In notice document 95-428 appearing on page 2419 in the issue of Monday, January 9, 1995, in the first column, the date line after the subject line was omitted and should read as set forth above.

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 93-AWA-13]

RIN 2120-AF38

### Proposed Alteration of the Los Angeles, CA, Class B Airspace

##### Correction

In proposed rule document 94-28314 beginning on page 60244 in the issue of Tuesday, November 22, 1994, make the following correction:

On page 60248, in the first column, in the fourth line, after "would" insert "not".

BILLING CODE 1505-01-D



---

Wednesday  
January 25, 1995

---

## Part II

# Environmental Protection Agency

---

40 CFR Parts 9 and 63  
National Emission Standards for  
Chromium Emissions From Hard and  
Decorative Chromium Electroplating and  
Chromium Anodizing Tanks; Final Rule

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 9 and 63**

[AD-FRL-5115-7]

RIN 2060-AC14

**National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** Pursuant to section 112 of the Clean Air Act as amended in 1990 (the Act), this action promulgates final standards that limit the discharge of chromium compound air emissions from existing and new hard chromium electroplating, decorative chromium electroplating, and chromium anodizing tanks at major and area sources. Chromium compounds are among the 189 hazardous air pollutants (HAP) listed for regulation under section 112 of the Act. Hard and decorative chromium electroplating and chromium anodizing tanks have been identified by the EPA as significant emitters of chromium compounds to the atmosphere. The purpose of the final rule is to reduce chromium compound air emissions from the source categories identified above. All affected sources must limit emissions to the level of the maximum achievable control technology (MACT). The EPA is also finalizing Methods 306, 306A, and 306B with these standards.

**DATES:** *Effective Date:* January 25, 1995.

*Incorporation by Reference.* The incorporation by reference of certain publications in this standard is approved by the Director of the Office of the Federal Register as of January 25, 1995.

*Judicial Review.* Under section 307(b)(1) of the Act, judicial review of national emission standards for hazardous air pollutants (NESHAP) is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this final rule. Under section 307(b)(2) of the Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

**ADDRESSES:** *Docket.* Docket No. A-88-02, containing information considered by the EPA in developing the promulgated NESHAP for hard and decorative chromium electroplating and

chromium anodizing tanks is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, except for Federal holidays, at the EPA's Air and Radiation Docket and Information Center, Room M1500, U. S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; telephone (202) 260-7548. A reasonable fee may be charged for copying.

*Background Information Document.* A background information document (BID) for the promulgated NESHAP may be obtained from the docket; the U. S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone (919) 541-2777; or from National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia 22161, telephone (703) 487-4650. Please refer to "Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations—Background Information for Promulgated Standards" (EPA-453/R-94-082b). The BID contains a summary of the public comments made on the proposed standards and EPA responses to the comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lalit Banker of the Emission Standards Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-5420.

**SUPPLEMENTARY INFORMATION:** The information presented in this preamble is organized as follows:

- I. Background
- II. Summary
  - A. Summary of Promulgated Standards
  - B. Summary of Major Changes Since Proposal
- III. Summary of Environmental, Energy, Cost, and Economic Impacts
  - A. Environmental and Energy Impacts
  - B. Cost Impacts
  - C. Economic Impacts
- IV. Public Participation
- V. Significant Comments and Responses
  - A. Selection of Source Categories and Pollutants to be Regulated
  - B. Selection of MACT/GACT Approach
  - C. Selection of MACT for Hard Chromium Electroplating Tanks
  - D. Selection of MACT for Decorative Chromium Electroplating and Chromium Anodizing Tanks
  - E. Selection of the Format of the Standard
  - F. Selection of the Emission Limits
  - G. Selection of Compliance Dates
  - H. Selection of Monitoring Requirements
  - I. Selection of Test Methods
  - J. Selection of Reporting and Recordkeeping Requirements
  - K. Operating Permit Program
- VI. Administrative Requirements
  - A. Docket
  - B. Executive Order 12866
  - C. Paperwork Reduction Act

- D. Regulatory Flexibility Act
- E. Miscellaneous

**I. Background**

Section 112(b) of the Act lists 189 HAP and requires the EPA to establish national emission standards for all major sources and some area sources of those HAP. Among the listed pollutants are chromium compounds. On July 16, 1992 (57 FR 31576), the EPA published a list of major and area sources for which NESHAP are to be promulgated and on December 3, 1993 (58 FR 83941), the EPA published a schedule for promulgation of those standards. The hard and decorative chromium electroplating and chromium anodizing source categories are included in the list of major and area sources for which the EPA is to establish national emission standards by November 1994.

This NESHAP was proposed in the **Federal Register** on December 16, 1993 (58 FR 65768). A public hearing on this rule was conducted on January 20, 1994. In addition, 62 letters commenting on the proposed rule were received during the public comment period, and 3 late comments were received.

**II. Summary***A. Summary of Promulgated Standards*

The final rule applies to major and area sources performing hard chromium electroplating, decorative chromium electroplating, and chromium anodizing. The affected source is each chromium electroplating or chromium anodizing tank. The emission limitations for each of these source categories are summarized in Table 1. These emission limitations apply only during tank operation, including periods of startup and shutdown. The emission limitation for all new hard chromium electroplating tanks, and for existing hard chromium electroplating tanks that are located at large, hard chromium electroplating facilities is based on the use of a composite mesh-pad system. The emission limitation for existing hard chromium electroplating tanks located at small, hard chromium electroplating facilities is based on the use of a packed-bed scrubber. For all existing and new sources performing decorative chromium electroplating and all existing and new sources performing chromium anodizing, the standard is based on the use of fume suppressants. Even though these technologies formed the bases for the standards, any technology can be used as long as it is demonstrated to meet the prescribed emission limitation. All area and major sources must limit emissions to the level of the maximum achievable control technology (MACT).



TABLE 1.—STANDARDS FOR CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS BASED ON MACT

Type of tank	Emission limitations	
	Small	Large
Hard Chromium Plating Tanks		
All existing tanks .....	0.03 mg/dscm ( $1.3 \times 10^{-5}$ gr/dscf) .....	0.015 mg/dscm ( $6.6 \times 10^{-6}$ gr/dscf)
All new tanks .....	0.015 mg/dscm ( $6.6 \times 10^{-6}$ gr/dscf) .....	0.015 mg/dscm ( $6.6 \times 10^{-6}$ gr/dscf)
Decorative Chromium Plating Tanks Using a Chromic Acid Bath		
All new and existing tanks .....	0.01 mg/dscm <sup>a</sup> ( $4.4 \times 10^{-6}$ gr/dscf)	
Chromium Anodizing Tanks		
All new and existing tanks .....	0.01 mg/dscm <sup>a</sup> ( $4.4 \times 10^{-6}$ gr/dscf)	

<sup>a</sup> In accordance with § 63.342(d)(2), owners or operators using a fume suppressant containing a wetting agent as a control technique can meet an alternate emission limitation of 45 dynes/cm ( $3.1 \times 10^{-3}$  lb<sub>f</sub>/ft).

Owners and operators of all affected sources are also subject to work practice standards, which require them to complete an operation and maintenance (O&M) plan that contains the minimum elements of § 63.342(f)(3) and Table 2.

TABLE 2.—SUMMARY OF WORK PRACTICE STANDARDS

Control technique	Work practice standards	Frequency
Composite mesh-pad (CMP) system.	1. Visually inspect device to ensure there is proper drainage, no chromic acid buildup on the pads, and no evidence of chemical attack on the structural integrity of the device. 2. Visually inspect back portion of the mesh pad closet to the fan to ensure there is no breakthrough of chromic acid mist. 3. Visually inspect ductwork from tank or tanks to the control device to ensure there are no leaks. 4. Perform washdown of the composite mesh-pads in accordance with manufacturers recommendations.	1. 1/quarter. 2. 1/quarter. 3. 1/quarter. 4. Per manufacturer.
Packed-bed scrubber (PBS) .....	1. Visually inspect device to ensure there is proper drainage, no chromic acid buildup on the packed beds, and no evidence of chemical attack on the structural integrity of the device. 2. Visually inspect back portion of the chevron blade mist eliminator to ensure that it is dry and there is no breakthrough of chromic acid mist. 3. Same as number 3 above .....	1. 1/quarter. 2. 1/quarter. 3. 1/quarter.
PBS/CMP system .....	4. Add fresh makeup water to the top of the packed bed <sup>a,b</sup> ..... 1. Same as for CMP system ..... 2. Same as for CMP system ..... 3. Same as for CMP system ..... 4. Same as for CMP system .....	4. Whenever makeup is added. 1. 1/quarter. 2. 1/quarter. 3. 1/quarter. 4. Per manufacturer.
Fiber-bed mist eliminator <sup>c</sup> .....	1. Visually inspect fiber-bed unit and prefiltering device to ensure there is proper drainage, no chromic acid buildup in the units, and no evidence of chemical attack on the structural integrity of the devices. 2. Visually inspect ductwork from tank or tanks to the control device to ensure there are no leaks. 3. Perform washdown of fiber elements in accordance with manufacturers recommendations.	1. 1/quarter. 2. 1/quarter. 3. Per manufacturer.
Air pollution control device (APCD) not listed in rule.	To be proposed by the source for approval by the Administrator .....	To be proposed by the source for approval by the Administrator.

**Monitoring Equipment**

Pitot tube .....	Backflush with water, or remove from the duct and rinse with fresh water. Replace in the duct and rotate 180 degrees to ensure that the same zero reading is obtained. Check pitot tube ends for damage. Replace pitot tube if cracked or fatigued.	1/quarter.
Stalagmometer .....	Follow manufacturers recommendations.	

<sup>a</sup> If greater than 50 percent of the scrubber water is drained (e.g., for maintenance purposes), makeup water may be added to the scrubber basin.

<sup>b</sup> For horizontal-flow scrubbers, top is defined as the section of the unit directly above the packing media such that the makeup water would flow perpendicular to the air flow through the packing. For vertical-flow units, the top is defined as the area downstream of the packing material such that the makeup water would flow countercurrent to the air flow through the unit.

<sup>c</sup> Work practice standards for the control device installed upstream of the fiber-bed mist eliminator to prevent plugging do not apply as long as the work practice standards for the fiber-bed unit are followed.

All existing sources performing hard chromium electroplating and chromium anodizing must comply with the emission limitations within 2 years of January 25, 1995. All existing sources performing decorative chromium electroplating must comply with the emission limitations within 1 year of

January 25, 1995. All new and reconstructed sources must comply immediately upon startup.

Sources must demonstrate initial compliance with the prescribed emission limitation in accordance with §§ 63.343(b) and 63.344. Continuous compliance is demonstrated through the

monitoring required by § 64.343(c), as summarized in Table 3. As indicated in this table, the type of compliance monitoring performed is based on the type of control technique used to comply with the emission limitation, not the type of source being controlled.

TABLE 3.—SUMMARY OF MONITORING REQUIREMENTS

Control technique	Initial compliance test	Parameter(s) for compliance monitoring	Frequency of compliance monitoring
Composite mesh-pad (CMP) system.	Yes .....	Pressure drop across the unit .....	1/day.
Packed-bed scrubber (PSB)	Yes .....	Velocity pressure at the inlet of the control system and pressure drop across the unit.	1/day.
PBS/CMP system .....	Yes .....	Pressure drop across the unit .....	1/day
Fiber-bed mist eliminator .....	Yes .....	Pressure drop across the fiber-bed mist eliminator and the pressure drop across the upstream control device used to prevent plugging.	1/day.
Wetting agent-type fume suppressant.	Yes (Unless the criteria of § 63.343(b)(2) are met).	Surface tension .....	Once every 4 hours. <sup>a</sup>
Foam blankets .....	Yes .....	Foam thickness .....	Once per hour. <sup>a</sup>
Air pollution control device (APCD) not listed in rule.	Yes .....	To be proposed by the source for approval by Administrator.	N/A.

<sup>a</sup>Frequency can be decreased according to § 63.343 (c)(5)(ii) and (c)(6)(ii) of subpart N.

Owners or operators of affected sources are required to keep the records required by § 63.346 to document compliance with these standards. Records include those associated with

the work practice standards, performance test results, compliance monitoring data, duration of exceedances, and records to support a Federally-enforceable limit on facility

size. Reports must also be periodically submitted. Table 4 summarizes the reports to be submitted and the reporting timeframes.

TABLE 4.—SUMMARY OF REPORTING REQUIREMENTS

Section in Subpart N	Description	Timeframe for submittal
§ 63.345(b) .....	Notification of construction or reconstruction .....	Depends on when source was constructed—see § 63.345(b)(5).
§ 63.347(c)(1) .....	Initial notification .....	180 days after the effective date.
§ 63.347(c)(2) .....	—Notification of when construction commenced .....	—Within 30 days of commencement for sources built after effective date, or with notification required by § 63.345(b) if built prior to effective date.
	—Notification of actual startup .....	—Within 30 days of startup.
§ 63.347(d) .....	Notification of performance test .....	At least 60 days prior to test.
§ 63.347(e) .....	Notification of compliance status .....	Within 90 days of performance test (if a test is conducted) or within 30 days of compliance date.
§ 63.347(f) .....	Notification of performance test results .....	Within 90 days of performance test.
§ 63.347(g) .....	Compliance status reports for major sources .....	2 times/yr, or 4 times/yr if exceedances occur or if requested by Administrator.
§ 63.347(h) .....	Compliance status reports for area sources .....	Complete once/yr and maintain on site, or 2 times/yr if exceedances occur or if requested by Administrator.
§ 63.347(i) .....	—Initial notification for users of TVC baths .....	—Within 180 days of effective date.
	—Notification of compliance status for users of TVC baths ...	—Within 30 days of compliance date.
	—Notification of process change .....	—Within 30 days of process change.

### B. Summary of Major Changes Since Proposal

In response to public comments received and additional analyses performed by the EPA, the following

changes have been made to the final rule since proposal:

1. The emission limits associated with the control technologies that form the bases for the standards have been revised. The emission limit based on the use of a composite mesh-pad system is

0.015 milligrams of total chromium per dry standard cubic meter (mg/dscm) of exhaust air. The emission limit based on the use of a fume suppressant is 0.01 mg/dscm. The emission limit based on the use of a packed-bed scrubber is unchanged (0.03 mg/dscm).

TABLE 3.—SUMMARY OF MONITORING REQUIREMENTS

Control technique	Initial compliance test	Parameter(s) for compliance monitoring	Frequency of compliance monitoring
Composite mesh-pad (CMP) system.	Yes .....	Pressure drop across the unit .....	1/day.
Packed-bed scrubber (PBS)	Yes .....	Velocity pressure at the inlet of the control system and pressure drop across the unit.	1/day.
PBS/CMP system .....	Yes .....	Pressure drop across the unit .....	1/day.
Fiber-bed mist eliminator .....	Yes .....	Pressure drop across the fiber-bed mist eliminator and the pressure drop across the upstream control device used to prevent plugging.	1/day.
Wetting agent-type fume suppressant.	Yes (Unless the criteria of § 63.343(b)(2) are met).	Surface tension .....	Once every 4 hours. <sup>a</sup>
Foam blankets .....	Yes .....	Foam thickness .....	Once per hour. <sup>a</sup>
Air pollution control device (APCD) not listed in rule.	Yes .....	To be proposed by the source for approval by Administrator.	N/A

<sup>a</sup> Frequency can be decreased according to § 63.343 (c)(5)(ii) and (c)(6)(ii) of subpart N.

TABLE 4.—SUMMARY OF REPORTING REQUIREMENTS

Section in subpart N	Description	Timeframe for submittal
§ 63.345(b) .....	Notification of construction or reconstruction .....	Depends on when source was constructed—see § 63.345(b)(5). 180 days after the effective date.
§ 63.347(c)(1) .....	Initial notification .....	—Within 30 days of commencement for sources built after effective date, or with notification required by § 63.345(b) if built prior to effective date.
§ 63.347(c)(2) .....	—Notification of when construction commenced .....	—Within 30 days of startup.
§ 63.347(d) .....	—Notification of actual startup .....	At least 60 days prior to test.
§ 63.347(e) .....	Notification of performance test .....	Within 90 days of performance test (if a test is conducted) or within 30 days of compliance date.
§ 63.347(f) .....	Notification of compliance status .....	Within 90 days of performance test.
§ 63.347(g) .....	Notification of performance test results .....	2 times/yr, or 4 times/yr if exceedances occur or if requested by Administrator.
§ 63.347(h) .....	Compliance status reports for major sources .....	Complete once/yr and maintain on site, or 2 times/yr if exceedances occur or if requested by Administrator.
§ 63.347(i) .....	Compliance status reports for area sources .....	—Within 180 days of effective date.
	—Initial notification for users of TVC baths .....	—Within 30 days of compliance date.
	—Notification of compliance status for users of TVC baths.	—Within 30 days of process change.
	—Notification of process change .....	

2. Owners or operators of decorative chromium electroplating tanks using a trivalent chromium process that incorporates a wetting agent are required only to submit the notifications required by § 63.347(i) with subsequent notifications required if the process is changed or replaced.

3. Existing sources performing hard chromium electroplating and chromium anodizing must comply with the standard within 2 years after January 25, 1995. Existing sources performing decorative chromium electroplating must comply with the standard within 1 year after January 25, 1995.

4. The monitoring, reporting, and recordkeeping requirements for affected sources have been reduced to the extent possible while still allowing the EPA to determine the compliance status on a continuous basis. Special consideration has been given to area sources.

5. Table 1 of subpart N clarifies which sections of the General Provisions apply

to sources subject to subpart N and which sections do not.

The rationale for the above changes is discussed in detail in section V of this preamble, which summarizes the major comments received on the proposed rule and the EPA's response to these comments. This section also discusses major comments that were received but that did not result in changes to the final rule.

### III. Summary of Environmental, Energy, Cost, and Economic Impacts

#### A. Environmental and Energy Impacts

The environmental and energy impacts for the sources covered by this rulemaking are unchanged from proposal because the bases of the MACT standards have not changed.

#### B. Cost Impacts

The annualized cost of control for the sources covered by this rulemaking remain unchanged from proposal

because the bases of the MACT standards have not changed.

The monitoring, reporting, and recordkeeping burden in the final rule has decreased from the proposed requirements. Likewise, the costs of monitoring, reporting, and recordkeeping have also decreased. The on-going, annual cost of the final monitoring, reporting, and recordkeeping is approximately 160,000 hours for hard chromium electroplaters, 29,000 hours for decorative chromium electroplaters using a trivalent chromium plating process, 260,000 hours for other decorative chromium electroplaters, and 70,000 hours for chromium anodizers. Nationwide annual costs for these source categories are \$3.5 million for hard chromium electroplaters, \$640,000 for decorative chromium electroplaters using a trivalent chromium plating process, \$5.8 million for other decorative chromium electroplaters, and \$1.6 million for chromium anodizers. These numbers

are reduced from the nationwide annual costs associated with monitoring, reporting, and recordkeeping in the proposed rule of \$8.6 million for hard chromium electroplaters, \$1.6 million for decorative chromium electroplaters using a trivalent chromium plating process, \$14 million for other decorative chromium electroplaters, and \$3.8 million for chromium anodizers.

#### *C. Economic Impacts*

The economic impacts for the sources covered by this rulemaking are unchanged from proposal because the basis of the MACT standards have not changed.

#### **IV. Public Participation**

Prior to proposal of the chromium electroplating and anodizing rule, meetings of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) were held on January 30 and November 19, 1991. These meetings were open to the public, and each attendee was given an opportunity to comment on the draft rule.

The proposed rule was published in the **Federal Register** on December 16, 1993 (58 FR 65768). The preamble to the proposal discussed the availability of the proposal BID (Chromium Electroplating NESHAP—Background Information for Proposed Standards (Volume I: EPA-453/R-93-030a and Volume II: EPA-453/R-93-030b)), which describes in detail the regulatory alternatives considered and the impacts associated with those alternatives. Public comments were solicited at the time of proposal, and copies of the proposal BID were made available to interested parties.

The public comment period officially ended on March 14, 1994. A public hearing was held on January 20, 1994. In addition, 62 comment letters were received during the public comment period; 3 late comments were also received. The comments were carefully considered, and where determined to be appropriate by the Administrator, changes were made in the final rule.

#### **V. Significant Comments and Responses**

Comments on the proposed rule were received from industry, environmental groups, and State and local regulatory agencies. A detailed discussion of these comments and responses can be found in the promulgation BID (see **ADDRESSES** section). The summary of comments and responses in the promulgation BID serves as the basis for the revisions that have been made to the rule between proposal and promulgation.

#### *A. Selection of Source Categories and Pollutants To Be Regulated*

Six commenters said that maximum cumulative potential rectifier capacity was an inappropriate parameter for determining facility size. Sources may have excess rectifier capacity to handle atypical applications, for safety purposes, or for other reasons, but may routinely operate at a significantly lower rectifier output. Several commenters urged the EPA to consider alternatives to the maximum potential rectifier capacity specified, such as actual annual ampere-hour usage, raising the maximum potential ampere-hour limit for small sources to 100 million amp-hr/yr, allowing sources to multiply the maximum potential rectifier capacity by 0.75 to account for oversizing, or allowing sources to accept Federally-enforceable limits on their rectifier capacity that would allow them to be categorized as "small" facilities.

Although the cutoff between small and large hard chromium electroplating facilities has not been changed, the EPA has included two provisions in the final rule to allow sources to use actual rectifier capacity or to limit their potential rectifier capacity. The first provision is available to facilities whose production records show that the previous annual, actual rectifier capacity was less than 60 million amp-hr/yr. Under this provision, hard chromium electroplating facilities may determine their size by using actual cumulative rectifier capacity in lieu of the maximum potential capacity if nonresettable, amp-hr meters are used on affected tanks. The final rule (§ 63.346(b)(12) and § 63.347(c)(1)(vi)) requires that records of amp-hr usage be kept.

The final rule also allows all sources performing hard chromium electroplating to establish Federally-enforceable limits on their rectifier capacity to allow facilities to comply with the standards for small, hard chromium electroplating tanks, even if those facilities have potential rectifier capacities that exceed the 60 million amp-hr/yr cutoff. A Federally-enforceable limit is obtained through the title V permit that is required by § 63.340(e) of the final rule. Records are required in accordance with § 63.346(b)(12) and § 63.347(c)(1)(viii) to document that the Federally-enforceable limit is being maintained.

The final rule has also been clarified to state that only the rectifiers associated with hard chromium electroplating should be used to determine maximum cumulative potential rectifier capacity.

Comments were received regarding other processes conducted by this source category that were not identified in the process description. One commenter pointed out a distinction among decorative chromium electroplating processes: Black chromium and white chromium. The commenter stated that black chromium electroplating is more like hard chromium electroplating in terms of process parameters, and the commenter recommended that black chromium electroplating be subject to the same requirements as hard chromium electroplating processes. Other commenters noted that the proposed rule did not cover a hard chromium electroplating method that uses lower amperage and a longer electroplating time (less amperage per square foot than decorative electroplating process) such that emissions are lower.

In the final rule, the definitions of hard chromium electroplating, decorative chromium electroplating, and chromium anodizing have been expanded, and are now expressed in terms of process parameters as well as by function. Regardless of what name a facility has assigned to its process, for the purposes of the regulation, the process will be regulated according to its function, bath operating parameters, and desired plating characteristics. Therefore, black decorative chromium electroplaters would likely be subject to the standards for hard chromium electroplaters based on plating characteristics. The EPA will provide States with additional guidance on these types of applicability issues in the enabling document.

The commenters that use a low-amperage electroplating process were concerned that such a process would not be allowed by the rule, even though emissions from this process are low. Although the process does differ from other hard chromium electroplating processes in that a lower amperage is used, the rule does not preclude the use of this process or any other technique to meet the applicable emission limitation. The rule does require that the technique be demonstrated through performance testing conducted in accordance with the test methods and procedures identified in the final rule, and that compliance monitoring be conducted to determine continuous compliance.

#### *B. Selection of MACT/GACT Approach*

Ten commenters questioned the Agency's decision to regulate area sources with MACT. A number of these commenters disagreed that the chromium compound toxicity data alone was justification for regulating

area sources as stringently as major sources. Other commenters stated that the costs to area sources regulated with MACT was unduly burdensome, particularly if those sources would be subject to title V. Two commenters suggested that the EPA apply GACT standards to small facilities to allow the Agency to focus its resources on facilities posing the greatest impact, or establish a threshold below which sources would be subject to GACT. Another commenter questioned the EPA's decision to apply MACT to area sources on the grounds that the Act does not intend a residual risk analysis for area sources. This commenter noted that it was important to have separate standards for area sources even if GACT was as stringent as MACT to preserve the intent of section 112(d).

In determining whether to apply MACT or GACT to the area sources in this source category, the EPA considered the toxicity of chromium compounds emitted from such sources and the availability of controls. The EPA has concluded that MACT should be applied to all area sources in all source categories. The basis for this decision is the toxicity of chromium compounds. The potency of hexavalent chromium, which is categorized as a Group A carcinogen, is well documented, and at least three epidemiological studies have shown a strong association between lung cancer and occupational exposures to mixtures of trivalent and hexavalent chromium. Therefore, the Agency has concluded that all chromium compounds emitted to the air should be considered toxic until adequate data are available to determine otherwise.

In selecting MACT over GACT for all area sources, the EPA also evaluated the availability of control technologies and the cost of compliance for area sources. The control technologies that form the bases for MACT are widely available.

Although § 112(d)(5) of the Act does allow an alternative standard for area sources, the EPA interprets this paragraph as authorizing the Administrator to establish GACT standard for area sources when the imposition of MACT is determined to be unreasonable. For the source categories subject to subpart N, the Agency considers it reasonable to apply MACT to area sources.

### *C. Selection of MACT for Hard Chromium Electroplating Tanks*

#### *1. Selection of the MACT Floor*

Four commenters suggested that the MACT floor for new hard chromium electroplating tanks should be based on the use of a fiber-bed mist eliminator

(FBME) because this is the best technology in use.

The EPA has gathered additional information since proposal in response to public comments received. Based on this information, a total of five facilities are known to be using FBME to control chromium emissions from affected hard chromium electroplating and chromium anodizing tanks. These five facilities represent different sizes of hard chromium electroplating and chromium anodizing operations.

Emission test data were obtained from four of the five facilities using FBME (see Item No. IV-B-01 of Docket A-88-02). The emission test data available from one facility were incomplete and could not be used to assess the performance of fiber-bed units. The test results from the other facilities were adequate to evaluate the performance of FBME. However, after a thorough evaluation, it was determined that the limited data are not sufficient to establish an emission limit which must be met on a continuous long-term basis. In one case, the data were inadequate because only a single traverse was made when two should have been performed. In the other cases, the quantity of emissions captured during sampling was too small to meet Agency guidelines on minimum quantification levels. These data, therefore, must be treated as qualitative rather than quantitative results and may not be used to establish achievable emission limits. Based on this qualitative assessment, it appears that FBME offer excellent control potential.

In evaluating control technologies, the Agency also must consider the sustainability of any performance level. The EPA is concerned with the long-term performance of these systems because of the tendency of the fiber beds to plug. In other contexts, most vendors of FBME systems do not recommend their use as primary pollution control systems. Rather, they recommend that coarse prefiltering be provided upstream of the fiber beds to prevent plugging. The prefiltering devices range from a series of mesh pads to a complete packed-bed scrubber unit. At present, there are no long-term data available to assess any actual deterioration or operational problems associated with FBME. Fiber-bed mist eliminators to control chromium electroplating and anodizing tanks have only recently been installed as a result of local air district requirements; therefore, it is unlikely that any long-term data are available.

Because of the uncertainties in both the measured FBME performance data and the potential long-term variability of the system performance, the

Administrator cannot at this time determine that a more stringent emission limit could be achieved based on the application of FBME technology for new hard chromium plating or chromium anodizing operations. Therefore, the final MACT performance level of new hard chromium electroplating and chromium anodizing tanks is unchanged from the proposal. However, the limited data do suggest that FBME systems can achieve the emission limits established for composite mesh-pad systems and fume suppressants. Because this standard is a performance standard, the use of a specific technology is not mandatory; therefore, any system that meets or exceeds the required performance level may be used.

In order to facilitate the use of FBME to achieve compliance with the standard, monitoring provisions have been included in the final rule for use with FBME. (See discussion in section V.H.) The test methods in the proposed rule are suitable for demonstrating compliance with the standard regardless of the control technology employed.

#### *2. Regulatory Alternatives Considered*

Eight commenters suggested that the EPA was too limiting in the regulatory alternatives for hard chromium electroplating operations. These commenters believed that the EPA should allow sources in this subcategory to use fume suppressants to comply with the standard, instead of locking sources into a control technology, such as packed-bed scrubbers. Four of the commenters also proposed that the EPA allow new and existing hard chromium electroplating operations the option of meeting the same surface tension limit allowed for decorative chromium electroplating operations that use a wetting agent-type fume suppressant.

The EPA has selected an emission limit format to provide sources with the flexibility to choose the emission control strategy best suited to their facility. The regulation only requires that any strategy selected meet the emission limits set out in the rule. As such, hard chromium electroplating sources can use fume suppressants to achieve compliance with the standard, as long as initial compliance testing demonstrates that the emission limit stipulated in the standard is being achieved. As discussed later in this preamble, however, on-going compliance monitoring is control-technique specific. As such, the owner or operator of any source that uses a fume suppressant to comply with an emission limitation shall monitor surface tension or foam blanket

thickness, as appropriate, to demonstrate continuous compliance.

### 3. Selection of MACT

Several commenters remarked that the standard for existing hard chromium electroplaters is inappropriate. Nine commenters stated that the standard was too stringent for large, hard chromium electroplaters; small, hard chromium electroplaters; or both. The arguments against regulating existing hard chromium electroplaters as stringently as that proposed were primarily that the costs associated with the standard were unduly burdensome and did not justify the resulting environmental benefit, and the emission concentration limits specified in the proposed rule were not consistently achievable using the control devices upon which the standards are based.

Five commenters, on the other hand, indicated that the standard for small, hard chromium electroplaters was too lenient. The arguments presented by the commenters who supported a more stringent standard for small, hard chromium electroplaters were that the residual risk associated with emissions from these sources warranted more stringent controls, the Agency's interpretation of the MACT floor was flawed (i.e.; should be based on a straight average, not a median); and the control efficiency for packed-bed scrubbers is overstated, as are the cost impacts for a standard based on the use of composite mesh-pad systems.

In setting an emission standard, the Act directs the Administrator to take into account costs, nonair quality health and environmental impacts, and energy requirements. To fulfill this requirement for existing hard chromium electroplating sources, the EPA evaluated the cost, impact, and benefit of a standard based on the use of a packed-bed scrubber as well as a standard based on the use of a composite mesh-pad system. The Agency's estimate of the incremental cost effectiveness of requiring all sources to meet a standard based on composite mesh-pad systems compared to one based on packed-bed scrubbers is approximately \$3.7 million per Megagram of chromium controlled (\$/Mg) for large sources and \$10.7 million/Mg for small sources.

Based on the EPA's economic analysis, a standard based on the use of composite mesh-pad systems by all sources would not cause adverse economic effects on large sources that currently use packed-bed scrubbers. Due to economies of scale, the economic impacts on larger facilities are consistently less than those on small

facilities. As a result, larger facilities will have a greater ability to pass on control costs. Although these costs may seem high, the EPA believes the toxicity of chromium justifies these costs. In consideration of the potential adverse impacts to small sources, the final rule requires a less stringent standard for small sources than large sources, which is based on the use of packed-bed scrubbers rather than composite mesh-pad systems. [See Chapter 5 of the New Technology Document ("Technical Assessment of New Emission Control Technologies Used in the Hard Chromium Electroplating Industry;" EPA-453/R-93-031) for a detailed discussion of EPA's economic analysis for these systems.]

The EPA considers the emission limitation based on the use of composite mesh-pad systems to be representative of and consistently achievable with well-maintained units. No data were submitted to support an alternate emission limitation. (For further discussion of the emission limitations, see section V.F.)

Regarding the comments that the proposed standard for small, hard chromium electroplaters was too lenient, the Agency believes that the MACT floor is properly based on the use of packed-bed scrubbers for this source category. The EPA promulgated a final rule on June 6, 1994 (57 FR 29196) that presents the Agency's interpretation of section 112(d)(A) of the Act regarding the basis for the MACT floor. Under this interpretation, the Agency considers the emission limitations achieved by the best performing 12 percent of existing sources and arrives at the MACT floor by selecting the median of the values, rather than a straight average. This interpretation was followed in establishing the MACT floor for small, hard chromium electroplaters. The Agency considers any discussion of the risk remaining from small, hard chromium electroplaters to be premature at this time.

In accordance with section 112(f) of the Act, if a significant residual risk from small, hard chromium electroplating operations regulated by MACT is found, the Agency is required to promulgate standards to mitigate that risk. The EPA recognizes the potential hazards of chromium emissions from small sources and has chosen to regulate area sources with MACT rather than GACT. The EPA also considers its cost and impact analysis for small, hard chromium electroplaters to be sound. The EPA estimated retrofit costs based on information from vendors who supply the equipment to the industry, and therefore estimates are

representative of the control costs incurred by affected sources. The EPA considers the efficiency assigned to packed-bed scrubbers for purposes of calculating impacts to be representative of that achieved by well-maintained and well-operated units controlling emissions from hard chromium electroplating tanks. As with comments on the emission limit based on composite mesh-pad systems, no data supporting alternate emission limits for a standard based on packed-bed scrubbers were submitted.

### *D. Selection of MACT for Decorative Chromium Electroplating and Chromium Anodizing Tanks*

#### 1. Regulation of the Trivalent Chromium Plating Process

Eleven commenters disagreed that decorative chromium electroplating tanks that use a trivalent chromium process should be regulated by the proposed rule. Many of the commenters felt that the EPA had insufficient data to conclude that the risk associated with this process warranted regulation of those sources. Four commenters found fault with the EPA's supporting data and noted that the level of hexavalent chromium in a trivalent chromium bath that corresponds to the EPA's estimate of hexavalent emissions from that bath would far exceed that level of hexavalent chromium that would destroy the trivalent bath. Three other commenters stated that use of the trivalent chromium process should be encouraged by the EPA, because trivalent processes result in less total chromium in process wastewater and less sludge generation. One of the commenters suggested regulating trivalent chromium electroplating processes under GACT to eliminate some of the burden associated with the reporting, recordkeeping, and monitoring requirements specified in the proposed rule.

Twelve commenters responded to the EPA's request for comment on whether the trivalent chromium electroplating process should be required for new sources. The majority of these commenters did not think that this should be a requirement because the process was not technically feasible for the full range of decorative chromium electroplating operations. Two commenters pointed out inconsistencies in the EPA's reasoning; the EPA can only require trivalent chromium baths if it recognizes the difference in toxicity between hexavalent and trivalent chromium.

The EPA has reconsidered the technical basis for regulating tanks

using the trivalent chromium electroplating process and the feasibility of requiring such a process for new sources. During development of the proposed standards, the EPA evaluated the trivalent chromium electroplating process as a pollution prevention alternative. Chromic acid is not present in the plating solution in the trivalent chromium processes, and hexavalent chromium is regarded as a bath contaminant in these processes. In addition, all of the trivalent chromium plating solutions with which EPA is familiar contain a wetting agent as an inherent bath component. That is, the wetting agent is part of the plating solution purchased from the vendor; it is not added separately by the end user.

With a trivalent chromium plating process, the potential emissions of chromium in any form are much lower because the concentration of total chromium in trivalent chromium baths is approximately four times lower than the total chromium concentration in chromic acid baths. Trivalent chromium processes greatly reduce emissions of the most potent form of chromium (hexavalent), and significantly lower emissions of chromium in other forms. In addition to reduction of air emissions, the use of trivalent chromium processes results in lower chromium concentrations in process wastewaters and, consequently, reduces the amount of sludge generated. Based on a source test conducted by the EPA, total chromium emissions from a trivalent chromium bath are approximately 99 percent less than those from a traditional, uncontrolled decorative hexavalent chromium bath. Hexavalent chromium emissions from a trivalent chromium bath were found to be approximately equivalent to those emitted from a decorative hexavalent chromium bath controlled by adding a wetting agent.

Although chromium emissions from the trivalent chromium process were low, the EPA had not anticipated the presence of hexavalent chromium in emissions from the trivalent electroplating process nor the level of total chromium emissions. Given that the Act lists all forms of chromium on the HAP list, the EPA considered the trivalent chromium electroplating process as a source of chromium emissions as well as an emission control alternative for the chromic acid electroplating process. Based on the emission test results, a decorative hexavalent chromium bath controlled by adding a wetting agent had equivalent hexavalent chromium emissions and less total chromium emissions than a trivalent chromium

plating bath. (As previously stated, for trivalent chromium baths, the wetting agent is inherent to the solution; it does not need to be added by the user.) In addition, the trivalent chromium process may not be technically feasible for all decorative chromium electroplating applications. Therefore, the final rule does not require the use of a trivalent chromium electroplating process for either existing or new decorative chromium electroplating tanks.

The EPA has decided to regulate sources that use trivalent chromium baths in the final rule. It is not clear whether the EPA data accurately reflect emissions from the trivalent chromium electroplating process, or if the analytical integrity of the data is suspect. In light of the ambiguity of the air emissions data, and given the other environmental benefits from the trivalent chromium process, the EPA has decided to regulate these baths differently from hexavalent chromium electroplating baths.

The final rule requires users of trivalent chromium baths to submit an initial notification and a notification of compliance status certifying that a trivalent chromium bath is being used and identifying the bath components (specifically, the wetting agent). Subsequent notifications are required only if the process is changed, or if a new trivalent chromium process is introduced. Users of trivalent chromium baths must also keep records of bath chemicals purchased so the EPA can be assured that the bath contains a wetting agent. These notification and recordkeeping requirements apply only to those trivalent chromium baths that incorporate a wetting agent. The EPA has evaluated baths with this characteristic and found them to have the environmental benefits discussed above. Although such baths are not known to exist, the EPA has chosen to regulate trivalent chromium baths that do not incorporate a wetting agent in the same manner as decorative chromium baths using a chromic acid solution. The EPA believes that this will discourage the use of a trivalent chromium bath that does not have a wetting agent as an inherent bath component.

## 2. Selection of MACT for Decorative Chromium Electroplating Tanks

Three commenters suggested that the proposed emission limit of 0.003 mg/dscm for decorative chromium electroplaters using hexavalent chromium baths was too stringent. Two commenters did not think that a source using either a fume suppressant or a fume suppressant in conjunction with a

packed-bed scrubber could consistently meet a limit of 0.003 mg/dscm.

In response to the comments received at proposal, the EPA has reconsidered the basis for the emission limit of 0.003 mg/dscm for decorative chromium electroplating and chromium anodizing tanks. As stated in the preamble to the proposed rule, this emission limit was based on tests of a decorative chromium electroplating tank in which a combination wetting agent/foam blanket was used to control emissions. Tests had also been conducted on a decorative chromium electroplating tank using only a foam blanket for control. The chromium emission data for all types of fume suppressants ranged from 0.001 to 0.007 mg/dscm, with the wetting agent/foam blanket data ranging from 0.001 to 0.003 mg/dscm and the foam blanket data ranging from 0.003 to 0.007 mg/dscm. In evaluating whether the proposed emission limit of 0.003 mg/dscm should be revised in the final rule, the EPA reassessed the effect the test methods may have had on the emission data obtained. The analytical method used for the fume suppressant test was colorimetric spectroscopy. As more efficient control technologies (such as composite mesh-pad systems) were developed, a more sensitive analytical method was needed to measure the lower concentrations of chromium being emitted. Therefore, the more sensitive ion chromatography method was used in the later phases of emission testing for these standards involving add-on control devices.

By using the less sensitive colorimetric analytical method, it is unclear whether the variation found between the two types of fume suppressants was due to a performance difference in the fume suppressants or was an artifact of the analytical method used. The fact that there is overlap between the foam blanket and wetting agent/foam blanket data further indicates that this could be the case. (Both were able to achieve a limit of 0.003 mg/dscm in one instance.) Therefore, the EPA has concluded that the emission limit in the final rule should be based on the performance of both foam blankets and wetting agents. Accordingly, the emission limit selected for decorative chromium electroplating and chromium anodizing tanks in the final rule is 0.01 mg/dscm. This emission limit was selected by applying a safety factor to the highest measured data point (0.007 mg/dscm) to account for variations in sampling and analytical procedures. The selection of this emission limit is consistent with the methodology used to select emission limits based on other control



techniques, as is further discussed in section V.F.

### 3. Selection of MACT Floor/MACT for Chromium Anodizing Tanks

Three commenters questioned the MACT floor established by the EPA for sources performing chromium anodizing. The commenters stated that it did not appear that the EPA had sufficient data to perform a MACT floor analysis for these sources. Commenters stated that chromium anodizers and decorative chromium electroplaters that cannot use fume suppressants should be considered separately, and the MACT floor for such sources should be based on packed-bed scrubbers. Also, according to six commenters, the standard for chromium anodizing tanks is not achievable in all situations, especially when an add-on control device is used in lieu of fume suppressants. One commenter stated that unless the standard for chromium anodizing tanks controlled with add-on control devices is set at 0.03 mg/dscm, sources will have to use an add-on control device followed by a fiber-bed mist eliminator to achieve the emission limit.

The MACT floor for chromium anodizing sources was based on information available to the EPA on the source category. Information on the industry was obtained through survey questionnaires to both industry representatives and control system vendors, site visit reports, and available emission data. Although information was not available from all sources in the category, the EPA believes the information was sufficient to satisfy the requirements of section 112(d)(3) of the Act. The survey responses, which included some aerospace facilities, indicated that fume suppressants were the control technique used predominantly in the industry. Section 112(d)(3) of the Act prohibits the EPA from establishing a standard that is any less stringent than the MACT floor for a category or subcategory of sources. No technical reason was provided by industry, nor is one known to the EPA, for creating a separate subcategory of sources for which fume suppressants are not technically feasible. Thus, all new and existing sources performing chromium anodizing must meet either an emission limit of 0.01 mg/dscm or maintain the surface tension specified in the rule. The EPA believes that the revised chromium emission limit of 0.01 mg/dscm for chromium anodizing tanks in the final rule is achievable by sources using add-on control technology. Alternatively, the EPA believes that the compliance timeframe for existing

sources performing chromium anodizing in the final rule (2 years) will allow these sources to further investigate the feasibility of using fume suppressants.

### E. Selection of the Format of the Standard

Seven commenters stated that the format of the standard should be expressed as a process emission rate in milligrams of chromium emitted per amp-hour of operation (mg/amp-hr), which would be consistent with California rules, rather than as an emission concentration (mg/dscm). According to the commenters, concentration-based standards are flawed because they can be circumvented by dilution, concentration can vary from system to system, and source test data indicate that outlet concentrations vary widely for different inlet conditions. Several commenters also pointed out that emissions should be correlated to production rates because chromium emissions increase proportionately with increased current. Two other commenters suggested that the final rule specify acceptable process emission rates to avoid an equivalency evaluation.

Based on the Agency's evaluation, the available test data indicate that a process emission rate format will not ensure consistent compliance with the control level required by the standard. The concentration data collected by the EPA for the composite mesh-pad and packed-bed scrubber systems do not overlap; that is, composite mesh-pad systems consistently outperform packed-bed scrubbers. The process emission rate data, on the other hand do overlap; even though composite mesh-pad systems are a superior technology to packed-bed scrubbers, both sometimes achieve the same process emission rate. This occurs because two sources can be using the same control technology and achieving the same outlet emissions concentration, but the one with the higher current loading will have a lower process emission rate. Commenters contend that this is reasonable because the production rate, as measured in ampere-hours, is related to emissions. However, the amount of current supplied to the tank is an indicator of the amount of uncontrolled emissions from the tank, not the controlled emission level from the tank. Because of the differences in process emission rate-based and concentration-based standards, and the source-specific nature of process emission rate standards, the EPA cannot cite an equivalent process emission rate in the final rule.

Regarding the issue of circumvention of the standard through dilution of the emission stream, the EPA believes that dilution of the gas stream can be determined by reviewing test and permit data for a facility. The outlet air flow rate measured during testing should approximate the design air flow rate for the control system reported on the permit application. If the two values differ significantly, then an inspection of the control system can be made to determine if dilution air is being introduced. It is also possible for a facility to dilute the inlet gas stream to the control device by designing a system to ventilate the electroplating tanks at air flow rates substantially above those required for adequate ventilation. However, the increased installation and maintenance costs associated with such a system would outweigh the costs of complying with the standard without dilution. Further, § 63.4(b) of the General Provisions expressly prohibits dilution as a means to comply with an emission limit. Therefore, concerns of dilution of the air stream were not considered to outweigh the benefits of a concentration-based format for the standard.

Eight commenters disagreed with the EPA's decision to base the standard on emissions of total chromium rather than on emissions of hexavalent chromium. Two commenters suggested allowing sources to demonstrate compliance by testing for hexavalent chromium in lieu of total chromium.

The EPA decided to base the standard on total chromium because the HAP list identifies all chromium compounds, not just hexavalent chromium compounds. In addition, based on testing conducted by the EPA for these source categories, the available test data indicate that hexavalent and total chromium levels in the emission stream were essentially the same for chromic acid baths (varying within  $\pm 10$  percent in most instances). Because the EPA data base is mainly comprised of data measured as hexavalent chromium, the final rule does allow all sources using chromic acid baths to demonstrate compliance by measuring either hexavalent or total chromium for all sources.

### F. Selection of the Emission Limits

Many commenters stated that the emission limit based on the use of composite mesh-pad systems should be changed. Three commenters suggested lowering the emission limit that is based on the use of composite mesh-pad systems, stating that the EPA did not test the best systems available, and suggested levels ranging from 0.001 mg/dscm to 0.009 mg/dscm. Other

commenters stated that the proposed limit based on composite mesh-pad systems (0.013 mg/dscm) was too low. Five commenters stated that the proposed emission limit for packed-bed scrubbers was also too high, noting that some units tested by the EPA did not achieve this limit.

The proposed emission limit of 0.013 mg/dscm for large hard chromium electroplaters was based on tests that the EPA conducted on actual control devices operating under normal process conditions. Lower limits than the one selected for large sources were measured from these devices, but the EPA based the emission limit on the highest measured data point and believes that this limit is consistently achievable. Regarding the emission limit based on packed-bed scrubbers, the EPA did test some packed-bed scrubber systems that were not achieving the level of 0.03 mg/dscm required by the proposed standard. However, these devices were not optimized to achieve the higher removal efficiencies. Specifically, when scrubbers were operated with periodic or continuous washdown in which fresh water was supplied as makeup to the top of the bed, a limit of at least 0.03 mg/dscm was achieved. The final rule includes work practice standards that require the use of fresh water added to the top of the packed bed whenever makeup additions occur. Thus, packed-bed scrubbers that are operated in accordance with the requirements of the rule should be able to achieve a limit of 0.03 mg/dscm. The EPA does not think it is appropriate to substantially change the emission limits based on the use of composite mesh-pad systems or packed-bed scrubbers; the commenters did not provide data that supported their claim that different emission limits are more appropriate.

As discussed previously, the emission limit for decorative chromium electroplating tanks and chromium anodizing tanks has been changed to 0.01 mg/dscm in the final rule by applying a safety factor to the highest data point (0.007 mg/dscm) in the fume suppressant data base. Similarly, the emission limit that is based on packed-bed scrubbers is based on rounding the highest value (0.028 mg/dscm) in the packed-bed scrubber data base to 0.03 mg/dscm to incorporate a safety factor. Therefore, in the final rule, the emission limit that is based on the use of composite mesh-pad systems (0.013 mg/dscm) has been adjusted to 0.015 mg/dscm by applying a safety factor to the highest value (0.013 mg/dscm) in the data base to ensure that the limit is achievable on a consistent basis.

#### G. Selection of Compliance Dates

Several commenters stated that the proposed compliance dates for affected existing sources did not allow sufficient time to achieve compliance with the proposed rule. The majority of these commenters suggested compliance timeframes of 2 to 3 years. According to the commenters, the compliance period specified in the proposed rule did not allow enough time to inform and educate affected owners and operators; acquire capital; conduct research and test systems; identify, purchase, and install control equipment; develop startup, shutdown, and malfunction plans; train staff; build inventories; and establish reporting and recordkeeping systems.

The Agency agrees with the commenters that the compliance timeframes for affected sources should be increased. The EPA recognizes that some of the facilities within all of the source categories will have to investigate the technical feasibility of installing control devices or using other technologies at their facility to meet the standards. Also, many area sources are not yet aware that a rule is to be promulgated for their industry, and time is needed for them to be made aware of the requirements of this rule. Therefore, the EPA has extended the compliance date to 1 year after the promulgation date for existing decorative chromium electroplaters and 2 years after the promulgation date for existing hard chromium electroplaters and chromium anodizers. The EPA believes that the 1 year timeframe for decorative chromium electroplaters is sufficient because, based on the EPA's survey data, 80 percent of existing sources already use fume suppressants and very few will need to install add-on air pollution control devices. The EPA thinks that the compliance timeframes in the final rule will address commenters concerns and still ensure implementation of controls in a timely fashion. Due to the toxicity of chromium compounds and the importance of controlling chromium emissions to protect human health and the environment, the Agency decided against a compliance time longer than 2 years for any of the source categories affected.

To accommodate sources that cannot comply with the standard by the compliance date, § 63.6(i) of the General Provisions and § 63.343(a)(6) of subpart N allows a source to request a 1-year compliance extension, which must be submitted 6 months in advance of the compliance date identified in the regulation. This extension combined with the compliance timeframes in the

proposed rule could provide a total of 2 years for compliance for decorative chromium electroplaters and 3 years for compliance for hard chromium electroplaters and chromium anodizers.

#### H. Selection of Monitoring Requirements

Section 114(a)(3) of the Act requires enhanced monitoring and compliance certification of all major stationary sources. The annual compliance certifications certify whether compliance has been continuous or intermittent. Enhanced monitoring shall be capable of detecting deviations from each applicable emission limit or standard with sufficient representativeness, accuracy, precision, reliability, frequency, and timeliness to determine if compliance is continuous during a reporting period. The monitoring in this regulation satisfies the requirements of enhanced monitoring.

##### 1. Compliance Monitoring for Add-on Air Pollution Control Devices

Eleven comments addressed the suitability of measuring gas velocity to demonstrate on-going compliance when add-on air pollution control devices are used to comply with an emission limit. The commenters stated that measuring gas velocity is very complicated, redundant with measuring pressure drop, and not indicative of control device performance. Two commenters pointed out that no suitable testing point may be accessible, and a permanent measurement device may be fouled by chromic acid.

Several commenters remarked on the requirement for measuring chromium concentration in the scrubber water. Four of these commenters stated that there is no obvious relationship between scrubber water chromium concentration and scrubber performance. Other commenters indicated that measurement of chromium concentration in scrubber water with a hydrometer is not accurate.

In revising the proposed rule, the EPA recognizes that the measurement of gas velocity could be burdensome and that other control system parameters could potentially be used to determine on-going compliance. Therefore, in the final rule, sources using composite mesh-pad systems are required to monitor pressure drop across the device for compliance purposes. Based on information gathered by the EPA, pressure drop is directly related to composite mesh-pad system performance, measurement of pressure drop is straightforward, and some users of composite mesh-pad systems are currently monitoring pressure drop. The

EPA believes that this change makes the rule more flexible for regulated sources, while still ensuring that the EPA has a mechanism for determining compliance with the emission limits at any given time.

The final rule requires sources that use a packed-bed scrubber to meet the emission limit must measure the velocity pressure at the inlet to the control system as well as the pressure drop across the device. The relationship between pressure drop and packed-bed scrubber performance is less reliable than the relationship between pressure drop and composite mesh-pad system performance because of the lower pressure drop in packed-bed scrubbers. Therefore, the EPA also requires sources using packed-bed scrubbers to monitor the velocity pressure at the inlet to the control device. This requirement will ensure that the gas velocity through the control system is maintained in accordance with vendor recommendations and, along with the pressure drop monitoring, will ensure that the control system is properly operating.

The requirement that sources using packed-bed scrubbers monitor the chromium concentration in the scrubber water has been eliminated, because the EPA concluded that monitoring of the velocity pressure at the control device inlet and the pressure drop across the device was sufficient to demonstrate compliance with the emission limits when packed-bed scrubbers are used.

Compliance monitoring requirements for fiber-bed mist eliminators have been added in the final rule because these devices could likely be used to meet the emission limitations, and some fiber-bed mist eliminators are known to be in use. Sources that use a fiber-bed mist eliminator to meet the emission limit must measure the pressure drop across the fiber-bed unit, as well as the pressure drop across the control device upstream of the fiber-bed unit that is in place to prevent plugging.

As discussed above, several changes have been made to the monitoring requirements specified in the proposed rule based on the EPA's review of comments received on the proposed rule and further investigation of which process parameters relate best to proper performance of the control systems. The final compliance monitoring requirements are found in § 63.343(c) of the final rule.

## 2. Work Practice Standards for Add-on Air Pollution Control Devices

In the proposed rule, Operation and Maintenance (O&M) requirements for add-on air pollution control devices

consisted of adding makeup water to packed-bed scrubbers, requiring washdown of composite mesh pads, and various inspections for both types of control devices. The majority of comments focused on the requirements associated with makeup water for packed beds and washdown for composite mesh pads. Several commenters suggested alternatives for the requirements for adding makeup water to packed-bed scrubbers. The commenters disagreed that makeup water can or should be added to the top of the scrubber. Others questioned the need to use fresh water in scrubbers and composite mesh pads because doing so increased wastewater flows. Other commenters requested that the final rule define the term "fresh water."

In the final rule, the O&M requirements have been replaced with work practice standards that address O&M practices [§ 63.342(f)]. The final rule continues to require sources using packed-bed scrubbers to meet an emission limit and ensure that all makeup water is fresh and supplied to the unit at the top of the packed bed. The EPA considers this requirement essential to meeting the prescribed emission limit. During source testing conducted by the EPA to establish the performance level of packed-bed scrubbers, it was noted that a system equipped with an overhead spray system that periodically cleaned the packing with fresh water performed much better than a system without such cleaning. Based on those results, the EPA believes that without the requirement that makeup water be fresh and added to the top of the packed bed, scrubbers will not continuously meet the required emission limit even if the scrubber met the limit during the initial performance test and is operated within the appropriate ranges of pressure drop and velocity pressure. For clarification, the term fresh water is defined in the final rule.

There were 11 comments on the washdown requirements for composite mesh-pad systems. Several of these commenters indicated that the specified washdown frequency was either impractical, infeasible, or unnecessary. Seven commenters suggested washdown requirements for composite mesh-pad systems be site-specific, as recommended by vendors, or apply only if pressure drop determinations indicate the potential presence of chromic acid buildup. Two commenters indicated that the washdown water will likely exceed the quantity of water that can be recycled, thus resulting in a wastewater stream that needs to be treated.

In the final rule, the EPA has revised the requirement that sources complying with an emission limit by using a composite mesh-pad system perform washdown of the pads. The EPA believes that washdown is an essential part of composite mesh-pad system operation; if proper system maintenance such as washdown does not occur, there will be a decline in system performance. However, instead of specifying a washdown frequency, the revised rule specifies that washdown be conducted in accordance with manufacturers' recommendations as part of a facility's O&M plan. The EPA recognizes that vendor designs for these systems vary significantly, and the requirements for washdown are based on the design of the unit and the operation of the plating tanks. The frequency of washdown is dependent upon the position of the pad in the control unit. Pads located in the front portions of the unit are exposed to higher chromium concentrations and, therefore, require washdowns more frequently than those located in the back of the unit. Washdown practices recommended by manufacturers vary from continuous in some cases to a maximum of once every 1 to 2 weeks.

The EPA has also added work practice standards for fiber-bed mist eliminators in the final rule because these control devices are likely to meet the emission limitations, and are known to be in use by sources affected by these standards. The work practice standards identified for fiber-bed mist eliminators are analogous to those identified for the composite mesh-pad system. Washdown requirements for fiber-bed units will depend on the efficiency of the prefiltering device and the operation of the plating tanks. Fiber-bed units installed downstream of more efficient prefiltering systems, such as packed-bed scrubbers, will require less frequent washdown than those using a less effective prefiltering device because of the lower inlet loading to the unit. Most vendors of fiber-bed units recommended monitoring of the pressure drop as a means of gauging when the unit needs to be washed down. If an increase in pressure drop is observed, then the unit will be washed down to remove any chromium built up on the fiber elements.

## 3. Frequency of Monitoring for Add-on Air Pollution Control Devices

Fourteen commenters indicated that the daily monitoring of add-on air pollution control devices is unnecessary, particularly for small sources, and suggested that at least some of the monitoring be required on only a weekly, monthly, or quarterly basis.

Other commenters suggested that monitoring be tied to production rate, that monitoring be conducted only on days when electroplating is taking place, or that monitoring requirements be reduced after the source has been in compliance for 6 months. Commenters also requested that monitoring be required only during tank operation, and that tank operation be defined. Several commenters disagreed with the proposed inspection frequency because of increased exposure hazards to persons conducting the inspections or of anticipated down-time due to the inaccessibility of control systems.

In response to these comments and to minimize the burden on regulated sources, the EPA has reduced the burden associated with the compliance monitoring and work practice standards in the final rule. The final rule continues to require daily monitoring of pressure drop and velocity pressure for compliance, but the monitoring procedures specified in the rule are the minimum required to determine continuous compliance. Once the monitoring devices are in place, the only labor required is that needed to read the gauges. The frequency of inspections for compliance with the work practice standards has also been reduced or revised. In the final rule, the frequency of inspections has been reduced from monthly or daily to once every 3 months. The EPA believes that the inspections are still necessary to ensure that system degradation is not occurring over time, because gradual degradation may not be apparent from compliance monitoring alone. Some commenters noted that their systems were not accessible for inspection, or that the inspection would result in extended downtime. The compliance timeframes in the final rule should allow sources sufficient time to retrofit their systems to facilitate inspections, and the negative effects of any downtime are minimized by the reduced inspection frequency.

The final rule also has been clarified so that monitoring requirements apply only during tank operation; tank operation is defined in § 63.341.

#### 4. Compliance Monitoring Associated With Fume Suppressants

Regarding the use of wetting agent-type fume suppressants, seven commenters indicated that the requirement for maintaining surface tension below 40 dynes/cm for chromic acid baths is inappropriate. The reasons provided by the commenters were that a surface tension standard may not be prudent to demonstrate compliance, a direct correlation between exceedance

of parameters and emission limits has not been established, and the rule should allow sources to set their own compliance value for surface tension. Other commenters noted that the specified limit was either too low or was not consistent with manufacturers' recommendations.

Based on data collected by the EPA, the performance of an electroplating bath controlled with a wetting agent-type fume suppressant can be determined by the surface tension of the bath. Therefore, the EPA believes that there is a direct link between surface tension and emissions. The EPA also believes that it is necessary and appropriate to set a default value for surface tension in the rule. Based on the EPA's experience, many decorative chromium electroplating tanks are not ventilated, making source testing impossible without considerable retrofitting.

The EPA has increased the default surface tension limit from the proposed 40 dynes/cm to 45 dynes/cm based on information received during the comment period. However, if a facility believes that a different surface tension value is appropriate, the rule allows a source to conduct a performance test concurrently with surface tension monitoring to establish the maximum surface tension that corresponds to compliance with the emission limits. The source would subsequently monitor surface tension, with an exceedance occurring if the surface tension of the bath exceeded the value measured during the performance test.

Regarding foam blanket-type fume suppressants, several commenters were concerned about the technique for measuring foam blanket thickness and the potential hazards associated with this measurement. Another commenter stated that the stack testing requirement is unreasonable due to its excessive cost.

The EPA does not believe that it is necessary to specify a procedure because it is simply a depth measurement. Specifying a technique may also hinder the development of site-specific techniques to reduce worker exposure. The EPA believes that wetting agents are safer than foam blankets because foam blankets present a potential safety hazard. The foam traps the hydrogen gas and chromic acid mist in the foam layer; if these gases build up and a spark is generated, a hydrogen explosion will result. As a means of encouraging wetting agent use over foam blankets, sources using wetting agents do not have to conduct a performance test unless they want to set a surface tension limit other than the

default value of 45 dynes/cm. The EPA believes that the compliance timeframes in the final rule will allow sources that currently use foam blankets the opportunity to explore the use of wetting agents. Sources that wish to continue using foam blankets will be required to conduct a performance test.

#### 5. Frequency of Monitoring Associated With Fume Suppressants

There were over 20 comments related to the frequency of monitoring surface tension. Several of these commenters made recommendations for alternate monitoring schedules, ranging from daily to monthly monitoring, in place of the 4-hour schedule. Among the reasons cited for decreasing the surface tension monitoring frequency were that surface tension does not change on a daily or weekly basis, measuring surface tension is very time-consuming and could require someone full-time if there were multiple tanks, and frequent monitoring results in increased worker exposure.

Thirteen commenters provided remarks regarding the burden of hourly testing for sources using foam blankets. The commenters noted that foam blankets that are used according to manufacturer's instructions are designed to last 24 hours provided the air is not agitated at the surface near the anodes and freeboard height is adequate. Therefore, visual observation is adequate for determining foam blanket effectiveness. Other commenters stated that the excessive monitoring requirements for foam blankets discourage their use, yet several States recommend or require foam blankets with less testing and recordkeeping than that proposed by the EPA.

In response to comments and some data received, the EPA recognizes that the 4-hour surface tension monitoring frequency specified in the proposed rule may be burdensome, and in some cases, unnecessary. The EPA has insufficient data, however, to establish the monitoring frequency that is appropriate for each mode of bath operation. Therefore, the final rule allows a decrease in monitoring frequency if no exceedances occur. Section 63.343(c)(5)(ii)(B) specifies that the surface tension be measured once every 4-hours of tank operation for the first 40 hours of tank operation after the compliance date. If no exceedances occur, monitoring can occur once every 8 hours of tank operation. Once there are again no exceedances during 40 hours of tank operation, surface tension measurement may be conducted once every 40 hours of tank operation on an on-going basis, until an exceedance occurs. Once an exceedance of the

standard occurs or the electroplating solution is changed out, the original monitoring schedule must be resumed.

Likewise, the final rule contains allowances to decrease the frequency of monitoring foam blanket thickness. The proposed hourly frequency is based on the EPA's experience that foam blankets can deplete quickly and must be closely monitored. The final rule is unchanged in that sources using a foam blanket must conduct a performance test, and the initial monitoring frequency is once per hour. However, as with wetting agents, the final rule allows a decrease in monitoring frequency if no exceedances occur. Section 63.343(c)(6)(ii)(B) specifies that the foam blanket thickness be measured once every hour of tank operation for the first 40 hours of tank operation after the compliance date. If no exceedances occur, the time between monitoring may be increased to once every 4 hours of tank operation. Once there are no exceedances during 40 hours of tank operation, foam blanket thickness measurement may be conducted once every 8 hours of tank operation on an on-going basis. As with wetting agents, if there is an exceedance or if the electroplating bath is changed out, the original monitoring schedule must be resumed.

#### I. Selection of Test Methods

Three commenters requested that CARB Method 425 be evaluated for equivalency, and if determined to be equivalent, be identified as such in the rule. These commenters also stated that sources that have performed this test should not have to retest. Four commenters asked whether retesting will be required if sources have conducted performance tests previously using 306, 306A, or an equivalent test method.

Section 63.344(c)(2) identifies the conditions under which the CARB Method 425 is considered equivalent. Basically, the acceptability of this test method will depend upon the analysis rather than the sampling train or sampling procedure. Regarding the issue of whether retesting is required, § 63.344(b) of the final rule outlines the criteria that must be met for a previous source test to be acceptable.

Two commenters requested that the rule provide guidance on how to verify compliance when both chromium anodizing and hard chromium electroplating tanks are vented to a common control device. Three commenters pointed out that the regulation does not account for the situation in which chromium electroplating sources share a

ventilation system with nonchromium sources that could introduce dilution air. Three commenters noted that it is extremely difficult to reconfigure some existing systems in such a way that only the emissions from chromium electroplating or anodizing are tested.

There are basically two situations involving multiple tanks manifolded to one control system: (1) The multiple tanks include a chromium electroplating or chromium anodizing tank among other tanks not affected by the rule; or (2) the multiple tanks include chromium tanks performing different operations (e.g., electroplating and anodizing) or hard chromium tanks subject to different emission limits (e.g., a new tank and an existing small tank), which may or may not be controlled with nonaffected sources. Section 63.344(e) of the final rule includes compliance provisions for both of these situations.

#### J. Selection of Reporting and Recordkeeping Requirements

Several commenters stated that the frequency of recordkeeping and reporting outlined in the proposed rule was overly burdensome and suggested several alternatives. Seven commenters stated that the types of recordkeeping required by the rule are inappropriate. In general, the commenters remarked that records, such as the amount of chemicals used and purchased and the amount of fume suppressant material added do not indicate compliance. Two commenters stated that recordkeeping requirements be limited to only surface tension measurements because that measurement is the basis of compliance. One commenter indicated there is no environmental benefit to keeping records of gas velocities, pressure drops, washdown conditions, and scrubber water chromium concentrations. Two commenters stated that maintaining records at a facility for 5 years is excessive; a more appropriate length of time would be 3 years. One commenter suggested a minimum of 2 years.

Two commenters suggested that the reporting schedule be replaced with a requirement that the source submit an annual certification that necessary control parameters have been met, consistent with the annual certification requirements of title V. Another commenter indicated that sources should not be required to submit compliance reports if the source's permitting agency inspects the onsite records annually. Finally, one commenter suggested that the rule allow a reduced reporting frequency after 2 years if sources do not experience

exceedances of any State or Federal emission standards.

Seven commenters stated that the costs associated with the monitoring and recordkeeping constituted an unnecessary burden to both large and small facilities. These commenters also noted that the EPA underestimated the costs associated with monitoring, reporting, and recordkeeping. Two of the commenters stated that small businesses do not have the resources to keep extensive records. Another commenter pointed out that the EPA has recognized differences in large and small facilities in selecting MACT emission standards and should also recognize differences between large and small facilities in selecting reporting, recordkeeping, and permitting requirements.

To respond to comments received and to reduce the burden on the many area sources that will be subject to these standards, the monitoring, reporting, and recordkeeping requirements have been reduced in the final rule to the extent possible while still providing the EPA with the ability to determine a source's continuous compliance status. The recordkeeping requirements are contained in § 63.346 of the final rule. The EPA concurs that the records required to be kept should correspond specifically to that which is required to demonstrate compliance. As such, recordkeeping associated with fume suppressants requires only that sources maintain records of the date and time of surface tension or foam blanket thickness measurements, as appropriate, the value measured, and the date and time of additions of fume suppressant to the bath. Likewise, the recordkeeping associated with the add-on air pollution control devices is reduced to the extent that the monitoring requirements have been reduced. Sources will have to keep records of pressure drop and velocity pressure, as appropriate, as well as records to document adherence with the O&M plan required by § 63.342(f)(3).

The final rule is unchanged from proposal in that it requires that owners or operators of affected sources maintain records for a period of 5 years following each occurrence, measurement, maintenance, corrective action, report, or record. This requirement is consistent with the General Provisions and with the title V permit program. The EPA believes retention of records for 5 years allows the EPA to establish a source's history and pattern of compliance for purposes of determining the appropriate level of enforcement action.

The final rule also requires submission of on-going compliance status reports to document whether a

source has been in continuous compliance with the standards. The final rule contains different reporting schedules for major and area sources. Major sources are required to submit on-going compliance status reports semiannually, unless an exceedance occurs, at which time quarterly reports would be required. This change is analogous to the requirements of the final General Provisions, which had only been proposed at the time of this proposed rulemaking.

In an effort to reduce the burden on area sources, the final rule allows area sources to complete an annual compliance report, and allows the source to maintain the report on site, to be made available to the Administrator or permitting authority upon request. The EPA recognizes that many permitting authorities may not be equipped to handle reports from area sources, and that these sources may not be the sources of primary concern to the authority. However, the requirements in the final rule do not alleviate affected area sources from complying with the reporting requirements of State or Federal operating permit programs under title V. The rule does require that area sources submit reports semiannually if exceedances occur, or if required by the Administrator or permitting authority.

Sources using a trivalent chromium bath are only required to keep records of the bath ingredients purchased. These sources must submit an initial notification and notification of compliance status, but are not required to submit on-going compliance status reports.

As a result of the reduced monitoring, reporting, and recordkeeping in the final rule compared to the proposed rule, the costs of these activities have also been reduced. A comparison of the cost of the monitoring, reporting, and recordkeeping associated with the final and proposed rules was presented in section III.B of this preamble for each of the regulated source categories.

One commenter requested that the rule clearly state which sections of the General Provisions apply to chromium electroplating sources and which do not apply. To eliminate confusion concerning the applicability of the General Provisions to this source category, Table 1 of subpart N lists which of the General Provisions to part 63 apply and which do not apply to affected sources.

#### K. Operating Permit Program

Eleven commenters stated that area sources should not be required to obtain title V operating permits because the

costs for area sources to obtain title V permits would be overly burdensome, and the emissions from these sources may be insignificant. Three of these commenters suggested that the rule explicitly state that a permit is required only for applicable emissions units at nonmajor sources. Two commenters asked that a general permit be included in the final rule to reduce the burden for small facilities. Another commenter stated that a title V permit is not necessary because existing requirements are enforceable through State and local permits. This commenter and one other commenter pointed out that because area sources are not likely to be subject to multiple MACT standards or to employ emissions averaging and complex alternate operating scenarios, title V permits do not benefit the area sources.

Two commenters stated that in preparing their title V permit programs, States did not anticipate a need for emission-unit specific permits at nonmajor sources, and inclusion of nonmajor sources under title V will require that many local agencies revise their permit programs. Two other commenters stated that States will not have the resources for completing title V permits for area sources; some states have exempted nonmajor sources from their permitting programs until the nonmajor source permitting rule is promulgated in the late 1990's.

The EPA believes that requiring all sources that are subject to the standards, including area sources, to obtain title V operating permits is important because of the toxicity of chromium compounds and the close proximity of many of these sources to residential areas. The EPA believes that permitting area sources will not be overly burdensome to permitting authorities and affected sources for the reasons given below.

First, many States are already permitting these sources under their State permit programs. The preamble to the final part 70 rule states that "some nonmajor sources would already be permitted at the State level, and therefore would have some experience with the permitting process and completing permit applications." Therefore, a State would have little reason to defer title V permitting of sources that already have State operating permits. Second, the burden may be reduced significantly by issuing general permits to these sources. According to the preamble to the final part 70 rule, general permits "\* \* \* provide an alternative means for permitting sources for which the procedures of the normal permitting process would be overly burdensome,

such as area sources under section 112\* \* \*" Under this option, States would develop a single general permit for this source category and issue it to individual sources; or alternatively, a letter or certification may be used. The burden would also be reduced by using general permits because public participation and the EPA and affected State review is only necessary when the initial general permit is drafted and issued. When subsequent general permits are issued to individual sources, these activities are not required. Finally, States are developing small business assistance programs (SBAP's) to assist these types of sources with the permitting process that will be funded using the annual fees collected from permitted sources. Small businesses may also be eligible for reduced permitting fees. Also, the EPA is developing a guidance document, scheduled to be completed by January 1995, which will include sample forms for monitoring, recordkeeping, and reporting requirements, and a simplified general operating permit.

Under title V, sources must include information on all emission points (except those considered insignificant under the State or local permit program) in their permit application. However, only these emission points that are subject to regulation will be addressed in the permit.

## VI. Administrative Requirements

### A. Docket

The docket for this rulemaking is A-88-02. The docket is an organized and complete file of all the information submitted to or otherwise considered by the EPA in the development of this rulemaking. The principal purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) [section 307(d)(7)(A) of the Act]. The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the ADDRESSES section of this notice.

### B. Executive Order 12866

Under Executive Order 12866 [58 FR 51735 (October 4, 1993)], the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of the Executive Order 12866, the Office of Management and Budget (OMB) has notified the EPA that this action is a "significant regulatory action" within the meaning of the Executive Order. For this reason, this action was sent to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

#### C. Paperwork Reduction Act

Information collection requirements associated with this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control number 2060-0327. An Information Collection Request (ICR) document has been prepared by the EPA (ICR No. 1611.02) to reflect the changed information requirements of the final rule and has been submitted to OMB for review. A copy may be obtained from Sandy Farmer, Information Policy Branch, EPA, 401 M Street, SW. (2136), Washington, DC 20460, or by calling (202) 260-2740.

The public reporting burden for this collection of information is estimated to average 34 hours per respondent in the first year, 117 hours per respondent in the second year, and 297 hours per respondent in the third year. This estimate includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The burden is greatest in the second and third years because this is when performance tests will be conducted. An on-going burden of 104 hours per respondent is representative of the burden following the third year.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to

Chief, Information Policy Branch, EPA, 401 M Street, SW. (2136), Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

#### D. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires that a Regulatory Flexibility Analysis be performed for all rules that have "significant impact on a substantial number of small entities." If a preliminary analysis indicates that a proposed regulation would have a significant economic impact on 20 percent or more of small entities, then a regulatory flexibility analysis must be prepared.

Present Regulatory Flexibility Act guidelines define an economic impact as significant if it meets one of the following criteria:

(1) Compliance increases annual production costs by more than 5 percent, assuming costs are passed on to consumers;

(2) Compliance costs as a percentage of sales for small entities are at least 10 percent more than compliance costs as a percentage of sales for large entities;

(3) Capital costs of compliance represent a "significant" portion of capital available to small entities, considering internal cash flow plus external financial capabilities; or

(4) Regulatory requirements are likely to result in closures of small entities.

Using the Small Business Administration's definition of a small business for SIC Code 3471 of less than 500 employees, it has been determined that none of the above criteria are triggered. In the hard chromium electroplating source category, the number of small businesses is estimated to be 1,170. None of the regulatory alternatives considered will significantly impact 20 percent of this operation. For example, the estimated number of closures is approximated as less than 5 percent. Likewise, the standards for decorative chromium electroplaters and chromium anodizers would not cause any of the above criteria to be triggered.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small business entities because the number of small business entities that would be affected is not significant.

#### E. Miscellaneous

In accordance with section 117 of the Act, publication of this promulgated

rule was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 8 years from the date of promulgation. This review will include an assessment of such factors as evaluation of the residual health risks, any overlap with other programs, the existence of alternative methods, enforceability, improvements in emission control technology and health data, and the recordkeeping and reporting requirements.

#### List of Subjects in 40 CFR Parts 9 and 63

Environmental protection, Air pollution control, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: November 22, 1994.

**Carol M. Browner,**  
Administrator.

For the reasons set out in the preamble, title 40, Chapter I of the Code of Federal Regulations is amended as set forth below.

#### PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 1235-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975; Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by adding a new entry to the table under the indicated heading in numerical order to read as follows:

#### §9.1 OMB approvals under the Paperwork Reduction Act.

* * * *				
40 CFR citation				OMB control No.
*	*	*	*	*
National Emission Standards for Hazardous Air Pollutants for Source Categories:				
*	*	*	*	*
63.345-63.347	.....			2060-0327
*	*	*	*	*



**PART 63—[AMENDED]**

1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

2. Section 63.14 is amended by adding paragraphs (b) (4) and (5) to read as follows:

**§ 63.14 Incorporation by reference.**

\* \* \* \* \*

(b) \* \* \*

(4) ASTM D 1193-77, Standard Specification for Reagent Water, IBR approved for Method 306, section 4.1.1 and section 4.4.2, of appendix A to part 63.

(5) ASTM D 1331-89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for Method 306B, section 2.2, section 3.1, and section 4.2, of appendix A to part 63.

\* \* \* \* \*

3. By adding a new subpart N to read as follows:

**Subpart N—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks**

Sec.

63.340 Applicability and designation of sources.

63.341 Definitions and nomenclature.

63.342 Standards.

63.343 Compliance provisions.

63.344 Performance test requirements and test methods.

63.345 Provisions for new and reconstructed sources.

63.346 Recordkeeping requirements.

63.347 Reporting requirements.

**Table 1 to Subpart N of Part 63—General Provisions Applicability to Subpart N**

**Subpart N—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks**

**§ 63.340 Applicability and designation of sources.**

(a) The affected source to which the provisions of this subpart apply is each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.

(b) Owners or operators of affected sources subject to the provisions of this subpart must also comply with the requirements of subpart A of this part, according to the applicability of subpart A of this part to such sources, as identified in Table 1 of this subpart.

(c) Process tanks associated with a chromium electroplating or chromium

anodizing process, but in which neither chromium electroplating nor chromium anodizing is taking place, are not subject to the provisions of this subpart.

Examples of such tanks include, but are not limited to, rinse tanks, etching tanks, and cleaning tanks. Likewise, tanks that contain a chromium solution, but in which no electrolytic process occurs, are not subject to this subpart. An example of such a tank is a chrome conversion coating tank where no electrical current is applied.

(d) Affected sources in which research and laboratory operations are performed are exempt from the provisions of this subpart when such operations are taking place.

(e) The owner or operator of an affected source subject to the requirements of this subpart is required to obtain a title V permit from the permitting authority in which the affected source is located.

**§ 63.341 Definitions and nomenclature.**

(a) *Definitions.* Terms used in this subpart are defined in the Act, in subpart A of this part, or in this section. For the purposes of subpart N of this part, if the same term is defined in subpart A of this part and in this section, it shall have the meaning given in this section.

*Add-on air pollution control device* means equipment installed in the ventilation system of chromium electroplating and anodizing tanks for the purposes of collecting and containing chromium emissions from the tank(s).

*Air pollution control technique* means any method, such as an add-on air pollution control device or a chemical fume suppressant, that is used to reduce chromium emissions from chromium electroplating and chromium anodizing tanks.

*Base metal* means the metal or metal alloy that comprises the workpiece.

*Bath component* means the trade or brand name of each component(s) in trivalent chromium plating baths. For trivalent chromium baths, the bath composition is proprietary in most cases. Therefore, the trade or brand name for each component(s) can be used; however, the chemical name of the wetting agent contained in that component must be identified.

*Chemical fume suppressant* means any chemical agent that reduces or suppresses fumes or mists at the surface of an electroplating or anodizing bath; another term for fume suppressant is mist suppressant.

*Chromic acid* means the common name for chromium anhydride (CrO<sub>3</sub>).

*Chromium anodizing* means the electrolytic process by which an oxide layer is produced on the surface of a base metal for functional purposes (e.g., corrosion resistance or electrical insulation) using a chromic acid solution. In chromium anodizing, the part to be anodized acts as the anode in the electrical circuit, and the chromic acid solution, with a concentration typically ranging from 50 to 100 grams per liter (g/L), serves as the electrolyte.

*Chromium electroplating or chromium anodizing tank* means the receptacle or container in which hard or decorative chromium electroplating or chromium anodizing occurs.

*Composite mesh-pad system* means an add-on air pollution control device typically consisting of several mesh-pad stages. The purpose of the first stage is to remove large particles. Smaller particles are removed in the second stage, which consists of the composite mesh pad. A final stage may remove any reentrained particles not collected by the composite mesh pad.

*Decorative chromium electroplating* means the process by which a thin layer of chromium (typically 0.003 to 2.5 microns) is electrodeposited on a base metal, plastic, or undercoating to provide a bright surface with wear and tarnish resistance. In this process, the part(s) serves as the cathode in the electrolytic cell and the solution serves as the electrolyte. Typical current density applied during this process ranges from 540 to 2,400 Amperes per square meter (A/m<sup>2</sup>) for total plating times ranging between 0.5 to 5 minutes.

*Electroplating or anodizing bath* means the electrolytic solution used as the conducting medium in which the flow of current is accompanied by movement of metal ions for the purposes of electroplating metal out of the solution onto a workpiece or for oxidizing the base material.

*Emission limitation* means, for the purposes of this subpart, the concentration of total chromium allowed to be emitted expressed in milligrams per dry standard cubic meter (mg/dscm), or the allowable surface tension expressed in dynes per centimeter (dynes/cm).

*Facility* means the major or area source at which chromium electroplating or chromium anodizing is performed.

*Fiber-bed mist eliminator* means an add-on air pollution control device that removes contaminants from a gas stream through the mechanisms of inertial impaction and Brownian diffusion. These devices are typically installed downstream of another control device, which serves to prevent plugging, and



consist of one or more fiber beds. Each bed consists of a hollow cylinder formed from two concentric screens; the fiber between the screens may be fabricated from glass, ceramic plastic, or metal.

*Foam blanket* means the type of chemical fume suppressant that generates a layer of foam across the surface of a solution when current is applied to that solution.

*Fresh water* means water, such as tap water, that has not been previously used in a process operation or, if the water has been recycled from a process operation, it has been treated and meets the effluent guidelines for chromium wastewater.

*Hard chromium electroplating* or industrial chromium electroplating means a process by which a thick layer of chromium (typically 1.3 to 760 microns) is electrodeposited on a base material to provide a surface with functional properties such as wear resistance, a low coefficient of friction, hardness, and corrosion resistance. In this process, the part serves as the cathode in the electrolytic cell and the solution serves as the electrolyte. Hard chromium electroplating process is performed at current densities typically ranging from 1,600 to 6,500 A/m<sup>2</sup> for total plating times ranging from 20 minutes to 36 hours depending upon the desired plate thickness.

*Hexavalent chromium* means the form of chromium in a valence state of +6.

*Large, hard chromium electroplating facility* means a facility that performs hard chromium electroplating and has a maximum cumulative potential rectifier capacity greater than or equal to 60 million ampere-hours per year (amp-hr/yr).

*Maximum cumulative potential rectifier capacity* means the summation of the total installed rectifier capacity associated with the hard chromium electroplating tanks at a facility, expressed in amperes, multiplied by the maximum potential operating schedule of 8,400 hours per year and 0.7, which assumes that electrodes are energized 70 percent of the total operating time. The maximum potential operating schedule is based on operating 24 hours per day, 7 days per week, 50 weeks per year.

*Operating parameter value* means a minimum or maximum value established for a control device or process parameter which, if achieved by itself or in combination with one or more other operating parameter values, determines that an owner or operator is in continual compliance with the applicable emission limitation or standard.

*Packed-bed scrubber* means an add-on air pollution control device consisting of a single or double packed bed that contains packing media on which the chromic acid droplets impinge. The packed-bed section of the scrubber is followed by a mist eliminator to remove any water entrained from the packed-bed section.

*Research or laboratory operation* means an operation whose primary purpose is for research and development of new processes and products, that is conducted under the close supervision of technically trained personnel, and that is not involved in the manufacture of products for commercial sale in commerce, except in a de minimis manner.

*Small, hard chromium electroplating facility* means a facility that performs hard chromium electroplating and has a maximum cumulative potential rectifier capacity less than 60 million amp-hr/yr.

*Stalagmometer* means a device used to measure the surface tension of a solution.

*Surface tension* means the property, due to molecular forces, that exists in the surface film of all liquids and tends to prevent liquid from spreading.

*Tank operation* means the time in which current and/or voltage is being applied to a chromium electroplating tank or a chromium anodizing tank.

*Tensiometer* means a device used to measure the surface tension of a solution.

*Trivalent chromium* means the form of chromium in a valence state of +3.

*Trivalent chromium process* means the process used for electrodeposition of a thin layer of chromium onto a base material using a trivalent chromium solution instead of a chromic acid solution.

*Wetting agent* means the type of chemical fume suppressant that reduces the surface tension of a liquid.

(b) *Nomenclature.* The nomenclature used in this subpart has the following meaning:

(1) AMR=the allowable mass emission rate from each type of affected source subject to the same emission limitation in milligrams per hour (mg/hr).

(2) AMR<sub>sys</sub>=the allowable mass emission rate from affected sources controlled by an add-on air pollution control device controlling emissions from multiple sources in mg/hr.

(3) EL=the applicable emission limitation from § 63.342 in milligrams per dry standard cubic meter (mg/dscm).

(4) IA<sub>total</sub>=the sum of all inlet duct areas from both affected and nonaffected sources in meters squared.

(5) IDA<sub>i</sub>=the total inlet area for all ducts associated with affected sources in meters squared.

(6) IDA<sub>i,a</sub>=the total inlet duct area for all ducts conveying chromic acid from each type of affected source performing the same operation, or each type of affected source subject to the same emission limitation in meters squared.

(7) VR=the total of ventilation rates for each type of affected source subject to the same emission limitation in dry standard cubic meters per minute (dscm/min).

(8) VR<sub>inlet</sub>=the total ventilation rate from all inlet ducts associated with affected sources in dscm/min.

(9) VR<sub>inlet,a</sub>=the total ventilation rate from all inlet ducts conveying chromic acid from each type of affected source performing the same operation, or each type of affected source subject to the same emission limitation in dscm/min.

(10) VR<sub>tot</sub>=the average total ventilation rate for the three test runs as determined at the outlet by means of the Method 306 in appendix A of this part testing in dscm/min.

#### § 63.342 Standards.

(a) Each owner or operator of an affected source subject to the provisions of this subpart shall comply with these requirements on and after the compliance dates specified in § 63.343(a). All affected sources are regulated by applying maximum achievable control technology.

(b) *Applicability of emission limits.*

(1) The emission limitations in this section apply only during tank operation, and also apply during periods of startup and shutdown as these are routine occurrences for affected sources subject to this subpart. The emission limitations do not apply during periods of malfunction, but the work practice standards that address operation and maintenance and that are required by paragraph (f) of this section must be followed during malfunctions.

(2) If an owner or operator is controlling a group of tanks with a common add-on air pollution control device, the emission limitations of paragraphs (c), (d), and (e) of this section apply whenever any one affected source is operated. The emission limitation that applies to the group of affected sources is:

(i) The emission limitation identified in paragraphs (c), (d), and (e) of this section if the affected sources are performing the same type of operation (e.g., hard chromium electroplating), are subject to the same emission limitation, and are not controlled by an add-on air pollution control device also controlling nonaffected sources;

(ii) The emission limitation calculated according to § 63.344(e)(3) if affected sources are performing the same type of operation, are subject to the same emission limitation, and are controlled with an add-on air pollution control device that is also controlling nonaffected sources; and

(iii) The emission limitation calculated according to § 63.344(e)(4) if affected sources are performing different types of operations, or affected sources are performing the same operations but subject to different emission limitations, and are controlled with an add-on air pollution control device that may also be controlling emissions from nonaffected sources.

(c)(1) *Standards for hard chromium electroplating tanks.* During tank operation, each owner or operator of an existing, new, or reconstructed affected source shall control chromium emissions discharged to the atmosphere from that affected source by not allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed:

(i) 0.015 milligrams of total chromium per dry standard cubic meter (mg/dscm) of ventilation air ( $6.6 \times 10^{-6}$  grains per dry standard cubic foot [gr/dscf]); or

(ii) 0.03 mg/dscm ( $1.3 \times 10^{-5}$  gr/dscf) if the hard chromium electroplating tank is an existing affected source and is located at a small, hard chromium electroplating facility.

(2)(i) An owner or operator may demonstrate the size of a hard chromium electroplating facility through the definitions in § 63.341(a). Alternatively, an owner or operator of a facility with a maximum cumulative potential rectifier capacity of 60 million amp-hr/yr or more may be considered small if the actual cumulative rectifier capacity is less than 60 million amp-hr/yr as demonstrated using the following procedures:

(A) If records show that the facility's previous annual actual rectifier capacity was less than 60 million amp-hr/yr, by using nonresettable ampere-hr meters and keeping monthly records of actual ampere-hr usage for each 12-month rolling period following the compliance date in accordance with § 63.346(b)(12). The actual cumulative rectifier capacity for the previous 12-month rolling period shall be tabulated monthly by adding the capacity for the current month to the capacities for the previous 11 months; or

(B) By accepting a Federally-enforceable limit on the maximum cumulative potential rectifier capacity of a hard chromium electroplating facility through the title V permit required by § 63.340(e), and by

maintaining monthly records in accordance with § 63.346(b)(12) to demonstrate that the limit has not been exceeded. The actual cumulative rectifier capacity for the previous 12-month rolling period shall be tabulated monthly by adding the capacity for the current month to the capacities for the previous 11 months.

(ii) Once the monthly records required to be kept by § 63.346(b)(12) and by this paragraph show that the actual cumulative rectifier capacity over the previous 12-month rolling period corresponds to the large designation, the owner or operator is subject to the emission limitation identified in paragraph (c)(1)(i) of this section, in accordance with the compliance schedule of § 63.343(a)(5).

(d) *Standards for decorative chromium electroplating tanks using a chromic acid bath and chromium anodizing tanks.* During tank operation, each owner or operator of an existing, new, or reconstructed affected source shall control chromium emissions discharged to the atmosphere from that affected source by either:

(1) Not allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.01 mg/dscm ( $4.4 \times 10^{-6}$  gr/dscf); or

(2) If a chemical fume suppressant containing a wetting agent is used, by not allowing the surface tension of the electroplating or anodizing bath contained within the affected source to exceed 45 dynes per centimeter (dynes/cm) ( $3.1 \times 10^{-3}$  pound-force per foot [lb<sub>f</sub>/ft]) at any time during operation of the tank.

(e) *Standards for decorative chromium electroplating tanks using a trivalent chromium bath.* (1) Each owner or operator of an existing, new, or reconstructed decorative chromium electroplating tank that uses a trivalent chromium bath that incorporates a wetting agent as a bath ingredient is subject to the recordkeeping and reporting requirements of §§ 63.346(b)(14) and 63.347(i), but are not subject to the work practice requirements of paragraph (f) of this section, or the continuous compliance monitoring requirements in § 63.343(c). The wetting agent must be an ingredient in the trivalent chromium bath components purchased from vendors.

(2) Each owner or operator of an existing, new, or reconstructed decorative chromium electroplating tank that uses a trivalent chromium bath that does not incorporate a wetting agent as a bath ingredient is subject to the standards of paragraph (d) of this section.

(3) Each owner or operator of existing, new, or reconstructed decorative chromium electroplating tank that had been using a trivalent chromium bath that incorporates a wetting agent and ceases using this type of bath must fulfill the reporting requirements of § 63.347(i)(3) and comply with the applicable emission limitation within the timeframe specified in § 63.343(a)(7).

(f) *Work practice standards.* The work practice standards of this section address operation and maintenance practices. All owners or operators subject to the standards in paragraphs (c) and (d) of this section are subject to these work practice standards.

(1)(i) At all times, including periods of startup, shutdown, and malfunction, owners or operators shall operate and maintain any affected source, including associated air pollution control devices and monitoring equipment, in a manner consistent with good air pollution control practices, consistent with the operation and maintenance plan required by paragraph (f)(3) of this section.

(ii) Malfunctions shall be corrected as soon as practicable after their occurrence in accordance with the operation and maintenance plan required by paragraph (f)(3) of this section.

(iii) Operation and maintenance requirements established pursuant to section 112 of the Act are enforceable independent of emissions limitations or other requirements in relevant standards.

(2)(i) Determination of whether acceptable operation and maintenance procedures are being used will be based on information available to the Administrator, which may include, but is not limited to, monitoring results; review of the operation and maintenance plan, procedures, and records; and inspection of the source.

(ii) Based on the results of a determination made under paragraph (f)(2)(i) of this section, the Administrator may require that an owner or operator of an affected source make changes to the operation and maintenance plan required by paragraph (f)(3) of this section for that source. Revisions may be required if the Administrator finds that the plan:

(A) Does not address a malfunction that has occurred;

(B) Fails to provide for the operation of the affected source, the air pollution control techniques, or the control system and process monitoring equipment during a malfunction in a manner consistent with good air pollution control practices; or

(C) Does not provide adequate procedures for correcting malfunctioning process equipment, air pollution control techniques, or monitoring equipment as quickly as practicable.

(3) *Operation and maintenance plan.*

(i) The owner or operator of an affected source subject to the work practices of paragraph (f) of this section shall prepare an operation and maintenance plan to be implemented no later than the compliance date. The plan shall be incorporated by reference into the source's title V permit and shall include the following elements:

(A) The plan shall specify the operation and maintenance criteria for the affected source, the add-on air pollution control device (if such a device is used to comply with the emission limits), and the process and control system monitoring equipment, and shall include a standardized checklist to document the operation and maintenance of this equipment;

(B) For sources using an add-on air pollution control device or monitoring equipment to comply with this subpart, the plan shall incorporate the work practice standards for that device or monitoring equipment, as identified in Table 1 of this section, if the specific equipment used is identified in Table 1 of this section;

(C) If the specific equipment used is not identified in Table 1 of this section, the plan shall incorporate proposed work practice standards. These proposed work practice standards shall be submitted to the Administrator for approval as part of the submittal required under § 63.343(d);

(D) The plan shall specify procedures to be followed to ensure that equipment or process malfunctions due to poor maintenance or other preventable conditions do not occur; and

(E) The plan shall include a systematic procedure for identifying

malfunctions of process equipment, add-on air pollution control devices, and process and control system monitoring equipment and for implementing corrective actions to address such malfunctions.

(ii) If the operation and maintenance plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction at the time the plan is initially developed, the owner or operator shall revise the operation and maintenance plan within 45 days after such an event occurs. The revised plan shall include procedures for operating and maintaining the process equipment, add-on air pollution control device, or monitoring equipment during similar malfunction events, and a program for corrective action for such events.

(iii) Recordkeeping associated with the operation and maintenance plan is identified in § 63.346(b). Reporting associated with the operation and maintenance plan is identified in § 63.347 (g) and (h) and paragraph (f)(3)(iv) of this section.

(iv) If actions taken by the owner or operator during periods of malfunction are inconsistent with the procedures specified in the operation and maintenance plan required by paragraph (f)(3)(i) of this section, the owner or operator shall record the actions taken for that event and shall report such actions within 2 working days after commencing actions inconsistent with the plan. This report shall be followed by a letter within 7 working days after the end of the event, unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator.

(v) The owner or operator shall keep the written operation and maintenance plan on record after it is developed to be made available for inspection, upon request, by the Administrator for the life of the affected source or until the source

is no longer subject to the provisions of this subpart. In addition, if the operation and maintenance plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the operation and maintenance plan on record to be made available for inspection, upon request, by the Administrator for a period of 5 years after each revision to the plan.

(vi) To satisfy the requirements of paragraph (f)(3) of this section, the owner or operator may use applicable standard operating procedure (SOP) manuals, Occupational Safety and Health Administration (OSHA) plans, or other existing plans, provided the alternative plans meet the requirements of this section.

(g) The standards in this section that apply to chromic acid baths shall not be met by using a reducing agent to change the form of chromium from hexavalent to trivalent.

**§ 63.343 Compliance provisions.**

(a) *Compliance dates.* (1) The owner or operator of an existing affected source shall comply with the emission limitations in § 63.342 as follows:

(i) No later than 1 year after January 25, 1995, if the affected source is a decorative chromium electroplating tank; and

(ii) No later than 2 years after January 25, 1995, if the affected source is a hard chromium electroplating tank or a chromium anodizing tank.

(2) The owner or operator of a new or reconstructed affected source that has an initial startup after January 25, 1995, shall comply immediately upon startup of the source. The owner or operator of a new or reconstructed affected source that has an initial startup after December 16, 1993 but before January 25, 1995, shall follow the compliance schedule of § 63.6(b) (3) and (4).

TABLE 1 TO § 63.342.—SUMMARY OF WORK PRACTICE STANDARDS

Control technique	Work practice standards	Frequency
Composite mesh-pad (CMP) system.	1. Visually inspect device to ensure there is proper drainage, no chromic acid buildup on the pads, and no evidence of chemical attack on the structural integrity of the device. 2. Visually inspect back portion of the mesh pad closest to the fan to ensure there is no breakthrough of chromic acid mist. 3. Visually inspect ductwork from tank to the control device to ensure there are no leaks. 4. Perform washdown of the composite mesh-pads in accordance with manufacturers recommendations.	1. 1/quarter. 2. 1/quarter. 3. 1/quarter. 4. Per manufacturer.
Packed-bed scrubber (PSB) .....	1. Visually inspect device to ensure there is proper drainage, no chromic acid buildup on the packed beds, and no evidence of chemical attack on the structural integrity of the device. 2. Visually inspect back portion of the chevron blade mist eliminator to ensure that it is dry and there is no breakthrough of chromic acid mist. 3. Same as number 3 above .....	1. 1/quarter. 2. 1/quarter. 3. 1/quarter.

TABLE 1 TO § 63.342.—SUMMARY OF WORK PRACTICE STANDARDS—Continued

Control technique	Work practice standards	Frequency
PBS/CMP system .....	4. Add fresh makeup water to the top of the packed bed <sup>a, b</sup> .....	4. Whenever makeup is added.
	1. Same as for CMP system .....	1. 1/quarter.
	2. Same as for CMP system .....	2. 1/quarter.
	3. Same as for CMP system .....	3. 1/quarter.
	4. Same as for CMP system .....	4. Per manufacturer.
Fiber-bed mist eliminator <sup>c</sup> .....	1. Visually inspect fiber-bed unit and prefiltering device to ensure there is proper drainage, no chromic acid buildup in the units, and no evidence of chemical attack on the structural integrity of the devices.	1. 1/quarter.
	2. Visually inspect ductwork from tank or tanks to the control device to ensure there are no leaks.	2. 1/quarter.
	3. Perform washdown of fiber elements in accordance with manufacturers recommendations.	3. Per manufacturer.
Air pollution control device (APCD) not listed in rule.	To be proposed by the source for approval by the Administrator .....	To be proposed by the source for approval by the Administrator.
Monitoring Equipment		
Pitot tube .....	Backflush with water, or remove from the duct and rinse with fresh water. Replace in the duct and rotate 180 degrees to ensure that the same zero reading is obtained. Check pitot tube ends for damage. Replace pitot tube if cracked or fatigued.	1/quarter.
Stalagmometer .....	Follow manufacturers recommendations .....	

<sup>a</sup> If greater than 50 percent of the scrubber water is drained (e.g., for maintenance purposes), makeup water may be added to the scrubber basin.

<sup>b</sup> For horizontal-flow scrubbers, top is defined as the section of the unit directly above the packing media such that the makeup water would flow perpendicular to the air flow through the packing. For vertical-flow units, the top is defined as the area downstream of the packing material such that the makeup water would flow countercurrent to the air flow through the unit.

<sup>c</sup> Work practice standards for the control device installed upstream of the fiber-bed mist eliminator to prevent plugging do not apply as long as the work practice standards for the fiber-bed unit are followed.

(3) The owner or operator of an existing area source that increases actual or potential emissions of hazardous air pollutants such that the area source becomes a major source must comply with the provisions for existing major sources, including the reporting provisions of § 63.347(g), immediately upon becoming a major source.

(4) The owner or operator of a new area source (i.e., an area source for which construction or reconstruction was commenced after December 16, 1993) that increases actual or potential emissions of hazardous air pollutants such that the area source becomes a major source must comply with the provisions for new major sources, immediately upon becoming a major source.

(5) An owner or operator of an existing hard chromium electroplating tank or tanks located at a small, hard chromium electroplating facility that increases its maximum cumulative potential rectifier capacity, or its actual cumulative rectifier capacity, such that the facility becomes a large, hard chromium electroplating facility must comply with the requirements of § 63.342(c)(1)(i) for all hard chromium electroplating tanks at the facility no later than 1 year after the month in which monthly records required by

§§ 63.342(c)(2) and 63.346(b)(12) show that the large designation is met.

(6) *Request for an extension of compliance.* An owner or operator of an affected source or sources that requests an extension of compliance shall do so in accordance with this paragraph and the applicable paragraphs of § 63.6(i). When the owner or operator is requesting the extension for more than one affected source located at the facility, then only one request may be submitted for all affected sources at the facility.

(i) The owner or operator of an existing affected source who is unable to comply with a relevant standard under this subpart may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the owner or operator up to 1 additional year to comply with the standard for the affected source. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and is otherwise required to obtain a title V permit for the source shall apply for such permit or apply to

have the title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the owner or operator's title V permit for the affected source(s) according to the provisions of 40 CFR part 70 or 40 CFR part 71, whichever is applicable.

(ii) Any request under this paragraph for an extension of compliance with a relevant standard shall be submitted in writing to the appropriate authority not later than 6 months before the affected source's compliance date as specified in this section.

(7) An owner or operator of a decorative chromium electroplating tank that uses a trivalent chromium bath that incorporates a wetting agent, and that ceases using the trivalent chromium process, must comply with the emission limitation now applicable to the tank within 1 year of switching bath operation.

(b) *Methods to demonstrate initial compliance.* (1) Except as provided in paragraphs (b)(2) and (b)(3) of this section, an owner or operator of an affected source subject to the requirements of this subpart is required to conduct an initial performance test as required under § 63.7, using the

procedures and test methods listed in § 63.7 and § 63.344.

(2) If the owner or operator of an affected source meets all of the following criteria, an initial performance test is not required to be conducted under this subpart:

(i) The affected source is a decorative chromium electroplating tank or a chromium anodizing tank; and

(ii) A wetting agent is used in the plating or anodizing bath to inhibit chromium emissions from the affected source; and

(iii) The owner or operator complies with the applicable surface tension limit of § 63.342(d)(2) as demonstrated through the continuous compliance monitoring required by paragraph (c)(5)(ii) of this section.

(3) If the affected source is a decorative chromium electroplating tank using a trivalent chromium bath, and the owner or operator is subject to the provisions of § 63.342(e), an initial performance test is not required to be conducted under this subpart.

(c) *Monitoring to demonstrate continuous compliance.* The owner or operator of an affected source subject to the emission limitations of this subpart shall conduct monitoring according to the type of air pollution control technique that is used to comply with the emission limitation. The monitoring required to demonstrate continuous compliance with the emission limitations is identified in this section for the air pollution control techniques expected to be used by the owners or operators of affected sources.

(1) *Composite mesh-pad systems.* (i) During the initial performance test, the owner or operator of an affected source, or a group of affected sources under common control, complying with the emission limitations in § 63.342 through the use of a composite mesh-pad system shall determine the outlet chromium concentration using the test methods and procedures in § 63.344(c), and shall establish as a site-specific operating parameter the pressure drop across the system, setting the value that corresponds to compliance with the applicable emission limitation, using the procedures in § 63.344(d)(5). An owner or operator may conduct multiple performance tests to establish a range of compliant pressure drop values, or may set as the compliant value the average pressure drop measured over the three test runs of one performance test and accept  $\pm 1$  inch of water column from this value as the compliant range.

(ii) On and after the date on which the initial performance test is required to be completed under § 63.7, the owner or operator of an affected source, or group

of affected sources under common control, shall monitor and record the pressure drop across the composite mesh-pad system once each day that any affected source is operating. To be in compliance with the standards, the composite mesh-pad system shall be operated within  $\pm 1$  inch of water column of the pressure drop value established during the initial performance test, or shall be operated within the range of compliant values for pressure drop established during multiple performance tests.

(2) *Packed-bed scrubber systems.* (i) During the initial performance test, the owner or operator of an affected source, or group of affected sources under common control, complying with the emission limitations in § 63.342 through the use of a packed-bed scrubber system shall determine the outlet chromium concentration using the procedures in § 63.344(c), and shall establish as site-specific operating parameters the pressure drop across the system and the velocity pressure at the common inlet of the control device, setting the value that corresponds to compliance with the applicable emission limitation using the procedures in § 63.344(d) (4) and (5). An owner or operator may conduct multiple performance tests to establish a range of compliant operating parameter values. Alternatively, the owner or operator may set as the compliant value the average pressure drop and inlet velocity pressure measured over the three test runs of one performance test, and accept  $\pm 1$  inch of water column from the pressure drop value and  $\pm 10$  percent from the velocity pressure value as the compliant range.

(ii) On and after the date on which the initial performance test is required to be completed under § 63.7, the owner or operator of an affected source, or group of affected sources under common control, shall monitor and record the velocity pressure at the inlet to the packed-bed scrubber and the pressure drop across the scrubber system once each day that any affected source is operating. To be in compliance with the standards, the scrubber system shall be operated within  $\pm 10$  percent of the velocity pressure value established during the initial performance test, and within  $\pm 1$  inch of water column of the pressure drop value established during the initial performance test, or within the range of compliant operating parameter values established during multiple performance tests.

(3) *Packed-bed scrubber/composite mesh-pad system.* The owner or operator of an affected source, or group of affected sources under common control, that uses a packed-bed scrubber

in conjunction with a composite mesh-pad system to meet the emission limitations of § 63.342 shall comply with the monitoring requirements for composite mesh-pad systems as identified in paragraph (c)(1) of this section.

(4) *Fiber-bed mist eliminator.* (i) During the initial performance test, the owner or operator of an affected source, or group of affected sources under common control, complying with the emission limitations in § 63.342 through the use of a fiber-bed mist eliminator shall determine the outlet chromium concentration using the procedures in § 63.344(c), and shall establish as a site-specific operating parameter the pressure drop across the fiber-bed mist eliminator and the pressure drop across the control device installed upstream of the fiber bed to prevent plugging, setting the value that corresponds to compliance with the applicable emission limitation using the procedures in § 63.344(d)(5). An owner or operator may conduct multiple performance tests to establish a range of compliant pressure drop values, or may set as the compliant value the average pressure drop measured over the three test runs of one performance test and accept  $\pm 1$  inch of water column from this value as the compliant range.

(ii) On and after the date on which the initial performance test is required to be completed under § 63.7, the owner or operator of an affected source, or group of affected sources under common control, shall monitor and record the pressure drop across the fiber-bed mist eliminator, and the control device installed upstream of the fiber bed to prevent plugging, once each day that any affected source is operating. To be in compliance with the standards, the fiber-bed mist eliminator and the upstream control device shall be operated within  $\pm 1$  inch of water column of the pressure drop value established during the initial performance test, or shall be operated within the range of compliant values for pressure drop established during multiple performance tests.

(5) *Wetting agent-type or combination wetting agent-type/foam blanket fume suppressants.* (i) During the initial performance test, the owner or operator of an affected source complying with the emission limitations in § 63.342 through the use of a wetting agent in the electroplating or anodizing bath shall determine the outlet chromium concentration using the procedures in § 63.344(c). The owner or operator shall establish as the site-specific operating parameter the surface tension of the bath using Method 306B, appendix A of

this part, setting the maximum value that corresponds to compliance with the applicable emission limitation. In lieu of establishing the maximum surface tension during the performance test, the owner or operator may accept 45 dynes/cm as the maximum surface tension value that corresponds to compliance with the applicable emission limitation. However, the owner or operator is exempt from conducting a performance test only if the criteria of paragraph (b)(2) of this section are met.

(ii) On and after the date on which the initial performance test is required to be completed under § 63.7, the owner or operator of an affected source shall monitor the surface tension of the electroplating or anodizing bath. Operation of the affected source at a surface tension greater than the value established during the performance test, or greater than 45 dynes/cm if the owner or operator is using this value in accordance with paragraph (c)(5)(i) of this section, shall constitute noncompliance with the standards. The surface tension shall be monitored according to the following schedule:

(A) The surface tension shall be measured once every 4 hours during operation of the tank with a stalagmometer or a tensiometer as specified in Method 306B, appendix A of this part.

(B) The time between monitoring can be increased if there have been no exceedances. The surface tension shall be measured once every 4 hours of tank operation for the first 40 hours of tank operation after the compliance date. Once there are no exceedances during 40 hours of tank operation, surface tension measurement may be conducted once every 8 hours of tank operation. Once there are no exceedances during 40 hours of tank operation, surface tension measurement may be conducted once every 40 hours of tank operation on an ongoing basis, until an exceedance occurs. The minimum frequency of monitoring allowed by this subpart is once every 40 hours of tank operation.

(C) Once an exceedance occurs as indicated through surface tension monitoring, the original monitoring schedule of once every 4 hours must be resumed. A subsequent decrease in frequency shall follow the schedule laid out in paragraph (c)(5)(ii)(B) of this section. For example, if an owner or operator had been monitoring an affected source once every 40 hours and an exceedance occurs, subsequent monitoring would take place once every 4 hours of tank operation. Once an exceedance does not occur for 40 hours of tank operation, monitoring can occur

once every 8 hours of tank operation. Once an exceedance does not occur for 40 hours of tank operation on this schedule, monitoring can occur once every 40 hours of tank operation.

(iii) Once a bath solution is drained from the affected tank and a new solution added, the original monitoring schedule of once every 4 hours must be resumed, with a decrease in monitoring frequency allowed following the procedures of paragraphs (c)(5)(ii) (B) and (C) of this section.

(6) *Foam blanket-type fume suppressants.* (i) During the initial performance test, the owner or operator of an affected source complying with the emission limitations in § 63.342 through the use of a foam blanket in the electroplating or anodizing bath shall determine the outlet chromium concentration using the procedures in § 63.344(c), and shall establish as the site-specific operating parameter the thickness of the foam blanket, setting the minimum thickness that corresponds to compliance with the applicable emission limitation. In lieu of establishing the minimum foam blanket thickness during the performance test, the owner or operator may accept 2.54 centimeters (1 inch) as the minimum foam blanket thickness that corresponds to compliance with the applicable emission limitation. All foam blanket measurements must be taken in close proximity to the workpiece or cathode area in the plating tank(s).

(ii) On and after the date on which the initial performance test is required to be completed under § 63.7, the owner or operator of an affected source shall monitor the foam blanket thickness of the electroplating or anodizing bath. Operation of the affected source at a foam blanket thickness less than the value established during the performance test, or less than 2.54 cm (1 inch) if the owner or operator is using this value in accordance with paragraph (c)(6)(i) of this section, shall constitute noncompliance with the standards. The foam blanket thickness shall be measured according to the following schedule:

(A) The foam blanket thickness shall be measured once every 1 hour of tank operation.

(B) The time between monitoring can be increased if there have been no exceedances. The foam blanket thickness shall be measured once every hour of tank operation for the first 40 hours of tank operation after the compliance date. Once there are no exceedances for 40 hours of tank operation, foam blanket thickness measurement may be conducted once every 4 hours of tank operation. Once

there are no exceedances during 40 hours of tank operation, foam blanket thickness measurement may be conducted once every 8 hours of tank operation on an ongoing basis, until an exceedance occurs. The minimum frequency of monitoring allowed by this subpart is once per 8 hours of tank operation.

(C) Once an exceedance occurs as indicated through foam blanket thickness monitoring, the original monitoring schedule of once every hour must be resumed. A subsequent decrease in frequency shall follow the schedule laid out in paragraph (c)(6)(ii)(B) of this section. For example, if an owner or operator had been monitoring an affected source once every 8 hours and an exceedance occurs, subsequent monitoring would take place once every hour of tank operation. Once an exceedance does not occur for 40 hours of tank operation, monitoring can occur once every 4 hours of tank operation. Once an exceedance does not occur for 40 hours of tank operation on this schedule, monitoring can occur once every 8 hours of tank operation.

(iii) Once a bath solution is drained from the affected tank and a new solution added, the original monitoring schedule of once every hour must be resumed, with a decrease in monitoring frequency allowed following the procedures of paragraphs (c)(6)(ii) (B) and (C) of this section.

(7) *Fume suppressant/add-on control device.* (i) If the owner or operator of an affected source uses both a fume suppressant and add-on control device and both are needed to comply with the applicable emission limit, monitoring requirements as identified in paragraphs (c) (1) through (6) of this section, and the work practice standards of Table 1 of § 63.342, apply for each of the control techniques used.

(ii) If the owner or operator of an affected source uses both a fume suppressant and add-on control device, but only one of these techniques is needed to comply with the applicable emission limit, monitoring requirements as identified in paragraphs (c) (1) through (6) of this section, and work practice standards of Table 1 of § 63.342, apply only for the control technique used to achieve compliance.

(8) *Use of an alternative monitoring method.* (i) Requests and approvals of alternative monitoring methods shall be considered in accordance with § 63.8(f)(1), (f)(3), (f)(4), and (f)(5).

(ii) After receipt and consideration of an application for an alternative monitoring method, the Administrator may approve alternatives to any

monitoring methods or procedures of this subpart including, but not limited to, the following:

(A) Alternative monitoring requirements when installation or use of monitoring devices specified in this subpart would not provide accurate measurements due to interferences caused by substances within the effluent gases; or

(B) Alternative locations for installing monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

(d) An owner or operator who uses an air pollution control device not listed in this section shall submit a description of the device, test results collected in accordance with § 63.344(c) verifying the performance of the device for reducing chromium emissions to the atmosphere to the level required by this subpart, a copy of the operation and maintenance plan referenced in § 63.342(f) including proposed work practice standards, and appropriate operating parameters that will be monitored to establish continuous compliance with the standards. The monitoring plan submitted identifying the continuous compliance monitoring is subject to the Administrator's approval.

**§ 63.344 Performance test requirements and test methods.**

(a) *Performance test requirements.* Performance tests shall be conducted using the test methods and procedures in this section and § 63.7. Performance test results shall be documented in complete test reports that contain the information required by paragraphs (a)(1) through (a)(9) of this section. The test plan to be followed shall be made available to the Administrator prior to the testing, if requested.

- (1) A brief process description;
- (2) Sampling location description(s);
- (3) A description of sampling and analytical procedures and any modifications to standard procedures;
- (4) Test results;
- (5) Quality assurance procedures and results;
- (6) Records of operating conditions during the test, preparation of standards, and calibration procedures;
- (7) Raw data sheets for field sampling and field and laboratory analyses;
- (8) Documentation of calculations; and
- (9) Any other information required by the test method.

(b)(1) If the owner or operator of an affected source conducts performance testing at startup to obtain an operating

permit in the State in which the affected source is located, the results of such testing may be used to demonstrate compliance with this subpart if:

(i) The test methods and procedures identified in paragraph (c) of this section were used during the performance test;

(ii) The performance test was conducted under representative operating conditions for the source;

(iii) The performance test report contains the elements required by paragraph (a) of this section; and

(iv) The owner or operator of the affected source for which the performance test was conducted has sufficient data to establish the operating parameter value(s) that correspond to compliance with the standards, as required for continuous compliance monitoring under § 63.343(c).

(2) The results of tests conducted prior to December 1991 in which Method 306A, appendix A of this part, was used to demonstrate the performance of a control technique are not acceptable.

(c) *Test methods.* Each owner or operator subject to the provisions of this subpart and required by § 63.343(b) to conduct an initial performance test shall use the test methods identified in this section to demonstrate compliance with the standards in § 63.342.

(1) Method 306 or Method 306A, "Determination of Chromium Emissions From Decorative and Hard Chromium Electroplating and Anodizing Operations," appendix A of this part shall be used to determine the chromium concentration from hard or decorative chromium electroplating tanks or chromium anodizing tanks. The sampling time and sample volume for each run of Methods 306 and 306A, appendix A of this part shall be at least 120 minutes and 1.70 dscm (60 dscf), respectively. Methods 306 and 306A, appendix A of this part allow the measurement of either total chromium or hexavalent chromium emissions. For the purposes of this standard, sources using chromic acid baths can demonstrate compliance with the emission limits of § 63.342 by measuring either total chromium or hexavalent chromium. Hence, the hexavalent chromium concentration measured by these methods is equal to the total chromium concentration for the affected operations.

(2) The California Air Resources Board (CARB) Method 425 (which is available by contacting the California Air Resources Board, 1102 Q Street, Sacramento, California 95814) may be used to determine the chromium concentration from hard and decorative

chromium electroplating tanks and chromium anodizing tanks if the following conditions are met:

(i) If a colorimetric analysis method is used, the sampling time and volume shall be sufficient to result in 33 to 66 micrograms of catch in the sampling train.

(ii) If Atomic Absorption Graphite Furnace (AAGF) or Ion Chromatography with a Post-column Reactor (ICPCR) analyses were used, the sampling time and volume should be sufficient to result in a sample catch that is 5 to 10 times the minimum detection limit of the analytical method (i.e., 1.0 microgram per liter of sample for AAGF and 0.5 microgram per liter of sample for ICPCR).

(iii) In the case of either paragraph (c)(2) (i) or (ii) of this section, a minimum of 3 separate runs must be conducted. The other requirements of § 63.7 that apply to affected sources, as indicated in Table 1 of this subpart, must also be met.

(3) Method 306B, "Surface Tension Measurement and Recordkeeping for Tanks Used at Decorative Chromium Electroplating and Anodizing Facilities," appendix A of this part shall be used to measure the surface tension of electroplating and anodizing baths.

(4) Alternate test methods may also be used if the method has been validated using Method 301, appendix A of this part and if approved by the Administrator. Procedures for requesting and obtaining approval are contained in § 63.7(f).

(d) *Establishing site-specific operating parameter values.* (1) Each owner or operator required to establish site-specific operating parameters shall follow the procedures in this section.

(2) All monitoring equipment shall be installed such that representative measurements of emissions or process parameters from the affected source are obtained. For monitoring equipment purchased from a vendor, verification of the operational status of the monitoring equipment shall include execution of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

(i) Specifications for differential pressure measurement devices used to measure velocity pressure shall be in accordance with section 2.2 of Method 2 (40 CFR part 60, appendix A).

(ii) Specification for differential pressure measurement devices used to measure pressure drop across a control system shall be in accordance with manufacturer's accuracy specifications.

(3) The surface tension of electroplating and anodizing baths shall

be measured using Method 306B, "Surface Tension Measurement and Recordkeeping for Tanks used at Decorative Chromium Electroplating and Anodizing Facilities," appendix A of this part. This method should also be followed when wetting agent type or combination wetting agent/foam blanket type fume suppressants are used to control chromium emissions from a hard chromium electroplating tank and surface tension measurement is conducted to demonstrate continuous compliance.

(4) The owner or operator of a source required to measure the velocity pressure at the inlet to an add-on air pollution control device in accordance with § 63.343(c)(2), shall establish the site-specific velocity pressure as follows:

(i) Locate a velocity traverse port in a section of straight duct that connects the hooding on the plating tank or tanks with the control device. The port shall be located as close to the control system as possible, and shall be placed a minimum of 2 duct diameters downstream and 0.5 diameter upstream of any flow disturbance such as a bend, expansion, or contraction (see Method 1, 40 CFR part 60, appendix A). If 2.5 diameters of straight duct work does not exist, locate the port 0.8 of the duct diameter downstream and 0.2 of the duct diameter upstream from any flow disturbance.

(ii) A 12-point velocity traverse of the duct to the control device shall be conducted along a single axis according to Method 2 (40 CFR part 60, appendix A) using an S-type pitot tube; measurement of the barometric pressure and duct temperature at each traverse point is not required, but is suggested. Mark the S-type pitot tube as specified in Method 1 (40 CFR part 60, appendix A) with 12 points. Measure the velocity pressure ( $\Delta p$ ) values for the velocity points and record. Determine the square root of the individual velocity point  $\Delta p$  values and average. The point with the square root value that comes closest to the average square root value is the point of average velocity. The  $\Delta p$  value measured for this point during the performance test will be used as the reference for future monitoring.

(5) The owner or operator of a source required to measure the pressure drop across the add-on air pollution control device in accordance with § 63.343(c) (1) through (4) may establish the pressure drop in accordance with the following guidelines:

(i) Pressure taps shall be installed at any of the following locations:

(A) At the inlet and outlet of the control system. The inlet tap should be installed in the ductwork just prior to the control device and the corresponding outlet pressure tap should be installed on the outlet side of the control device prior to the blower or on the downstream side of the blower;

(B) On each side of the packed bed within the control system or on each side of each mesh pad within the control system; or

(C) On the front side of the first mesh pad and back side of the last mesh pad within the control system.

(ii) Pressure taps shall be sited at locations that are:

(A) Free from pluggage as possible and away from any flow disturbances such as cyclonic demisters.

(B) Situated such that no air infiltration at measurement site will occur that could bias the measurement.

(iii) Pressure taps shall be constructed of either polyethylene, polybutylene, or other nonreactive materials.

(iv) Nonreactive plastic tubing shall be used to connect the pressure taps to the device used to measure pressure drop.

(v) Any of the following pressure gauges can be used to monitor pressure drop: a magnehelic gauge, an inclined manometer, or a "U" tube manometer.

(vi) Prior to connecting any pressure lines to the pressure gauge(s), each gauge should be zeroed. No calibration of the pressure gauges is required.

(e) *Special compliance provisions for multiple sources controlled by a common add-on air pollution control device.*

(1) This section identifies procedures for measuring the outlet chromium concentration from an add-on air pollution control device that is used to control multiple sources that may or may not include sources not affected by this subpart.

(2) When multiple affected sources performing the same type of operation

(e.g., all are performing hard chromium electroplating), and subject to the same emission limitation, are controlled with an add-on air pollution control device that is not controlling emissions from any other type of affected operation or from any nonaffected sources, the applicable emission limitation identified in § 63.342 must be met at the outlet of the add-on air pollution control device.

(3) When multiple affected sources performing the same type of operation and subject to the same emission limitation are controlled with a common add-on air pollution control device that is also controlling emissions from sources not affected by these standards, the following procedures should be followed to determine compliance with the applicable emission limitation in § 63.342:

(i) Calculate the cross-sectional area of each inlet duct (i.e., uptakes from each hood) including those not affected by the standard.

(ii) Determine the total sample time per test run by dividing the total inlet area from all tanks connected to the control system by the total inlet area for all ducts associated with affected sources, and then multiply this number by 2 hours. The calculated time is the minimum sample time required per test run.

(iii) Perform Method 306 testing and calculate an outlet mass emission rate.

(iv) Determine the total ventilation rate from the affected sources by using equation 1:

$$VR_{\text{tot}} \times \frac{IDA_i}{\sum IA_{\text{total}}} = VR_{\text{inlet}} \quad (1)$$

where  $VR_{\text{tot}}$  is the average total ventilation rate in dscm/min for the three test runs as determined at the outlet by means of the Method 306 testing;  $IDA_i$  is the total inlet area for all ducts associated with affected sources;  $IA_{\text{total}}$  is the sum of all inlet duct areas from both affected and nonaffected sources; and  $VR_{\text{inlet}}$  is the total ventilation rate from all inlet ducts associated with affected sources.

(v) Establish the allowable mass emission rate of the system ( $AMR_{\text{sys}}$ ) in milligrams of total chromium per hour (mg/hr) using equation 2:

$$\sum VR_{\text{inlet}} \times EL \times 60 \text{ minutes/hours} = AMR_{\text{sys}} \quad (2)$$

where  $\sum VR_{\text{inlet}}$  is the total ventilation rate in dscm/min from the affected sources, and EL is the applicable emission limitation from § 63.342 in

mg/dscm. The allowable mass emission rate ( $AMR_{\text{sys}}$ ) calculated from equation 2 should be equal to or less than the outlet three-run average mass emission rate

determined from Method 306 testing in order for the source to be in compliance with the standard.



(4) When multiple affected sources performing different types of operations (e.g., hard chromium electroplating, decorative chromium electroplating, or chromium anodizing) are controlled by a common add-on air pollution control device that may or may not also be controlling emissions from sources not affected by these standards, or if the affected sources controlled by the common add-on air pollution control device perform the same operation but are subject to different emission limitations (e.g., because one is a new hard chromium plating tank and one is an existing small, hard chromium plating tank), the following procedures should be followed to determine compliance with the applicable emission limitation in § 63.342:

(i) Follow the steps outlined in paragraphs (e)(3)(i) through (e)(3)(iii) of this section.

(ii) Determine the total ventilation rate for each type of affected source using equation 3:

$$VR_{\text{tot}} \times \frac{IDA_{i,a}}{\sum IA_{\text{total}}} = VR_{\text{inlet},a} \quad (3)$$

where  $VR_{\text{tot}}$  is the average total ventilation rate in dscm/min for the three test runs as determined at the outlet by means of the Method 306 testing;  $IDA_{i,a}$  is the total inlet duct area for all ducts conveying chromic acid from each type of affected source performing the same operation, or each type of affected source subject to the same emission limitation;  $IA_{\text{total}}$  is the sum of all duct areas from both affected and nonaffected sources; and  $VR_{\text{inlet},a}$  is the total ventilation rate from all inlet ducts conveying chromic acid from each type of affected source performing the same operation, or each type of affected source subject to the same emission limitation.

(iii) Establish the allowable mass emission rate in mg/hr for each type of affected source that is controlled by the add-on air pollution control device using equation 4, 5, 6, or 7 as appropriate:

$$VR_{\text{hc}1} \times EL_{\text{hc}1} \times 60 \text{ minutes/hour} = AMR_{\text{hc}1} \quad (4)$$

$$VR_{\text{hc}2} \times EL_{\text{hc}2} \times 60 \text{ minutes/hour} = AMR_{\text{hc}2} \quad (5)$$

$$VR_{\text{dc}} \times EL_{\text{dc}} \times 60 \text{ minutes/hour} = AMR_{\text{dc}} \quad (6)$$

$$VR_{\text{ca}} \times EL_{\text{ca}} \times 60 \text{ minutes/hour} = AMR_{\text{ca}} \quad (7)$$

where "hc" applies to the total of ventilation rates for all hard chromium electroplating tanks subject to the same emission limitation, "dc" applies to the total of ventilation rates for the decorative chromium electroplating

tanks, "ca" applies to the total of ventilation rates for the chromium anodizing tanks, and EL is the applicable emission limitation from § 63.342 in mg/dscm. There are two equations for hard chromium electroplating tanks because different emission limitations may apply (e.g., a new tank versus an existing, small tank).

(iv) Establish the allowable mass emission rate (AMR) in mg/hr for the system using equation 8, including each type of affected source as appropriate:

$$AMR_{\text{hc}1} + AMR_{\text{hc}2} + AMR_{\text{dc}} + AMR_{\text{ca}} = AMR_{\text{sys}} \quad (8)$$

The allowable mass emission rate calculated from equation 8 should be equal to or less than the outlet three-run average mass emission rate determined from Method 306 testing in order for the source to be in compliance with the standards.

(5) Each owner or operator that uses the special compliance provisions of this paragraph to demonstrate compliance with the emission limitations of § 63.342 shall submit the measurements and calculations to support these compliance methods with the notification of compliance status required by § 63.347(e).

(6) Each owner or operator that uses the special compliance provisions of this section to demonstrate compliance with the emission limitations of § 63.342 shall repeat these procedures if a tank is added or removed from the control system regardless of whether that tank is a nonaffected source. If the new nonaffected tank replaces an existing nonaffected tank of the same size and is connected to the control system through the same size inlet duct then this procedure does not have to be repeated.

#### § 63.345 Provisions for new and reconstructed sources.

(a) This section identifies the preconstruction review requirements for new and reconstructed affected sources that are subject to, or become subject to, this subpart.

(b) *New or reconstructed affected sources.* The owner or operator of a new or reconstructed affected source is subject to § 63.5(a), (b)(1), (b)(5), (b)(6), and (f)(1), as well as the provisions of this paragraph.

(1) After January 25, 1995, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, no person may construct a new affected source or reconstruct an affected source subject to this subpart, or reconstruct a source such that it becomes an affected source subject to this subpart, without submitting a notification of construction

or reconstruction to the Administrator. The notification shall contain the information identified in paragraphs (b)(2) and (3) of this section, as appropriate.

(2) The notification of construction or reconstruction required under paragraph (b)(1) of this section shall include:

(i) The owner or operator's name, title, and address;

(ii) The address (i.e., physical location) or proposed address of the affected source if different from the owner's or operator's;

(iii) A notification of intention to construct a new affected source or make any physical or operational changes to an affected source that may meet or has been determined to meet the criteria for a reconstruction as defined in § 63.2;

(iv) An identification of subpart N of this part as the basis for the notification;

(v) The expected commencement and completion dates of the construction or reconstruction;

(vi) The anticipated date of (initial) startup of the affected source;

(vii) The type of process operation to be performed (hard or decorative chromium electroplating, or chromium anodizing);

(viii) A description of the air pollution control technique to be used to control emissions from the affected source, such as preliminary design drawings and design capacity if an add-on air pollution control device is used; and

(ix) An estimate of emissions from the source based on engineering calculations and vendor information on control device efficiency, expressed in units consistent with the emission limits of this subpart. Calculations of emission estimates should be in sufficient detail to permit assessment of the validity of the calculations.

(3) If a reconstruction is to occur, the notification required under paragraph (b)(1) of this section shall include the following in addition to the information required in paragraph (b)(2) of this section:

(i) A brief description of the affected source and the components to be replaced;

(ii) A brief description of the present and proposed emission control technique, including the information required by paragraphs (b)(2) (viii) and (ix) of this section;

(iii) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source;

(iv) The estimated life of the affected source after the replacements; and

(v) A discussion of any economic or technical limitations the source may

have in complying with relevant standards or other requirements after the proposed replacements. The discussion shall be sufficiently detailed to demonstrate to the Administrator's satisfaction that the technical or economic limitations affect the source's ability to comply with the relevant standard and how they do so.

(vi) If in the notification of reconstruction, the owner or operator designates the affected source as a reconstructed source and declares that there are no economic or technical limitations to prevent the source from complying with all relevant standards or requirements, the owner or operator need not submit the information required in paragraphs (b)(3) (iii) through (v) of this section.

(4) The owner or operator of a new or reconstructed affected source that submits a notification in accordance with paragraphs (b) (1) through (3) of this section is not subject to approval by the Administrator. Construction or reconstruction is subject only to notification and can begin upon submission of a complete notification.

(5) *Submittal timeframes.* After January 25, 1995, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, an owner or operator of a new or reconstructed affected source shall submit the notification of construction or reconstruction required by paragraph (b)(1) of this section according to the following schedule:

(i) If construction or reconstruction commences after January 25, 1995, the notification shall be submitted as soon as practicable before the construction or reconstruction is planned to commence.

(ii) If the construction or reconstruction had commenced and initial startup had not occurred before January 25, 1995, the notification shall be submitted as soon as practicable before startup but no later than 60 days after January 25, 1995.

#### **§ 63.346 Recordkeeping requirements.**

(a) The owner or operator of each affected source subject to these standards shall fulfill all recordkeeping requirements outlined in this section and in the General Provisions to 40 CFR part 63, according to the applicability of subpart A of this part as identified in Table 1 of this subpart.

(b) The owner or operator of an affected source subject to the provisions of this subpart shall maintain the following records for such source:

(1) Inspection records for the add-on air pollution control device, if such a device is used, and monitoring

equipment, to document that the inspection and maintenance required by the work practice standards of § 63.342(f) and Table 1 of § 63.342 have taken place. The record can take the form of a checklist and should identify the device inspected, the date of inspection, a brief description of the working condition of the device during the inspection, and any actions taken to correct deficiencies found during the inspection.

(2) Records of all maintenance performed on the affected source, the add-on air pollution control device, and monitoring equipment;

(3) Records of the occurrence, duration, and cause (if known) of each malfunction of process, add-on air pollution control, and monitoring equipment;

(4) Records of actions taken during periods of malfunction when such actions are inconsistent with the operation and maintenance plan;

(5) Other records, which may take the form of checklists, necessary to demonstrate consistency with the provisions of the operation and maintenance plan required by § 63.342(f)(3);

(6) Test reports documenting results of all performance tests;

(7) All measurements as may be necessary to determine the conditions of performance tests, including measurements necessary to determine compliance with the special compliance procedures of § 63.344(e);

(8) Records of monitoring data required by § 63.343(c) that are used to demonstrate compliance with the standard including the date and time the data are collected;

(9) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions, as indicated by monitoring data, that occurs during malfunction of the process, add-on air pollution control, or monitoring equipment;

(10) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions, as indicated by monitoring data, that occurs during periods other than malfunction of the process, add-on air pollution control, or monitoring equipment;

(11) The total process operating time of the affected source during the reporting period;

(12) Records of the actual cumulative rectifier capacity of hard chromium electroplating tanks at a facility expended during each month of the reporting period, and the total capacity expended to date for a reporting period, if the owner or operator is using the

actual cumulative rectifier capacity to determine facility size in accordance with § 63.342(c)(2);

(13) For sources using fume suppressants to comply with the standards, records of the date and time that fume suppressants are added to the electroplating or anodizing bath;

(14) For sources complying with § 63.342(e), records of the bath components purchased, with the wetting agent clearly identified as a bath constituent contained in one of the components;

(15) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements, if the source has been granted a waiver under § 63.10(f); and

(16) All documentation supporting the notifications and reports required by § 63.9, § 63.10, and § 63.347.

(c) All records shall be maintained for a period of 5 years in accordance with § 63.10(b)(1).

#### **§ 63.347 Reporting requirements.**

(a) The owner or operator of each affected source subject to these standards shall fulfill all reporting requirements outlined in this section and in the General Provisions to 40 CFR part 63, according to the applicability of subpart A as identified in Table 1 of this subpart. These reports shall be made to the Administrator at the appropriate address as identified in § 63.13 or to the delegated State authority.

(1) Reports required by subpart A of this part and this section may be sent by U.S. mail, fax, or by another courier.

(i) Submittals sent by U.S. mail shall be postmarked on or before the specified date.

(ii) Submittals sent by other methods shall be received by the Administrator on or before the specified date.

(2) If acceptable to both the Administrator and the owner or operator of an affected source, reports may be submitted on electronic media.

(b) The reporting requirements of this section apply to the owner or operator of an affected source when such source becomes subject to the provisions of this subpart.

(c) *Initial notifications.* (1) The owner or operator of an affected source that has an initial startup before January 25, 1995, shall notify the Administrator in writing that the source is subject to this subpart. The notification shall be submitted no later than 180 calendar days after January 25, 1995, and shall contain the following information:

(i) The name, title, and address of the owner or operator;

(ii) The address (i.e., physical location) of each affected source;

(iii) A statement that subpart N of this part is the basis for this notification;

(iv) Identification of the applicable emission limitation and compliance date for each affected source;

(v) A brief description of each affected source, including the type of process operation performed;

(vi) For sources performing hard chromium electroplating, the maximum potential cumulative potential rectifier capacity;

(vii) For sources performing hard chromium electroplating, a statement of whether the affected source(s) is located at a small or a large, hard chromium electroplating facility and whether this will be demonstrated through actual or maximum potential cumulative rectifier capacity;

(viii) For sources performing hard chromium electroplating tanks, a statement of whether the owner or operator of an affected source(s) will limit the maximum potential cumulative rectifier capacity in accordance with § 63.342(c)(2) such that the hard chromium electroplating facility is considered small; and

(ix) A statement of whether the affected source is located at a major source or an area source as defined in § 63.2.

(2) The owner or operator of a new or reconstructed affected source that has an initial startup after January 25, 1995 shall submit an initial notification (in addition to the notification of construction or reconstruction required by § 63.345(b) as follows:

(i) A notification of the date when construction or reconstruction was commenced, shall be submitted simultaneously with the notification of construction or reconstruction, if construction or reconstruction was commenced before January 25, 1995;

(ii) A notification of the date when construction or reconstruction was commenced, shall be submitted no later than 30 calendar days after such date, if construction or reconstruction was commenced after January 25, 1995; and

(iii) A notification of the actual date of startup of the source shall be submitted within 30 calendar days after such date.

(d) *Notification of performance test.*

(1) The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the test is scheduled to begin to allow the Administrator to have an observer present during the test. Observation of the performance test by the Administrator is optional.

(2) In the event the owner or operator is unable to conduct the performance test as scheduled, the provisions of § 63.7(b)(2) apply.

(e) *Notification of compliance status.*

(1) A notification of compliance status is required each time that an affected source becomes subject to the requirements of this subpart.

(2) Before a title V permit has been issued to the owner or operator of an affected source, each time a notification of compliance status is required under this part, the owner or operator of an affected source shall submit to the Administrator a notification of compliance status, signed by the responsible official (as defined in § 63.2) who shall certify its accuracy, attesting to whether the affected source has complied with this subpart. After a title V permit has been issued to the owner or operator of an affected source, the notification of compliance status shall be submitted to the appropriate permitting authority. The notification shall list for each affected source:

(i) The applicable emission limitation and the methods that were used to determine compliance with this limitation;

(ii) If a performance test is required by this subpart, the test report documenting the results of the performance test, which contains the elements required by § 63.344(a), including measurements and calculations to support the special compliance provisions of § 63.344(e) if these are being followed;

(iii) The type and quantity of hazardous air pollutants emitted by the source reported in mg/dscm or mg/hr if the source is using the special provisions of § 63.344(e) to comply with the standards. (If the owner or operator is subject to the construction and reconstruction provisions of § 63.345 and had previously submitted emission estimates, the owner or operator shall state that this report corrects or verifies the previous estimate.) For sources not required to conduct a performance test in accordance with § 63.343(b), the surface tension measurement may fulfill this requirement;

(iv) For each monitored parameter for which a compliant value is to be established under § 63.343(c), the specific operating parameter value, or range of values, that corresponds to compliance with the applicable emission limit;

(v) The methods that will be used to determine continuous compliance, including a description of monitoring and reporting requirements, if methods differ from those identified in this subpart;

(vi) A description of the air pollution control technique for each emission point;

(vii) A statement that the owner or operator has completed and has on file the operation and maintenance plan as required by the work practice standards in § 63.342(f);

(viii) If the owner or operator is determining facility size based on actual cumulative rectifier capacity in accordance with § 63.342(c)(2), records to support that the facility is small. For existing sources, records from any 12-month period preceding the compliance date shall be used or a description of how operations will change to meet a small designation shall be provided. For new sources, records of projected rectifier capacity for the first 12-month period of tank operation shall be used;

(ix) A statement by the owner or operator of the affected source as to whether the source has complied with the provisions of this subpart.

(3) For sources required to conduct a performance test by § 63.343(b), the notification of compliance status shall be submitted to the Administrator no later than 90 calendar days following completion of the compliance demonstration required by § 63.7 and § 63.343(b).

(4) For sources that are not required to complete a performance test in accordance with § 63.343(b), the notification of compliance status shall be submitted to the Administrator no later than 30 days after the compliance date specified in § 63.343(a).

(f) *Reports of performance test results.*

(1) Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report to the Administrator the results of any performance test conducted as required by § 63.7 or § 63.343(b). After a title V permit has been issued to the owner or operator of an affected source, the owner or operator should report performance test results to the appropriate permitting authority.

(2) Reports of performance test results shall be submitted no later than 90 days following the completion of the performance test, and shall be submitted as part of the notification of compliance status required by paragraph (e) of this section.

(g) *Ongoing compliance status reports for major sources.* (1) The owner or operator of an affected source that is located at a major source site shall submit a summary report to the Administrator to document the ongoing compliance status of the affected source. The report shall contain the information identified in paragraph (g)(3) of this

section, and shall be submitted semiannually except when:

(i) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or

(ii) The monitoring data collected by the owner or operator of the affected source in accordance with § 63.343(c) show that the emission limit has been exceeded, in which case quarterly reports shall be submitted. Once an owner or operator of an affected source reports an exceedance, ongoing compliance status reports shall be submitted quarterly until a request to reduce reporting frequency under paragraph (g)(2) of this section is approved.

(2) *Request to reduce frequency of ongoing compliance status reports.* (i) An owner or operator who is required to submit ongoing compliance status reports on a quarterly (or more frequent basis) may reduce the frequency of reporting to semiannual if all of the following conditions are met:

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods), the ongoing compliance status reports demonstrate that the affected source is in compliance with the relevant emission limit;

(B) The owner or operator continues to comply with all applicable recordkeeping and monitoring requirements of subpart A of this part and this subpart; and

(C) The Administrator does not object to a reduced reporting frequency for the affected source, as provided in paragraphs (g)(2) (ii) and (iii) of this section.

(ii) The frequency of submitting ongoing compliance status reports may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change, and the Administrator does not object to the intended change. In deciding whether to approve a reduced reporting frequency, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping period prior to the intended change, or the recordkeeping period since the source's compliance date, whichever is shorter. Records subject to review may include performance test results, monitoring data, and evaluations of an owner or operator's conformance with emission limitations and work practice standards. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the

Administrator disapproves the owner or operator's request to reduce reporting frequency, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iii) As soon as the monitoring data required by § 63.343(c) show that the source is not in compliance with the relevant emission limit, the frequency of reporting shall revert to quarterly, and the owner shall state this exceedance in the ongoing compliance status report for the next reporting period. After demonstrating ongoing compliance with the relevant emission limit for another full year, the owner or operator may again request approval from the Administrator to reduce the reporting frequency as allowed by paragraph (g)(2) of this section.

(3) *Contents of ongoing compliance status reports.* The owner or operator of an affected source for which compliance monitoring is required in accordance with § 63.343(c) shall prepare a summary report to document the ongoing compliance status of the source. The report must contain the following information:

(i) The company name and address of the affected source;

(ii) An identification of the operating parameter that is monitored for compliance determination, as required by § 63.343(c);

(iii) The relevant emission limitation for the affected source, and the operating parameter value, or range of values, that correspond to compliance with this emission limitation as specified in the notification of compliance status required by paragraph (e) of this section;

(iv) The beginning and ending dates of the reporting period;

(v) A description of the type of process performed in the affected source;

(vi) The total operating time of the affected source during the reporting period;

(vii) If the affected source is a hard chromium electroplating tank and the owner or operator is limiting the maximum cumulative rectifier capacity in accordance with § 63.342(c)(2), the actual cumulative rectifier capacity expended during the reporting period, on a month-by-month basis;

(viii) A summary of operating parameter values, including the total duration of excess emissions during the

reporting period as indicated by those values, the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to process upsets, control equipment malfunctions, other known causes, and unknown causes;

(ix) A certification by a responsible official, as defined in § 63.2, that the work practice standards in § 63.342(f) were followed in accordance with the operation and maintenance plan for the source;

(x) If the operation and maintenance plan required by § 63.342(f)(3) was not followed, an explanation of the reasons for not following the provisions, an assessment of whether any excess emission and/or parameter monitoring exceedances are believed to have occurred, and a copy of the report(s) required by § 63.342(f)(3)(iv) documenting that the operation and maintenance plan was not followed;

(xi) A description of any changes in monitoring, processes, or controls since the last reporting period;

(xii) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and

(xiii) The date of the report.

(4) When more than one monitoring device is used to comply with the continuous compliance monitoring required by § 63.343(c), the owner or operator shall report the results as required for each monitoring device. However, when one monitoring device is used as a backup for the primary monitoring device, the owner or operator shall only report the results from the monitoring device used to meet the monitoring requirements of this subpart. If both devices are used to meet these requirements, then the owner or operator shall report the results from each monitoring device for the relevant compliance period.

(h) *Ongoing compliance status reports for area sources.* The requirements of this paragraph do not alleviate affected area sources from complying with the requirements of State or Federal operating permit programs under 40 CFR part 71.

(1) The owner or operator of an affected source that is located at an area source site shall prepare a summary report to document the ongoing compliance status of the affected source. The report shall contain the information identified in paragraph (g)(3) of this section, shall be completed annually and retained on site, and made available to the Administrator upon request. The report shall be completed annually

except as provided in paragraph (h)(2) of this section.

(2) *Reports of exceedances.* (i) If both of the following conditions are met, semiannual reports shall be prepared and submitted to the Administrator:

(A) The total duration of excess emissions (as indicated by the monitoring data collected by the owner or operator of the affected source in accordance with § 63.343(c)) is 1 percent or greater of the total operating time for the reporting period; and

(B) The total duration of malfunctions of the add-on air pollution control device and monitoring equipment is 5 percent or greater of the total operating time.

(ii) Once an owner or operator of an affected source reports an exceedance as defined in paragraph (h)(2)(i) of this section, ongoing compliance status reports shall be submitted semiannually until a request to reduce reporting frequency under paragraph (h)(3) of this section is approved.

(iii) The Administrator may determine on a case-by-case basis that the summary report shall be completed more frequently and submitted, or that the annual report shall be submitted instead of being retained on site, if these measures are necessary to accurately assess the compliance status of the source.

(3) *Request to reduce frequency of ongoing compliance status reports.* (i) An owner or operator who is required to submit ongoing compliance status reports on a semiannual (or more frequent) basis, or is required to submit its annual report instead of retaining it on site, may reduce the frequency of reporting to annual and/or be allowed to maintain the annual report onsite if all of the following conditions are met:

(A) For 1 full year (e.g., 2 semiannual or 4 quarterly reporting periods), the ongoing compliance status reports demonstrate that the affected source is in compliance with the relevant emission limit;

(B) The owner or operator continues to comply with all applicable recordkeeping and monitoring

requirements of subpart A of this part and this subpart; and

(C) The Administrator does not object to a reduced reporting frequency for the affected source, as provided in paragraphs (h)(3) (ii) and (iii) of this section.

(ii) The frequency of submitting ongoing compliance status reports may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change, and the Administrator does not object to the intended change. In deciding whether to approve a reduced reporting frequency, the Administrator may review information concerning the source's previous performance history during the 5-year recordkeeping period prior to the intended change, or the recordkeeping period since the source's compliance date, whichever is shorter. Records subject to review may include performance test results, monitoring data, and evaluations of an owner or operator's conformance with emission limitations and work practice standards. Such information may be used by the Administrator to make a judgement about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce reporting frequency, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iii) As soon as the monitoring data required by § 63.343(c) show that the source is not in compliance with the relevant emission limit, the frequency of reporting shall revert to semiannual, and the owner shall state this exceedance in the ongoing compliance status report for the next reporting period. After demonstrating ongoing compliance with the relevant emission limit for another full year, the owner or

operator may again request approval from the Administrator to reduce the reporting frequency as allowed by paragraph (h)(3) of this section.

(i) *Reports associated with trivalent chromium baths.* The requirements of this paragraph do not alleviate affected sources from complying with the requirements of State or Federal operating permit programs under title V. Owners or operators complying with the provisions of § 63.342(e) are not subject to paragraphs (a) through (h) of this section, but must instead submit the following reports:

(1) Within 180 days after January 25, 1995, submit an initial notification that includes:

(i) The same information as is required by paragraphs (c)(1) (i) through (v) of this section; and

(ii) A statement that a trivalent chromium process that incorporates a wetting agent will be used to comply with § 63.342(e); and

(iii) The list of bath components that comprise the trivalent chromium bath, with the wetting agent clearly identified; and

(2) Within 30 days of the compliance date specified in § 63.343(a), a notification of compliance status that contains an update of the information submitted in accordance with paragraph (i)(1) of this section or a statement that the information is still accurate; and

(3) Within 30 days of a change to the trivalent chromium electroplating process, a report that includes:

(i) A description of the manner in which the process has been changed and the emission limitation, if any, now applicable to the affected source;

(ii) If a different emission limitation applies, the applicable information required by paragraph (c)(1) of this section; and

(iii) The notification and reporting requirements of paragraphs (d), (e), (f), (g), and (h) of this section, which shall be submitted in accordance with the schedules identified in those paragraphs.

TABLE 1 TO SUBPART N OF PART 63.—GENERAL PROVISIONS APPLICABILITY TO SUBPART N

General provisions reference	Applies to subpart N	Comment
63.1(a)(1) .....	Yes .....	Additional terms defined in § 63.341; when overlap between subparts A and N occurs, subpart N takes precedence.
63.1(a)(2) .....	Yes	
63.1(a)(3) .....	Yes	Subpart N clarifies the applicability of each paragraph in subpart A to sources subject to subpart N.
63.1(a)(4) .....	Yes .....	
63.1(a)(6) .....	Yes	
63.1(a)(7) .....	Yes	
63.1(a)(8) .....	Yes	

TABLE 1 TO SUBPART N OF PART 63.—GENERAL PROVISIONS APPLICABILITY TO SUBPART N—Continued

General provisions reference	Applies to subpart N	Comment
63.1(a)(10) .....	Yes	§ 63.347(a) of subpart N also allows report submissions via fax and on electronic media.
63.1(a)(11) .....	Yes .....	
63.1(a)(12)–(14) .....	Yes	§ 63.340 of subpart N specifies applicability.
63.1(b)(1) .....	No .....	
63.1(b)(2) .....	Yes	This provision in subpart A is being deleted. Also, all affected area and major sources are subject to subpart N; there are no exemptions.
63.1(b)(3) .....	No .....	
63.1(c)(1) .....	Yes .....	Subpart N clarifies the applicability of each paragraph in subpart A to sources subject to subpart N.
63.1(c)(2) .....	Yes .....	Subpart N specifies permit requirements for area sources.
63.1(c)(4) .....	Yes	Subpart N clarifies that an area source that becomes a major source is subject to the requirements for major sources.
63.1(c)(5) .....	No .....	
63.1(e) .....	Yes	Additional terms defined in § 63.341; when overlap between subparts A and N occurs, subpart N takes precedence.
63.2 .....	Yes .....	
63.3 .....	Yes .....	Other units used in subpart N are defined in that subpart.
63.4 .....	Yes	Except replace the term “source” and “stationary source” in § 63.5(a)(1) and (2) of subpart A with “affected resources.”
63.5(a) .....	Yes .....	
63.5(b)(1) .....	Yes	Applies only to major affected sources.
63.5(b)(3) .....	Yes .....	
63.5(b)(4) .....	No .....	Subpart N (§ 63.345) specifies requirements for the notification of construction or reconstruction for affected sources that are not major.
63.5(b)(5) .....	Yes	§ 63.345(c)(5) of subpart N specifies when the application or notification shall be submitted.
63.5(b)(6) .....	Yes	
63.5(d)(1)(i) .....	No .....	Applies to major affected sources that are new or reconstructed.
63.5(d)(1)(ii) .....	Yes .....	Except information should be submitted with the Notification of Compliance Status required by § 63.347(e) of subpart N.
63.5(d)(1)(iii) .....	Yes .....	
63.5(d)(2) .....	Yes .....	Applies to major affected sources that are new or reconstructed except: (1) replace “source” in § 63.5(d)(2) of subpart A with “affected source”; and (2) actual control efficiencies are submitted with the Notification of Compliance Status required by § 63.347(e).
63.5(d)(3)–(4) .....	Yes .....	Applies to major affected sources that are new or reconstructed.
63.5(e) .....	Yes .....	Applies to major affected sources that are new or reconstructed.
63.5(f)(1) .....	Yes .....	Except replace “source” in § 63.5(f)(1) of subpart A with “affected source.”
63.5(f)(2) .....	No .....	New or reconstructed affected sources shall submit the request for approval of construction or reconstruction under § 63.5(f) of subpart A by the deadline specified in § 63.345(c)(5) of subpart N.
63.6(a) .....	Yes	Except replace “source” in § 63.6(b)(1)–(2) of part A with “affected source.”
63.6(b)(1)–(2) .....	Yes .....	
63.6(b)(3)–(4) .....	Yes	Except replace “source” in § 63.6(b)(5) of subpart A with “affected source.”
63.6(b)(5) .....	Yes .....	
63.6(b)(7) .....	No .....	Provisions for new area sources that become major sources are contained in § 63.343(a)(4) of subpart N.
63.6(c)(1)–(2) .....	Yes .....	Except replace “source” in § 63.6(c)(1)–(2) of subpart A with “affected source.”
63.6(c)(5) .....	No .....	Compliance provisions for existing area sources that become major sources are contained in § 63.343(a)(3) of subpart N.
63.6(e) .....	No .....	§ 63.342(f) of subpart N contains work practice standards (operation and maintenance requirements) that override these provisions.
63.6(f)(1) .....	No .....	§ 63.342(b) of subpart N specifies when the standards apply.
63.6(f)(2)(i)–(ii) .....	Yes	§ 63.344(b) of subpart N specifies instances in which previous performance test results for existing sources are acceptable.
63.6(f)(2)(iii) .....	No .....	
63.6(f)(2)(iv) .....	Yes	Subpart N does not contain any opacity or visible emission standards.
63.6(f)(2)(v) .....	Yes	
63.6(f)(3) .....	Yes	Except replace “source” in § 63.6(i)(2)(i) and (ii) of subpart A with “affected source.”
63.6(g) .....	Yes	
63.6(h) .....	No .....	§ 63.343(a)(6) of subpart N specifies the procedures for obtaining an extension of compliance and the date by which such requests must be submitted.
63.6(i)(1) .....	Yes	
63.6(i)(2) .....	Yes .....	This paragraph only references “paragraph (i)(4) of this section” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(3) .....	Yes	
63.6(i)(4)(i) .....	No .....	This paragraph only references “paragraph (i)(4) of this section” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(4)(ii) .....	Yes	
63.6(i)(5) .....	Yes	This paragraph only references “paragraph (i)(4) of this section” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(6)(i) .....	Yes .....	
63.6(i)(6)(ii) .....	Yes	This paragraph only references “paragraph (i)(4) of this section” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(7) .....	Yes	

TABLE 1 TO SUBPART N OF PART 63.—GENERAL PROVISIONS APPLICABILITY TO SUBPART N—Continued

General provisions reference	Applies to subpart N	Comment
63.6(i)(8) .....	Yes .....	This paragraph only references “paragraphs (i)(4) through (i)(6) of this section” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(9) .....	Yes .....	This paragraph only references “paragraphs (i)(4) through (i)(6) of this section” and “paragraphs (i)(4) and (i)(5) of this section” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(10)(i)–(iv) .....	Yes .....	
63.6(i)(10)(v)(A) .....	Yes .....	This paragraph only references “paragraph (i)(4)” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(10)(v)(B) .....	Yes .....	
63.6(i)(11) .....	Yes .....	
63.6(i)(12)(i) .....	Yes .....	This paragraph only references “paragraph (i)(4)(i) or (i)(5) of this section” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(12)(ii)–(iii) .....	Yes .....	
63.6(i)(13) .....	Yes .....	
63.6(i)(14) .....	Yes .....	
63.6(i)(16) .....	Yes .....	
63.6(j) .....	Yes .....	
63.7(a)(1) .....	Yes .....	
63.7(a)(2)(i)–(vi) .....	Yes .....	
63.7(a)(2)(ix) .....	Yes .....	
63.7(a)(3) .....	Yes .....	
63.7(b)(1) .....	No .....	§ 63.347(d) of subpart N requires notification prior to the performance test. § 63.344(a) of subpart N requires submission of a site-specific test plan upon request.
63.7(b)(2) .....	Yes .....	
63.7(c) .....	No .....	§ 63.344(a) of subpart N specifies what the test plan should contain, but does not require test plan approval or performance audit samples.
63.7(d) .....	Yes .....	Except replace “source” in the first sentence of § 63.7(d) of subpart A with “affected source.”
63.7(e) .....	Yes .....	Subpart N also contains test methods specific to affected sources covered by that subpart.
63.7(f) .....	Yes .....	§ 63.344(c)(2) of subpart N identifies CARB Method 425 as acceptable under certain conditions.
63.7(g)(1) .....	No .....	Subpart N identifies the items to be reported in the compliance test [§ 63.344(a)] and the time-frame for submitting the results [§ 63.347(f)].
63.7(g)(3) .....	Yes .....	
63.7(h)(1)–(2) .....	Yes .....	
63.7(h)(3)(i) .....	Yes .....	This paragraph only references “§ 63.6(i)” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.7(h)(3)(ii)–(iii) .....	Yes .....	
63.7(h)(4)–(5) .....	Yes .....	
63.8(a)(1) .....	Yes .....	
63.8(a)(2) .....	No .....	Work practice standards are contained in § 63.342(f) of subpart N.
63.8(a)(4) .....	No .....	
63.8(b)(1) .....	Yes .....	
63.8(b)(2) .....	No .....	§ 63.344(d) of subpart N specifies the monitoring location when there are multiple sources.
63.8(b)(3) .....	No .....	§ 63.347(g)(4) of subpart N identifies reporting requirements when multiple monitors are used.
63.8(c)(1)(i) .....	No .....	Subpart N requires proper maintenance of monitoring devices expected to be used by sources subject to subpart N.
63.8(c)(1)(ii) .....	No .....	§ 63.342(f)(3)(iv) of subpart N specifies reporting when the O&M plan is not followed.
63.8(c)(1)(iii) .....	No .....	§ 63.343(f)(2) identifies the criteria for whether O&M procedures are acceptable.
63.8(c)(2)–(3) .....	No .....	§ 63.344(d)(2) requires appropriate use of monitoring devices.
63.8(c)(4)–(7) .....	No .....	
63.8(d) .....	No .....	Maintenance of monitoring devices is required by §§ 63.342(f) and 63.344(d)(2) of subpart N.
63.8(e) .....	No .....	There are no performance evaluation procedures for the monitoring devices expected to be used to comply with subpart N.
63.8(f)(1) .....	Yes .....	
63.8(f)(2) .....	No .....	Instances in which the Administrator may approve alternatives to the monitoring methods and procedures of subpart N are contained in § 63.343(c)(8) of subpart N.
63.8(f)(3) .....	Yes .....	
63.8(f)(4) .....	Yes .....	
63.8(f)(5) .....	Yes .....	
63.8(f)(6) .....	No .....	Subpart N does not require the use of CEM's.
63.8(g) .....	No .....	Monitoring data does not need to be reduced for reporting purposes because subpart N requires measurement once/day.
63.9(a) .....	Yes .....	
63.9(b)(1)(i)–(ii) .....	No .....	§ 63.343(a)(3) of subpart N requires area sources to comply with major source provisions if an increase in HAP emissions causes them to become major sources.
63.9(b)(1)(iii) .....	No .....	§ 63.347(c)(2) of subpart N specifies initial notification requirements for new or reconstructed affected sources.
63.9(b)(2) .....	No .....	§ 63.347(c)(1) of subpart N specifies the information to be contained in the initial notification.
63.9(b)(3) .....	No .....	§ 63.347(c)(2) of subpart N specifies notification requirements for new or reconstructed sources that are not major affected sources.

TABLE 1 TO SUBPART N OF PART 63.—GENERAL PROVISIONS APPLICABILITY TO SUBPART N—Continued

General provisions reference	Applies to subpart N	Comment
63.9(b)(4) .....	No	
63.9(b)(5) .....	No	
63.9(c) .....	Yes .....	This paragraph only references “§ 63.6(i)(4) through § 63.6(i)(6)” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension. Subpart N provides a different timeframe for submitting the request than § 63.6(i)(4).
63.9(d) .....	Yes .....	This paragraph only references “the notification dates established in paragraph (g) of this section.” But, § 63.347 of subpart N also contains notification dates.
63.9(e) .....	No .....	Notification of performance test is required by § 63.347(d) of subpart N.
63.9(f) .....	No	
63.9(g) .....	No .....	Subpart N does not require a performance evaluation or relative accuracy test for monitoring devices.
63.9(h)(1)–(3) .....	No .....	§ 63.347(e) of subpart N specifies information to be contained in the notification of compliance status and the timeframe for submitting this information.
63.9(h)(5) .....	No .....	Similar language has been incorporated into § 63.347(e)(2)(iii) of subpart N.
63.9(h)(6) .....	Yes	
63.9(i) .....	Yes	
63.9(j) .....	Yes	
63.10(a) .....	Yes	
63.10(b)(1) .....	Yes	
63.10(b)(2) .....	No .....	§ 63.346(b) of subpart N specifies the records that must be maintained.
63.10(b)(3) .....	No .....	Subpart N applies to major and area sources.
63.10(c) .....	No .....	Applicable requirements of § 63.10(c) have been incorporated into § 63.346(b) of subpart N.
63.10(d)(1) .....	Yes	
63.10(d)(2) .....	No .....	§ 63.347(f) of subpart N specifies the timeframe for reporting performance test results.
63.10(d)(3) .....	No .....	Subpart N does not contain opacity or visible emissions standards.
63.10(d)(4) .....	Yes	
63.10(d)(5) .....	No .....	§ 63.342(f)(3)(iv) and § 63.347(g)(3) of subpart N specify reporting associated with malfunctions.
63.10(e) .....	No .....	§ 63.347(g) and (h) of subpart N specify the frequency of periodic reports of monitoring data used to establish compliance. Applicable requirements of § 63.10(e) have been incorporated into § 63.347(g) and (h).
63.10(f) .....	Yes	
63.11 .....	No .....	Flares will not be used to comply with the emission limits.
63.12–63.15 .....	Yes	

3. Appendix A to part 63 is amended by adding Methods 306 and 306a in numerical order to read as follows:

#### Appendix A to part 63—Test Methods

\* \* \* \* \*

##### Method 306—Determination of Chromium Emissions From Decorative and Hard Chromium Electroplating and Anodizing Operations

###### 1. Applicability and Principle

1.1 Applicability. This method applies to the determination of chromium (Cr) in emissions from decorative and hard chrome electroplating facilities and anodizing operations.

1.2 Principle. (a) A sample is extracted isokinetically from the source using an unheated Method 5 sampling train (40 CFR part 60, appendix A), with a glass nozzle and probe liner, but with the filter omitted. The Cr emissions are collected in an alkaline solution: 0.1 N sodium hydroxide (NaOH) or 0.1 N sodium bicarbonate (NaHCO<sub>3</sub>). The collected samples remain in the alkaline solution until analysis. Samples with high Cr concentrations may be analyzed using inductively coupled plasma emission spectrometry (ICP) at 267.72 nm. Alternatively, if improved detection limits are required, a portion of the alkaline impinger solution is digested with nitric acid and analyzed by graphite furnace atomic

absorption spectroscopy (GFAAS) at 357.9 nm.

(b) If it is desirable to determine hexavalent chromium (Cr<sup>+6</sup>) emissions, the samples may be analyzed using an ion chromatograph equipped with a post-column reactor (IC/PCR) and a visible wavelength detector. To increase sensitivity for trace levels of Cr<sup>+6</sup>, a preconcentration system can be used in conjunction with the IC/PCR.

###### 2. Range, Sensitivity, Precision, and Interferences

2.1 Range. The recommended analytical range for each of the three analytical techniques is given below. The upper limit of all three techniques can be extended indefinitely by appropriate dilution.

2.1.1 GFAAS Range. As reported in Method 7191 of SW-846 (Citation 5 in Bibliography), the optimum concentration range for GFAAS is 5 to 100 µg Cr/l of concentrated analyte.

2.1.2 ICP Range. A linear response curve for ICP can be obtained in the range of 10 to at least 500 µg Cr/l of absorbing solution.

2.1.3 IC/PCR Range. In 40 CFR part 266, appendix IX, the lower limit of the detection range for IC/PCR when employing a preconcentration procedure is reported to be about 0.1 µg Cr<sup>+6</sup>/l of absorbing solution.

###### 2.2 Sensitivity.

###### 2.2.1 Analytical Sensitivity.

2.2.1.1 ICP Analytical Sensitivity. The minimum detection limit for ICP, as reported in Method 6010A of SW-846, is 7 µg Cr/l.

2.2.1.2 GFAAS Analytical Sensitivity. The minimum detection limit for GFAAS, as reported in Method 7191 of SW-846, is 1 µg Cr/l.

2.2.1.3 IC/PCR Analytical Sensitivity. The minimum detection limit for IC/PCR with a preconcentrator, as reported in 40 CFR part 266, appendix IX is 0.05 µg Cr<sup>+6</sup>/l.

2.2.2 In-stack Sensitivity. The in-stack sensitivity depends upon the analytical detection limit, the volume of stack gas sampled, and the total volume of the impinger absorbing solution plus the rinses. Using the analytical detection limits given in sections 2.2.1.1, 2.2.1.2, and 2.2.1.3; a stack gas sample volume of 1.7 dscm; and a total liquid sample volume of 500 ml; the corresponding in-stack detection limits are 0.0021 mg Cr/dscm for ICP, 0.00015 mg Cr/dscm for GFAAS, and 0.000015 mg Cr<sup>+6</sup>/dscm for IC/PCR with preconcentration. However, it is recommended that the concentration of Cr in the analytical solutions be at least five times the analytical detection limit to optimize sensitivity in the analyses. Using this guideline and the same assumptions for impinger sample volume and stack gas sample volume (500 ml and 1.7 dscm, respectively), the recommended minimum stack concentrations for optimum sensitivity are 0.0103 mg Cr/dscm for ICP, 0.00074 mg Cr/dscm for GFAAS, and 0.000074 mg Cr<sup>+6</sup>/dscm for IC/PCR with preconcentration. If required, the in-stack detection limits can be improved by either increasing the stack gas sample volume,



reducing the volume of the digested sample for GFAAS, improving the analytical detection limits, or any combination of the three.

2.3 Precision. The following precision data have been reported for the three analytical methods. In the case of the GFAAS there is also bias data. In all cases, when sampling precision is combined with analytical precision, the resulting overall precision may be lower.

2.3.1 GFAAS Precision. As reported in Method 7191 of SW-846, in a single laboratory (EMSL), using Cincinnati, Ohio tap water spiked at concentrations of 19, 48, and 77 µg Cr/l, the standard deviations were ±0.1, ±0.2, and ±0.8, respectively. Recoveries at these levels were 97 percent, 101 percent, and 102 percent, respectively.

2.3.2 ICP Precision. As reported in Method 6010A of SW-846, in an EPA round-robin Phase 1 study, seven laboratories applied the ICP technique to acid/distilled water matrices that had been spiked with various metal concentrates. For true values of 10, 50, and 150 µg Cr/l; the mean reported values were 10, 50, and 149 µg Cr/l; and the mean percent relative standard deviations were 18, 3.3, and 3.8 percent, respectively.

2.3.3 IC/PCR Precision. As reported in 40 CFR part 266, appendix IX, the precision of the IC/PCR with sample preconcentration is 5 to 10 percent; the overall precision for sewage sludge incinerators emitting 120 ng/dscm of Cr<sup>+6</sup> and 3.5 µg/dscm of total Cr is 25 percent and 9 percent for Cr<sup>+6</sup> and total Cr, respectively; and for hazardous waste incinerators emitting 300 ng/dscm of Cr<sup>+6</sup> the precision is 20 percent.

#### 2.4 Interferences.

2.4.1 GFAAS Interferences. Low concentrations of calcium and/or phosphate may cause interferences; at concentrations above 200 µg/l, calcium's effect is constant and eliminates the effect of phosphate. Calcium nitrate is therefore added to the concentrated analyte to ensure a known constant effect. Other matrix modifiers recommended by the instrument manufacturer may also be suitable. Nitrogen should not be used as the purge gas due to cyanide band interference. Background correction may be required because of possible significant levels of nonspecific absorption and scattering at the 357.9 nm analytical wavelength. Zeeman or Smith-Hieftje background correction is recommended to correct for interferences due to high levels of dissolved solids in the alkaline impinger solutions.

#### 2.4.2 ICP Interferences.

2.4.2.1 ICP Spectral Interferences. (a) Spectral interferences are caused by:

- (1) Overlap of a spectral line from another element;
- (2) Unresolved overlap of molecular band spectra;
- (3) Background contribution from continuous or recombination phenomena; and

(4) Stray light from the line emission of high-concentration elements.

(b) Spectral overlap may be compensated for by computer correcting the raw data after monitoring and measuring the interfering element. At the 267.72-nm Cr analytical wavelength, iron, manganese, and uranium are potential interfering elements. Background and stray light interferences can usually be compensated for by a background correction adjacent to the analytical line. Unresolved overlap requires the selection of an alternative Cr wavelength. Consult the instrument manufacturer's operation manual for interference correction procedures.

2.4.2.2 ICP Physical Interferences. High levels of dissolved solids in the samples may cause significant inaccuracies due to salt buildup at the nebulizer and torch tips. This problem can be controlled by diluting the sample or providing for extended rinse times between sample analyses. Standards are prepared in the same matrix as the samples (i.e., 0.1 N NaOH or 0.1 N NaHCO<sub>3</sub>).

2.4.2.3 ICP Chemical Interferences. These include molecular compound formation, ionization effects and solute vaporization effects, and are usually not significant in ICP, especially if the standards and samples are matrix matched.

2.4.3 IC/PCR Interferences. Components in the sample matrix may cause Cr<sup>+6</sup> to convert to trivalent chromium (Cr<sup>+3</sup>) or cause Cr<sup>+3</sup> to convert to Cr<sup>+6</sup>. The chromatographic separation of Cr<sup>+6</sup> using ion chromatography reduces the potential for other metals to interfere with the post-column reaction. For the IC/PCR analysis, only compounds that coelute with Cr<sup>+6</sup> and affect the diphenylcarbazide reaction will cause interference. Periodic analyses of reagent water blanks are used to demonstrate that the analytical system is essentially free of contamination. Sample cross-contamination that can occur when high-level and low-level samples or standards are analyzed alternately is eliminated by thorough purging of the sample loop. Purging can easily be achieved by increasing the injection volume of the samples to ten times the size of the sample loop.

### 3. Apparatus

3.1 Sampling Train. A schematic of the sampling train used in this method is shown in Figure 306-1. The train is the same as Method 5, section 2.1 (40 CFR part 60, appendix A), except that the filter is omitted, and quartz or borosilicate glass must be used for the probe nozzle and liner in place of stainless steel. It is not necessary to heat the probe liner. Probe fittings of plastic such as Teflon, polypropylene, etc. are recommended over metal fittings to prevent contamination. If desired, a single combined probe nozzle and liner may be used, but such a single glass piece is *not* a requirement of this methodology. Use 0.1 N NaOH or 0.1 N NaHCO<sub>3</sub> in the impingers in place of water.

3.2 Sample Recovery. Same as Method 5, section 2.2 (40 CFR part 60, appendix A), with the following exceptions:

3.2.1 Probe-Liner and Probe-Nozzle Brushes. Brushes are not necessary for sample recovery. If a probe brush is used, it must be nonmetallic.

3.2.2 Sample Recovery Solution. Use 0.1 N NaOH or 0.1 N NaHCO<sub>3</sub>, whichever was used as the impinger absorbing solution, in place of acetone to recover the sample.

3.2.3 Sample Storage Containers. Polyethylene, with leak-free screw cap, 500 ml or 1,000 ml.

3.2.4 Filtration Apparatus for IC/PCR. Teflon, or equivalent, filter holder and 0.45 µm acetate, or equivalent, filter.

3.3 Analysis. For analysis, the following equipment is needed.

#### 3.3.1 General.

3.3.1.1 Phillips Beakers. (Phillips beakers are preferred, but regular beakers can also be used.)

#### 3.3.1.2 Hot Plate.

3.3.1.3 Volumetric Flasks. Class A, various sizes as appropriate.

#### 3.3.1.4 Assorted Pipettes.

#### 3.3.2 Analysis by GFAAS.

3.3.2.1 Chromium Hollow Cathode Lamp or Electrodeless Discharge Lamp.

3.3.2.2 Graphite Furnace Atomic Absorption Spectrophotometer.

#### 3.3.3 Analysis by ICP.

3.3.3.1 ICP Spectrometer. Computer-controlled emission spectrometer with background correction and radio frequency generator.

3.3.3.2 Argon Gas Supply. Welding grade or better.

#### 3.3.4 Analysis by IC/PCR.

3.3.4.1 IC/PCR System. High performance liquid chromatograph pump, sample injection valve, post-column reagent delivery and mixing system, and a visible detector, capable of operating at 520 nm, all with a nonmetallic (or inert) flow path. An electronic peak area mode is recommended, but other recording devices and integration techniques are acceptable provided the repeatability criteria and the linearity criteria for the calibration curve described in section 6.4.1 can be satisfied. A sample loading system will be required if preconcentration is employed.

3.3.4.2 Analytical Column. A high performance ion chromatograph (HPIC) nonmetallic column with anion separation characteristics and a high loading capacity designed for separation of metal chelating compounds to prevent metal interference. Resolution described in section 5.5 must be obtained. A nonmetallic guard column with the same ion-exchange material is recommended.

3.3.4.3 Preconcentration Column. An HPIC nonmetallic column with acceptable anion retention characteristics and sample loading rates as described in section 5.5.

BILLING CODE 6560-50-P

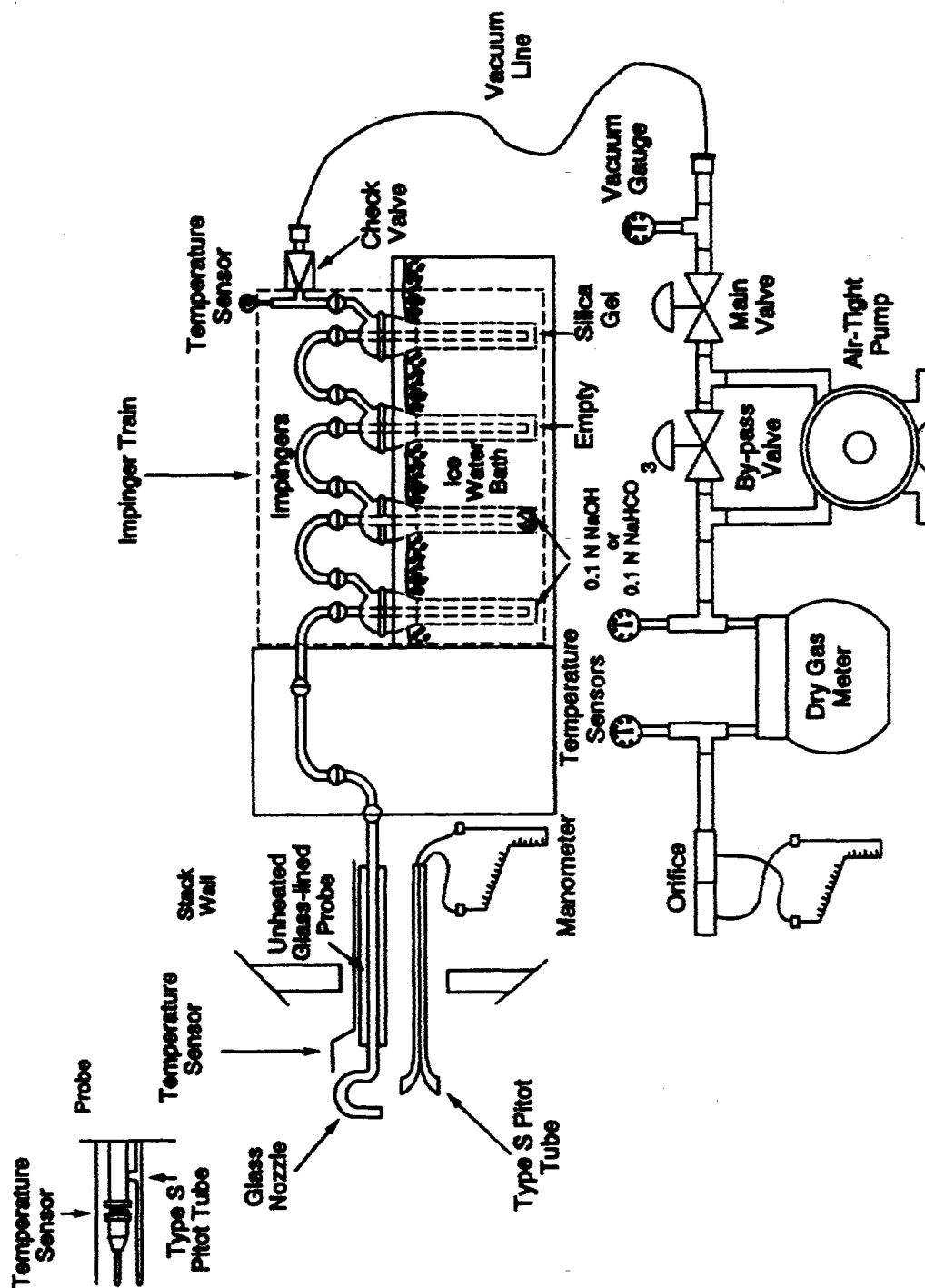


Figure 306-1. Sampling Train Schematic.

3.3.4.4 0.45- $\mu$ m Filter Cartridge. For the removal of insoluble material. To be used just prior to sample injection/analysis.

#### 4. Reagents

Unless otherwise indicated, all reagents shall conform to the specifications established by the Committee on Analytical Reagents of the American Chemical Society (ACS reagent grade). Where such specifications are not available, use the best available grade.

##### 4.1 Sampling.

4.1.1 Water. Reagent water that conforms to ASTM Specification D1193-77, Type II (incorporated by reference—see § 63.14). It is recommended that water blanks be checked prior to preparing sampling reagents to ensure that the Cr content is less than the analytical detection limit.

4.1.2 Sodium Hydroxide (NaOH) Absorbing Solution, 0.1 N or Sodium Bicarbonate ( $\text{NaHCO}_3$ ) Absorbing Solution, 0.1 N. Dissolve 4.0 g of sodium hydroxide in 1 l of water, or dissolve 8.5 g of sodium bicarbonate in 1 l of water.

##### 4.2 Sample Recovery.

4.2.1 0.1 N NaOH or 0.1 N  $\text{NaHCO}_3$ . See section 4.1.2. Use the same solution for recovery as was used in the impingers.

4.2.2 pH Indicator Strip, for IC/PCR. pH indicator capable of determining the pH of solutions between the pH range of 7 and 12, at 0.5 pH intervals.

##### 4.3 Sample Preparation and Analysis.

4.3.1 Nitric Acid ( $\text{HNO}_3$ ), Concentrated, for GFAAS. Trace metals grade or better  $\text{HNO}_3$  must be used for reagent preparation. The ACS reagent grade  $\text{HNO}_3$  is acceptable for cleaning glassware.

4.3.2  $\text{HNO}_3$ , 1.0 percent (v/v), for GFAAS. Add, with stirring, 10 ml of concentrated  $\text{HNO}_3$  to 800 ml of water. Dilute to 1,000 ml with water. This reagent shall contain less than 0.001 mg Cr/l.

4.3.3 Calcium Nitrate  $\text{Ca}(\text{NO}_3)_2$  Solution (10  $\mu\text{g}$  Ca/ml) for GFAAS. Prepare the solution by weighing 36 mg of  $\text{Ca}(\text{NO}_3)_2$  into a 1 l volumetric flask. Dilute with water to 1 l.

4.3.4 Matrix Modifier, for GFAAS. See instrument manufacturer's manual for suggested matrix modifier.

4.3.5 Chromatographic Eluent, for IC/PCR. The eluent used in the analytical system is ammonium sulfate based. Prepare by adding 6.5 ml of 29 percent ammonium hydroxide ( $\text{NH}_4\text{OH}$ ) and 33 g of ammonium sulfate ( $(\text{NH}_4)_2\text{SO}_4$ ) to 500 ml of reagent water. Dilute to 1 l with reagent water and mix well. Other combinations of eluents and/or columns may be employed provided peak resolution, as described in section 5.5, repeatability and linearity, as described in section 6.4.1, and analytical sensitivity are acceptable.

4.3.6 Post-Column Reagent, for IC/PCR. An effective post-column reagent for use with the chromatographic eluent described in section 4.3.5 is a diphenylcarbazide (DPC) based system. Dissolve 0.5 g of 1,5-diphenylcarbazide in 100 ml of ACS grade methanol. Add 500 ml of reagent water

containing 50 ml of 96 percent spectrophotometric grade sulfuric acid. Dilute to 1 l with reagent water.

4.3.7 Chromium Standard Stock Solution (1,000 mg/l). Procure a certified aqueous standard or dissolve 2.829 g of potassium dichromate ( $\text{K}_2\text{Cr}_2\text{O}_7$ ) in water and dilute to 1 l.

4.3.8 Calibration Standards for GFAAS. Chromium solutions for GFAAS calibration shall be prepared to contain 1.0 percent (v/v)  $\text{HNO}_3$ . The zero standard shall be 1.0 percent (v/v)  $\text{HNO}_3$ . Calibration standards should be prepared daily by diluting the Cr standard stock solution (section 4.3.7) with 1.0 percent  $\text{HNO}_3$ . Use at least four standards to make the calibration curve. Suggested levels are 0, 5, 50, and 100  $\mu\text{g}$  Cr/l.

4.3.9 Calibration Standards for ICP or IC/PCR. Prepare calibration standards for ICP or IC/PCR by diluting the Cr standard stock solution (section 4.3.7) with 0.1 N NaOH or 0.1 N  $\text{NaHCO}_3$ , whichever was used as the impinger absorbing solution, to achieve a matrix similar to the actual field samples. Suggested levels are 0, 25, 50, and 100  $\mu\text{g}$  Cr/l for ICP, and 0, 0.5, 5, and 10  $\mu\text{g}$   $\text{Cr}^{+6}$ /l for IC/PCR.

##### 4.4 Glassware Cleaning Reagents.

4.4.1  $\text{HNO}_3$ , Concentrated. The ACS reagent grade or equivalent.

4.4.2 Water. Reagent water that conforms to ASTM Specification D1193-77, Type II, (incorporated by reference—see § 63.14).

4.4.3  $\text{HNO}_3$ , 10 percent (v/v). Add with stirring 500 ml of concentrated  $\text{HNO}_3$  to a flask containing approximately 4,000 ml of water. Dilute to 5,000 ml with water. Mix well. The reagent shall contain less than 2  $\mu\text{g}$  Cr/l.

#### 5. Procedure

5.1 Sampling. (a) Same as Method 5, section 4.1 (40 CFR part 60, appendix A), except omit the filter and filter holder from the sampling train, use a glass nozzle and probe liner, do not heat the probe, place 100 ml of 0.1 N NaOH or 0.1 N  $\text{NaHCO}_3$  in each of the first two impingers, and record the data for each run on a data sheet such as the one shown in Figure 306-2.

(b) Clean all glassware prior to sampling in hot soapy water designed for laboratory cleaning of glassware. Next, rinse the glassware three times with tap water, followed by three additional rinses with reagent water. Then soak all glassware in 10 percent (v/v)  $\text{HNO}_3$  solution for a minimum of 4 hours, rinse three times with reagent water, and allowed to air dry. Cover all glassware openings where contamination can occur with Parafilm, or equivalent, until the sampling train is assembled for sampling.

(c) If the sample is going to be analyzed for  $\text{Cr}^{+6}$  using IC/PCR, determine the pH of the solution in the first impinger at the end of the sampling run using a pH indicator strip. The pH of the solution should be greater than 8.5. If not, the concentration of the NaOH or  $\text{NaHCO}_3$  impinger absorbing solution should be increased to 0.5 N and the sample should be rerun.

5.2 Sample Recovery. Follow the basic procedures of Method 5, section 4.2, with the

exceptions noted below; a filter is not recovered from this train.

5.2.1 Container No. 1. Measure the volume of the liquid in the first, second, and third impingers and quantitatively transfer into a labelled sample container. Use approximately 200 to 300 ml of 0.1 N NaOH or 0.1 N  $\text{NaHCO}_3$  to rinse the probe nozzle, probe liner, three impingers, and connecting glassware; add this rinse to the same container.

5.2.2 Container No. 2 (Reagent Blank). Place approximately 500 ml of 0.1 N NaOH or 0.1 N  $\text{NaHCO}_3$  absorbing solution in a labeled sample container.

5.2.3 Sample Filtration for IC/PCR. If the sample is to be analyzed for  $\text{Cr}^{+6}$  by IC/PCR, it must be filtered immediately following recovery to remove any insoluble matter. Nitrogen gas may be used as a pressure assist to the filtration process. Filter the entire contents of Container No. 1 through a 0.45- $\mu$ m acetate filter (or equivalent), and collect the filtrate in a 1,000 ml graduated cylinder. Rinse the sample container with reagent water three separate times, pass these rinses through the filter, and add the rinses to the sample filtrate. Determine the final volume of the filtrate and rinses and return them to the rinsed polyethylene sample container.

5.2.4 Sample Preservation. Refrigerate samples upon receipt. (Containers Nos. 1 and 2).

5.3 Sample Preparation and Analysis for GFAAS. For analysis by GFAAS, an acid digestion of the alkaline impinger solution is required. Two types of blanks are required for the analysis. The calibration blank is used in establishing the analytical curve, and the reagent blank is used to assess possible contamination resulting from the sample processing. The 1.0 percent  $\text{HNO}_3$  is the calibration blank. The 0.1 N NaOH solution or the 0.1 N  $\text{NaHCO}_3$  from section 5.2.2 is the reagent blank. The reagent blank must be carried through the complete analytical procedure, including the acid digestion, and must contain the same acid concentration in the final solution as the sample solutions.

5.3.1 Acid Digestion for GFAAS. (a) In a beaker, add 10 ml of concentrated  $\text{HNO}_3$  to a sample aliquot of 100 ml taken for analysis. Cover the beaker with a watch glass. Place the beaker on a hot plate and reflux the sample down to near dryness. Add another 5 ml of concentrated  $\text{HNO}_3$  to complete the digestion. Carefully reflux the sample volume down to near dryness. Wash down the beaker walls and watch glass with reagent water. The final concentration of  $\text{HNO}_3$  in the solution should be 1 percent (v/v). Transfer the digested sample to a 50 ml volumetric flask. Add 0.5 ml of concentrated  $\text{HNO}_3$ , and 1 ml of the 10  $\mu\text{g}$ /ml of  $\text{Ca}(\text{NO}_3)_2$ .

(b) Dilute to 50 ml with reagent water. A different final volume may be used, based on the expected Cr concentration, but the  $\text{HNO}_3$  concentration must be maintained at 1 percent (v/v).

BILLING CODE 6560-50-P



5.3.2 Sample Analysis by GFAAS. (a) The 357.9-nm wavelength line shall be used. Follow the manufacturer's operating instructions for all other spectrophotometer parameters.

(b) Furnace parameters suggested by the manufacturer should be employed as guidelines. Since temperature-sensing mechanisms and temperature controllers can vary between instruments and/or with time, the validity of the furnace parameters must be periodically confirmed by systematically altering the furnace parameters while analyzing a standard. In this manner, losses of analyte due to higher-than-necessary temperature settings or losses in sensitivity due to less than optimum settings can be minimized. Similar verification of furnace parameters may be required for complex sample matrices. Calibrate the GFAAS system following the procedures specified in section 6.

(c) Inject a measured aliquot of digested sample into the furnace and atomize. If the concentration found exceeds the calibration range, the sample should be diluted with the calibration blank solution (1.0 percent  $\text{HNO}_3$ ) and reanalyzed. Consult the operator's manual for suggested injection volumes. The use of multiple injections can improve accuracy and help detect furnace pipetting errors.

(d) Analyze a minimum of one matrix-matched reagent blank per sample batch to determine if contamination or any memory effects are occurring. Analyze a calibration blank and a midpoint calibration check standard after approximately every 10 sample injections.

(e) Calculate the Cr concentrations:

(1) By the method of standard additions (see operator's manual),

(2) From the calibration curve, or

(3) Directly from the instrument's concentration readout. All dilution or concentration factors must be taken into account. All results should be reported in  $\mu\text{g Cr/ml}$  with up to three significant figures.

5.4 Sample Analysis by ICP. (a) The ICP measurement is performed directly on the alkaline impinger solution; acid digestion is not necessary provided the samples and standards are matrix matched. However, ICP should only be used when the solution analyzed has a Cr concentration greater than 35  $\mu\text{g/l}$ .

(b) Two types of blanks are required for the analysis. The calibration blank is used in establishing the analytical curve, and the reagent blank is used to assess possible contamination resulting from sample processing. Use either 0.1 N NaOH or 0.1 N  $\text{NaHCO}_3$ , whichever was used for the impinger absorbing solution, for the calibration blank. The calibration blank can be prepared fresh in the laboratory; it does not have to be from the same batch of solution that was used in the field. Prepare a sufficient quantity to flush the system between standards and samples. The reagent blank (section 5.2.2) is a sample of the impinger solution used for sample collection that is collected in the field during the testing program.

(c) Set up the instrument with proper operating parameters including wavelength,

background correction settings (if necessary), and interfering element correction settings (if necessary). The instrument must be allowed to become thermally stable before beginning performance of measurements (usually requiring at least 30 min of operation prior to calibration). During this warmup period, the optical calibration and torch position optimization may be performed (consult the operator's manual).

(d) Calibrate the instrument according to the instrument manufacturer's recommended procedures, and the procedures specified in section 6.3. Before analyzing the samples, reanalyze the highest calibration standard as if it were a sample. Concentration values obtained should not deviate from the actual values by more than 5 percent, or the established control limits, whichever is lower (see sections 6 and 7). If they do, follow the recommendations of the instrument manufacturer to correct for this condition.

(e) Flush the system with the calibration blank solution for at least 1 min before the analysis of each sample or standard. Analyze the midpoint calibration standard and the calibration blank after each 10 samples. Use the average intensity of multiple exposures for both standardization and sample analysis to reduce random error.

(f) Dilute and reanalyze samples that are more concentrated than the linear calibration limit or use an alternate, less sensitive Cr wavelength for which quality control data are already established.

(g) If dilutions are performed, the appropriate factors must be applied to sample values. All results should be reported in  $\mu\text{g Cr/ml}$  with up to three significant figures.

5.5 Sample Analyses by IC/PCR. (a) The  $\text{Cr}^{+6}$  content of the sample filtrate is determined by IC/PCR. To increase sensitivity for trace levels of chromium, a preconcentration system is also used in conjunction with the IC/PCR.

(b) Prior to preconcentration and/or analysis, filter all field samples through a 0.45- $\mu\text{m}$  filter. This filtration should be conducted just prior to sample injection/analysis.

(c) The preconcentration is accomplished by selectively retaining the analyte on a solid absorbent (as described in section 3.4.3.3), followed by removal of the analyte from the absorbent. Inject the sample into a sample loop of the desired size (use repeated loadings or a larger size loop for greater sensitivity). The  $\text{Cr}^{+6}$  is collected on the resin bed of the column. Switch the injection valve so that the eluent displaces the concentrated  $\text{Cr}^{+6}$  sample, moving it off the preconcentration column and onto the IC anion separation column. After separation from other sample components, the  $\text{Cr}^{+6}$  forms a specific complex in the post-column reactor with the DPC reaction solution, and the complex is detected by visible absorbance at a wavelength of 520 nm. The amount of absorbance measured is proportional to the concentration of the  $\text{Cr}^{+6}$  complex formed. Compare the IC retention time and the absorbance of the  $\text{Cr}^{+6}$  complex with known  $\text{Cr}^{+6}$  standards analyzed under identical conditions to provide both qualitative and quantitative analyses.

(d) Two types of blanks are required for the analysis. The calibration blank is used in establishing the analytical curve, and the reagent blank is used to assess possible contamination resulting from sample processing. Use either 0.1 N NaOH or 0.1 N  $\text{NaHCO}_3$ , whichever was used for the impinger solution, for the calibration blank. The calibration blank can be prepared fresh in the laboratory; it does not have to be from the same batch of solution that was used in the field. The reagent blank (section 5.2.2) is a sample of the impinger solution used for sample collection that is collected in the field during the testing program.

(e) Prior to sample analysis, establish a stable baseline with the detector set at the required attenuation by setting the eluent flow rate at approximately 1 ml/min and the post-column reagent flow rate at approximately 0.5 ml/min. Note: As long as the ratio of eluent flow rate to PCR flow rate remains constant, the standard curve should remain linear. Inject a sample of reagent water to ensure that no  $\text{Cr}^{+6}$  appears in the water blank.

(f) First, inject the calibration standards prepared, as described in section 4.3.9 to cover the appropriate concentration range, starting with the lowest standard first. Next, inject, in duplicate, the calibration reference standard (as described in section 7.3.1), followed by the reagent blank (section 5.2.2), and the field samples. Finally, repeat the injection of the calibration standards to assess instrument drift. Measure areas or heights of the  $\text{Cr}^{+6}$ /DPC complex chromatogram peaks. The response for replicate, consecutive injections of samples must be within 5 percent of the average response, or the injection should be repeated until the 5 percent criterion can be met. Use the average response (peak areas or heights) from the duplicate injections of calibration standards to generate a linear calibration curve. From the calibration curve, determine the concentrations of the field samples employing the average response from the duplicate injections.

## 6. Calibration

6.1 Sampling Train Calibration. Perform all of the calibrations described in Method 5, section 5 (40 CFR part 60, appendix A). The alternate calibration procedures described in section 7 of Method 5 (40 CFR part 60, appendix A) may also be used.

6.2 GFAAS Calibration. Either run a series of chromium standards and a calibration blank and construct a calibration curve by plotting the concentrations of the standards against the absorbencies, or using the method of standard additions, plot added concentration versus absorbance. For instruments that read directly in concentration, set the curve corrector to read out the proper concentration, if applicable. This is customarily performed automatically with most instrument computer-based data systems.

6.2.1 GFAAS Calibration Curve. If a calibration curve is used, it should be prepared daily with a minimum of a calibration blank and three standards. Calibration standards for total chromium should start with 1 percent v/v  $\text{HNO}_3$  with

no chromium for the calibration blank, with appropriate increases in total chromium concentration for the other calibration standards (see section 4.3.9.). Calibration standards should be prepared fresh daily.

6.3 ICP Calibration. Calibrate the instrument according to the instrument manufacturer's recommended procedures, using a calibration blank and three standards for the initial calibration. Calibration standards should be prepared fresh daily, as described in section 4.3.9. Be sure that samples and calibration standards are matrix matched. Flush the system with the calibration blank between each standard. Use the average intensity of multiple exposures for both standardization and sample analysis to reduce random error.

6.4 IC/PCR Calibration. Prepare a calibration curve using the calibration blank and three calibration standards prepared fresh daily as described in section 4.3.9. Run the standards with the field samples as described in section 5.5.

## 7. Quality Control

### 7.1 GFAAS Quality Control

7.1.1 GFAAS Calibration Reference Standards. If a calibration curve is used, it must be verified by use of at least one calibration reference standard (made from a reference material or other independent standard material) at or near the mid-range of the calibration curve. The calibration reference standard must be measured within 10 percent of its true value for the curve to be considered valid. The curve must be validated before sample analyses are performed.

7.1.2 GFAAS Check Standards. (a) Run a check standard and a calibration blank after approximately every 10 sample injections, and at the end of the analytical run. These standards are run, in part, to monitor the life and performance of the graphite tube. Lack of reproducibility or a significant change in the signal for the check standard indicates that the graphite tube should be replaced. Check standards can be the mid-range calibration standard or the reference standard. The results of the check standard shall agree within 10 percent of the expected value. If not, terminate the analyses, correct the problem, recalibrate the instrument, and reanalyze all samples analyzed subsequent to the last acceptable check standard analysis.

(b) The results of the calibration blank are to agree within three standard deviations of the mean blank value. If not, repeat the analysis two more times and average the results. If the average is not within three standard deviations of the background mean, terminate the analyses, correct the problem, recalibrate, and reanalyze all samples analyzed subsequent to the last acceptable calibration blank analysis.

7.1.3 GFAAS Duplicate Samples. Run one duplicate sample for every 20 samples, (or one per source test, whichever is more frequent). Duplicate samples are brought through the whole sample preparation and analytical process separately. Duplicate samples shall agree within 10 percent.

7.1.4 GFAAS Matrix Spiking. Spiked samples shall be prepared and analyzed daily to ensure that correct procedures are being

followed and that all equipment is operating properly. Spiked sample recovery analyses should indicate a recovery for the Cr spike of between 75 and 125 percent. Spikes are added prior to any sample preparation. Cr levels in the spiked sample should provide final solution concentrations that fall within the linear portion of the calibration curve.

7.1.5 GFAAS Method of Standard Additions. Whenever sample matrix problems are suspected and standard/sample matrix matching is not possible or whenever a new sample matrix is being analyzed, the method of standard additions shall be used for the analysis of all extracts. Section 5.4.2 of Method 12 (40 CFR part 60, appendix A) specifies a performance test to determine if the method of standard additions is necessary.

7.1.6 GFAAS Reagent Blank Samples. Analyze a minimum of one matrix-matched reagent blank (section 5.2.2) per sample batch to determine if contamination or memory effects are occurring. The results should agree within three standard deviations of the mean blank value.

### 7.2 ICP Quality Control.

7.2.1 ICP Interference Check. Prepare an interference check solution to contain known concentrations of interfering elements that will provide an adequate test of the correction factors in the event of potential spectral interferences. Two potential interferences, iron and manganese, may be prepared as 1,000 µg/ml and 200 µg/ml solutions, respectively. The solutions should be prepared in dilute HNO<sub>3</sub> (1-5 percent). Particular care must be taken to ensure that the solutions and/or salts used to prepare the solutions are of ICP grade purity (i.e., that no measurable Cr contamination exists in the salts/solutions). Commercially prepared interfering element check standards are available. Verify the interelement correction factors every three months by analyzing the interference check solution. The correction factors are calculated according to the instrument manufacturer's directions. If interelement correction factors are used properly, no false Cr should be detected.

7.2.2 ICP Calibration Reference Standards. Prepare a calibration reference standard in the same alkaline matrix as the calibration standards; it should be at least 10 times the instrumental detection limit. This reference standard should be prepared from a different Cr stock solution source than that used for preparation of the calibration curve standards and is used to verify the accuracy of the calibration curve. Prior to sample analysis, analyze at least one reference standard. The calibration reference standard must be measured within 10 percent of its true value for the curve to be considered valid. The curve must be validated before sample analyses are performed.

7.2.3 ICP Check Standards. Run a check standard and a calibration blank after every 10 samples, and at the end of the analytical run. Check standards can be the mid-range calibration standard or the reference standard. The results of the check standard shall agree within 10 percent of the expected value; if not, terminate the analyses, correct the problem, recalibrate the instrument, and rerun all samples analyzed subsequent to the

last acceptable check standard analysis. The results of the calibration blank are to agree within three standard deviations of the mean blank value. If not, repeat the analysis two more times and average the results. If the average is not within three standard deviations of the background mean, terminate the analyses, correct the problem, recalibrate, and reanalyze all samples analyzed subsequent to the last acceptable calibration blank analysis.

7.2.4 ICP Duplicate Samples. Analyze one duplicate sample for every 20 samples, (or one per source test, whichever is more frequent). Duplicate samples are brought through the whole sample preparation and analytical process. Duplicate samples shall agree within 10 percent.

7.2.5 ICP Reagent Blank Samples. Analyze a minimum of one matrix-matched reagent blank (section 5.2.2) per sample batch to determine if contamination or memory effects are occurring. The results should agree within three standard deviations of the mean blank value.

### 7.3 IC/PCR Quality Control.

7.3.1 IC/PCR Calibration Reference Standards. Prepare a calibration reference standard in the same alkaline matrix as the calibration standards at a concentration that is at or near the mid-point of the calibration curve. This reference standard should be prepared from a different Cr stock solution source than that used for preparing the calibration curve standards. The reference standard is used to verify the accuracy of the calibration curve. Prior to sample analysis, analyze at least one reference standard. The results of this analysis of the reference standard must be within 10 percent of the true value of the reference standard for the calibration curve to be considered valid. The curve must be validated before sample analyses are performed.

7.3.2 IC/PCR Check Standards. (a) Run the calibration blank and calibration standards with the field samples as described in section 5.5. For each standard, determine the peak areas (recommended) or the peak heights, calculate the average response from the duplicate injections, and plot the average response against the Cr+6 concentration in µg/l. The individual responses for each calibration standard determined before and after field sample analysis must be within 5 percent of the average response for the analysis to be valid. If the 5 percent criteria is exceeded, excessive drift and/or instrument degradation may have occurred, and must be corrected before further analyses are performed.

(b) Employing linear regression, calculate a predicted value for each calibration standard using the average response for the duplicate injections. Each predicted value must be within 7 percent of the actual value for the calibration curve to be considered acceptable. If not acceptable, remake and/or rerun the calibration standards. If the calibration curve is still unacceptable, reduce the range of the curve.

7.3.3 IC/PCR Duplicate Samples. Analyze one duplicate sample for every 20 samples, (or one per source test, whichever is more frequent). Duplicate samples are brought through the whole sample preparation and

analytical process. Duplicate samples shall agree within 10 percent.

7.3.4 ICP Reagent Blank Samples. Analyze a minimum of one matrix-matched reagent blank (section 5.2.2) per sample batch to determine if contamination or memory effects are occurring. The results should agree within three standard deviations of the mean blank value.

#### 8. Emission Calculations

Carry out the calculations, retaining one extra decimal figure beyond that of the acquired data. Round off figures after final calculations.

8.1 Total Cr in Sample. Calculate  $M_{Cr}$ , the total  $\mu\text{g}$  Cr in each sample, as follows:

$$M_{Cr} = (V_{ml}) (C_S) (F) (D) \quad \text{Eq. 306-1}$$

where:  
 $V_{ml}$  = Volume of impinger contents plus rinses, ml.

$C_S$  = Concentration of Cr in sample solution,  $\mu\text{g}$  Cr/ml.

$F$  = Dilution factor.

= Volume of aliquot after dilution, ml;

Volume of aliquot before dilution, ml

$D$  = Digestion factor.

= Volume of sample aliquot after digestion, ml; Volume of sample aliquot submitted to digestion, ml

8.2 Average Dry Gas Meter Temperature and Average Orifice Pressure Drop. Same as Method 5, section 6.2.

8.3 Dry Gas Volume, Volume of Water Vapor, Moisture Content. Same as Method 5, sections 6.3, 6.4, and 6.5, respectively.

8.4 Cr Emission Concentration. Calculate  $C_{Cr}$ , the Cr concentration in the stack gas, in mg/dscm on a dry basis, corrected to standard conditions, as follows:

$$C_{Cr} = (10^{-3} \text{ mg}/\mu\text{g}) (M_{Cr}/V_{m(\text{std})}) \quad \text{Eq. 306-2}$$

where:

$V_{m(\text{std})}$  = Gas sample volume measured by the dry gas meter, corrected to dry standard conditions, dscm.

8.5 Isokinetic Variation, Acceptable Results. Same as Method 5, sections 6.11 and 6.12, respectively.

#### 9. Bibliography

1. "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U. S. Environmental Protection Agency Publication SW-846, 2nd Edition, July 1982.

2. Cox, X.B., R.W. Linton, and F.E. Butler. Determination of Chromium Speciation in Environmental Particles—A Multitechnique Study of Ferrochrome Smelter Dust.

Accepted for publication in Environmental Science and Technology.

3. Same as Bibliography of Method 5, Citations 2 to 5 and 7.

4. California Air Resources Board, "Determination of Total Chromium and Hexavalent Chromium Emissions from Stationary Sources." Method 425, September 12, 1990.

5. "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods", U. S. Environmental Protection Agency Publication SW-846, 3rd Edition, November 1986 as amended by Update I, November 1990.

#### Method 306A—Determination of Chromium Emissions From Decorative and Hard Chromium Electroplating and Anodizing Operations

##### 1. Applicability and Principle

1.1 Applicability. This method applies to the determination of chromium (Cr) in emissions from decorative and hard chromium electroplating facilities and anodizing operations. The method is less expensive and less complex to conduct than Method 306 of this appendix. Correctly applied, the precision and bias of the sample results will be comparable to those obtained with the isokinetic Method 306 of this appendix. This method is applicable under ambient moisture, air, and temperature conditions.

1.2 Principle. A sample is extracted from the source at a constant sampling rate determined by a critical orifice and collected in a probe and impingers. The sampling time at the sampling traverse points is varied

according to the stack gas velocity at each point to obtain a proportional sample. The concentration is determined by the same analytical procedures used in Method 306 of this appendix: inductively-coupled plasma emission spectrometry (ICP), graphite furnace atomic absorption spectrometry (GFAAS), or ion chromatography with a post-column reactor (IC/PCR).

##### 2. Range, Sensitivity, Precision, and Interferences

Same as Method 306, section 2 of this appendix.

##### 3. Apparatus

Note: Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

3.1 Sampling Train. A schematic of the sampling train is shown in Figure 306A-1. The components of the train are available commercially, but some fabrication and assembly are required. If Method 306 equipment is available, the sampling train may be assembled as specified in Method 306 of this appendix and the sampling rate of the meter box set at the delta  $H_{\text{a}}$  specified for the calibrated orifice; this train is then operated as specified in this method.

3.1.1 Probe Nozzle/Tubing and Sheath. Use approximately 1/4 in. inner diameter (ID) glass or rigid plastic tubing about 8 in. long with a short 90° bend at one end to form the nozzle. Grind a slight taper on the nozzle end before making the bend. Attach the nozzle to flexible tubing of sufficient length to collect a sample from the stack. Use a straight piece of larger diameter rigid tubing (such as metal conduit or plastic water pipe) to form a sheath that begins about 1 in. from the 90° bend on the nozzle and encases the flexible tubing.

BILLING CODE 6560-50-P

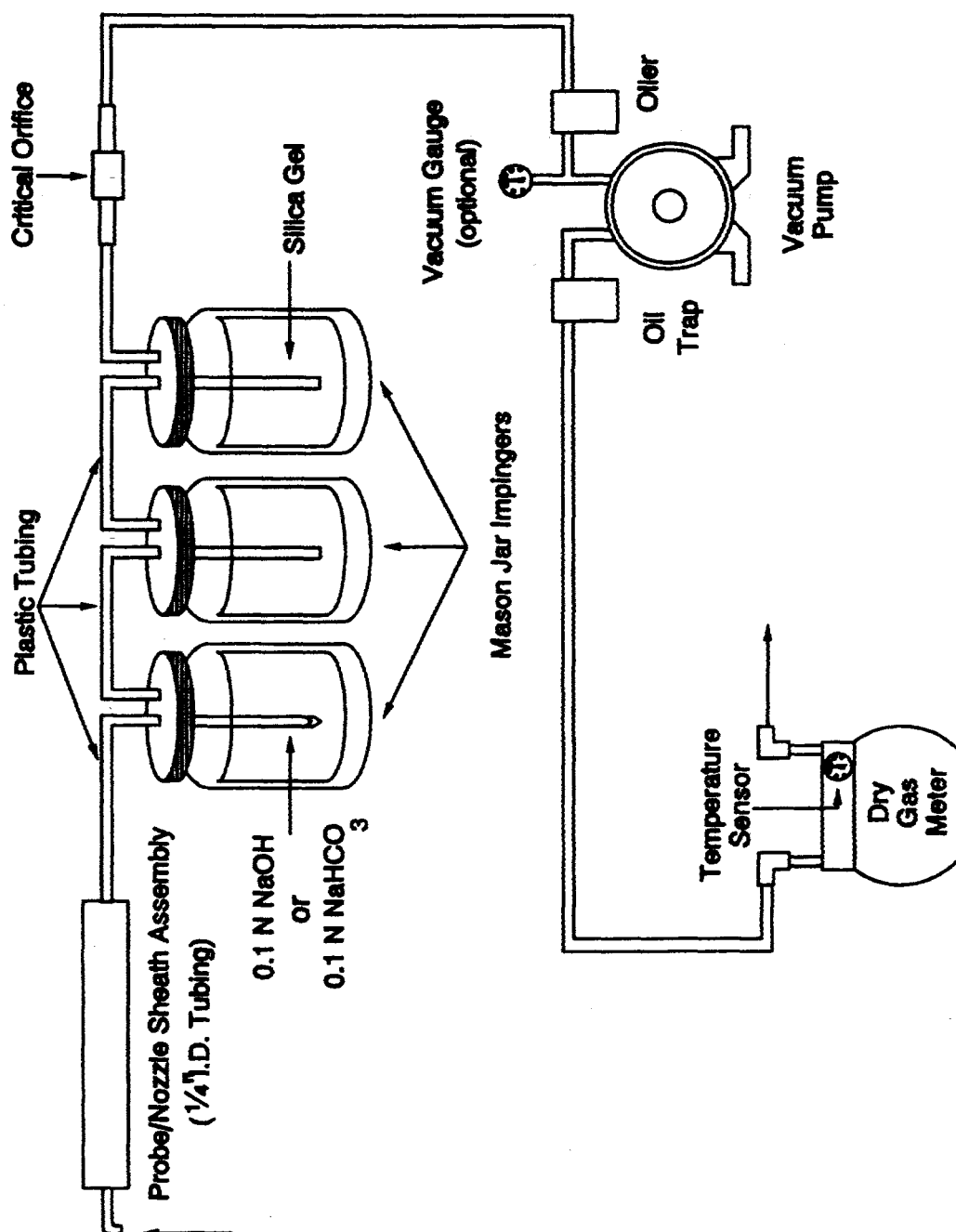


Figure 306A-1. Sampling Train Schematic.



3.1.2 S-Type Pitot. Same as Method 2, section 3 (40 CFR part 60, appendix A).

3.1.3 Sample Line. Use thick wall flexible plastic tubing (e.g., polyethylene, polypropylene, or polyvinylchloride) about  $\frac{1}{4}$  in. to  $\frac{3}{8}$  in. ID to connect the train components. A combination of rigid plastic tubing and thin wall flexible tubing may be used as long as neither tubing collapses when leak-checking the train. Metal tubing cannot be used.

3.1.4 Impingers. One quart capacity "Mason" glass canning jars with vacuum seal lids are used. Three impingers are required: the first is for collecting the absorbing solution, the second is empty and is used to collect any absorbing solution carried over from the first impinger, and the third contains the drying agent. Install leak-tight inlet and outlet tubes in the lids of each impinger for assembly with the train. The tubes may be made of approximately  $\frac{1}{4}$  in. ID glass or rigid plastic tubing. For the inlet tube of the first impinger, heat the glass or plastic tubing and draw until the tubing separates. Cut the tip off until the tip orifice is  $\frac{3}{32}$  in. in diameter. When fabricating the first impinger, place the tip orifice  $\frac{3}{16}$  in. above the bottom of the jar when assembled. For the second impinger, the inlet tube need not be drawn and sized, but the tip should be approximately 2 in. above the bottom of the jar. The inlet tube of the third impinger should extend to about  $\frac{1}{2}$  in. above the bottom of the jar. Locate the outlet tube end of all impingers about  $\frac{1}{2}$  in. beneath the bottom of the lid.

3.1.5 Manometer. Inclined/vertical type, or equivalent device, as described in section 2.2 of Method 2 (40 CFR part 60, appendix A).

3.1.6 Critical Orifice. The critical orifice is a small restriction in the sample line (approximately  $\frac{1}{16}$  in. in diameter) that is located upstream of the vacuum pump and

sets the sample rate at about 0.75 cfm. An orifice can be made of  $\frac{3}{32}$  in. brass tubing approximately  $\frac{9}{16}$  in. long sealed inside larger diameter, approximately  $\frac{5}{16}$  in., brass tubing to serve as a critical orifice giving a constant sample flow. Materials other than brass can be used to construct the critical orifice as long as the flow through the sampling train is approximately 0.75 cfm.

3.1.7 Connecting Hardware. Standard pipe and fittings,  $\frac{1}{4}$  in. or  $\frac{1}{8}$  in., are used to install the vacuum pump and dry gas meter in the sampling train.

3.1.8 Pump Oil. A glass oil reservoir with a wick mounted at the vacuum pump inlet lubricates the pump vanes. The oiler should be an inline type and not vented to the atmosphere.

3.1.9 Vacuum Pump. Gast Model 0522-V103-G18DX, or equivalent, capable of delivering at least 1.5 cfm at 15 in. Hg vacuum.

3.1.10 Oil Trap. An empty glass oil reservoir without wick is mounted at pump outlet to prevent oil from reaching the dry gas meter.

3.1.11 Dry Gas Meter. A Rockwell model 175-s test meter, or equivalent, with a thermometer installed to monitor meter temperature. The dry gas meter must be capable of measuring volume to within 2 percent.

3.2 Sample Recovery.

3.2.1 Wash Bottles. These are glass or inert plastic, 500 or 1000 ml, with spray tube.

3.2.2 Sample Containers. The first mason jar impinger of the sampling train serves as the sample container. A new lid and plastic wrap are substituted for the impinger inlet/outlet assembly.

3.3 Analysis. Same as Method 306, section 3.3 of this appendix.

#### 4. Reagents

4.1 Sampling. Same as Method 306, section 4.1 of this appendix.

4.2 Sample Recovery. Same as Method 306, section 4.2 of this appendix.

#### 5. Procedure

##### 5.1 Sampling.

##### 5.1.1 Pretest Preparation.

5.1.1.1 Port Location. Locate the sampling ports as specified in section 2.1 of Method 1 (40 CFR part 60, appendix A). Use a total of 24 sampling points for round ducts and 25 points for rectangular ducts. Locate the sampling points as specified in section 2.3 of Method 1 (40 CFR part 60, Appendix A). Mark the pitot and sampling probe with thin strips of tape to permit velocity and sample traversing. For ducts less than 12 in. in diameter, use a total of 16 points.

5.1.1.2 Velocity Pressure Traverse. (a) Perform a velocity pressure traverse before the first sample run. Figure 306A-2 may be used to record velocity pressure data. If testing occurs over several days, perform the traverse at the beginning of each day. Perform velocity pressure traverses as specified in section 3 of Method 2 (40 CFR part 60, appendix A), but record only the  $\Delta p$  (velocity head) values for each sampling point.

(b) Check for cyclonic flow during the first traverse to verify that it does not exist; if cyclonic flow does exist, make sure that the absolute average angle of misalignment does not exceed 20°. If the average angle of misalignment exceeds 20° at an outlet location, install straightening vanes to eliminate the cyclonic flow. If it is necessary to test an inlet location where cyclonic flow exists, it may not be possible to install straightening vanes. In this case, a variation of the alignment method must be used. This must be approved by the Administrator.

BILLING CODE 6560-50-P

Plant \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_  
Location \_\_\_\_\_  
Operator(s) \_\_\_\_\_  
Beginning stack temperature, °F \_\_\_\_\_  
Ending stack temperature, °F \_\_\_\_\_  
Average stack temperature, °F \_\_\_\_\_

### Schematic of Points

**Circle one:**

Before Run 1

**Before Run 2**

Before Run 3

After Run No.

[illegible]

Figure 306A-2. Velocity Traverse and Point Sample Time Calculation Sheet.

5.1.1.3 Point Sampling Times. Since the sampling rate of the train is held constant by the critical orifice, it is necessary to calculate specific sampling times for each point in order to obtain a proportional sample. If all sampling can be completed in a single day,

it is necessary to calculate the point sampling times only once. If sampling occurs over several days, recalculate the point sample times each day using velocity traverse data obtained earlier in the day. Determine the average of the  $\Delta p$  values obtained during the

velocity traverse (Figure 306A-2). Calculate the sampling times for each point using Equation 306A-1. Convert the decimal parts of minutes to seconds. If the stack diameter is less than 12 in., use 7.5 minutes in place of 5 minutes in the equation and 16 sampling points.

$$\text{Minutes at point } n = \frac{\sqrt{\text{Point } n \Delta p}}{(\sqrt{\Delta p})_{\text{avg}}} \times 5 \text{ minutes} \quad \text{Eq. 306A-1}$$

Where:

$n$ =Sampling point number.

$\Delta p$ =Velocity head measured by Type-S pitot tube, in.  $H_2O$

5.1.1.4 Preparation of Sampling Train. Assemble the sampling train as shown in Figure 306A-1. Secure the nozzle-liner assembly to the sheath to prevent slipping when sampling. Before charging, rinse the first mason jar impinger with either 0.1 N sodium hydroxide (NaOH) or 0.1 N sodium bicarbonate ( $NaHCO_3$ ); discard the solution.

Put 250 ml of 0.1 N NaOH or 0.1 N  $NaHCO_3$  absorbing solution into the first mason jar impinger. Similarly, rinse the second mason jar impinger and leave empty. Put silica gel into the third mason jar impinger until the impinger is half full. Place the impingers into an ice bath and check to ensure that the lids are tight.

5.1.1.5 Train Leak Check Procedure. Wait until the ice has cooled the impingers before sampling. Next, seal the nozzle with a finger covered by a piece of clear plastic wrap and

turn on the pump. The vacuum in the line between the pump and the critical orifice must be at least 15 in. Hg. Observe any leak rate on the dry gas meter. The leak rate should not exceed 0.02 cfm.

5.1.2 Sampling Train Operation.

5.1.2.1 Record all pertinent process and sampling data on the data sheet (see Figure 306A-3). Ensure that the process operation is suitable for sample collection.

**BILLING CODE 6860-50-P**

Plant \_\_\_\_\_  
 Sampling Site \_\_\_\_\_  
 Total Cr catch,  $M_{Cr}$ ,  $\mu g$  \_\_\_\_\_  
 Avg dry gas meter temp,  $T_m$ ,  $^{\circ}F$  \_\_\_\_\_  
 Meter correction factor,  $Y_m$  \_\_\_\_\_  
 Meter volume,  $V_m$ ,  $ft^3$  \_\_\_\_\_  
 Barometric press,  $P_{bar}$ , in. Hg \_\_\_\_\_  
 Start clock time \_\_\_\_\_  
 Stop clock time \_\_\_\_\_

Date \_\_\_\_\_ Run Number \_\_\_\_\_  
 Operator \_\_\_\_\_  
 Stack radius,  $r$ , in. \_\_\_\_\_  
 Avg sq. rt.  $\Delta p$ ,  $(\sqrt{\Delta P})_{avg}$ , in.  $H_2O$  \_\_\_\_\_  
 Stack temp,  $T_s$ ,  $^{\circ}F$  \_\_\_\_\_  
 Leak rate before run, cfm \_\_\_\_\_  
 Leak rate after run, cfm \_\_\_\_\_  
 Stop meter volume,  $ft^3$  \_\_\_\_\_  
 Start meter volume,  $ft^3$  \_\_\_\_\_

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Point No.	Sample (Min/Sec)	Gas Meter Temp ( $^{\circ}F$ )

Point No.	Sample (Min/Sec)	Gas Meter Temp ( $^{\circ}F$ )

$$C_{Cr} = \frac{(M_{Cr}) (T_m + 460)}{(499.8) (Y_m) (V_m) (P_{bar})}$$

$$kg/hr = (C_{Cr}) (0.0001597) (r^2) (\sqrt{\Delta P})_{avg} \sqrt{\frac{(T_s + 460)}{(P_{bar}) (28.73)}}$$

mg/cubic meter, ( $C_{Cr}$ ) \_\_\_\_\_

(Optional) kg/hr \_\_\_\_\_

Figure 306A-3. Chromium Constant Sampling Rate Field Data Sheet.

5.1.2.2 Place the probe/nozzle into the duct at the first sampling point and turn on the pump. A minimum vacuum of 15 in. Hg or 0.47 atmosphere between the critical orifice and pump is required to maintain critical flow. Sample for the time interval previously determined for that point. Move to the second point and sample for the time interval determined for that point; sample all points on the traverse in this manner. Keep ice around the impingers during the run. Complete the traverse and turn off the pump. Move to the next sampling port and repeat. Record the final dry gas meter reading. (NOTE: If an approximate mass emission rate is desired, record the stack temperature before and after the run.)

5.1.2.3 Post Test Leak Check. Remove the probe assembly and flexible tubing from the first impinger. Do not cover the nozzle. Seal the inlet tube of the first impinger with a finger covered by clear plastic wrap and turn on the pump. The vacuum in the line between the pump and the critical orifice must be at least 15 in. Hg. Observe any leak rate on the dry gas meter. If the leak rate exceeds 0.02 cfm, reject the run. If the leak rate is acceptable, take the probe assembly and impinger assembly to the sample recovery area.

## 5.2 Sample Recovery.

5.2.1 Container No. 1. (a) After the train has been moved to the sample recovery area, disconnect the tubing that joins the first impinger with the second.

(b) The first impinger jar is also used as the sample container jar. Unscrew the lid from the first impinger jar. Lift the inlet/outlet tube assembly almost out of the jar, and using the wash bottle, rinse the outside of the impinger tip that was immersed in the

impinger jar with extra absorbing solution; rinse the inside of the tip as well.

(c) Recover the second impinger by removing the lid and pouring any contents from the second impinger into the first impinger. Rinse the second impinger including the inside and outside of the impinger stem as well as any connecting plastic tubing with extra absorbing solution and place the rinse into the first impinger.

(d) Hold the nozzle and connecting plastic tubing in a vertical position so that the tubing forms a "U." Using the wash bottle, partially fill the tubing with sampling reagent. Raise and lower the end of the plastic tubing several times to cause the reagent to contact the major portion of the internal parts of the assembly thoroughly. Do not raise the solution level too high or part of the sample will be lost. Place the nozzle end of the assembly over the mouth of the first impinger jar (sample container) and elevate the plastic tubing so that the solution flows rapidly out of the nozzle. Perform this procedure three times. Next, repeat the recovery procedure but allow the solution to flow rapidly out the open end of the plastic tubing into the first impinger jar.

(e) Place a piece of clear plastic wrap over the mouth of the first impinger jar. Use a standard lid and band assembly to seal the jar. Label the jar with the sample number and mark the liquid level to gauge any losses during handling.

5.2.2 Container No. 2 (Reagent Blank). Place approximately 500 ml of the 0.1 N NaOH or 0.1 N NaHCO<sub>3</sub> absorbing solution in a labeled sample container.

5.2.3 Sample Filtration for IC/PCR. If the sample is to be analyzed for Cr<sup>+6</sup> by IC/PCR, it must be filtered immediately following

recovery as described in section 5.2.3 of Method 306 of this appendix.

5.3 Analysis. Sample preparation and analysis procedures are identical to Method 306, section 5.3 of this appendix.

## 6. Calibration

6.1 Dry Gas Meter. (a) Dry gas meter calibrations may be performed by either the manufacturer, a firm who provides calibration services, or the tester. The dry gas meter calibration coefficient (Y<sub>m</sub>) must be determined prior to initial use of the meter, and must be checked following each field use.

(b) If the dry gas meter is new, the manufacturer will have specified the Y<sub>m</sub> for the meter. The manufacturer may also have included a calibration orifice and a data sheet with the meter that may be used for calibration purposes. The sheet will specify a standard cubic foot volume and a sample time, and these values were determined when the orifice was used to set the initial Y<sub>m</sub> for the meter. The Y<sub>m</sub> may be checked by disconnecting the critical orifice in the sampling train and replacing it with the calibration orifice. The inlet side of the calibration orifice is open to the atmosphere and is not reconnected to the sample train. Record the initial dry gas meter volume and meter temperature. Turn on the pump and operate it for the number of minutes specified by the manufacturer's data sheet. Stop the pump and record the final dry gas meter volume and temperature. Subtract the start volume from the stop volume and average the temperatures. Check the Y<sub>m</sub> for the dry gas meter after the test by using the following equation:

$$Y = \frac{Ft.^3_m (T_m + 460)}{17.647 (Ft.^3_{pt}) (P_{bar})}$$

Where:

Ft.<sup>3</sup><sub>m</sub>=Cubic feet given by meter manufacturer  
T<sub>m</sub>=Temperature of meter in degrees

Fahrenheit

Ft.<sup>3</sup><sub>pt</sub>=Cubic feet from dry gas meter, post test  
P<sub>bar</sub>=Barometric pressure in inches of

mercury

Compare the Y<sub>m</sub> just calculated with the Y<sub>m</sub> given by the manufacturer:

$$\frac{Y_m (\text{manufacturer})}{Y_m (\text{calculated after test})}$$

If this value is between 0.95 and 1.05, the Y<sub>m</sub> of the meter is acceptable. If the value lies outside the specified range, the test series

shall either be voided, or calculations for the test series shall be performed using whichever meter coefficient value (i.e., before and after) that gives the lower value of total sample volume. Return the dry gas meter to the manufacturer for recalibration. The calibration may also be conducted as specified in section 5.3.1 or section 7 of Method 5 (40 CFR part 60, appendix A), except that it is only necessary to check the calibration at an approximate flow rate of 0.75 cfm. The calibration of the dry gas meter must be checked after each field use in the same manner. If the values of Y<sub>m</sub> obtained before and after a test series differ by more than 5%, the test series shall either be voided, or calculations for the test series

shall be performed using whichever meter coefficient value (i.e., before or after) that gives the lower value of total sample volume.

6.2 GFAA Spectrometer. Same as Method 306, section 6.2 of this appendix.

6.3 ICP Spectrometer. Same as Method 306, section 6.3 of this appendix.

## 7. Quality Control

Same as Method 306, section 7 of this appendix.

## 8. Calculations

8.1 Pollutant Concentration. Calculate C<sub>Cr</sub>, the Cr concentration in the stack gas, in mg/dscm on a dry basis as follows:

$$C_{Cr} = \frac{(M_{Cr})(T_m + 460)}{(499.8)(Y_m)(V_m)(P_{bar})} \quad \text{Eq. 306A-2}$$

where:

M<sub>Cr</sub>=Amount of Cr in sample from Method 306 of this appendix, Eq. 306-1, µg.

T<sub>m</sub>=Dry gas meter temperature, °F.

$Y_m$ =Dry gas meter correction factor, dimensionless.

$V_m$ =Dry gas meter volume, ft<sup>3</sup>.  
 $P_{bar}$ =Barometric pressure, in. Hg.

8.2 Approximate Mass Emission Rate (Optional). Calculate an approximate mass emission rate of Cr in kg/hr using the following equation:

$$\text{kg/hr} = (0.0001597) (C_{Cr}) (r^2) (\sqrt{\Delta p})_{avg} \sqrt{\frac{(T_s + 460)}{(P_{bar})}} (28.73) \quad \text{Eq. 306A-3}$$

where:

$r$ =Radius of stack, in.

$(\sqrt{\Delta p})_{avg}$ =Average of  $\sqrt{\Delta p}$  values.

$T_s$ =Stack temperature, °F.

$P_{bar}$ =Barometric pressure, in. Hg.

$C_{Cr}$ =Concentration of Cr, mg/dscm.

**Note:** The emission rate calculated using Equation 306A-3 is based on an assumed moisture content of 2%.

### 9. Bibliography

1. Clay, F.R. Memo, Impinger Collection Efficiency—Mason Jars vs. Greenburg-Smith Impingers, Dec. 1989.

2. Segall, R.R., W.G. DeWees, F.R. Clay, and J.W. Brown. Development of Screening Methods for Use in Chromium Emissions Measurement and Regulations Enforcement. In: Proceedings of the 1989 EPA/A&WMA International Symposium—Measurement of Toxic and Related Air Pollutants, A&WMA Publication VIP-13, EPA Report No. 600/9-89-060, p. 785.

3. Clay, F.R. Chromium Sampling Method. In: Proceedings of the 1990 EPA/A&WMA International Symposium—Measurement of Toxic and Related Air Pollutants, A&WMA Publication VIP-17, EPA Report No. 600/9-90-026, p. 576.

4. Clay, F.R. Proposed Sampling Method 306A for the Determination of Hexavalent Chromium Emissions from Electroplating and Anodizing Facilities. In: Proceedings of the 1992 EPA/A&WMA International Symposium—Measurement of Toxic and Related Air Pollutants, A&WMA Publication VIP-25, EPA Report No. 600/R-92/131, p. 209.

### Method 306-B—Surface Tension Measurement and Recordkeeping for Chromium Plating Tanks Used at Electroplating and Anodizing Facilities

#### 1. Applicability and Principle

1.1 Applicability. This method is applicable to all decorative plating and anodizing operations where a wetting agent is used in the tank as the primary mechanism

for reducing emissions from the surface of the solution.

1.2 Principle. During an electroplating or anodizing operation, gas bubbles generated during the process rise to the surface of the tank liquid and burst. Upon bursting, tiny droplets of chromic acid become entrained in ambient air. The addition of a wetting agent to the tank bath reduces the surface tension of the liquid and diminishes the formation of these droplets.

#### 2. Apparatus

2.1 Stalagmometer. Any commercially available stalagmometer or equivalent surface tension measuring device may be used to measure the surface tension of the plating or anodizing tank liquid.

2.2 Preciser tensiometer. A Preciser tensiometer may be used to measure the surface tension of the tank liquid provided the procedures specified in ASTM Method D 1331-89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents (incorporated by reference—see § 63.14) are followed.

#### 3. Procedure

3.1 The surface tension of the tank bath may be measured by using a Preciser tensiometer, a stalagmometer or any other device suitable for measuring surface tension in dynes per centimeter. If the Preciser tensiometer is used, the instructions given in ASTM Method D 1331-89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents (incorporated by reference—see § 63.14) must be followed. If a stalagmometer or other device is used to measure surface tension, the instructions that came with the measuring device must be followed.

3.2 (a) Measurements of the bath surface tension are done using a progressive system which minimizes the number of surface tension measurements required when the proper surface tension is maintained. Initially, measurements must be made every 4 hours of tank operation for the first 40

hours of tank operation after the compliance date. Once there are no exceedances during 40 hours of tank operation, measurements may be conducted once every 8 hours of tank operation. Once there are no exceedances during 40 hours of tank operation, measurements may be conducted once every 40 hours of tank operation on an on-going basis, until an exceedance occurs. The maximum time interval for measurements is once every 40 hours of tank operation.

(b) If a measurement of the surface tension of the solution is above the 40 dynes per centimeter limit, the time interval reverts back to the original monitoring schedule of once every 4 hours. A subsequent decrease in frequency would then be allowed according to the previous paragraph.

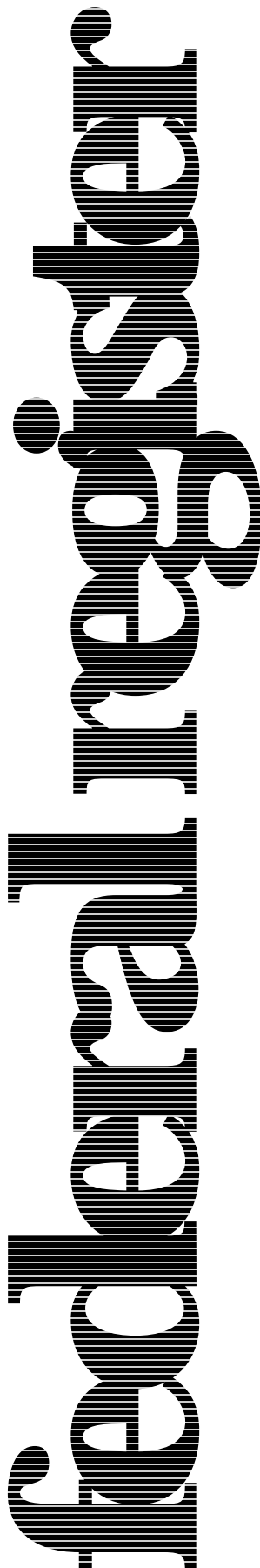
#### 4. Recordkeeping

4.1 Log book of surface tension measurements and fume suppressant additions. The surface tension of the plating or anodizing tank bath must be measured as specified in section 3.2. The measurements must be recorded in the log book. In addition to the record of surface tension measurements, the frequency of fume suppressant maintenance additions and the amount of fume suppressant added during each maintenance addition will be recorded in the log book. The log book will be readily available for inspection by regulatory personnel.

4.2 Instructions for apparatus used in measuring surface tension. Also included with the log book must be a copy of the instructions for the apparatus used for measuring the surface tension of the plating or anodizing bath. If a Preciser tensiometer is used, a copy of ASTM Method D 1331-89, Standard Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents (incorporated by reference—see § 63.14) must be included with the log book.

[FR Doc. 95-65 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-P



---

Wednesday  
January 25, 1995

---

## Part III

# Department of Housing and Urban Development

---

Office of the Assistant Secretary for  
Community Planning and Development

---

Notice of Funding Availability for Fiscal  
Year 1995 for Innovative Project Funding  
Under the Innovative Homeless Initiatives  
Demonstration Program; Notice

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-95-3862; FR-3846-N-01]

### Notice of Funding Availability for Fiscal Year 1995 for Innovative Project Funding Under the Innovative Homeless Initiatives Demonstration Program

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice of funding availability (NOFA).

**SUMMARY:** This Notice announces the availability of \$25 million in funds for applications for Innovative Project Funding under the Innovative Homeless Initiatives Demonstration Program. These funds will be awarded competitively for innovative programs designed to provide aggressive outreach to homeless persons living on the streets or in other places not designed for, or ordinarily used as, regular sleeping accommodations for human beings; provide intensive needs assessments; connect these people with existing community resources when available; and, if necessary, provide additional housing and services for them. Each innovative outreach program must fill a gap within the context of developing a continuum of care system in the jurisdiction designed to assist homeless persons. This notice of funding availability (NOFA) contains information concerning program purpose, eligible applicants, eligible activities, application requirements, and application processing.

**DEADLINE DATE:** All applications received at HUD Headquarters, Office of Community Planning and Development, at the address shown in the **ADDRESSES** section of this NOFA by 6 p.m. local time on February 6, 1995, will be considered for funding. HUD will treat as ineligible for consideration applications that are received after the deadline. However, any application received at that address within 24 hours after the deadline will be considered for funding if the applicant can show there were circumstances beyond its control that delayed delivery of the application, such as the failure of a delivery service to deliver the application on or before the specified date. Applications may not be sent by facsimile (FAX).

The Department has established a short application period for this NOFA in an effort to make funding quickly

available to applicants who are in need of funding to assist homeless persons, especially during this time when harsh weather conditions necessitate greater and more immediate assistance to homeless persons.

**ADDRESSES:** A completed application must be submitted to the following address: Processing and Control Unit, Room 7255, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Attention: Homeless Innovative Funding.

One copy of the application must also be sent to the HUD Field Office serving the area in which the applicant's project is located. A list of Field Offices appears in Appendix C to this NOFA. The Field Office copy must be received by the application deadline as well, but a determination that an application was received on time will be made solely on receipt of the application at the Office of Community Planning and Development in Headquarters, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** The HUD Field Office for the area in which the proposed project is located. Telephone numbers are included in the list of Field Offices set forth in Appendix C to this NOFA.

#### SUPPLEMENTARY INFORMATION:

##### Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been submitted, for expedited processing, to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520). No person may be subjected to a penalty for failure to comply with these requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**. Any applicant that completes an application before the OMB control number is assigned may have to modify that application in accordance with changes in the application package that are requested by OMB and agreed to by HUD.

Public reporting burden for the collection of information requirements contained in this notice is estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided under the preamble heading, *Other Matters*. Send

comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden by January 30, 1995, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street, SW., Room 10276, Washington, DC 20410-0500; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for HUD, Washington, DC 20503.

#### I. Purpose and Substantive Description

##### (A) Authority

Innovative Project Funding is part of the Innovative Homeless Initiatives Demonstration Program, which is authorized under section 2 of the HUD Demonstration Act of 1993 (Pub. L. 103-120, approved October 27, 1993).

##### (B) Purpose

The purpose of this NOFA is to fund innovative programs, within the context of developing a continuum of care system, designed to provide aggressive outreach to homeless persons, including persons with severe mental illness and/or substance abuse problems, who are particularly affected by adverse weather conditions because they are currently living on the streets or in other places not designed for, or ordinarily used as, regular sleeping accommodations for human beings. The purpose of this NOFA is also to provide these persons with intensive needs assessments; connect them with existing community resources when available; and, if necessary, provide additional housing and services. Therefore, the focus of this competition is aggressive outreach and assistance to help homeless persons move as quickly as possible from sidewalks, parks, cars, public transit facilities, and similar places. Heavy emphasis is placed on coordinating existing resources through the combined efforts of service and housing providers in the community. Each innovative program must fill a gap within the context of developing a continuum of care system in the jurisdiction.

A continuum of care system consists of four basic components:

- (1) A system of outreach and assessment for determining the needs and conditions of an individual or family who is homeless, or whether assistance is necessary to prevent an individual from becoming homeless;
- (2) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency



shelter and referral to necessary service providers or housing finders;

(3) Transitional housing with appropriate supportive services to help those homeless individuals and families who are not prepared to make the transition to permanent housing and independent living; and

(4) Permanent housing, or permanent supportive housing, to help meet the long-term needs of homeless individuals and families.

Grant requests in response to this \$25 million NOFA should only be made for activities involving aggressive outreach and assistance to homeless persons living on the streets or in other places not designed for, or ordinarily used as, regular sleeping accommodations for human beings. These are the homeless persons most affected by adverse weather conditions. Grant requests to assist homeless families or individuals in other circumstances should be submitted in response to a separate \$900 million NOFA the Department intends to issue in February.

#### (C) Funding Availability

This NOFA makes \$25 million available for the Innovative Project Funding. Grant requests may be for up to two years of funding. HUD reserves the right to fund less than the full amount requested in any application. Given the program's emphasis on coordination of resources within communities, it is likely that HUD will fund requests which reflect greater coordinative efforts of private nonprofit organizations, governmental agencies, and other organizations who can help provide resources to meet the needs of this most vulnerable population of homeless persons in one application.

With this focus on connecting these homeless persons with a system of community assistance, no renewals of grant awards made under this NOFA are anticipated. Because there is only \$25 million available for this competition, the Department expects to fund requests ranging from \$100,000 to \$1,000,000, and reserves the right to award no more than 20 percent of the funds (\$5 million) in any State.

## II. Application Process

(A) Applications will be reviewed and selected on the basis of the following process.

(1) *Review.* Applications will be reviewed to ensure that they meet the following:

(a) Applicant eligibility. The applicant must be a jurisdiction (i.e., State, metropolitan city, urban county, unit of general local government [including units in rural areas], or

Indian tribe), or other nonprofit organization operating within such jurisdiction.

Projects involving the participation of more than one jurisdiction or more than one nonprofit organization, or a combination of jurisdictions or nonprofit organizations are strongly encouraged. However, of these participating jurisdictions and organizations, only one entity may be identified as the actual applicant.

The terms "State", "metropolitan city", "urban county", "unit of general local government", and "Indian tribe" have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

The term "nonprofit organization" means an organization—

(i) No part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(ii) That, in the case of a private nonprofit organization, has a voluntary board;

(iii) That has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(iv) That practices nondiscrimination in the provision of assistance.

(b) Eligible population to be served. The population proposed to be served must be homeless individuals or homeless families living in places not designed for, or ordinarily used as, regular sleeping accommodations, such as sidewalks, parks, cars and public transportation facilities (hereafter referred to as persons living on the streets).

The term "homeless family" means a group of one or more related individuals who are homeless individuals.

(c) Eligible activities. The activities for which assistance is requested may include activities needed to operate a program of aggressive outreach to persons living on streets, intensive needs assessments, and related activities. Up to 5 percent of the amount of grant funds requested for these activities may be used for grant administration expenses, such as the costs of audits and reports.

Applicants may not receive assistance to replace funds provided by any State or local government to assist homeless persons.

(d) Fair housing and equal opportunity. Organizations that receive assistance under this NOFA must be in compliance with applicable civil rights laws and Executive Orders.

(e) Outstanding audit or monitoring findings. No organization that receives

assistance may have serious, unaddressed, outstanding audit or monitoring findings that directly affect the proposed program.

(2) *Selection criteria.* Applications will be selected based on the following criteria:

(a) HUD will award up to 40 points based on the extent to which the program described in the application will achieve the purpose of this NOFA, as demonstrated through:

(i) A coordinated plan, developed within the context of a continuum of care system, for aggressive outreach to homeless persons living on the streets, intensive needs assessments, and addressing housing and service needs;

(ii) The marshaling of existing community resources to meet the housing and service needs of these person; and

(iii) If necessary, the provision of additional housing and services.

(b) HUD will award up to 30 points based on the extent to which the applicant demonstrates the capacity to implement a program that achieves the purpose of this NOFA, including the speed with which the activities will become operational. The rating under this criterion will also consider the Department's knowledge of the prior experience of the applicant (and any organizations that will participate in carrying out the program) in serving homeless persons and in carrying out programs similar to those proposed in the application and the prior performance of the applicant (and any organizations that will participate in carrying out the program) with any HUD-administered programs.

(c) HUD will award up to 30 points based on the jurisdiction's need for homeless assistance, as calculated by HUD from generally available data, and the extent to which the program described in the application is innovative and may be replicated or may serve as a model for implementation in other jurisdictions.

After scores have been assigned, the applications will be placed in rank order. Whether an application is selected will depend on its ranking compared to other applications, except that HUD reserves the right to select lower rated applications if necessary to achieve diversity by geography and community type.

## III. Application Submission Requirements

(A) *Instructions for Submitting Required Items*

(1) Each submission requirement (listed as exhibits in Section (B) below)

must be clearly identified (including the exhibit subparts), and the application assembled in the order listed below.

After the entire application is assembled, applicants should:

(a) Mark each exhibit with an appropriately numbered tab; and

(b) Number every page of the application sequentially.

(2) All reviews will be based on the application submission.

#### (B) Application Submissions

All applications must include the following exhibits:

(1) Exhibit 1 consists of two documents that are printed in this **Federal Register** as appendices to this NOFA. The documents may be removed from the **Federal Register** or photocopied (do not re-type), and signed by the official authorized to act on behalf of the applicant. The two documents are:

(a) SF-424—Application for Federal Assistance (published as Appendix A to this NOFA); and

(b) Applicant Certifications (published as Appendix B to this NOFA).

(2) Exhibit 2. Provide on not more than one page the number of persons in the jurisdiction who are living on the streets. Describe the methodology used to obtain that number and the date(s) of relevant data collection.

(3) Exhibit 3. On not more than five pages:

(a) Describe:

(i) A coordinated plan, including a description of each activity for which funding is being requested, for aggressive outreach to homeless persons living on the streets, intensive needs assessments, connection to existing community resources and, if necessary, providing additional housing and services; and

(ii) How this plan fits within the jurisdiction's current system for reaching out and accommodating the housing and service needs of these persons;

(b) In the format shown below, provide a chart with the total grant amount requested for the activities described above and for grant administration, with a breakdown of grant amount by activity. (The request may not exceed two years of Innovative Project funding.) The amount requested for grant administration may not exceed 5 percent of the subtotal for all other activities;

Activities	Amount requested
2. ....	.....
3. etc. ....	.....
4. Activity Subtotal .....	.....
5. Grant Administration (no more than 5 percent of Activity Subtotal) .....	.....
6. Total Request .....	.....

(c) Provide a time schedule for carrying out the activities, from beginning to end, noting expected number of days from execution of the grant agreement for achievement of significant milestones;

(d) Estimate the number of homeless persons to be assisted (with Innovative Project funding) over the life of the project (i.e., up to two years); and

(e) List the resources, if any, that will be contributed to the project from States, local governments, and the private sector (including nonprofit organizations, foundations, and communities), and information on the status of any such resources that are essential to the financial feasibility of the project.

(4) Exhibit 4. Describe on not more than two pages the relevant past experience (e.g., conducting aggressive outreach) of the organization(s) that will implement the proposed activities in carrying out these types of activities.

(5) Exhibit 5. Describe on not more than three pages:

(a) The demonstrated willingness and capacity of the applicant and other organizations involved in the project to work cooperatively with all relevant entities to design and implement an innovative program for helping homeless persons move from the streets; and

(b) The extent to which the existing systems, both public and private, for homelessness assistance would benefit from additional resources to implement a coordinated plan for aggressive outreach to homeless persons living on the streets, and to carry out intensive needs assessments.

(6) Exhibit 6. If changes in a jurisdiction's policy or procedure are necessary to provide sufficient flexibility and resources to implement and sustain the proposed activities, submit a statement of commitment from the jurisdiction to make such changes.

(7) Exhibit 7. Applicants that are private nonprofit organizations must submit:

(a) Documentation showing that the applicant is a certified United Way member agency; or

(b) A copy of the organization's Internal Revenue Service (IRS) ruling

providing tax-exempt status under Section 501(c)(3) of the IRS Code of 1986, as amended; and a certification on letterhead stationery from the Executive Director of the organization stating that the organization has a functioning accounting system that meets the criteria listed below or that the organization has designated a qualified entity (include the name and address in the documentation) to maintain a functioning accounting system that meets the criteria below. The certification must attest that the organization's accounting system provides for the following:

- (i) Accurate, current and complete disclosure of the financial results of each federally-sponsored project;
- (ii) Records that identify adequately the source and application of funds for federally-sponsored activities;
- (iii) Effective control over and accountability for all funds, property and other assets;
- (iv) Comparison of outlays with budget amounts;
- (v) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the use of the funds for program purposes;
- (vi) Written procedures for determining the reasonableness, allocability and allowability of costs; and
- (vii) Accounting records including cost accounting records that are supported by source documentation.

#### (C) Clarification of Application Information

In accordance with the provisions of 24 CFR part 4, subpart B, HUD may contact an applicant to seek clarification of an item in the applicant's application, or to request additional or missing information, but the clarification or the request for additional or missing information shall not relate to items that would improve the substantive quality of the application pertinent to the funding decision.

#### (D) Environmental Review

Selection of an application for funding does not imply HUD approval of any particular property for use in the project. HUD will complete an environmental review with respect to particular properties, to the extent required under 24 CFR part 50, at the time the recipient proposes particular properties for use under the program. The recipient may not commit HUD or local funds for acquisition, leasing or physical development activities under the program until it receives HUD approval of the property.

Activities	Amount requested
1. ....	.....

**IV. Reporting Requirements**

Each grantee will be required to submit to HUD a progress report, in a form prescribed by HUD, within 90 days after the completion of each operating year or within 90 days after the project is completed if the total project period is less than twelve months. Each report

shall describe the use of the grant funds and include a description and an analysis of the project, the innovative approaches taken, and the level of cooperation among participating parties.

**V. Other Matters**

The information collection requirements contained in this notice

have been submitted to the Office of Management and Budget under the Paperwork Reduction Act of 1989 (44 U.S.C. 3501–3520). The Department estimates the information collection burden hours as follows:

	Number of respondents	Frequency of responses	Hours per response	Burden hours
Application preparation .....	250	1	35	8,750

**Environmental Impact**

A Finding of No Significant Impact with respect to the environment was 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) at the time of development of the NOFA for FY 1994 for Innovative Project Funding under the Innovative Homeless Initiatives Demonstration Program. That Finding remains applicable to this FY 1995 NOFA, and 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, SW, Washington, DC 20410.

**Federalism Executive Order**

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this NOFA will not have substantial, direct effects on States, on their political subdivisions, or on their relationship with the Federal Government, or on the distribution of power and responsibilities between them and other levels of government. Specifically, the purpose of the funding under this NOFA is to provide grants to jurisdictions, or nonprofit organizations operating within jurisdictions, for innovative approaches toward providing a continuum of care system designed to assist homeless persons and prevent homelessness.

**Family Executive Order**

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this document may have the potential for significant beneficial impact on family formation, maintenance, and general well-being to the extent that the activities of grantees will provide housing to homeless persons. Since the impact on the family is considered beneficial, no further review under the Order is necessary.

**Prohibition Against Lobbying Activities: The Byrd Amendment**

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) (the "Byrd Amendment"), 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, and applicants for Federal commitments exceeding \$150,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance.

Indian Housing Authorities (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.

**Prohibition Against Lobbying of HUD Personnel**

Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) 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's regulation implementing section 13 is codified 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 final rule, particularly the examples contained in Appendix A of the rule. Appendix A of this rule contains examples of activities covered by this rule.

Any questions concerning 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. Telephone: (202) 708-3815 (voice/TDD). This is not a toll-free number. Forms necessary for compliance with the rule may be obtained from the local HUD office.

**Prohibition Against Advance Disclosure of Funding Decisions**

HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act (HUD Reform Act) are codified at 24 CFR part 4 and apply to the funding competition announced today. The requirements of part 4 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 by 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics

(202) 708-3815 (voice/TDD). (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 Field Office Counsel, or Headquarters Counsel for the program to which the question pertains.

*Accountability in the Provision of HUD Assistance*

HUD's regulation implementing section 102 of the HUD Reform Act 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 (57 FR 1942), following publication of the final rule, HUD published 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 requirements of section 102 are applicable to assistance awarded under this NOFA.

**a. Document and Public Access Requirements**

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 12.6(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR

1942) for further information on these requirements.

**b. 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 15, subpart C, and the notice published in the **Federal Register** on January 16, 1993 (57 FR 1942) for further information on these disclosure requirements.

Dated: January 18, 1995.

**Andrew Cuomo,**

*Assistant Secretary for Community Planning and Development.*

BILLING CODE 4210-29-P



64685

APPENDIX A  
APPLICATION FOR FEDERAL ASSISTANCE

FR 3846

OMB Approval No. 0348-0043

<b>1. TYPE OF SUBMISSION</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <i>Application</i>  <input type="radio"/> Construction  <input type="radio"/> Non-Construction         </div> <div style="width: 45%;"> <i>Preapplication</i>  <input type="radio"/> Construction  <input type="radio"/> Non-Construction         </div> </div>	<b>2. DATE SUBMITTED</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<b>APPLICANT IDENTIFIER</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>3. DATE RECEIVED BY STATE</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		<b>STATE APPLICATION IDENTIFIER</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>5. APPLICANT INFORMATION</b> Legal Name <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		<b>4. DATE RECEIVED BY FEDERAL AGENCY</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>FEDERAL IDENTIFIER</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		
<b>Organizational Unit</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		
<b>Address (give city, county, state &amp; zip code)</b> Street <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> City <div style="border: 1px solid black; height: 20px; width: 100%;"></div> State <div style="border: 1px solid black; height: 20px; width: 100%;"></div> County <div style="border: 1px solid black; height: 20px; width: 100%;"></div> Zip code <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		
<b>Name and telephone number of the person to be contacted on matters involving this application (give area code)</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input type="radio"/> Mr. First  <input type="radio"/> Mrs. Name  <input type="radio"/> Ms. Last  <div style="border: 1px solid black; height: 20px; width: 100%;"></div> </div> <div style="width: 35%;">         Middle Initial  <div style="border: 1px solid black; height: 20px; width: 100%;"></div> </div> </div> Title <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		
Phone ( <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> ) <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> - <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN)</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>7. TYPE OF APPLICANT (darken appropriate circle)</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="radio"/> STATE  <input type="radio"/> COUNTY  <input type="radio"/> MUNICIPAL  <input type="radio"/> TOWNSHIP  <input type="radio"/> INTERSTATE  <input type="radio"/> INTERMUNICIPAL  <input type="radio"/> SPECIAL DISTRICT         </div> <div style="width: 50%;"> <input type="radio"/> INDEPENDENT SCHOOL DIST.  <input type="radio"/> STATE CONTROLLED INSTITUTION OF HIGHER LEARNING  <input type="radio"/> PRIVATE UNIVERSITY  <input type="radio"/> INDIAN TRIBE  <input type="radio"/> INDIVIDUAL  <input type="radio"/> PROFIT ORGANIZATION  <input type="radio"/> OTHER (SPECIFY) _____         </div> </div>		<b>8. TYPE OF APPLICATION</b> <input checked="" type="radio"/> New <input type="radio"/> Construction <input type="radio"/> Revision If Revision, darken all appropriate circles <div style="display: flex; justify-content: space-between;"> <div> <input type="radio"/> Increase Award  <input type="radio"/> Decrease Award  <input type="radio"/> Increase Duration         </div> <div> <input type="radio"/> Decrease Duration  <input type="radio"/> Other (specify) _____         </div> </div>
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER</b> <input type="radio"/> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> none TITLE Innovative Project Funding		<b>9. NAME OF FEDERAL AGENCY</b> U.S. Department of Housing and Urban Development
<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		



64685

## APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

<b>12. AREAS AFFECTED BY PROJECT</b> <input type="radio"/> City <input type="radio"/> Non-Profit <input type="radio"/> County <input type="radio"/> Other <input type="radio"/> State      Specify _____	<b>13. PROPOSED PROJECT</b> Start Date      Ending Date	<b>14. CONGRESSIONAL DISTRICTS OF</b> a. Applicant      b. Project <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> </div>
---	--	---

<b>15. ESTIMATED FUNDING</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">a. Federal</div> <div style="width: 60%;">\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; align-items: center;"> <span style="flex-grow: 1; border-bottom: 1px solid black;"></span> </div> <div style="width: 15%; text-align: center;">00</div> </div> </div>	<b>16. IS APPLICANT SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>  <input type="radio"/> YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: Date: <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 20px; margin-right: 5px;"></div> <span style="margin: 0 5px;">/</span> <div style="border: 1px solid black; width: 30px; height: 20px; margin-right: 5px;"></div> <span style="margin: 0 5px;">/</span> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> </div> <input type="radio"/> NO. PROGRAM IS NOT COVERED BY E. O. 12372  <input type="radio"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">b. Applicant (Local Match)</div> <div style="width: 60%;">\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; align-items: center;"> <span style="flex-grow: 1; border-bottom: 1px solid black;"></span> </div> <div style="width: 15%; text-align: center;">00</div> </div> </div>	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>  <input type="radio"/> YES    If "Yes", attach an explanation <input type="radio"/> NO
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">c. State</div> <div style="width: 60%;">\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; align-items: center;"> <span style="flex-grow: 1; border-bottom: 1px solid black;"></span> </div> <div style="width: 15%; text-align: center;">00</div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">d. Local</div> <div style="width: 60%;">\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; align-items: center;"> <span style="flex-grow: 1; border-bottom: 1px solid black;"></span> </div> <div style="width: 15%; text-align: center;">00</div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">e. Other</div> <div style="width: 60%;">\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; align-items: center;"> <span style="flex-grow: 1; border-bottom: 1px solid black;"></span> </div> <div style="width: 15%; text-align: center;">00</div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">f. Program Income</div> <div style="width: 60%;">\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; align-items: center;"> <span style="flex-grow: 1; border-bottom: 1px solid black;"></span> </div> <div style="width: 15%; text-align: center;">00</div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">g. Total</div> <div style="width: 60%;">\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; align-items: center;"> <span style="flex-grow: 1; border-bottom: 1px solid black;"></span> </div> <div style="width: 15%; text-align: center;">00</div> </div> </div>	

**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.**

<b>a. Typed Name of Authorized Representative</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>b. Title</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>c. Telephone Number</b> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 20px; margin-right: 5px;"></div> <span style="margin: 0 5px;">-</span> <div style="border: 1px solid black; width: 30px; height: 20px; margin-right: 5px;"></div> <span style="margin: 0 5px;">-</span> <div style="border: 1px solid black; width: 60px; height: 20px;"></div> </div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <b>d. Signature of Authorized Representative</b>  <div style="border: 1px solid black; height: 60px; width: 100%;"></div> </div> <div style="width: 35%;"> <b>Date Signed</b>  <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 20px; margin-right: 5px;"></div> <span style="margin: 0 5px;">/</span> <div style="border: 1px solid black; width: 30px; height: 20px; margin-right: 5px;"></div> <span style="margin: 0 5px;">/</span> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> </div> </div> </div>

## 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.

For utmost accuracy please refer to the following examples when completing this form.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
0	1	2	3	4	5	6	7	8	9	Shade circles like this: ● Not like this: ☒ ✓															

- | ITEM: | ENTRY:  | ITEM: | ENTRY:   |
|-------|---|-------|--|
| 1.    | Self-explanatory.   | 12.   | List only the largest political entities affected (e.g., State, counties, cities).   |
| 2.    | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).   | 13.   | Self-explanatory.  |
| 3.    | State use only (if applicable).   | 14.   | List the applicant's Congressional District and any District(s) affected by the program or project.  |
| 4.    | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.   | 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 <u>only</u> 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. |
| 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.  | 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.  |
| 6.    | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.   | 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.  |
| 7.    | Darken the appropriate circle in the space provided.  | 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.)  |
| 8.    | Darken the appropriate circle in the space(s) provided:<br>- "New" means a new assistance award<br>- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br>- "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 the appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.                     |       |  |

**Appendix B—Applicant Certifications**

The Applicant hereby assures and certifies that:

1. It will comply with:

a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and regulations pursuant thereto (Title 24 CFR part I), which state that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance, and will immediately take any measures necessary to effectuate this agreement. With reference to the real property and structure(s) thereon which are provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer, the transferee, for the period during which the real property and structure(s) are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

b. The Fair Housing Act (42 U.S.C. 3601–19) and the implementing regulations at 24 CFR part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing. For Indian tribes, it will comply with the Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*), instead of Title VI and the Fair Housing Act and their implementing regulations.

c. Executive Order 11063 on Equal Opportunity in Housing, as amended by Executive Order 12892 (59 FR 2939) and the implementing regulations at 24 CFR part 107 which prohibit discrimination because of race, color, creed, sex or national origin in housing and related facilities provided with Federal financial assistance.

d. Executive Order 11246 on Equal Opportunity in Employment (3 CFR 1964–1965, Comp., p. 339) and the implementing regulations at 41 CFR part 61, which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity. The applicant will incorporate, or cause to be incorporated, into any contract for construction work as defined in Section 130.5 of HUD

regulations the equal opportunity clause required by Section 130.15(b) of the HUD regulations.

e. Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(u)), and the implementing regulations at 24 CFR part 135, which require that to the greatest extent feasible, employment, training and contract opportunities arising in connection with the expenditure of HUD assistance covered by section 3 be given to low-income and very low-income persons and the business concerns identified in the part 135 regulations.

f. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and the implementing regulations at 24 CFR part 8, which prohibit discrimination based on handicap in Federally-assisted and conducted programs and activities.

g. The Age Discrimination Act of 1975 (42 U.S.C. 6101–07), as amended, and the implementing regulations at 24 CFR part 146, which prohibit discrimination because of age in projects and activities receiving Federal financial assistance.

h. Executive Orders 11625, 12432, and 12138, which state that program participants shall take affirmative action to encourage participation by businesses owned and operated by members of minority groups and women.

If persons of any particular race, color, religion, sex, age, national origin, familial status, or handicap who may qualify for assistance are unlikely to be reached, it will establish additional procedures to ensure that interested persons can obtain information concerning the assistance.

i. The reasonable modification and accommodation requirements of the Fair Housing Act and, as appropriate, the accessibility requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973, as amended.

2. It will provide drug-free workplaces in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) 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;

h. Providing the street address, city, county, state, and zip code for the site or sites where the performance of work in connection with the grant will take place. For some applicants who have functions carried out by employees in several departments or offices, more than one location may need to be specified. It is further recognized that States and other applicants who become grantees may add or change sites as a



result of changes to program activities during the course of grant-funded activities. Grantees, in such cases, are required to advise the HUD Field Office by submitting a revised "Place of Performance" form. The period covered by the certification extends until all funds under the specific grant have been expended.

3. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 49 CFR part 24.

4. It will comply with the requirements of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4821-4846, and implementing regulations at 24 CFR part 35.

5. It will (i) not enter into a contract for, or otherwise commit HUD or local funds for, acquisition, rehabilitation, conversion, lease, repair, or construction of property to provide housing under the program, prior to HUD's completion of an environmental review in accordance with 24 CFR part 50 and HUD's approval of the application; (ii) supply HUD with information necessary for HUD to perform any applicable environmental review when requested; and (iii) carry out mitigating measures required by HUD or ensure that alternate sites are utilized.

6. The applicant certifies that:

a. No Federally 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 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.

b. If any funds other than Federally 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.

c. The language of this certification shall 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 of more than \$100,000 for each such failure.

7. For private nonprofit applicants, the applicant certifies that members of its Board of Directors serve in a voluntary capacity and receive no compensation, other than reimbursement for expenses, for their services.

8. The applicant certifies that it and its principals (see 24 CFR 24.105(p)):

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions (see 24 CFR 24.110) by any Federal department or agency;

b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in (b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the applicant is unable to certify to any of the statements in this certification, the applicant shall attach an explanation behind this page.

Signature of Authorized Certifying Official:

Title:

Applicant: Date:

#### Appendix C—HUD Field Offices

Telephone numbers for Telecommunications Devices for the Deaf (TDD machines) are listed for field

offices; all HUD numbers, including those noted \*, may be reached via TDD by dialing the Federal Information Relay Service on 1-800-877-TDDY or (1-800-877-8339) or (202) 708-9300.

#### Alabama

John D. Harmon, Beacon Ridge Tower, 600 Beacon Pkwy. West, Suite 300, Birmingham, AL 35209-3144; (205) 290-7645; TDD (205) 290-7624.

#### Alaska

Dean Zinck, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508-4399; (907) 271-3669; TDD (907) 271-4328.

#### Arizona

Lou Kislin, 400 N. 5th St., Suite 1600, Arizona Center, Phoenix AZ 85004; (602) 379-4754; TDD (602) 379-4461.

#### Arkansas

Billy M. Parsley, TCBY Tower, 425 West Capitol Ave., Suite 900, Little Rock, AR 72201-3488; (501) 324-6375; TDD (501) 324-5931.

#### California

(Southern) Herbert L. Roberts, 1615 W. Olympic Blvd., Los Angeles, CA 90015-3801; (213) 251-7235; TDD (213) 251-7038.

(Northern) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 556-5576; TDD (415) 556-8357.

#### Colorado

Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.

#### Connecticut

Daniel Kolesar, 330 Main St., Hartford, CT 06106-1860; (203) 240-4508; TDD (203) 240-4522.

#### Delaware

John Kane, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106-3392; (215) 597-2665; TDD (215) 597-5564.

#### District of Columbia

James H. McDaniel, 820 First St., NE, Washington, DC (and MD and VA suburbs) 20002; (202) 275-0994; TDD (202) 275-0772.

#### Florida

James N. Nichol, 301 West Bay St., Suite 2200, Jacksonville, FL 32202-5121; (904) 232-3587; TDD (904) 791-1241.

#### Miami-So. Dade

Richard P. Garrabrant, South Dade County Government Annex, Room 1400, 10710 SW 211 Street, Miami, FL 33189; (303) 238-2851.

*Georgia*

John Perry, Russell Fed. Bldg., Room 688, 75 Spring St., SW, Atlanta, GA 30303-3388; (404) 331-5139; TDD (404) 730-2654.

*Hawaii (and Pacific)*

Patti A. Nicholas, 7 Waterfront Plaza, Suite 500, 500 Ala Moana Blvd., Honolulu, HI 96813-4918; (808) 522-8180; TDD (808) 541-1356.

*Idaho*

John G. Bonham, 520 SW 6th Ave., Portland, OR 97204-1596 (503) 326-7018; TDD \* via 1-800-877-8339.

*Illinois*

Jim Barnes, 77 W. Jackson Blvd., Chicago, IL 60604-3507; (312) 353-1696; TDD (312) 353-7143.

*Indiana*

Robert F. Poffenberger, 151 N. Delaware St., Indianapolis, IN 46204-2526; (317) 226-5169; TDD \* via 1-800-877-8339.

*Iowa*

Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955; (402) 492-3144; TDD (402) 492-3183.

*Kansas*

William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101-2406; (913) 551-5484; TDD (913) 551-6972.

*Kentucky*

Ben Cook, P.O. Box 1044, 601 W. Broadway, Louisville, KY 40201-1044; (502) 582-5394; TDD (502) 582-5139.

*Louisiana*

Greg Hamilton, P.O. Box 70288, 1661 Canal St., New Orleans, LA 70112-2887; (504) 589-7212; TDD (504) 589-7237.

*Maine*

David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640; TDD (603) 666-7518.

*Maryland*

Harold Young, 10 South Howard Street, 5th Floor, Baltimore, MD 21202-0000; (410) 962-2520 x3116; TDD (410) 962-0106.

*Massachusetts*

Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 565-5342; TDD (617) 565-5453.

*Michigan*

Richard Paul, Patrick McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226-2592; (313) 226-4343; TDD \* via 1-800-877-8339.

*Minnesota*

Shawn Huckleby, 220 2nd St. South, Minneapolis, MN 55401-2195; (612) 370-3019; TDD (612) 370-3186.

*Mississippi*

Jeanie E. Smith, Dr. A. H. McCoy Fed. Bldg., 100 W. Capitol St., Room 910, Jackson, MS 39269-1096; (601) 965-4765; TDD (601) 965-4171.

*Missouri*

(Eastern) David H. Long, 1222 Spruce St., St. Louis, MO 63103-2836; (314) 539-6524; TDD (314) 539-6331.  
(Western) William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101-2406; (913) 551-5484; TDD (913) 551-6972.

*Montana*

Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.

*Nebraska*

Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955; (402) 492-3144; TDD (402) 492-3183.

*Nevada*

(Las Vegas, Clark Cnty) Lou Kislin, 400 N. 5th St., Suite 1600, 2 Arizona Center, Phoenix, AZ 85004; (602) 379-4754; TDD (602) 379-4461.  
(Remainder of State) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 556-5576; TDD (415) 556-8357.

*New Hampshire*

David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640; TDD (603) 666-7518.

*New Jersey*

Frank Sagarese, 1 Newark Center, Newark, NJ 07102; (201) 622-7900; TDD (201) 645-3298.

*New Mexico*

Katie Worsham, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113-2905; (817) 885-5483; TDD (817) 885-5447.

*New York*

(Upstate) Michael F. Merrill, Lafayette Ct., 465 Main St., Buffalo, NY 14203-1780; (716) 846-5768; TDD \* via 1-800-877-8339.

(Downstate) Jack Johnson, 26 Federal Plaza, New York, NY 10278-0068; (212) 264-2885; TDD (212) 264-0927.

*North Carolina*

Charles T. Ferebee, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407; (910) 547-4005; TDD (910) 547-4055.

*North Dakota*

Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.

*Ohio*

Jack E. Riordan, 200 North High St., Columbus, OH 43215-2499; (614) 469-6743; TDD (614) 469-6694.

*Oklahoma*

Ted Allen, Murrah Fed. Bldg., 200 NW 5th St., Oklahoma City, OK 73102-3202; (405) 231-4973; TDD (405) 231-4181.

*Oregon*

John G. Bonham, 520 SW 6th Ave., Portland, OR 97204-1596 (503) 326-7018; TDD \* via 1-800-877-8339.

*Pennsylvania*

(Western) Bruce Crawford, Old Post Office and Courthouse Bldg., 700 Grant St., Pittsburgh, PA 15219-1906; (412) 644-5493; TDD (412) 644-5747.  
(Eastern) Joyce Gaskins, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106-3392; (215) 597-2665; TDD (215) 597-5564.

*Puerto Rico (and Caribbean)*

Carmen R. Cabrera, 159 Carlos Chardon Ave., San Juan, PR 00918-1804; (809) 766-5576; TDD (809) 766-5909.

*Rhode Island*

Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 565-5342; TDD (617) 565-5453.

*South Carolina*

Louis E. Bradley, Fed. Bldg., 1835-45 Assembly St., Columbia, SC 29201-2480; (803) 765-5564; TDD \* via 1-800-877-8339.

*South Dakota*

Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.

*Tennessee*

Virginia Peck, 710 Locust St., Knoxville, TN 37902-2526; (615) 545-4396; TDD (615) 545-4559.

*Texas*  
(Northern) Katie Worsham, 1600  
Throckmorton, P.O. Box 2905, Fort  
Worth, TX 76113-2905; (817) 885-  
5483; TDD (817) 885-5447.  
(Southern) John T. Maldonado,  
Washington Sq., 800 Dolorosa, San  
Antonio, TX 78207-4563; (210) 229-  
6820; TDD (210) 229-6885.

*Utah*  
Sharon Jewell, First Interstate Tower  
North, 633 17th St., Denver, CO  
80202-3607; (303) 672-5414; TDD  
(303) 672-5248.

*Vermont*  
David Lafond, Norris Cotton Fed. Bldg.,  
275 Chestnut St., Manchester, NH

03101-2487; (603) 666-7640; TDD  
(603) 666-7518.

*Virginia*

Joseph Aversano, 3600 W. Broad St.,  
P.O. Box 90331, Richmond, VA  
23230-0331; (804) 278-4503; TDD  
(804) 278-4501.

*Washington*

John Peters, Federal Office Bldg., 909  
First Ave., Suite 200, Seattle, WA  
98104-1000; (206) 220-5150; TDD  
(206) 220-5185.

*West Virginia*

Bruce Crawford, Old Post Office &  
Courthouse Bldg., 700 Grant St.,

Pittsburgh, PA 15219-1906; (412)  
644-5493; TDD (412) 644-5747.

*Wisconsin*

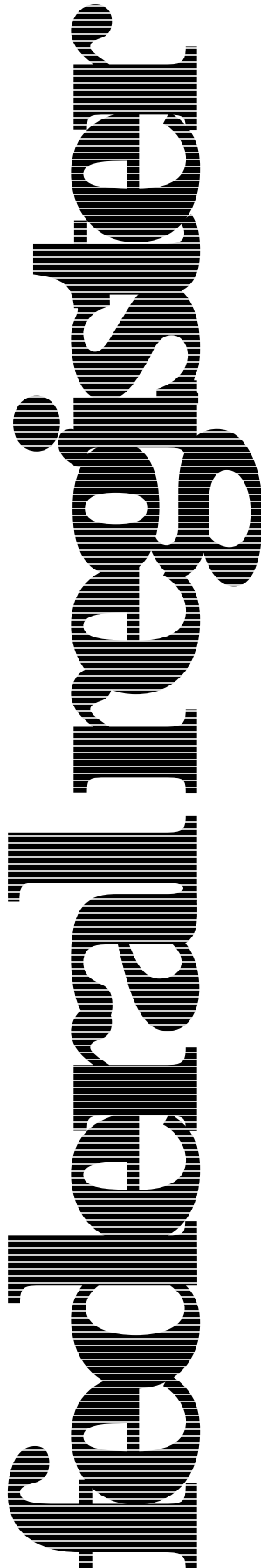
Lana J. Vacha, Henry Reuss Fed. Plaza,  
310 W. Wisconsin Ave., Ste. 1380,  
Milwaukee, WI 53203-2289; (414)  
297-3113; TDD \* via 1-800-877-  
8339.

*Wyoming*

Sharon Jewell, First Interstate Tower  
North, 633 17th St., Denver, CO  
80202-3607; (303) 672-5414; TDD  
(303) 672-5248.

[FR Doc. 95-1793 Filed 1-24-95; 8:45 am]

BILLING CODE 4210-29-P



---

Wednesday  
January 25, 1995

---

## Part IV

# Department of Housing and Urban Development

---

Office of the Assistant Secretary for  
Community Planning and Development

---

**Consolidated Formula Allocations for the  
Community Development Block Grant,  
HOME Investment Partnerships,  
Emergency Shelter Grants, and Housing  
Opportunities for Persons With AIDS  
Programs for Fiscal Year 1995; Notice**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-95-3860; FR 3848-N-01]

### Notice of Fiscal Year 1995 Consolidated Formula Allocations for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) Programs

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development (HUD).

**ACTION:** Notice of fiscal year 1995 consolidated formula allocations for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs. This Notice also contains the reallocation of Fiscal Year 1994 CDBG funds.

**SUMMARY:** Prior to Fiscal Year 1995, HUD announced CDBG, HOME, ESG, and HOPWA formula allocations separately. Beginning in Fiscal Year 1995, HUD will announce the total amount which State and local jurisdictions are eligible to receive under a consolidated formula allocation. The announcement of consolidated formula allocations reflects the Department's commitment to the Consolidated Plan concept which was developed in joint partnership with state and local governments to address local problems more comprehensively.

This Notice announces the total Fiscal Year 1995 consolidated formula allocations of CDBG, HOME, ESG, and HOPWA funds for metropolitan cities, urban counties, consortia of units of general local government, and States in the following respective allocation amounts: CDBG \$4,485,000,000; HOME \$1,336,200,000; ESG \$154,918,000; and HOPWA \$167,400,000. The formula allocations are depicted in the matrix table in Appendix A which identifies by jurisdiction the dollar amount for each formula program.

Appendix B contains the Fiscal Year 1995 reallocation of \$4,599,800 in Fiscal Year 1994 CDBG funds. Since no HOME, ESG, and HOPWA funds are available for reallocation in Fiscal Year 1995, no reallocations will be made. For the HOME program, if funds become available for reallocation in Fiscal Year 1995, the reallocations will be done in

compliance with subpart J of the HOME program regulations.

Appendix C contains the Fiscal Year 1995 HOME program match reductions for localities and Appendix D contains the Fiscal Year 1995 HOME program match reductions for States.

Appendix E contains the names, addresses, and telephone numbers of HUD's Field Office Community Development Directors.

#### CONSOLIDATED PLAN SUBMISSION

**REQUIREMENTS:** The "Consolidated Submission for Community Planning and Development Programs" final rule, published on December 30, 1994, and codified at 24 CFR part 91 amends the Department's existing regulations by consolidating the planning, application, and reporting of the Department's CDBG, HOME, ESG, and HOPWA programs into a single submission. Jurisdictions should reference the Consolidated Plan final rule, and the applicable regulations governing each formula program for specific guidance with respect to application submission procedures.

The Department has indicated previously its intent to apply the new Consolidated Plan rule to Fiscal Year 1995 funding. A jurisdiction should submit its consolidated plan to HUD at least 45 days before the start of its program year.

A jurisdiction must have a Consolidated Plan that is approved by HUD as a prerequisite to receiving funds directly from HUD with respect to each of these formula programs unless a waiver request has been submitted and approved by the local HUD Field Office. The HUD Field Office may grant a jurisdiction an exception from filing all or part of the consolidated plan for Fiscal Year 1995, from the submission deadline, or from procedures specified in the implementation guidelines for good cause to the extent the requirement is not required by statute. The exception must be reported in writing to HUD Headquarters and should identify an alternative submission date for the consolidated plan.

#### FOR FURTHER INFORMATION CONTACT:

Appendix E contains the name, address, and telephone number of each local HUD Field Office Community Planning and Development (CPD) Division Director. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708-9300 (This is not a toll-free number) or 1-800-877-8339 (This is a toll free number).

#### SUPPLEMENTARY INFORMATION:

#### Community Development Block Grant (CDBG)

The FY 1995 appropriation for the CDBG Program is \$4,485,000,000. In FY 1995, CDBG allocations are being made to a total of 808 metropolitan cities and 138 urban counties.

Six metropolitan cities have been qualified as new entitlement communities: Camarillo, CA; Pittsburg, CA; Palm Bay, FL; Taunton, MA; Lee's Summit, MO; and Hattiesburg, MS. The following three new urban counties have been qualified: McHenry County, IL; Cumberland County, NC; and Brazoria County, TX.

The following nineteen metropolitan cities that have elected to become joint recipients with an urban county in Fiscal Year 1995 for the CDBG program: Cerritos, CA (Los Angeles Co.); Mission Viejo, CA (Orange Co.); Redlands, CA (San Bernardino Co.); Rialto, CA (San Bernardino Co.); Yorba Linda, CA (Orange Co.); Coral Springs, FL (Broward Co.); Plantation, FL (Broward Co.); Marietta, GA (Cobb Co.); Belleville, IL (St. Clair Co.); Berwyn, IL (Cook Co.); Chicago Heights, IL (Cook Co.); Wheaton, IL (Du Page Co.); Rochester Hills, MI (Oakland Co.); Troy, MI (Oakland Co.); North Las Vegas, NV (Clark Co.); Clay Town, NY (Onondaga Co.); West Seneca Town, NY (Erie Co.); Federal Way, WA (King Co.); and Waukesha, WI (Waukesha Co.).

#### HOME Investment Partnerships (HOME)

The FY 1995 appropriation for the HOME Program is \$1.4 billion. Of that amount, 0.2 percent (\$2,800,000) is for grants to insular areas and one percent (\$14,000,000) is for grants to Indian tribes. In addition, the Department is setting aside \$47 million for technical assistance, of which \$25 million is for community housing partnership activities and \$22 million is for activities in support of State and local housing strategies. The remaining \$1,336,200,000 is allocated by formula to eligible cities, urban counties, consortia of units of local government, and to States.

Of the \$1,336,200,000 available for allocation, 60 percent has been allocated to cities, urban counties and consortia of units of local government and 40 percent has been allocated to States. To receive a formula allocation in Fiscal Year 1995, a locality must have a formula amount of \$335,000 or more. Each State is guaranteed an allocation of at least \$3,000,000.

Appendix A contains the formula allocations for States and metropolitan

cities, urban counties, and consortia that receive HOME allocations. To receive its allocation, a jurisdiction must be designated as a participating jurisdiction.

If a jurisdiction has not yet been designated as a participating jurisdiction, it must comply with the requirements of 24 CFR 92.103 through 92.105 of the HOME Program regulations. This includes submitting a written notification of intent to participate in the HOME Program to the Community Planning and Development Division in the appropriate HUD Field Office by February 24, 1995 and submitting a consolidated plan to that office within 90 days of submitting its notice of intent.

**Note:** A jurisdiction which has not yet been designated as a participating jurisdiction and whose allocation is less than \$500,000 must meet the participation threshold requirement to be designated a participating jurisdiction, as required by 24 CFR 92.102 and 92.103.

To receive its allocation, a jurisdiction that is already a participating jurisdiction in the HOME Program must submit a consolidated plan in accordance with 24 CFR part 91 to the CPD Division Director in the appropriate HUD Field Office. The consolidated plan is to be submitted at least 45 days before the start of the jurisdiction's program year, as required by 24 CFR 91.10 and 91.15.

#### **Matching Contribution Requirement**

##### *(A) Amount of Matching Contribution*

Starting with Fiscal Year 1993 funds, participating jurisdictions must make contributions to housing that qualifies as affordable housing under the HOME Program. During a fiscal year, the contributions must total not less than 25 percent of the HOME funds spent in that fiscal year for project costs, unless the participating jurisdiction has received a reduction in the match requirement. Eligible forms of matching contribution are listed at 24 CFR 92.220.

##### *(B) Value of Donated or Voluntary Labor*

For Fiscal Year 1995, the rate for the value of donated or voluntary labor contributed as match is \$10 per hour (See 24 CFR 92.220(a)(6)).

##### *(C) Reduction for Fiscal Distress*

Section 92.222 provides for a 50 percent reduction in the match requirement for jurisdictions that are in fiscal distress and a 100 percent reduction in the match requirement for jurisdictions that are in severe fiscal distress.

Appendix C lists all local jurisdictions eligible for a formula

allocation in Fiscal Year 1995 and indicates which are in fiscal distress or severe fiscal distress. The local jurisdictions which meet one of the distress criteria are determined to be in fiscal distress and receive a 50 percent reduction of match. Those jurisdictions which satisfy both of the distress criteria are determined to be in severe fiscal distress and receive a 100 percent reduction in match.

Appendix D lists the States, including the District of Columbia and Puerto Rico, which are defined as States by the HOME statute, and indicates which are in fiscal distress or severe fiscal distress. States that satisfy one of the criteria are considered in fiscal distress and receive a 50 percent match reduction. States that satisfy at least two of the three distress criteria are considered in severe fiscal distress and receive a 100 percent match reduction.

This year the poverty criterion has two parts—the first is based on percent of families in poverty and the second is based on percent of families and elderly households in poverty. If a jurisdiction's poverty rate is 125 percent or more of the average national poverty rate under either or both parts, the jurisdiction qualifies as being distressed based on the poverty criterion. In 1990 (the latest year for which information is available) the average national rate for families in poverty was 10.6 percent and for families plus elderly households in poverty the average national rate was 12.5 percent. Thus, for a jurisdiction to qualify as distressed based on poverty, its percent of families in poverty must be 13.2 percent or higher and/or the percent of families in poverty plus elderly households in poverty must be 15.6 percent or higher.

To qualify under the per capita income (PCI) criterion, the PCI for the jurisdiction must be less than 75 percent of the national average (which was \$14,277 in 1989—latest available data) or less than \$10,708.

For States, to qualify under the personal income growth rate, the State's rate must be less than 75 percent of the average national personal income growth rate during the most recent four quarters. The average national personal income growth rate from the second quarter of 1993 to the end of the second quarter of 1994 was 5.5 percent. Thus, for a State to qualify under this factor, its income growth rate for that period must be 4.0 percent or less.

The period of match reduction under this Notice is for Fiscal Years 1995 and 1996. However, participating jurisdictions that received a 100% match reduction in Fiscal Year 1994 will continue to receive a 100% match

reduction for Fiscal Year 1995. Participating jurisdictions that received a 50% match reduction in Fiscal Year 1994 will continue to receive a 50% match reduction in Fiscal Year 1995, unless the participating jurisdiction is determined to be in severe fiscal distress in Fiscal Year 1995. In that case, the participating jurisdiction will receive a 100% reduction for Fiscal Years 1995 and 1996. (See 24 CFR 92.222(a) (3) and (4)).

#### **Emergency Shelter Grants (ESG)**

The FY 1995 appropriation for the ESG Program is \$156,800,000. The ESG program allocation includes a statutorily-mandated set-aside of one percent of the total ESG program appropriation, or \$1,568,000, for competitive distribution to Indian tribes, bands, groups or nations and any Alaskan Native Village of the United States and a statutorily-mandated set-aside of two-tenths of one percent of the total ESG program appropriation, or \$314,000, for distribution to U.S. Territories. This leaves an appropriation of \$154,918,000 to be allocated by formula.

To receive an ESG formula allocation, a community's share generally must be greater than or equal to 0.05 percent of the total ESG appropriation (.0005 x \$156,800,000 = \$79,000). The deletions resulted when these communities' share of the total amount of ESG funds available dropped below the statutory .05 percent required for a minimum grant size.

Since ESG eligibility and allocations are based upon the prior year's CDBG allocation, the shifts that occur lag those that took place in CDBG between Fiscal Years 1993 and 1994. For Fiscal Year 1995, the following four jurisdictions have been added to the ESG allocation list as eligible grant recipients: Rockland County, NY; San Luis Obispo County, CA; Cayey, PR; and Fort Bend County, TX. The following five jurisdictions have been removed from the allocation list: Alameda County, CA; Salinas, CA; Manchester, NH; Onondaga County, NY; and Clark County, WA.

#### **Housing Opportunities for Persons With AIDS (HOPWA)**

The FY 1995 appropriation for the HOPWA Program is \$186,000,000, of which \$167,000,000 will be available for formula allocation. Allocations are being made by this Notice for 66 grants, including 43 Eligible Metropolitan Statistical Areas (EMSAs) and 23 States. States and metropolitan areas over 500,000 population that have more than 1,500 reported cases of AIDS qualify for formula allocations constituting 90

percent of appropriated funds. The remaining 10 percent of the funds will be awarded to States, local governments, and nonprofit organizations through national competition. The remaining appropriation of \$18,600,000 will be awarded by a competitive process.

The most populous city in an EMSA qualifies to serve as the applicant for funds allocated to that metropolitan area. The applicant will be responsible for using these funds to address needs throughout the metropolitan area and coordinate activities with other jurisdictions and HIV/AIDS

organizations in that area. HOPWA formula grants to States are made for areas outside of any EMSA in that State.

Dated: January 18, 1995.

**Andrew Cuomo,**

*Assistant Secretary for Community Planning and Development.*

#### APPENDIX A.—FY 1995 FORMULA ALLOCATIONS

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
<b>State: Alabama</b>					
Anniston .....	833	833	0	0	0
Bessemer .....	982	982	0	0	0
Birmingham .....	11,340	8,859	2,137	344	0
Decatur .....	591	591	0	0	0
Dothan .....	824	824	0	0	0
Florence .....	535	535	0	0	0
Gadsden .....	1,459	1,459	0	0	0
Huntsville .....	2,553	1,895	658	0	0
Mobile .....	5,260	3,647	1,472	141	0
Montgomery .....	4,314	3,088	1,106	120	0
Tuscaloosa .....	2,101	1,502	599	0	0
Jefferson Co .....	4,344	3,219	996	129	0
State of Alabama .....	50,552	34,816	13,215	1,624	897
Subtotal .....	85,688	62,250	20,183	2,358	897
<b>State: Alaska</b>					
Anchorage .....	3,457	2,450	924	83	0
State of Alaska .....	6,382	3,289	3,000	93	0
Subtotal .....	9,839	5,739	3,924	176	0
<b>State: Arizona</b>					
Chandler .....	1,187	1,187	0	0	0
Glendale .....	2,074	2,074	0	0	0
Mesa .....	3,671	3,559	0	112	0
Peoria City .....	554	554	0	0	0
Phoenix .....	21,879	16,054	4,460	538	827
Scottsdale .....	1,049	1,049	0	0	0
Tempe .....	1,994	1,994	0	0	0
Tucson .....	8,314	8,039	0	275	0
Yuma .....	1,057	1,057	0	0	0
Maricopa Co .....	4,124	3,982	0	142	0
Pima Co .....	3,215	3,105	0	110	0
Cnsrt-Maricopa Co .....	3,869	0	3,869	0	0
Cnsrt-Tucson .....	3,238	0	3,238	0	0
State of Arizona .....	17,042	11,419	5,020	603	0
Subtotal .....	73,267	54,073	16,587	1,780	827
<b>State: Arkansas</b>					
Conway .....	358	358	0	0	0
Fayetteville .....	663	663	0	0	0
Fort Smith .....	1,378	992	386	0	0
Jacksonville .....	359	359	0	0	0
Little Rock .....	3,401	2,432	874	95	0
North Little Rock <sup>1</sup> .....	1,307	940	367	0	0
Pine Bluff .....	1,705	1,267	438	0	0
Rogers .....	263	263	0	0	0
Springdale .....	330	330	0	0	0
Texarkana .....	452	452	0	0	0
West Memphis .....	570	570	0	0	0
State of Arkansas .....	35,903	25,070	9,677	1,156	0
Subtotal .....	46,689	33,696	11,742	1,251	0
<b>State: California</b>					
Alameda .....	1,299	1,299	0	0	0
Alhambra .....	2,609	2,035	574	0	0
Anaheim .....	6,447	4,992	1,319	136	0
Antioch .....	743	743	0	0	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Bakersfield .....	4,018	2,953	974	91	0
Baldwin Park <sup>1</sup> .....	2,319	1,962	357	0	0
Bellflower <sup>1</sup> .....	1,513	1,129	384	0	0
Berkeley .....	5,185	4,259	794	132	0
Buena Park .....	1,113	1,113	0	0	0
Burbank .....	2,008	1,450	558	0	0
Camarillo .....	479	479	0	0	0
Carlsbad .....	647	647	0	0	0
Carson .....	1,507	1,507	0	0	0
Cerritos .....	597	597	0	0	0
Chico <sup>1</sup> .....	1,314	944	370	0	0
Chino .....	759	759	0	0	0
Chula Vista .....	2,870	2,162	708	0	0
Compton .....	3,939	3,118	713	108	0
Concord .....	1,195	1,195	0	0	0
Corona .....	1,155	1,155	0	0	0
Costa Mesa .....	1,987	1,478	509	0	0
Daly .....	1,718	1,718	0	0	0
Davis .....	974	974	0	0	0
Downey .....	1,831	1,437	394	0	0
El Cajon .....	2,029	1,465	564	0	0
El Monte .....	4,610	3,682	820	108	0
Encinitas .....	631	631	0	0	0
Escondido City .....	2,352	1,785	567	0	0
Fairfield <sup>1</sup> .....	1,244	876	368	0	0
Fontana <sup>1</sup> .....	1,904	1,529	375	0	0
Fountain Valley .....	469	469	0	0	0
Fremont .....	1,770	1,770	0	0	0
Fresno .....	12,017	8,859	2,894	264	0
Fullerton .....	2,319	1,825	494	0	0
Garden Grove .....	3,424	2,792	632	0	0
Gardena .....	1,019	1,019	0	0	0
Gilroy City .....	579	579	0	0	0
Glendale .....	5,778	4,294	1,375	109	0
Hawthorne .....	2,283	1,741	542	0	0
Hayward .....	1,785	1,785	0	0	0
Hemet City .....	569	569	0	0	0
Hesperia .....	786	786	0	0	0
Huntington Beach .....	2,393	1,810	583	0	0
Huntington Park .....	2,893	2,315	578	0	0
Inglewood .....	3,880	2,965	830	85	0
Irvine .....	1,150	1,150	0	0	0
La Habra City .....	772	772	0	0	0
La Mesa City .....	636	636	0	0	0
Lake Forest .....	458	458	0	0	0
Lakewood .....	788	788	0	0	0
Lancaster <sup>1</sup> .....	1,638	1,270	368	0	0
Livermore .....	503	503	0	0	0
Lompoc .....	680	680	0	0	0
Long Beach .....	13,907	10,130	3,487	290	0
Los Angeles .....	139,129	96,773	29,630	2,999	9,727
Lynwood .....	2,634	2,153	481	0	0
Madera .....	860	860	0	0	0
Merced .....	2,025	1,538	487	0	0
Mission Viejo .....	471	471	0	0	0
Modesto .....	3,531	2,663	868	0	0
Montebello .....	1,826	1,431	395	0	0
Monterey .....	313	313	0	0	0
Monterey Park <sup>1</sup> .....	1,952	1,578	374	0	0
Moreno Valley <sup>1</sup> .....	1,940	1,583	357	0	0
Mountain View <sup>1</sup> .....	1,304	925	379	0	0
Napa City .....	727	727	0	0	0
National City .....	2,052	1,535	517	0	0
Newport Beach .....	534	534	0	0	0
Norwalk <sup>1</sup> .....	2,245	1,881	364	0	0
Oakland .....	16,354	10,723	3,708	359	1,564
Oceanside .....	2,613	2,007	606	0	0
Ontario .....	3,325	2,670	655	0	0
Orange .....	1,911	1,506	405	0	0
Oxnard .....	4,083	3,246	734	103	0
Palm Springs .....	667	667	0	0	0



## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Palmdale City .....	988	988	0	0	0
Palo Alto .....	822	822	0	0	0
Paradise .....	307	307	0	0	0
Pasadena .....	3,736	2,710	938	88	0
Petaluma .....	343	343	0	0	0
Pico Rivera .....	1,331	1,331	0	0	0
Pittsburg .....	769	769	0	0	0
Pleasanton City .....	312	312	0	0	0
Pomona .....	4,366	3,478	794	94	0
Porterville .....	777	777	0	0	0
Rancho Cucamonga .....	1,024	1,024	0	0	0
Redding <sup>1</sup> .....	1,429	984	445	0	0
Redlands .....	716	716	0	0	0
Redondo Beach .....	601	601	0	0	0
Redwood City .....	1,009	1,009	0	0	0
Rialto .....	1,223	1,223	0	0	0
Richmond .....	2,307	1,675	632	0	0
Riverside .....	6,096	3,765	1,113	109	1,109
Rosemead <sup>1</sup> .....	2,010	1,633	377	0	0
Roseville .....	449	449	0	0	0
Sacramento .....	10,460	7,042	2,618	215	585
Salinas .....	3,369	2,658	711	0	0
San Bernardino .....	5,634	4,055	1,460	119	0
San Diego .....	28,788	19,598	6,521	589	2,080
San Francisco .....	46,421	26,984	6,208	872	12,357
San Jose .....	17,646	13,453	3,226	366	601
San Leandro .....	865	865	0	0	0
San Mateo .....	1,440	1,041	399	0	0
Santa Ana .....	11,759	8,794	1,631	241	1,093
Santa Barbara .....	2,157	1,542	615	0	0
Santa Clara .....	1,641	1,249	392	0	0
Santa Clarita .....	991	991	0	0	0
Santa Cruz .....	803	803	0	0	0
Santa Maria .....	1,394	1,394	0	0	0
Santa Monica .....	2,304	1,689	615	0	0
Santa Rosa .....	1,837	1,275	562	0	0
Santee .....	498	498	0	0	0
Seaside .....	640	640	0	0	0
Simi Valley .....	871	871	0	0	0
South Gate .....	3,506	2,838	668	0	0
South San Francisco .....	793	793	0	0	0
Stockton .....	7,080	5,303	1,628	149	0
Sunnyvale .....	1,923	1,439	484	0	0
Thousand Oaks .....	855	855	0	0	0
Torrance <sup>1</sup> .....	1,954	1,451	503	0	0
Tulare .....	756	756	0	0	0
Turlock .....	737	737	0	0	0
Tustin City .....	741	741	0	0	0
Union City .....	805	805	0	0	0
Upland .....	764	764	0	0	0
Vacaville .....	684	684	0	0	0
Vallejo .....	2,018	1,518	500	0	0
Ventura .....	1,051	1,051	0	0	0
Visalia .....	1,883	1,432	451	0	0
Vista .....	1,226	1,226	0	0	0
Walnut Creek .....	422	422	0	0	0
Watsonville .....	816	816	0	0	0
West Covina .....	1,464	1,464	0	0	0
Westminster .....	1,425	1,425	0	0	0
Whittier .....	1,104	1,104	0	0	0
Woodland .....	600	600	0	0	0
Yorba Linda .....	341	341	0	0	0
Yuba .....	549	549	0	0	0
Alameda Co .....	2,306	2,306	0	0	0
Contra Costa Co .....	4,245	4,117	0	128	0
Fresno Co .....	8,337	6,206	1,924	207	0
Kern Co .....	10,239	7,755	2,234	250	0
Los Angeles Co .....	54,358	42,586	10,426	1,346	0
Marin Co .....	2,902	1,941	961	0	0
Orange Co .....	7,444	5,735	1,537	172	0
Riverside Co .....	14,228	11,220	2,681	327	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Sacramento Co .....	11,403	8,307	2,838	258	0
San Bernardino Co .....	10,407	10,106	0	301	0
San Diego Co .....	7,174	6,961	0	213	0
San Joaquin Co .....	5,561	4,080	1,354	127	0
San Luis Obispo Co .....	3,886	2,825	969	92	0
San Mateo Co .....	4,019	3,894	0	125	0
Santa Clara Co .....	4,602	3,510	982	110	0
Sonoma Co .....	3,733	2,657	987	89	0
Ventura Co .....	3,190	3,089	0	101	0
Cnsrt-Alameda Co .....	2,943	0	2,943	0	0
Cnsrt-Contra Costa Co .....	2,313	0	2,313	0	0
Cnsrt-San Bernardino Co .....	3,365	0	3,365	0	0
Cnsrt-San Diego Co .....	2,653	0	2,653	0	0
Cnsrt-San Mateo Co .....	1,742	0	1,742	0	0
Cnsrt-Santa Barbara Co <sup>1</sup> .....	1,364	0	1,364	0	0
Cnsrt-Ventura Co .....	1,135	0	1,135	0	0
State of California .....	88,776	43,254	38,080	5,288	2,154
Subtotal .....	779,943	555,843	176,070	16,760	31,270
State: Colorado					
Arvada .....	732	732	0	0	0
Aurora .....	2,966	2,209	757	0	0
Boulder .....	1,689	1,252	437	0	0
Colorado Springs .....	4,594	3,278	1,204	112	0
Denver .....	17,551	12,703	3,248	452	1,148
Fort Collins .....	1,686	1,231	455	0	0
Greeley <sup>1</sup> .....	1,356	990	366	0	0
Lakewood .....	1,550	1,144	406	0	0
Longmont .....	515	515	0	0	0
Loveland .....	353	353	0	0	0
Pueblo .....	2,167	2,167	0	0	0
Westminster .....	684	684	0	0	0
Adams Co .....	2,687	2,076	611	0	0
Arapahoe Co .....	1,980	1,491	489	0	0
Jefferson Co .....	1,739	1,340	399	0	0
Cnsrt-Pueblo .....	925	0	925	0	0
State of Colorado .....	18,195	11,549	5,712	934	0
Subtotal .....	61,369	43,714	15,009	1,498	1,148
State: Connecticut					
Bridgeport .....	6,158	4,585	1,409	164	0
Bristol .....	691	691	0	0	0
Danbury .....	708	708	0	0	0
East Hartford .....	618	618	0	0	0
Fairfield .....	649	649	0	0	0
Greenwich .....	1,208	1,208	0	0	0
Hamden Town .....	554	554	0	0	0
Hartford .....	8,138	5,357	1,949	188	644
Manchester .....	694	694	0	0	0
Meriden .....	1,071	1,071	0	0	0
Middletown .....	545	545	0	0	0
Milford Town .....	623	623	0	0	0
New Britain .....	3,053	2,379	594	80	0
New Haven .....	6,922	5,278	1,470	174	0
New London .....	1,289	1,289	0	0	0
Norwalk .....	1,163	1,163	0	0	0
Norwich .....	1,291	1,291	0	0	0
Stamford .....	1,728	1,302	426	0	0
Stratford .....	743	743	0	0	0
Waterbury .....	3,785	2,879	811	95	0
West Hartford .....	1,343	1,343	0	0	0
West Haven .....	771	771	0	0	0
State of Connecticut .....	25,082	15,041	7,896	983	1,162
Subtotal .....	68,827	50,782	14,555	1,684	1,806
State: Delaware					
Dover .....	316	316	0	0	0
Wilmington .....	4,012	3,285	609	118	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
New Castle Co .....	3,769	2,801	866	102	0
State of Delaware .....	5,071	1,992	3,000	79	0
Subtotal .....	13,168	8,394	4,475	299	0
District of Columbia					
Washington .....	35,053	24,401	5,185	808	4,659
Subtotal .....	35,053	24,401	5,185	808	4,659
State: Florida					
Boca Raton .....	498	498	0	0	0
Bradenton .....	594	594	0	0	0
Cape Coral .....	617	617	0	0	0
Clearwater .....	1,085	1,085	0	0	0
Cocoa .....	352	352	0	0	0
Coral Springs .....	705	705	0	0	0
Daytona Beach .....	1,664	1,165	499	0	0
Delray Beach .....	669	669	0	0	0
Fort Pierce .....	976	976	0	0	0
Fort Walton Beach .....	242	242	0	0	0
Fort Lauderdale .....	7,023	2,891	861	104	3,167
Fort Myers .....	927	927	0	0	0
Gainesville .....	2,282	1,704	578	0	0
Hialeah .....	7,278	5,781	1,320	177	0
Hollywood .....	2,229	1,730	499	0	0
Jacksonville-Duval .....	13,253	9,144	2,982	331	796
Lakeland <sup>1</sup> .....	1,349	967	382	0	0
Largo .....	580	580	0	0	0
Melbourne .....	767	767	0	0	0
Miami .....	26,147	13,709	4,038	494	7,906
Miami Beach .....	4,286	2,974	1,212	100	0
Naples .....	162	162	0	0	0
North Miami .....	1,159	1,159	0	0	0
Ocala .....	772	772	0	0	0
Orlando .....	4,573	2,621	979	91	882
Palm Bay .....	665	665	0	0	0
Panama City .....	587	587	0	0	0
Pembroke Pines .....	568	568	0	0	0
Pensacola .....	1,127	1,127	0	0	0
Plantation .....	495	495	0	0	0
Pompano Beach .....	1,325	1,325	0	0	0
Port St. Lucie .....	471	471	0	0	0
Punta Gorda .....	104	104	0	0	0
Sarasota .....	704	704	0	0	0
St. Petersburg .....	4,505	3,223	1,160	122	0
Sunrise .....	630	630	0	0	0
Tallahassee .....	3,076	2,278	717	81	0
Tampa .....	8,928	5,192	1,873	189	1,674
Titusville .....	461	461	0	0	0
West Palm Beach .....	3,216	1,218	446	0	1,552
Winterhaven .....	342	342	0	0	0
Brevard Co .....	2,039	1,949	0	90	0
Broward Co .....	9,716	7,587	1,875	254	0
Dade Co .....	30,048	24,201	5,113	734	0
Escambia Co .....	3,074	2,965	0	109	0
Hillsborough Co .....	8,609	6,702	1,681	226	0
Lee Co .....	2,696	2,182	514	0	0
Orange Co .....	7,989	6,158	1,641	190	0
Palm Beach Co .....	8,067	7,799	0	268	0
Pasco Co .....	4,273	3,286	869	118	0
Pinellas Co .....	3,965	3,826	0	139	0
Polk Co .....	5,524	4,265	1,103	156	0
Sarasota Co .....	1,706	1,706	0	0	0
Seminole Co .....	2,873	2,781	0	92	0
Volusia Co .....	3,406	3,289	0	117	0
Cnsrt-Brevard Co .....	1,241	0	1,241	0	0
Cnsrt-Escambia Co .....	1,598	0	1,598	0	0
Cnsrt-Palm Beach Co .....	2,140	0	2,140	0	0
Cnsrt-Pinellas Co .....	1,759	0	1,759	0	0
Cnsrt-Sarasota .....	723	0	723	0	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Cnsrt-Volusia Co .....	1,744	0	1,744	0	0
State of Florida .....	54,726	34,179	15,926	2,045	2,576
Subtotal .....	265,309	185,056	55,473	6,227	18,553
State: Georgia					
Albany .....	2,498	1,838	660	0	0
Athens-Clarke .....	2,296	1,737	559	0	0
Atlanta .....	20,146	13,524	3,514	478	2,630
Augusta .....	3,092	2,376	630	86	0
Columbus-Muscogee .....	4,337	2,983	1,243	111	0
Macon .....	3,162	2,138	938	86	0
Marietta .....	609	609	0	0	0
Savannah .....	4,799	3,468	1,210	121	0
Warner Robins .....	559	559	0	0	0
Cobb Co .....	3,116	3,013	0	103	0
De Kalb Co .....	7,493	5,562	1,753	178	0
Fulton Co .....	3,087	2,987	0	100	0
Gwinnett Co .....	2,716	2,633	0	83	0
Cnsrt-Cobb Co .....	2,719	0	2,719	0	0
State of Georgia .....	66,992	47,478	16,677	1,859	978
Subtotal .....	127,621	90,905	29,903	3,205	3,608
State: Hawaii					
Honolulu .....	19,269	14,128	4,611	530	0
State of Hawaii .....	8,198	5,063	3,000	135	0
Subtotal .....	27,467	19,191	7,611	665	0
State: Idaho					
Boise .....	1,855	1,327	528	0	0
Nampa .....	503	503	0	0	0
State of Idaho .....	14,296	10,117	3,778	401	0
Subtotal .....	16,654	11,947	4,306	401	0
State: Illinois					
Arlington Heights .....	417	417	0	0	0
Aurora .....	1,406	1,406	0	0	0
Belleville .....	836	836	0	0	0
Berwyn .....	1,821	1,821	0	0	0
Bloomington .....	866	866	0	0	0
Champaign .....	1,029	1,029	0	0	0
Chicago .....	155,000	118,822	28,308	4,294	3,576
Chicago Heights .....	749	749	0	0	0
Cicero .....	2,136	2,054	0	82	0
De Kalb .....	567	567	0	0	0
Decatur .....	2,462	1,863	599	0	0
Des Plaines .....	340	340	0	0	0
East St. Louis .....	3,392	2,710	577	105	0
Elgin .....	1,061	1,061	0	0	0
Evanston <sup>1</sup> .....	2,914	2,472	361	81	0
Joliet .....	1,786	1,365	421	0	0
Kankakee .....	761	761	0	0	0
Moline .....	1,043	1,043	0	0	0
Mount Prospect .....	393	393	0	0	0
Naperville .....	424	424	0	0	0
Normal .....	551	551	0	0	0
North Chicago .....	413	413	0	0	0
Oak Lawn .....	355	355	0	0	0
Oak Park .....	2,372	2,372	0	0	0
Pekin .....	544	544	0	0	0
Peoria .....	3,527	2,486	945	96	0
Rantoul .....	382	382	0	0	0
Rock Island .....	1,689	1,689	0	0	0
Rockford .....	3,762	2,761	909	92	0
Schaumburg Village .....	415	415	0	0	0
Skokie .....	662	662	0	0	0
Springfield .....	2,303	1,690	613	0	0
Urbana .....	581	581	0	0	0
Waukegan .....	968	968	0	0	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Wheaton City .....	368	368	0	0	0
Cook Co .....	14,194	13,681	0	513	0
Du Page Co .....	4,411	4,260	0	151	0
Lake Co .....	3,015	2,910	0	105	0
Madison Co .....	5,275	3,947	1,182	146	0
McHenry Co <sup>1</sup> .....	1,662	1,263	399	0	0
St. Clair Co .....	2,447	2,355	0	92	0
Will Co .....	2,393	1,902	491	0	0
Cnsrt-Cook Co .....	4,968	0	4,968	0	0
Cnsrt-Dupage Co .....	1,881	0	1,881	0	0
Cnsrt-Lake Co .....	1,298	0	1,298	0	0
Cnsrt-St. Clair Co .....	797	0	797	0	0
Cnsrt-Urbana <sup>1</sup> .....	798	0	798	0	0
State of Illinois .....	62,015	40,681	18,797	2,537	0
Subtotal .....	303,449	228,235	63,344	8,294	3,576
State: Indiana					
Anderson .....	1,614	1,150	464	0	0
Bloomington .....	1,585	1,138	447	0	0
East Chicago .....	2,365	1,960	405	0	0
Elkhart .....	969	969	0	0	0
Evansville .....	4,787	3,837	808	142	0
Fort Wayne .....	4,655	3,699	824	132	0
Gary .....	6,434	5,059	1,182	193	0
Goshen .....	351	351	0	0	0
Hammond .....	3,711	3,037	562	112	0
Indianapolis .....	16,325	11,879	4,025	421	0
Kokomo .....	1,280	1,280	0	0	0
Lafayette .....	970	970	0	0	0
Mishawaka .....	630	630	0	0	0
Muncie .....	2,299	1,758	541	0	0
New Albany .....	912	912	0	0	0
South Bend .....	3,932	3,797	0	135	0
Terre Haute .....	3,021	2,503	425	93	0
West Lafayette .....	542	542	0	0	0
Lake Co .....	2,358	1,793	565	0	0
Cnsrt-Lafayette .....	600	0	600	0	0
Cnsrt-South Bend .....	995	0	995	0	0
State of Indiana .....	52,915	38,078	11,960	1,847	1,030
Subtotal .....	113,250	85,342	23,803	3,075	1,030
State: Iowa					
Cedar Falls .....	427	427	0	0	0
Cedar Rapids .....	2,119	1,623	496	0	0
Council Bluffs .....	1,389	1,389	0	0	0
Davenport .....	2,836	2,214	622	0	0
Des Moines .....	6,729	5,426	1,115	188	0
Dubuque .....	1,472	1,472	0	0	0
Iowa City .....	1,414	1,014	400	0	0
Sioux City .....	2,669	2,576	0	93	0
Waterloo .....	2,315	1,837	478	0	0
Cnsrt-Sioux City .....	581	0	581	0	0
State of Iowa .....	42,612	31,501	9,611	1,500	0
Subtotal .....	64,563	49,479	13,303	1,781	0
State: Kansas					
Kansas City .....	4,373	3,305	948	120	0
Lawrence .....	1,554	1,148	406	0	0
Leavenworth .....	483	483	0	0	0
Overland Park .....	657	657	0	0	0
Topeka .....	3,288	2,595	599	94	0
Wichita .....	5,802	4,045	1,613	144	0
Johnson Co .....	1,621	1,621	0	0	0
Cnsrt-Johnson Co <sup>1</sup> .....	706	0	706	0	0
State of Kansas .....	28,563	21,365	6,295	903	0
Subtotal .....	47,047	35,219	10,567	1,261	0
State: Kentucky					

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Ashland .....	884	884	0	0	0
Covington .....	2,939	2,349	506	84	0
Henderson .....	377	377	0	0	0
Hopkinsville .....	528	528	0	0	0
Lexington-Fayette .....	4,189	2,870	1,210	109	0
Louisville .....	15,939	12,820	2,658	461	0
Owensboro .....	1,218	831	387	0	0
Jefferson Co .....	4,606	3,435	1,039	132	0
State of Kentucky .....	51,663	35,138	15,067	1,458	0
Subtotal .....	82,343	59,232	20,867	2,244	0
State: Louisiana					
Alexandria .....	1,533	1,124	409	0	0
Baton Rouge .....	8,468	6,287	1,943	238	0
Bossier City .....	788	788	0	0	0
Houma-Terrebonne .....	2,730	2,121	527	82	0
Kenner .....	1,085	1,085	0	0	0
Lafayette .....	2,329	1,761	568	0	0
Lake Charles .....	1,873	1,383	490	0	0
Monroe .....	2,091	1,575	516	0	0
New Orleans .....	29,394	21,147	6,224	741	1,282
Shreveport .....	5,667	4,154	1,351	162	0
Slidell .....	257	257	0	0	0
Thibodaux .....	353	353	0	0	0
Jefferson Parish .....	5,652	5,442	0	210	0
Cnsrt-Jefferson Parish .....	2,077	0	2,077	0	0
State of Louisiana .....	54,033	38,941	12,599	1,689	804
Subtotal .....	118,330	86,418	26,704	3,122	2,086
State: Maine					
Auburn .....	777	777	0	0	0
Bangor .....	1,345	1,345	0	0	0
Lewiston .....	1,329	1,329	0	0	0
Portland .....	3,354	2,715	549	90	0
State of Maine .....	22,568	17,181	4,756	631	0
Subtotal .....	29,373	23,347	5,305	721	0
State: Maryland					
Annapolis .....	444	444	0	0	0
Baltimore .....	41,724	30,715	7,231	1,109	2,669
Cumberland .....	1,347	1,347	0	0	0
Frederick .....	461	461	0	0	0
Hagerstown .....	1,108	1,108	0	0	0
Anne Arundel Co .....	3,565	2,622	845	98	0
Baltimore Co .....	7,337	5,255	1,888	194	0
Montgomery Co .....	8,253	6,211	1,848	194	0
Prince Georges Co .....	9,686	7,274	2,165	247	0
State of Maryland .....	17,772	11,271	5,992	509	0
Subtotal .....	91,697	66,708	19,969	2,351	2,669
State: Massachusetts					
Arlington .....	1,569	1,569	0	0	0
Attleboro .....	606	606	0	0	0
Barnstable .....	431	431	0	0	0
Boston .....	35,970	27,199	6,016	896	1,859
Brockton .....	2,610	1,885	725	0	0
Brookline .....	2,008	2,008	0	0	0
Cambridge .....	5,110	4,203	771	136	0
Chicopee .....	1,542	1,542	0	0	0
Fall River .....	5,000	3,798	1,077	125	0
Fitchburg .....	1,494	1,494	0	0	0
Framingham .....	671	671	0	0	0
Gloucester .....	936	936	0	0	0
Haverhill .....	1,400	1,400	0	0	0
Holyoke .....	1,805	1,805	0	0	0
Lawrence .....	3,711	2,561	1,058	92	0
Leominster .....	573	573	0	0	0
Lowell .....	4,086	2,997	993	96	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Lynn .....	3,724	3,602	0	122	0
Malden .....	1,894	1,894	0	0	0
Medford .....	2,261	2,261	0	0	0
New Bedford .....	5,171	3,868	1,176	127	0
Newton .....	2,894	2,803	0	91	0
Northampton .....	933	933	0	0	0
Pittsfield .....	1,950	1,950	0	0	0
Quincy .....	2,729	2,639	0	90	0
Salem .....	1,502	1,502	0	0	0
Somerville .....	4,763	3,976	659	128	0
Springfield .....	7,250	5,378	1,686	186	0
Taunton .....	1,066	1,066	0	0	0
Waltham .....	1,315	1,315	0	0	0
Westfield .....	544	544	0	0	0
Weymouth .....	859	859	0	0	0
Worcester .....	7,922	6,285	1,428	209	0
Yarmouth .....	218	218	0	0	0
Cnsrt-Barnstable Co .....	671	0	671	0	0
Cnsrt-Fitchburg .....	523	0	523	0	0
Cnsrt-Holyoke .....	986	0	986	0	0
Cnsrt-Malden .....	1,967	0	1,967	0	0
Cnsrt-Newton .....	982	0	982	0	0
Cnsrt-Peabody .....	2,435	0	2,435	0	0
Cnsrt-Quincy .....	651	0	651	0	0
State of Massachusetts .....	53,898	39,636	11,148	2,139	975
Subtotal .....	178,630	136,407	34,952	4,437	2,834
State: Michigan					
Ann Arbor .....	2,034	1,499	535	0	0
Battle Creek .....	2,199	1,803	396	0	0
Bay City .....	1,960	1,960	0	0	0
Benton Harbor .....	711	711	0	0	0
Canton Township .....	432	432	0	0	0
Clinton Township .....	693	693	0	0	0
Dearborn <sup>1</sup> .....	3,321	2,816	407	98	0
Dearborn Heights .....	1,383	1,383	0	0	0
Detroit .....	74,165	56,584	14,105	2,163	1,313
East Lansing .....	942	942	0	0	0
Farmington Hills .....	451	451	0	0	0
Flint .....	7,828	6,017	1,585	226	0
Grand Rapids .....	6,522	4,921	1,429	172	0
Holland .....	452	452	0	0	0
Jackson .....	2,382	1,961	421	0	0
Kalamazoo .....	3,194	2,348	762	84	0
Lansing .....	3,618	2,534	999	85	0
Lincoln Park .....	1,047	1,047	0	0	0
Livonia .....	563	563	0	0	0
Midland .....	360	360	0	0	0
Muskegon .....	1,856	1,413	443	0	0
Muskegon Heights .....	604	604	0	0	0
Norton Shores .....	186	186	0	0	0
Pontiac .....	3,066	2,257	729	80	0
Port Huron <sup>1</sup> .....	1,525	1,163	362	0	0
Portage .....	279	279	0	0	0
Redford .....	1,175	1,175	0	0	0
Rochester Hills .....	349	349	0	0	0
Roseville .....	577	577	0	0	0
Royal Oak .....	1,606	1,606	0	0	0
Saginaw .....	4,501	3,459	918	124	0
Southfield .....	660	660	0	0	0
St. Clair Shores .....	1,075	1,075	0	0	0
Sterling Heights .....	772	772	0	0	0
Taylor .....	853	853	0	0	0
Troy City .....	449	449	0	0	0
Warren .....	1,642	1,253	389	0	0
Waterford Township .....	517	517	0	0	0
Westland <sup>1</sup> .....	1,679	1,318	361	0	0
Wyoming .....	585	585	0	0	0
Genesee Co .....	4,068	2,970	982	116	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Kent Co <sup>1</sup> .....	2,171	1,745	426	0	0
Macomb Co .....	2,531	1,932	599	0	0
Oakland Co .....	5,643	4,267	1,216	160	0
Wayne Co .....	5,511	3,914	1,453	144	0
State of Michigan .....	70,275	46,377	20,573	2,756	569
Subtotal .....	228,412	171,232	49,090	6,208	1,882
State: Minnesota					
Bloomington .....	558	558	0	0	0
Minneapolis .....	22,749	18,369	3,143	618	619
Moorhead .....	489	489	0	0	0
Plymouth .....	323	323	0	0	0
Rochester .....	652	652	0	0	0
St. Cloud .....	728	728	0	0	0
St. Paul .....	12,904	10,590	1,970	344	0
Anoka Co .....	1,933	1,933	0	0	0
Dakota Co .....	2,088	2,088	0	0	0
Hennepin Co .....	3,881	3,748	0	133	0
Ramsey Co .....	1,541	1,541	0	0	0
St. Louis Co .....	7,260	7,015	0	245	0
Cnsrt-Dakota Co .....	1,882	0	1,882	0	0
Cnsrt-Hennepin Co .....	1,537	0	1,537	0	0
Cnsrt-St. Louis Co .....	1,309	0	1,309	0	0
State of Minnesota .....	35,026	26,142	7,686	1,198	0
Subtotal .....	94,860	74,176	17,527	2,538	619
State: Mississippi					
Biloxi .....	811	811	0	0	0
Gulfport .....	783	783	0	0	0
Hattiesburg <sup>1</sup> .....	1,487	1,049	438	0	0
Jackson .....	5,330	3,918	1,257	155	0
Moss Point .....	358	358	0	0	0
Pascagoula .....	470	470	0	0	0
State of Mississippi .....	53,468	39,070	12,263	1,545	590
Subtotal .....	62,707	46,459	13,958	1,700	590
State: Missouri					
Columbia .....	1,543	1,112	431	0	0
Florissant .....	317	317	0	0	0
Independence .....	1,580	1,132	448	0	0
Joplin .....	1,063	1,063	0	0	0
Kansas City .....	16,341	12,517	2,545	456	823
Lees Summit .....	344	344	0	0	0
Springfield .....	2,904	2,033	871	0	0
St. Charles .....	451	451	0	0	0
St. Joseph .....	3,071	2,488	490	93	0
St. Louis .....	36,262	29,944	4,400	1,057	861
St. Louis Co .....	9,538	7,007	2,255	276	0
State of Missouri .....	44,053	30,016	12,666	1,371	0
Subtotal .....	117,467	88,424	24,106	3,253	1,684
State: Montana					
Billings .....	1,364	948	416	0	0
Great Falls <sup>1</sup> .....	1,499	1,116	383	0	0
State of Montana .....	12,481	8,714	3,387	380	0
Subtotal .....	15,344	10,778	4,186	380	0
State: Nebraska					
Lincoln .....	3,203	2,320	883	0	0
Omaha .....	9,490	7,335	1,901	254	0
State of Nebraska .....	20,673	15,633	4,413	627	0
Subtotal .....	33,366	25,288	7,197	881	0
State: Nevada					
Henderson .....	756	756	0	0	0
Las Vegas .....	4,181	4,060	0	121	0



## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
North Las Vegas .....	1,223	1,223	0	0	0
Reno .....	2,016	2,016	0	0	0
Sparks .....	594	594	0	0	0
Clark Co .....	4,875	4,735	0	140	0
Cnsrt-Clark Co .....	3,152	0	3,152	0	0
Reno-Cnsrt <sup>1</sup> .....	1,091	0	1,091	0	0
State of Nevada .....	6,739	2,874	3,000	221	644
Subtotal .....	24,627	16,258	7,243	482	644
State: New Hampshire					
Dover .....	467	467	0	0	0
Manchester .....	2,945	2,388	557	0	0
Nashua .....	909	909	0	0	0
Portsmouth .....	882	882	0	0	0
Rochester .....	394	394	0	0	0
State of New Hampshire .....	13,993	10,397	3,124	472	0
Subtotal .....	19,590	15,437	3,681	472	0
State: New Jersey					
Asbury Park .....	563	563	0	0	0
Atlantic City .....	2,714	2,173	456	85	0
Bayonne .....	2,490	2,402	0	88	0
Bloomfield .....	1,583	1,583	0	0	0
Brick Township .....	431	431	0	0	0
Bridgeton .....	653	653	0	0	0
Camden .....	5,395	4,016	1,231	148	0
Cherry Hill .....	424	424	0	0	0
Clifton .....	1,983	1,983	0	0	0
Dover Township .....	538	538	0	0	0
East Orange .....	2,905	2,142	763	0	0
Edison .....	668	668	0	0	0
Elizabeth .....	4,273	3,063	1,103	107	0
Gloucester Township .....	352	352	0	0	0
Hamilton .....	687	687	0	0	0
Irvington .....	1,823	1,353	470	0	0
Jersey City .....	14,211	9,427	2,398	336	2,050
Long Branch .....	728	728	0	0	0
Middletown .....	381	381	0	0	0
Millville .....	409	409	0	0	0
New Brunswick .....	994	994	0	0	0
Newark .....	21,986	12,834	3,430	503	5,219
Old Bridge Township .....	392	392	0	0	0
Parsippany-Troyhills .....	302	302	0	0	0
Passaic .....	2,202	1,536	666	0	0
Paterson .....	6,584	3,794	1,371	151	1,268
Perth Amboy .....	1,350	988	362	0	0
Sayreville .....	210	210	0	0	0
Trenton .....	5,044	4,117	781	146	0
Union .....	882	882	0	0	0
Union City .....	1,717	1,717	0	0	0
Vineland .....	706	706	0	0	0
Wayne Township .....	248	248	0	0	0
Woodbridge .....	1,281	681	0	0	600
Bergen Co .....	16,186	13,406	2,292	488	0
Burlington Co .....	3,186	2,332	771	83	0
Camden Co .....	3,135	3,030	0	105	0
Essex Co .....	8,870	7,589	1,010	271	0
Gloucester Co .....	2,606	1,954	652	0	0
Hudson Co .....	6,601	6,368	0	233	0
Middlesex Co .....	2,842	2,154	688	0	0
Monmouth Co .....	5,077	3,960	986	131	0
Morris Co .....	2,863	2,775	0	88	0
Ocean Co .....	2,577	2,485	0	92	0
Somerset Co .....	2,150	1,693	457	0	0
Union Co .....	6,965	6,727	0	238	0
Cnsrt-Camden Co .....	983	0	983	0	0
Cnsrt-Hudson Co .....	2,683	0	2,683	0	0
Cnsrt-Mercer Co .....	482	0	482	0	0
Cnsrt-Morris Co <sup>1</sup> .....	817	0	817	0	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Cnsrt-Ocean Co .....	1,038	0	1,038	0	0
Cnsrt-Union Co .....	1,115	0	1,115	0	0
Cnsrt-Vineland .....	673	0	673	0	0
State of New Jersey .....	20,919	11,333	7,039	1,372	1,175
Subtotal .....	178,877	129,183	34,717	4,665	10,312
State: New Mexico					
Albuquerque .....	7,770	5,714	1,855	201	0
Las Cruces .....	1,670	1,270	400	0	0
Santa Fe .....	773	773	0	0	0
State of New Mexico .....	21,734	15,951	5,194	589	0
Subtotal .....	31,947	23,708	7,449	790	0
State: New York					
Albany .....	5,995	4,982	841	172	0
Amherst Town .....	785	785	0	0	0
Auburn .....	1,318	1,318	0	0	0
Babylon Town .....	2,172	1,664	508	0	0
Binghamton .....	3,760	3,137	515	108	0
Buffalo .....	28,592	22,976	4,814	802	0
Cheektowaga Town .....	885	885	0	0	0
Clay Town .....	380	380	0	0	0
Colonie Town .....	488	488	0	0	0
Dunkirk .....	733	733	0	0	0
Elmira <sup>1</sup> .....	2,225	1,810	415	0	0
Glen Falls .....	716	716	0	0	0
Greece .....	557	557	0	0	0
Hamburg Town .....	516	516	0	0	0
Huntington Town .....	1,191	1,191	0	0	0
Irondequoit .....	1,140	1,140	0	0	0
Islip Town .....	4,459	2,514	631	93	1,221
Jamestown <sup>1</sup> .....	2,147	1,755	392	0	0
Middletown .....	702	702	0	0	0
Mount Vernon .....	3,047	2,396	565	86	0
New Rochelle .....	2,547	2,138	409	0	0
New York .....	378,474	239,741	88,461	8,573	41,699
Newburgh .....	1,150	1,150	0	0	0
Niagara Falls .....	4,376	3,586	661	129	0
Poughkeepsie .....	1,410	1,410	0	0	0
Rochester .....	15,764	12,451	2,879	434	0
Rome .....	1,369	1,369	0	0	0
Saratoga Springs .....	479	479	0	0	0
Schenectady .....	3,491	3,377	0	114	0
Syracuse .....	10,099	8,076	1,740	283	0
Tonawanda Town .....	2,400	2,320	0	80	0
Troy .....	2,739	2,649	0	90	0
Union Town .....	1,687	1,687	0	0	0
Utica .....	5,132	4,154	838	140	0
West Seneca .....	321	321	0	0	0
White Plains .....	1,296	1,296	0	0	0
Yonkers .....	6,485	4,807	1,508	170	0
Dutchess Co .....	1,820	1,820	0	0	0
Erie Co .....	3,468	3,352	0	116	0
Monroe Co .....	2,444	2,363	0	81	0
Nassau Co .....	21,052	17,826	2,608	618	0
Onondaga Co .....	2,380	2,380	0	0	0
Orange Co .....	2,109	2,109	0	0	0
Rockland Co .....	3,237	2,406	746	85	0
Suffolk Co .....	6,123	4,550	1,401	172	0
Westchester Co .....	8,521	6,892	1,400	229	0
Cnsrt-Amherst .....	884	0	884	0	0
Cnsrt-Dutchess Co <sup>1</sup> .....	785	0	785	0	0
Cnsrt-Erie Co .....	1,132	0	1,132	0	0
Cnsrt-Monroe Co .....	1,021	0	1,021	0	0
Cnsrt-Jefferson Co .....	1,483	0	1,483	0	0
Cnsrt-Onondaga Co .....	703	0	703	0	0
Cnsrt-Orange Co <sup>1</sup> .....	1,087	0	1,087	0	0
Cnsrt-Schenectady .....	1,275	0	1,275	0	0
State of New York .....	87,536	57,938	24,447	2,885	2,266

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Subtotal .....	648,087	443,292	144,149	15,460	45,186
State: North Carolina					
Asheville .....	1,694	1,694	0	0	0
Burlington .....	415	415	0	0	0
Chapel Hill .....	468	468	0	0	0
Charlotte .....	6,767	4,772	1,820	175	0
Concord .....	413	413	0	0	0
Durham .....	1,876	1,876	0	0	0
Fayetteville .....	1,723	1,206	517	0	0
Gastonia .....	758	758	0	0	0
Goldsboro .....	1,059	650	409	0	0
Greensboro .....	2,197	2,115	0	82	0
Greenville .....	878	878	0	0	0
Hickory .....	320	320	0	0	0
High Point .....	926	926	0	0	0
Jacksonville .....	609	609	0	0	0
Kannapolis .....	673	673	0	0	0
Morganton .....	149	149	0	0	0
Raleigh .....	3,471	2,459	925	87	0
Rocky Mount <sup>1</sup> .....	1,169	815	354	0	0
Salisbury .....	428	428	0	0	0
Wilmington .....	1,498	980	518	0	0
Winston-Salem .....	1,921	1,921	0	0	0
Cumberland Co <sup>1</sup> .....	3,330	2,431	899	0	0
Wake Co .....	2,160	1,687	473	0	0
Cnsrt-Asheville .....	1,172	0	1,172	0	0
Cnsrt-Durham .....	865	0	865	0	0
Cnsrt-Gastonia .....	516	0	516	0	0
Cnsrt-Greensboro <sup>1</sup> .....	1,438	0	1,438	0	0
Cnsrt-Chapel Hill <sup>1</sup> .....	368	0	368	0	0
Cnsrt-Surry Co .....	634	0	634	0	0
Cnsrt-Winston-Salem .....	1,079	0	1,079	0	0
State of North Carolina .....	67,408	46,887	16,486	2,442	1,593
Subtotal .....	108,382	75,530	28,473	2,786	1,593
State: North Dakota					
Bismarck .....	486	486	0	0	0
Fargo <sup>1</sup> .....	1,292	899	393	0	0
Grand Forks .....	605	605	0	0	0
State of North Dakota .....	9,865	6,550	3,000	315	0
Subtotal .....	12,248	8,540	3,393	315	0
State: Ohio					
Akron .....	11,454	9,074	2,053	327	0
Alliance .....	905	905	0	0	0
Barberton .....	1,009	1,009	0	0	0
Bowling Green .....	447	447	0	0	0
Canton .....	4,862	3,911	809	142	0
Cincinnati .....	22,679	17,780	4,276	623	0
Cleveland .....	42,486	33,603	7,128	1,212	543
Cleveland Heights .....	2,088	2,088	0	0	0
Columbus .....	13,968	9,259	4,367	342	0
Dayton .....	11,197	8,825	2,058	314	0
East Cleveland .....	1,865	1,385	480	0	0
Elyria .....	746	746	0	0	0
Euclid .....	1,261	1,261	0	0	0
Fairborn .....	470	470	0	0	0
Hamilton City .....	2,457	1,929	528	0	0
Kent .....	476	476	0	0	0
Kettering .....	451	451	0	0	0
Lakewood .....	2,763	2,678	0	85	0
Lancaster .....	692	692	0	0	0
Lima .....	1,944	1,538	406	0	0
Lorain .....	2,171	1,569	602	0	0
Mansfield .....	1,516	1,079	437	0	0
Marietta .....	578	578	0	0	0
Massillon .....	976	976	0	0	0
Middletown .....	837	837	0	0	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Newark .....	1,065	1,065	0	0	0
Parma .....	976	976	0	0	0
Springfield .....	3,399	2,639	664	96	0
Steubenville .....	1,085	1,085	0	0	0
Toledo .....	12,963	9,913	2,697	353	0
Warren .....	1,672	1,672	0	0	0
Youngstown .....	7,334	5,985	1,125	224	0
Cuyahoga Co .....	3,641	3,507	0	134	0
Franklin Co .....	3,191	2,373	730	88	0
Hamilton Co .....	5,160	3,699	1,315	146	0
Lake Co .....	1,963	1,457	506	0	0
Montgomery Co .....	2,843	2,740	0	103	0
Stark Co .....	1,787	1,787	0	0	0
Summit Co .....	2,381	1,784	597	0	0
Cnsrt-Cuyahoga Co .....	2,049	0	2,049	0	0
Cnsrt-Montgomery Co .....	1,221	0	1,221	0	0
Cnsrt-Stark Co .....	1,086	0	1,086	0	0
Cnsrt-Warren .....	1,136	0	1,136	0	0
State of Ohio .....	87,210	58,607	24,122	3,081	1,400
Subtotal .....	272,460	202,855	60,392	7,270	1,943
State: Oklahoma					
Broken Arrow .....	506	506	0	0	0
Edmond .....	472	472	0	0	0
Enid .....	755	755	0	0	0
Lawton .....	1,694	1,241	453	0	0
Midwest City .....	645	645	0	0	0
Norman <sup>1</sup> .....	1,427	1,059	368	0	0
Oklahoma City .....	9,382	6,791	2,347	244	0
Shawnee .....	572	572	0	0	0
Tulsa .....	7,155	5,114	1,855	186	0
Cnsrt-Tulsa Co <sup>1</sup> .....	981	0	981	0	0
State of Oklahoma .....	32,421	21,567	9,217	959	678
Subtotal .....	56,010	38,722	15,221	1,389	678
State: Oregon					
Ashland .....	237	237	0	0	0
Beaverton .....	498	498	0	0	0
Eugene .....	1,644	1,644	0	0	0
Gresham .....	701	701	0	0	0
Medford .....	662	662	0	0	0
Portland .....	13,618	12,475	0	420	723
Salem .....	1,485	1,485	0	0	0
Springfield .....	725	725	0	0	0
Clackamas Co .....	3,493	2,576	828	89	0
Multnomah Co .....	891	891	0	0	0
Washington Co .....	2,514	2,435	0	79	0
Cnsrt-Eugene .....	1,133	0	1,133	0	0
Cnsrt-Portland .....	3,678	0	3,678	0	0
Cnsrt-Salem .....	724	0	724	0	0
Cnsrt-Washington Co .....	974	0	974	0	0
State of Oregon .....	24,577	16,115	7,715	747	0
Subtotal .....	57,554	40,444	15,052	1,335	723
State: Pennsylvania					
Abington .....	976	976	0	0	0
Allentown .....	4,147	3,334	693	120	0
Altoona .....	3,267	2,712	458	97	0
Bensalem Township .....	465	465	0	0	0
Bethlehem .....	2,501	2,031	470	0	0
Bristol Township .....	721	721	0	0	0
Carlisle .....	446	446	0	0	0
Chester .....	2,186	2,106	0	80	0
Easton .....	1,220	1,220	0	0	0
Erie .....	5,957	4,722	1,068	167	0
Harrisburg .....	3,791	3,021	658	112	0
Haverford .....	1,189	1,189	0	0	0
Hazleton .....	1,207	1,207	0	0	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Johnstown .....	2,768	2,301	383	84	0
Lancaster .....	2,991	2,343	567	81	0
Lebanon .....	1,066	1,066	0	0	0
Lower Merion .....	1,443	1,443	0	0	0
McKeesport .....	1,736	1,736	0	0	0
Norristown .....	1,268	1,268	0	0	0
Penn Hills .....	752	752	0	0	0
Philadelphia .....	91,312	72,928	12,603	2,555	3,226
Pittsburgh .....	27,441	23,112	3,487	842	0
Reading .....	5,048	4,178	726	144	0
Scranton .....	5,295	4,452	686	157	0
Sharon .....	878	878	0	0	0
State College .....	1,038	1,038	0	0	0
Upper Darby .....	2,644	2,554	0	90	0
Wilkes-Barre .....	2,599	2,510	0	89	0
Williamsport .....	2,153	1,753	400	0	0
York .....	2,712	2,177	456	79	0
Allegheny Co .....	23,927	19,644	3,574	709	0
Beaver Co .....	6,277	5,001	1,093	183	0
Berks Co .....	4,038	3,354	569	115	0
Bucks Co .....	2,928	2,829	0	99	0
Chester Co .....	4,439	3,435	888	116	0
Delaware Co .....	4,864	4,700	0	164	0
Lancaster Co .....	5,396	4,086	1,169	141	0
Luzerne Co .....	6,083	5,872	0	211	0
Montgomery Co .....	5,613	4,392	1,073	148	0
Washington Co .....	6,994	5,721	1,061	212	0
Westmoreland Co .....	5,342	5,152	0	190	0
York Co .....	3,923	3,090	723	110	0
Cnsrt-Bucks Co .....	978	0	978	0	0
Cnsrt-Delaware Co .....	1,731	0	1,731	0	0
Cnsrt-Luzerne Co .....	1,817	0	1,817	0	0
Cnsrt-Westmoreland Co .....	1,488	0	1,488	0	0
State of Pennsylvania .....	86,701	61,234	21,457	2,732	1,278
Subtotal .....	353,756	279,149	60,276	9,827	4,504
Puerto Rico					
Aguadilla Municipio .....	3,233	2,693	434	106	0
Arecibo Municipio .....	4,878	4,176	538	164	0
Bayamon Municipio .....	8,602	7,052	1,279	271	0
Caguas Municipio .....	6,118	5,136	784	198	0
Carolina Municipio .....	7,041	5,674	1,150	217	0
Cayey Municipio .....	2,158	2,075	0	83	0
Fajardo Municipio .....	1,453	1,453	0	0	0
Guaynabo Municipio .....	3,502	2,888	502	112	0
Humacao Municipio .....	2,430	2,339	0	91	0
Manati Municipio .....	1,783	1,783	0	0	0
Mayaguez Municipio .....	5,294	4,218	912	164	0
Ponce Municipio .....	10,066	8,517	1,214	335	0
San Juan Municipio .....	25,088	15,509	4,953	600	4,026
Toa Baja Municipio <sup>1</sup> .....	3,820	3,335	356	129	0
Trujillo Alto Municipio .....	2,243	2,162	0	81	0
Vega Baja Municipio .....	2,628	2,530	0	98	0
Puerto Rico .....	80,048	65,697	10,297	2,488	1,566
Subtotal .....	170,385	137,237	22,419	5,137	5,592
State: Rhode Island					
Cranston .....	1,259	1,259	0	0	0
East Providence .....	842	842	0	0	0
Pawtucket .....	3,285	2,661	535	89	0
Providence .....	10,047	7,960	1,807	280	0
Warwick .....	878	878	0	0	0
Woonsocket .....	2,154	1,650	449	55	0
State of Rhode Island .....	9,340	5,950	3,098	292	0
Subtotal .....	27,805	21,200	5,889	716	0
State: South Carolina					
Aiken .....	287	287	0	0	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Anderson .....	1,001	1,001	0	0	0
Charleston .....	2,143	1,515	628	0	0
Columbia .....	2,480	1,794	686	0	0
Florence .....	555	555	0	0	0
Greenville .....	1,813	1,429	384	0	0
Myrtle Beach .....	295	295	0	0	0
North Charleston .....	1,732	1,252	480	0	0
Rock Hill .....	650	650	0	0	0
Spartanburg .....	1,297	893	404	0	0
Sumter .....	666	666	0	0	0
Greenville Co .....	3,705	2,727	877	101	0
Cnsrt-Sumter Co .....	1,148	0	1,148	0	0
State of South Carolina .....	46,333	33,426	10,070	1,589	1,248
Subtotal .....	64,105	46,490	14,677	1,690	1,248
State: South Dakota					
Rapid City .....	715	715	0	0	0
Sioux Falls .....	1,514	1,049	465	0	0
State of South Dakota .....	11,925	8,513	3,046	366	0
Subtotal .....	14,154	10,277	3,511	366	0
State: Tennessee					
Bristol .....	272	272	0	0	0
Chattanooga .....	3,712	2,484	1,130	98	0
Clarksville <sup>1</sup> .....	1,339	973	366	0	0
Jackson <sup>1</sup> .....	1,178	816	362	0	0
Johnson City .....	663	663	0	0	0
Kingsport .....	532	532	0	0	0
Knoxville .....	4,080	2,686	1,291	103	0
Memphis .....	17,104	12,061	4,562	481	0
Murfreesboro .....	619	619	0	0	0
Nashville-Davidson .....	9,070	6,311	2,514	245	0
Oak Ridge .....	270	270	0	0	0
Knox Co .....	1,910	1,461	449	0	0
Shelby Co .....	2,087	1,634	453	0	0
State of Tennessee .....	46,191	30,767	12,882	1,428	1,114
Subtotal .....	89,027	61,549	24,009	2,355	1,114
State: Texas					
Abilene .....	2,047	1,559	488	0	0
Amarillo .....	3,508	2,576	839	93	0
Arlington .....	3,995	3,042	865	88	0
Austin .....	12,486	8,563	2,588	285	1,050
Baytown City .....	1,173	1,173	0	0	0
Beaumont .....	3,208	2,369	750	89	0
Brownsville .....	5,312	4,124	1,038	150	0
Bryan .....	1,131	1,131	0	0	0
Carrollton .....	780	780	0	0	0
College Station .....	1,661	1,270	391	0	0
Conroe .....	556	556	0	0	0
Corpus Christi .....	7,066	5,277	1,589	200	0
Dallas .....	29,556	20,587	6,044	685	2,240
Denison .....	525	525	0	0	0
Denton .....	1,544	1,134	410	0	0
Edinburg .....	965	965	0	0	0
El Paso .....	17,469	13,183	3,824	462	0
Fort Worth .....	11,428	8,212	2,411	284	521
Galveston .....	2,526	1,979	547	0	0
Garland <sup>1</sup> .....	2,701	2,177	524	0	0
Grand Prairie <sup>1</sup> .....	1,810	1,441	369	0	0
Harlingen <sup>1</sup> .....	1,798	1,427	371	0	0
Houston .....	53,684	37,567	10,165	1,274	4,678
Irving <sup>1</sup> .....	3,045	2,369	676	0	0
Killeen .....	1,084	1,084	0	0	0
Laredo .....	5,997	4,536	1,297	164	0
Longview <sup>1</sup> .....	1,490	1,113	377	0	0
Lubbock .....	4,561	3,421	1,012	128	0
Marshall .....	581	581	0	0	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Mc Allen .....	3,435	2,723	616	96	0
Mesquite .....	1,116	1,116	0	0	0
Midland .....	1,416	1,416	0	0	0
Mission .....	1,038	1,038	0	0	0
New Braunfels .....	457	457	0	0	0
Odessa .....	2,190	1,773	417	0	0
Orange .....	581	581	0	0	0
Pasadena .....	2,728	2,191	537	0	0
Pharr .....	1,403	1,403	0	0	0
Plano .....	945	945	0	0	0
Port Arthur .....	2,459	1,978	481	0	0
Richardson .....	581	581	0	0	0
San Angelo .....	1,923	1,492	431	0	0
San Antonio .....	28,892	21,143	6,287	769	693
San Benito .....	726	726	0	0	0
San Marcos .....	740	740	0	0	0
Sherman .....	449	449	0	0	0
Temple .....	796	796	0	0	0
Texarkana .....	606	606	0	0	0
Texas City .....	683	683	0	0	0
Tyler .....	1,855	1,363	492	0	0
Victoria .....	1,043	1,043	0	0	0
Waco .....	3,310	2,363	862	85	0
Wichita Falls .....	2,585	2,057	528	0	0
Bexar Co .....	3,198	2,537	568	93	0
Brazoria Co .....	1,299	1,299	0	0	0
Dallas Co .....	2,451	2,009	442	0	0
Fort Bend Co .....	2,897	2,341	476	80	0
Harris Co .....	15,024	12,040	2,626	358	0
Hidalgo Co .....	11,482	9,277	1,890	315	0
Tarrant Co .....	5,335	4,100	1,099	136	0
State of Texas .....	129,979	90,813	33,010	4,572	1,584
Subtotal .....	417,309	308,800	87,337	10,406	10,766
State: Utah					
Clearfield .....	360	360	0	0	0
Ogden .....	2,156	1,718	438	0	0
Orem .....	783	783	0	0	0
Provo .....	2,222	2,142	0	80	0
Salt Lake City .....	6,645	5,400	1,048	197	0
Sandy City .....	569	569	0	0	0
West Valley .....	1,215	1,215	0	0	0
Salt Lake Co .....	4,461	4,307	0	154	0
Cnsrt-Salt Lake Co .....	1,512	0	1,512	0	0
Cnsrt-Provo .....	1,320	0	1,320	0	0
State of Utah .....	11,423	7,993	3,000	430	0
Subtotal .....	32,666	24,487	7,318	861	0
State: Vermont					
Burlington .....	1,106	1,106	0	0	0
State of Vermont .....	12,748	8,955	3,500	293	0
Subtotal .....	13,854	10,061	3,500	293	0
State: Virginia					
Alexandria .....	1,836	1,302	534	0	0
Bristol .....	351	351	0	0	0
Charlottesville .....	735	735	0	0	0
Chesapeake .....	2,097	1,584	513	0	0
Colonial Heights .....	117	117	0	0	0
Danville .....	1,769	1,289	480	0	0
Fredericksburg .....	264	264	0	0	0
Hampton .....	2,128	1,496	632	0	0
Hopewell .....	310	310	0	0	0
Lynchburg .....	1,396	1,001	395	0	0
Newport News .....	3,510	2,331	1,096	83	0
Norfolk .....	8,702	6,610	1,855	237	0
Petersburg .....	731	731	0	0	0
Portsmouth .....	3,201	2,289	828	84	0

## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
Richmond .....	8,152	6,297	1,639	216	0
Roanoke .....	2,947	2,214	651	82	0
Suffolk .....	798	798	0	0	0
Virginia Beach .....	4,484	3,297	1,078	109	0
Arlington Co .....	3,440	2,518	838	84	0
Chesterfield Co <sup>1</sup> .....	1,833	1,454	379	0	0
Fairfax Co .....	8,419	6,528	1,696	195	0
Henrico Co <sup>1</sup> .....	2,219	1,629	590	0	0
Prince William Co .....	2,261	1,755	506	0	0
Cnsrt-Charlottesville .....	765	0	765	0	0
State of Virginia .....	37,660	24,017	11,055	1,439	1,149
Subtotal .....	100,125	70,917	25,530	2,529	1,149
State: Washington					
Auburn .....	418	418	0	0	0
Bellevue .....	723	723	0	0	0
Bellingham .....	954	954	0	0	0
Everett .....	998	998	0	0	0
Federal Way .....	601	601	0	0	0
Kennewick .....	613	613	0	0	0
Olympia .....	441	441	0	0	0
Pasco .....	663	663	0	0	0
Richland .....	303	303	0	0	0
Seattle .....	21,710	16,260	3,348	542	1,560
Spokane .....	6,333	4,762	1,397	174	0
Tacoma .....	4,771	3,319	1,336	116	0
Vancouver .....	728	728	0	0	0
Yakima .....	1,520	1,072	448	0	0
Clark Co .....	1,940	1,940	0	0	0
King Co .....	7,219	6,991	0	228	0
Kitsap Co .....	3,037	2,111	926	0	0
Pierce Co .....	6,321	4,593	1,575	153	0
Snohomish Co .....	3,656	3,544	0	112	0
Spokane Co .....	2,683	1,990	693	0	0
Cnsrt-Clark Co .....	971	0	971	0	0
Cnsrt-King Co .....	2,910	0	2,910	0	0
Cnsrt-Snohomish Co .....	1,478	0	1,478	0	0
State of Washington .....	25,828	15,954	8,933	941	0
Subtotal .....	96,819	68,978	24,015	2,266	1,560
State: West Virginia					
Charleston .....	3,227	2,654	475	98	0
Huntington .....	3,070	2,962	0	108	0
Parkersburg .....	1,425	1,425	0	0	0
Weirton .....	647	647	0	0	0
Wheeling .....	2,071	2,071	0	0	0
Cnsrt-Huntington .....	975	0	975	0	0
State of West Virginia .....	31,533	21,859	8,702	972	0
Subtotal .....	42,948	31,618	10,152	1,178	0
State: Wisconsin					
Appleton .....	772	772	0	0	0
Beloit .....	835	835	0	0	0
Eau Claire .....	1,377	969	408	0	0
Green Bay .....	1,893	1,292	601	0	0
Janesville .....	722	722	0	0	0
Kenosha .....	1,965	1,457	508	0	0
La Crosse <sup>1</sup> .....	1,699	1,325	374	0	0
Madison .....	3,866	2,705	1,068	93	0
Milwaukee .....	31,110	23,301	7,014	795	0
Neenah .....	273	273	0	0	0
Oshkosh .....	1,115	1,115	0	0	0
Racine .....	3,456	2,630	738	88	0
Sheboygan .....	1,259	1,259	0	0	0
Superior .....	1,200	1,200	0	0	0
Waukesha .....	526	526	0	0	0
Wausau .....	856	856	0	0	0
Wauwatosa .....	1,379	1,379	0	0	0



## APPENDIX A.—FY 1995 FORMULA ALLOCATIONS—Continued

[Amounts in \$000]

Jurisdiction	Total	CDBG	HOME	ESG	HOPWA
West Allis .....	1,653	1,653	0	0	0
Milwaukee Co .....	1,864	1,864	0	0	0
Waukesha Co .....	1,122	1,122	0	0	0
Cnsrt-Milwaukee Co .....	978	0	978	0	0
State of Wisconsin .....	50,711	35,537	12,707	1,817	650
Subtotal .....	110,631	82,792	24,396	2,793	650
State: Wyoming					
Casper .....	540	540	0	0	0
Cheyenne .....	646	646	0	0	0
State of Wyoming .....	7,234	3,555	3,500	179	0
Subtotal .....	8,420	4,741	3,500	179	0
Total .....	6,143,518	4,485,000	1,336,200	154,918	167,400

<sup>1</sup> Not yet designated a Participating Jurisdiction for the HOME Program.

## APPENDIX B.—COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FISCAL YEAR 1995 REALLOCATION OF FISCAL YEAR 1994 FUNDS \$4,599,800

[Amounts in dollars]

	Reallocation FY 1994 funds (dollars)
California:	
Alhambra .....	10,339
Baldwin Park .....	11,146
Bellflower .....	6,139
Burbank .....	10,022
Carson .....	10,022
Compton .....	21,499
Downey .....	7,817
El Monte .....	21,643
Gardena .....	6,182
Glendale .....	21,845
Hawthorne .....	9,626
Huntington Park .....	15,130
Inglewood .....	17,054
Lakewood .....	4,986
Lancaster .....	7,241
Long Beach .....	57,862
Los Angeles .....	598,564
Lynwood .....	12,486
Montebello .....	8,531
Monterey Park .....	8,884
Norwalk .....	11,773
Palmdale City .....	4,575
Pasadena .....	17,616
Pico Rivera .....	9,006
Pomona .....	18,790
Rancho Cucamonga .....	1,000
Redondo Beach .....	4,460
Rosemead .....	9,467
San Diego .....	1,000
San Jose .....	1,000
Santa Clarita .....	5,598
Santa Monica .....	11,124
South Gate .....	15,397
West Covina .....	7,594
Whittier .....	6,297
Los Angeles County .....	273,285
Connecticut:	
Bristol .....	2,952
East Hartford .....	2,523
Fairfield .....	47,603
Manchester .....	2,609
Middletown .....	2,423
Milford Town .....	43,874

**APPENDIX B.—COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FISCAL YEAR 1995 REALLOCATION OF FISCAL YEAR  
1994 FUNDS \$4,599,800—Continued**

[Amounts in dollars]

	Reallocation FY 1994 funds (dollars)
New Britain .....	10,505
Stratford .....	54,744
West Hartford .....	5,737
Florida:	
Pompano Beach .....	1,000
Dade County .....	1,000
Palm Beach County .....	1,000
Georgia:	
Fulton County .....	1,000
Indiana:	
East Chicago .....	1,000
Hammond .....	1,000
Michigan:	
Lansing .....	1,000
Minnesota:	
Minneapolis .....	1,000
Missouri:	
Kansas City .....	1,000
New Jersey:	
Bayonne .....	13,327
Jersey City .....	51,170
Hudson County .....	35,503
New York:	
New York .....	1,290
Niagara Falls .....	1,000
Utica .....	1,000
Orange County .....	1,000
Pennsylvania:	
Allegheny County .....	1,000
Texas:	
Arlington .....	12,879
Dallas .....	2,064,121
Denton .....	117,369
Garland .....	200,255
Grand Prairie .....	137,710
Houston .....	1,000
Mesquite .....	106,817
Plano .....	85,280
Dallas County .....	196,448
Tarrant County .....	19,951
Utah:	
Salt Lake County .....	1,000
Virginia:	
Hopewell .....	3,940
Petersburg .....	9,689
Richmond .....	73,672
Chesterfield County .....	17,409

**APPENDIX C.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR LOCALITIES**

[Last column indicates 100% or 50% match reduction based on fiscal distress]

State	Jurisdiction	PCI criterion		Poverty criterion				Match reduction
		PCI 1989	PCI ratio	Families		Elderly and families		
				%	Ratio	%	Ratio	
AL .....	Birmingham .....	10,127	70.9	20.8	196.2	23.9	191.2	100
AL .....	Huntsville .....	16,204	113.5	8.9	84.0	11.2	89.6	
AL .....	Jefferson Co .....	16,323	114.3	6.1	57.5	8.2	65.6	.....
AL .....	Mobile .....	12,509	87.6	18.4	173.6	20.7	165.6	50
AL .....	Montgomery .....	12,755	89.3	14.4	135.8	17.3	138.4	50
AL .....	Tuscaloosa .....	11,469	80.3	17.1	161.3	20.0	160.0	50
AK .....	Anchorage .....	19,620	137.4	5.4	50.9	5.6	44.8	.....
AZ .....	Cnsrt-Maricopa Co .....	15,192	106.4	7.4	69.8	8.6	68.8	.....
AZ .....	Cnsrt-Tucson .....	13,177	92.3	12.0	113.2	13.1	104.8	.....
AZ .....	Phoenix .....	14,096	98.7	10.5	99.1	11.8	94.4	.....

## APPENDIX C.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR LOCALITIES—Continued

[Last column indicates 100% or 50% match reduction based on fiscal distress]

State	Jurisdiction	PCI criterion		Poverty criterion				Match reduction
		PCI 1989	PCI ratio	Families		Elderly and families		
				%	Ratio	%	Ratio	
AR .....	Fort Smith .....	12,994	91.0	10.5	99.1	14.2	113.6	.....
AR .....	Little Rock .....	15,307	107.2	10.8	101.9	12.7	101.6	.....
AR .....	North Little Rock .....	12,390	86.8	12.8	120.8	16.9	135.2	50
AR .....	Pine Bluff .....	9,530	66.8	22.9	216.0	26.6	212.8	100
CA .....	Alhambra .....	13,436	94.1	11.5	108.5	12.1	96.8	.....
CA .....	Anaheim .....	15,746	110.3	7.4	69.8	7.8	62.4	.....
CA .....	Bakersfield .....	14,183	99.3	12.4	117.0	12.8	102.4	.....
CA .....	Baldwin Park .....	8,858	62.0	12.8	120.8	13.0	104.0	50
CA .....	Bellflower .....	14,304	100.2	7.4	69.8	7.9	63.2	.....
CA .....	Berkeley .....	18,720	131.1	9.4	88.7	10.4	83.2	.....
CA .....	Burbank .....	18,897	132.4	5.9	55.7	7.1	56.8	.....
CA .....	Chico .....	10,584	74.1	15.9	150.0	15.0	120.0	100
CA .....	Chula Vista .....	14,102	98.8	8.6	81.1	9.0	72.0	.....
CA .....	Cnsrt-Alameda Co .....	18,726	131.2	4.5	42.5	5.3	42.4	.....
CA .....	Cnsrt-Contra Costa Co .....	21,495	150.6	4.6	43.4	5.1	40.8	.....
CA .....	Cnsrt-San Bernardino Co .....	13,442	94.2	9.9	93.4	10.4	83.2	.....
CA .....	Cnsrt-San Diego Co .....	17,210	120.5	5.8	54.7	6.4	51.2	.....
CA .....	Cnsrt-San Mateo Co .....	22,057	154.5	4.1	38.7	5.2	41.6	.....
CA .....	Cnsrt-Santa Barbara Co .....	16,546	115.9	7.7	72.6	8.0	64.0	.....
CA .....	Cnsrt-Ventura Co .....	17,962	125.8	5.3	50.0	5.9	47.2	.....
CA .....	Compton .....	7,842	54.9	24.2	228.3	24.1	192.8	100
CA .....	Costa Mesa .....	18,750	131.3	6.0	56.6	6.4	51.2	.....
CA .....	Downey .....	16,696	116.9	5.7	53.8	6.4	51.2	.....
CA .....	El Cajon .....	13,518	94.7	10.7	100.9	10.7	85.6	.....
CA .....	El Monte .....	8,056	56.4	18.5	174.5	18.0	144.0	100
CA .....	Escondido City .....	14,647	102.6	7.8	73.6	8.6	68.8	.....
CA .....	Fairfield .....	13,713	96.0	6.3	59.4	6.9	55.2	.....
CA .....	Fontana .....	11,585	81.1	10.2	96.2	10.8	86.4	.....
CA .....	Fresno .....	11,528	80.7	19.3	182.1	18.6	148.8	50
CA .....	Fresno Co .....	12,513	87.6	13.2	124.5	13.5	108.0	50
CA .....	Fullerton .....	19,098	133.8	5.6	52.8	6.1	48.8	.....
CA .....	Garden Grove .....	13,976	97.9	7.8	73.6	8.2	65.6	.....
CA .....	Glendale .....	17,966	125.8	12.3	116.0	12.5	100.0	.....
CA .....	Hawthorne .....	13,880	97.2	11.8	111.3	12.1	96.8	.....
CA .....	Huntington Beach .....	23,500	164.6	3.2	30.2	3.7	29.6	.....
CA .....	Huntington Park .....	7,238	50.7	21.7	204.7	21.8	174.4	100
CA .....	Inglewood .....	11,899	83.3	14.1	133.0	14.3	114.4	50
CA .....	Kern Co .....	11,155	78.1	14.5	136.8	14.9	119.2	50
CA .....	Lancaster .....	14,842	104.0	7.7	72.6	8.5	68.0	.....
CA .....	Long Beach .....	15,639	109.5	13.5	127.4	13.6	108.8	50
CA .....	Los Angeles .....	16,188	113.4	14.9	140.6	15.0	120.0	50
CA .....	Los Angeles Co .....	17,292	121.1	9.0	84.9	9.4	75.2	.....
CA .....	Lynwood .....	7,260	50.9	20.1	189.6	20.4	163.2	100
CA .....	Marin Co .....	28,381	198.8	3.0	28.3	3.7	29.6	.....
CA .....	Merced .....	10,237	71.7	20.2	190.6	19.7	157.6	100
CA .....	Modesto .....	13,572	95.1	10.5	99.1	10.8	86.4	.....
CA .....	Montebello .....	12,276	86.0	11.6	109.4	12.1	96.8	.....
CA .....	Monterey Park .....	13,290	93.1	13.4	126.4	13.7	109.6	50
CA .....	Moreno Valley .....	13,474	94.4	6.9	65.1	7.1	56.8	.....
CA .....	Mountain View .....	22,436	157.1	3.8	35.8	4.7	37.6	.....
CA .....	National City .....	8,658	60.6	20.2	190.6	19.7	157.6	100
CA .....	Norwalk .....	11,713	82.0	7.2	67.9	7.9	63.2	.....
CA .....	Oakland .....	14,676	102.8	16.7	157.5	16.7	133.6	50
CA .....	Oceanside .....	14,522	101.7	6.7	63.2	7.3	58.4	.....
CA .....	Ontario .....	12,120	84.9	10.6	100.0	10.6	84.8	.....
CA .....	Orange .....	19,064	133.5	4.7	44.3	5.4	43.2	.....
CA .....	Orange Co .....	24,046	168.4	3.6	34.0	4.1	32.8	.....
CA .....	Oxnard .....	12,096	84.7	9.6	90.6	9.8	78.4	.....
CA .....	Pasadena .....	19,588	137.2	11.1	104.7	11.9	95.2	.....
CA .....	Pomona .....	10,728	75.1	14.0	132.1	14.0	112.0	50
CA .....	Redding .....	13,040	91.3	11.1	104.7	11.0	88.0	.....
CA .....	Richmond .....	14,630	102.5	13.5	127.4	14.0	112.0	50
CA .....	Riverside .....	14,235	99.7	8.4	79.2	8.8	70.4	.....
CA .....	Riverside Co .....	13,872	97.2	8.9	84.0	9.7	77.6	.....
CA .....	Rosemead .....	9,796	68.6	16.2	152.8	16.3	130.4	100
CA .....	Sacramento .....	14,087	98.7	13.8	130.2	13.6	108.8	50
CA .....	Sacramento Co .....	15,913	111.5	7.8	73.6	8.0	64.0	.....

## APPENDIX C.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR LOCALITIES—Continued

[Last column indicates 100% or 50% match reduction based on fiscal distress]

State	Jurisdiction	PCI criterion		Poverty criterion				Match reduction
		PCI 1989	PCI ratio	Families		Elderly and families		
				%	Ratio	%	Ratio	
CA .....	Salinas .....	11,351	79.5	12.4	117.0	12.4	99.2	.....
CA .....	San Bernardino .....	10,865	76.1	19.5	184.0	18.8	150.4	50
CA .....	San Diego .....	16,401	114.9	9.7	91.5	10.1	80.8	.....
CA .....	San Francisco .....	19,695	137.9	9.7	91.5	10.6	84.8	.....
CA .....	San Joaquin Co .....	13,780	96.5	8.6	81.1	9.2	73.6	.....
CA .....	San Jose .....	16,905	118.4	6.5	61.3	7.1	56.8	.....
CA .....	San Luis Obispo Co .....	15,112	105.8	6.8	64.2	7.4	59.2	.....
CA .....	San Mateo .....	22,746	159.3	3.9	36.8	5.1	40.8	.....
CA .....	Santa Ana .....	10,019	70.2	12.5	117.9	12.8	102.4	50
CA .....	Santa Barbara .....	18,934	132.6	7.8	73.6	8.4	67.2	.....
CA .....	Santa Clara .....	19,676	137.8	3.7	34.9	5.3	42.4	.....
CA .....	Santa Clara Co .....	26,101	182.8	2.8	26.4	3.6	28.8	.....
CA .....	Santa Monica .....	29,134	204.1	5.7	53.8	7.9	63.2	.....
CA .....	Santa Rosa .....	17,259	120.9	5.5	51.9	6.4	51.2	.....
CA .....	Sonoma Co .....	17,242	120.8	5.5	51.9	6.3	50.4	.....
CA .....	South Gate .....	8,368	58.6	15.2	143.4	15.4	123.2	100
CA .....	Stockton .....	11,331	79.4	16.9	159.4	16.5	132.0	50
CA .....	Sunnyvale .....	22,309	156.3	3.3	31.1	3.8	30.4	.....
CA .....	Torrance .....	22,095	154.8	3.6	34.0	4.5	36.0	.....
CA .....	Vallejo .....	14,271	100.0	6.9	65.1	7.6	60.8	.....
CA .....	Visalia .....	12,994	91.0	14.1	133.0	13.8	110.4	50
CO .....	Adams Co .....	12,929	90.6	7.0	66.0	7.9	63.2	.....
CO .....	Arapahoe Co .....	19,479	136.4	4.2	39.6	5.3	42.4	.....
CO .....	Aurora .....	15,255	106.9	6.1	57.5	6.8	54.4	.....
CO .....	Boulder .....	17,268	120.9	7.5	70.8	8.4	67.2	.....
CO .....	Cnsrt-Pueblo .....	10,347	72.5	16.7	157.5	18.3	146.4	100
CO .....	Colorado Springs .....	14,243	99.8	8.6	81.1	9.5	76.0	.....
CO .....	Denver .....	15,590	109.2	13.1	123.6	15.1	120.8	.....
CO .....	Fort Collins .....	13,439	94.1	8.0	75.5	9.7	77.6	.....
CO .....	Greeley .....	11,461	80.3	12.2	115.1	13.9	111.2	.....
CO .....	Jefferson Co .....	18,818	131.8	3.1	29.2	4.0	32.0	.....
CO .....	Lakewood .....	16,726	117.2	5.2	49.1	6.4	51.2	.....
CT .....	Bridgeport .....	13,156	92.1	15.0	141.5	16.1	128.8	50
CT .....	Hartford .....	11,081	77.6	25.7	242.5	26.1	208.8	50
CT .....	New Britain .....	14,715	103.1	10.7	100.9	12.1	96.8	.....
CT .....	New Haven .....	12,968	90.8	18.2	171.7	20.0	160.0	50
CT .....	Stamford .....	27,092	189.8	3.9	36.8	5.8	46.4	.....
CT .....	Waterbury .....	14,209	99.5	9.9	93.4	12.2	97.6	.....
DE .....	New Castle Co .....	18,057	126.5	3.3	31.1	4.6	36.8	.....
DE .....	Wilmington .....	14,256	99.9	15.1	142.5	17.7	141.6	50
FL .....	Broward Co .....	15,883	111.2	6.9	65.1	9.2	73.6	.....
FL .....	Cnsrt-Brevard Co .....	15,082	105.6	6.3	59.4	7.9	63.2	.....
FL .....	Cnsrt-Escambia Co .....	12,311	86.2	12.7	119.8	14.7	117.6	.....
FL .....	Cnsrt-Palm Beach Co .....	18,796	131.7	6.0	56.6	7.9	63.2	.....
FL .....	Cnsrt-Pinellas Co .....	16,070	112.6	5.1	48.1	7.5	60.0	.....
FL .....	Cnsrt-Sarasota .....	18,441	129.2	4.6	43.4	6.3	50.4	.....
FL .....	Cnsrt-Volusia Co .....	15,034	105.3	6.0	56.6	7.9	63.2	.....
FL .....	Dade Co .....	15,451	108.2	10.2	96.2	12.1	96.8	.....
FL .....	Daytona Beach .....	11,901	83.4	16.0	150.9	17.8	142.4	50
FL .....	Fort Lauderdale .....	19,814	138.8	13.1	123.6	14.5	116.0	.....
FL .....	Gainesville .....	11,549	80.9	15.7	148.1	17.0	136.0	50
FL .....	Hialeah .....	8,914	62.4	15.5	146.2	19.1	152.8	100
FL .....	Hillsborough Co .....	14,671	102.8	7.0	66.0	8.4	67.2	.....
FL .....	Hollywood .....	16,303	114.2	7.7	72.6	10.5	84.0	.....
FL .....	Jacksonville .....	13,857	97.1	9.8	92.5	12.4	99.2	.....
FL .....	Lakeland .....	13,487	94.5	10.2	96.2	13.0	104.0	.....
FL .....	Lee Co .....	16,556	116.0	5.1	48.1	6.6	52.8	.....
FL .....	Miami .....	9,799	68.6	25.7	242.5	31.3	250.4	100
FL .....	Miami Beach .....	16,504	115.6	19.9	187.7	25.8	206.4	50
FL .....	Orange Co .....	14,841	104.0	6.6	62.3	7.9	63.2	.....
FL .....	Orlando .....	13,879	97.2	12.2	115.1	15.3	122.4	.....
FL .....	Pasco Co .....	11,747	82.3	7.9	74.5	10.3	82.4	.....
FL .....	Polk Co .....	11,987	84.0	9.2	86.8	11.5	92.0	.....
FL .....	St. Petersburg .....	14,132	99.0	9.5	89.6	12.5	100.0	.....
FL .....	Tallahassee .....	13,247	92.8	11.9	112.3	13.6	108.8	.....
FL .....	Tampa .....	13,277	93.0	15.0	141.5	18.6	148.8	50
FL .....	West Palm Beach .....	15,712	110.1	12.7	119.8	16.2	129.6	50

## APPENDIX C.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR LOCALITIES—Continued

[Last column indicates 100% or 50% match reduction based on fiscal distress]

State	Jurisdiction	PCI criterion		Poverty criterion				Match reduction
		PCI 1989	PCI ratio	Families		Elderly and families		
				%	Ratio	%	Ratio	
GA .....	Albany .....	10,496	73.5	22.1	208.5	24.6	196.8	100
GA .....	Athens-Clarke .....	11,604	81.3	14.2	134.0	17.2	137.6	50
GA .....	Atlanta .....	15,279	107.0	24.6	232.1	27.3	218.4	50
GA .....	Augusta .....	10,367	72.6	27.9	263.2	32.1	256.8	100
GA .....	Cnsrt-Cobb Co .....	19,456	136.3	4.1	38.7	5.3	42.4	
GA .....	Columbus-Muscogee .....	11,949	83.7	14.9	140.6	17.7	141.6	50
GA .....	De Kalb Co .....	17,463	122.3	6.1	57.5	7.1	56.8	.....
GA .....	Macon .....	11,502	80.6	20.8	196.2	23.6	188.8	50
GA .....	Savannah .....	10,978	76.9	18.5	174.5	21.4	171.2	50
HI .....	Honolulu .....	16,256	113.9	5.4	50.9	6.6	52.8	.....
ID .....	Boise .....	15,208	106.5	6.3	59.4	8.0	64.0	.....
IL .....	Chicago .....	12,899	90.3	18.3	172.6	19.8	158.4	50
IL .....	Cnsrt-Cook Co .....	18,729	131.2	4.1	38.7	5.2	41.6	.....
IL .....	Cnsrt-Du Page Co .....	20,353	142.6	2.4	22.6	3.1	24.8	.....
IL .....	Cnsrt-Lake Co .....	21,626	151.5	3.7	34.9	4.7	37.6	.....
IL .....	Cnsrt-St. Clair Co .....	12,874	90.2	10.8	101.9	11.8	94.4	.....
IL .....	Cnsrt-Urbana .....	13,326	93.3	8.6	81.1	9.2	73.6	.....
IL .....	Decatur .....	13,348	93.5	12.3	116.0	13.5	108.0	.....
IL .....	East St. Louis .....	6,421	45.0	39.5	372.6	40.4	323.2	100
IL .....	Evanston .....	22,346	156.5	5.3	50.0	6.5	52.0	.....
IL .....	Joliet .....	13,091	91.7	9.6	90.6	11.9	95.2	.....
IL .....	Madison Co .....	13,265	92.9	8.4	79.2	9.9	79.2	.....
IL .....	McHenry Co .....	17,279	121.0	3.5	33.0	3.5	28.0	.....
IL .....	Peoria .....	14,039	98.3	15.1	142.5	16.5	132.0	50
IL .....	Rockford .....	14,109	98.8	10.5	99.1	12.4	99.2	.....
IL .....	Springfield .....	14,813	103.8	9.7	91.5	11.4	91.2	.....
IL .....	Will Co .....	15,477	108.4	3.2	30.2	4.2	33.6	.....
IN .....	Anderson .....	12,161	85.2	15.2	143.4	16.3	130.4	50
IN .....	Bloomington .....	10,616	74.4	15.3	144.3	14.9	119.2	100
IN .....	Cnsrt-Lafayette .....	12,570	88.0	6.6	62.3	8.2	65.6	.....
IN .....	Cnsrt-South Bend .....	13,277	93.0	7.1	67.0	8.9	71.2	.....
IN .....	East Chicago .....	9,090	63.7	24.5	231.1	24.7	197.6	100
IN .....	Evansville .....	12,564	88.0	11.2	105.7	14.0	112.0	.....
IN .....	Fort Wayne .....	12,726	89.1	8.3	78.3	9.8	78.4	.....
IN .....	Gary .....	8,994	63.0	26.4	249.1	27.6	220.8	100
IN .....	Hammond .....	11,576	81.1	11.8	111.3	12.9	103.2	.....
IN .....	Indianapolis .....	14,605	102.3	9.7	91.5	0.0	0.0	.....
IN .....	Lake Co .....	15,323	107.3	3.6	34.0	4.6	36.8	.....
IN .....	Muncie .....	10,686	74.8	14.3	134.9	16.6	132.8	100
IN .....	Terre Haute .....	10,527	73.7	15.5	146.2	18.4	147.2	100
IA .....	Cedar Rapids .....	15,246	106.8	6.6	62.3	8.1	64.8	.....
IA .....	Cnsrt-Sioux City .....	12,130	85.0	10.4	98.1	12.2	97.6	.....
IA .....	Davenport .....	12,557	88.0	12.4	117.0	13.3	106.4	.....
IA .....	Des Moines .....	13,710	96.0	9.5	89.6	11.0	88.0	.....
IA .....	Iowa City .....	13,277	93.0	9.3	87.7	9.6	76.8	.....
IA .....	Waterloo .....	12,475	87.4	14.3	134.9	15.1	120.8	50
KS .....	Cnsrt-Johnson Co .....	20,593	144.2	2.5	23.6	3.5	28.0	.....
KS .....	Kansas City .....	10,478	73.4	14.6	137.7	16.8	134.4	100
KS .....	Lawrence .....	11,760	82.4	11.5	108.5	12.4	99.2	.....
KS .....	Topeka .....	13,680	95.8	9.3	87.7	10.8	86.4	.....
KS .....	Wichita .....	14,516	101.7	9.5	89.6	10.8	86.4	.....
KY .....	Covington .....	10,293	72.1	17.7	167.0	20.3	162.4	100
KY .....	Jefferson Co .....	15,654	109.6	6.3	59.4	7.3	58.4	.....
KY .....	Lexington-Fayette .....	14,962	104.8	10.2	96.2	12.1	96.8	.....
KY .....	Louisville .....	11,527	80.7	18.6	175.5	21.2	169.6	50
KY .....	Owensboro .....	11,492	80.5	15.3	144.3	18.3	146.4	50
LA .....	Alexandria .....	10,887	76.3	24.0	226.4	26.0	208.0	50
LA .....	Baton Rouge .....	13,220	92.6	15.4	145.3	22.1	176.8	50
LA .....	Cnsrt-Jefferson Parish .....	12,764	89.4	11.6	109.4	13.0	104.0	.....
LA .....	Houma-Terrebone .....	9,505	66.6	20.2	190.6	22.0	176.0	100
LA .....	Lafayette .....	12,925	90.5	17.0	160.4	19.5	156.0	50
LA .....	Lake Charles .....	11,475	80.4	20.3	191.5	22.2	177.6	50
LA .....	Monroe .....	10,037	70.3	31.6	298.1	33.2	265.6	100
LA .....	New Orleans .....	11,372	79.7	27.3	257.5	29.3	234.4	50
LA .....	Shreveport .....	11,663	81.7	20.2	190.6	22.8	182.4	50
ME .....	Portland .....	14,914	104.5	10.6	100.0	13.7	109.6	.....
MD .....	Anne Arundel Co .....	18,522	129.7	2.5	23.6	3.6	28.8	.....

## APPENDIX C.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR LOCALITIES—Continued

[Last column indicates 100% or 50% match reduction based on fiscal distress]

State	Jurisdiction	PCI criterion		Poverty criterion				Match reduction
		PCI 1989	PCI ratio	Families		Elderly and families		
				%	Ratio	%	Ratio	
MD .....	Baltimore .....	11,994	84.0	17.8	167.9	20.6	164.8	50
MD .....	Baltimore Co .....	18,658	130.7	3.8	35.8	5.2	41.6	
MD .....	Montgomery Co .....	25,433	178.1	2.8	26.4	3.5	28.0	
MD .....	Prince Georges Co .....	17,512	122.7	3.7	34.9	4.6	36.8	
MA .....	Boston .....	15,581	109.1	15.0	141.5	16.8	134.4	50
MA .....	Brockton .....	13,455	94.2	11.7	110.4	13.1	104.8	
MA .....	Cambridge .....	19,879	139.2	7.2	67.9	9.7	77.6	
MA .....	Cnsrt-Barnstable Co .....	16,402	114.9	5.8	54.7	7.4	59.2	
MA .....	Cnsrt-Fitchburg .....	13,977	97.9	8.7	82.1	10.5	84.0	
MA .....	Cnsrt-Holyoke .....	12,464	87.3	14.3	134.9	15.4	123.2	50
MA .....	Cnsrt-Malden .....	16,550	115.9	7.1	67.0	9.8	78.4	
MA .....	Cnsrt-Newton .....	24,601	172.3	3.2	30.2	5.2	41.6	
MA .....	Cnsrt-Peabody .....	17,833	124.9	6.3	59.4	8.1	64.8	
MA .....	Cnsrt-Quincy .....	17,808	124.7	4.4	41.5	6.6	52.8	
MA .....	Fall River .....	10,966	76.8	12.3	116.0	15.8	126.4	50
MA .....	Lawrence .....	9,686	67.8	25.6	241.5	25.7	205.6	100
MA .....	Lowell .....	12,701	89.0	15.1	142.5	16.5	132.0	50
MA .....	New Bedford .....	10,923	76.5	14.6	137.7	16.5	132.0	50
MA .....	Somerville .....	15,179	106.3	7.6	71.7	10.4	83.2	
MA .....	Springfield .....	11,584	81.1	17.7	167.0	17.9	143.2	50
MA .....	Worcester .....	13,393	93.8	12.2	115.1	14.4	115.2	
MI .....	Ann Arbor .....	17,786	124.6	6.0	56.6	7.2	57.6	
MI .....	Battle Creek .....	12,963	90.8	14.1	133.0	15.6	124.8	50
MI .....	Dearborn .....	16,852	118.0	8.2	77.4	9.4	75.2	
MI .....	Detroit .....	9,443	66.1	29.0	273.6	29.6	236.8	100
MI .....	Flint .....	10,415	72.9	27.6	260.4	26.9	215.2	100
MI .....	Genesee Co .....	15,109	105.8	8.0	75.5	9.1	72.8	
MI .....	Grand Rapids .....	12,070	84.5	12.6	118.9	13.6	108.8	
MI .....	Jackson .....	10,410	72.9	21.2	200.0	21.8	174.4	100
MI .....	Kalamazoo .....	11,956	83.7	19.3	182.1	19.4	155.2	50
MI .....	Kent Co .....	16,497	115.5	3.3	31.1	4.5	36.0	
MI .....	Lansing .....	12,232	85.7	16.5	155.7	17.3	138.4	50
MI .....	Macomb Co .....	16,502	115.6	4.0	37.7	5.6	44.8	
MI .....	Muskegon .....	8,890	62.3	23.0	217.0	23.5	188.0	100
MI .....	Oakland Co .....	19,797	138.7	3.9	36.8	5.1	40.8	
MI .....	Pontiac .....	9,847	69.0	24.1	227.4	25.6	204.8	100
MI .....	Port Huron .....	11,210	78.5	20.0	188.7	20.8	166.4	50
MI .....	Saginaw .....	8,944	62.6	28.5	268.9	28.6	228.8	100
MI .....	Warren .....	15,224	106.6	5.1	48.1	6.1	48.8	
MI .....	Wayne Co .....	17,930	125.6	5.7	53.8	6.8	54.4	
MI .....	Westland .....	15,079	105.6	5.6	52.8	6.8	54.4	
MN .....	Cnsrt-Dakota Co .....	16,643	116.6	3.6	34.0	4.5	36.0	
MN .....	Cnsrt-Hennepin Co .....	20,501	143.6	3.0	28.3	4.0	32.0	
MN .....	Cnsrt-St. Louis Co .....	11,619	81.4	9.9	93.4	12.5	100.0	
MN .....	Minneapolis .....	14,830	103.9	14.1	133.0	15.0	120.0	50
MN .....	St. Paul .....	13,727	96.1	12.4	117.0	13.7	109.6	
MS .....	Hattiesburg .....	10,013	70.1	30.0	283.0	30.0	240.0	100
MS .....	Jackson .....	12,216	85.6	18.0	169.8	20.5	164.0	50
MO .....	Columbia .....	12,452	87.2	12.4	117.0	13.0	104.0	
MO .....	Independence .....	13,208	92.5	6.9	65.1	8.8	70.4	
MO .....	Kansas City .....	13,799	96.7	11.7	110.4	14.1	112.8	
MO .....	Springfield .....	11,878	83.2	11.6	109.4	14.3	114.4	
MO .....	St. Joseph .....	11,044	77.4	13.2	124.5	15.3	122.4	50
MO .....	St. Louis .....	10,798	75.6	20.6	194.3	22.6	180.8	50
MO .....	St. Louis Co .....	17,675	123.8	4.3	40.6	5.4	43.2	
MT .....	Billings .....	12,834	89.9	9.2	86.8	10.4	83.2	
MT .....	Great Falls .....	12,603	88.3	11.2	105.7	13.1	104.8	
NE .....	Lincoln .....	13,720	96.1	6.5	61.3	8.1	64.8	
NE .....	Omaha .....	13,957	97.8	9.6	90.6	11.5	92.0	
NV .....	Cnsrt-Clark Co .....	14,983	104.9	7.8	73.6	9.1	72.8	
NV .....	Cnsrt-Reno .....	16,365	114.6	6.4	60.4	7.4	59.2	
NH .....	Manchester .....	15,111	105.8	6.3	59.4	9.2	73.6	
NJ .....	Atlantic City .....	12,017	84.2	20.6	194.3	24.6	196.8	50
NJ .....	Bergen Co .....	24,080	168.7	2.7	25.5	4.2	33.6	
NJ .....	Burlington Co .....	18,278	128.0	2.7	25.5	3.6	28.8	
NJ .....	Camden .....	7,276	51.0	34.1	321.7	35.5	284.0	100
NJ .....	Cnsrt-Camden Co .....	17,795	124.6	3.3	31.1	4.7	37.6	

## APPENDIX C.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR LOCALITIES—Continued

[Last column indicates 100% or 50% match reduction based on fiscal distress]

State	Jurisdiction	PCI criterion		Poverty criterion				Match reduction
		PCI 1989	PCI ratio	Families		Elderly and families		
				%	Ratio	%	Ratio	
NJ .....	Cnsrt-Hudson Co .....	15,480	108.4	9.7	91.5	13.0	104.0	.....
NJ .....	Cnsrt-Mercer Co .....	21,419	150.0	2.2	20.8	3.3	26.4	.....
NJ .....	Cnsrt-Morris Co .....	25,177	176.3	1.8	17.0	2.8	22.4	.....
NJ .....	Cnsrt-Ocean Co .....	15,542	108.9	4.3	40.6	5.9	47.2	.....
NJ .....	Cnsrt-Union Co .....	21,824	152.9	3.2	30.2	4.9	39.2	.....
NJ .....	Cnsrt-Vineland .....	12,670	88.7	11.0	103.8	13.9	111.2	.....
NJ .....	East Orange .....	12,376	86.7	15.6	147.2	18.5	148.0	50
NJ .....	Elizabeth .....	12,112	84.8	13.7	129.2	15.2	121.6	50
NJ .....	Essex Co .....	26,400	184.9	3.3	31.1	5.2	41.6	.....
NJ .....	Gloucester Co .....	15,242	106.8	4.7	44.3	6.0	48.0	.....
NJ .....	Irvington .....	12,982	90.9	10.3	97.2	12.7	101.6	.....
NJ .....	Jersey City .....	13,060	91.5	16.6	156.6	18.3	146.4	50
NJ .....	Middlesex Co .....	20,219	141.6	2.2	20.8	3.6	28.8	.....
NJ .....	Monmouth Co .....	20,886	146.3	2.7	25.5	4.4	35.2	.....
NJ .....	Newark .....	9,424	66.0	22.8	215.1	26.1	208.8	100
NJ .....	Passaic .....	11,057	77.4	14.6	137.7	17.1	136.8	50
NJ .....	Paterson .....	10,518	73.7	15.7	148.1	17.7	141.6	100
NJ .....	Perth Amboy .....	11,351	79.5	12.5	117.9	14.8	118.4	.....
NJ .....	Somerset Co .....	25,111	175.9	1.4	13.2	2.5	20.0	.....
NJ .....	Trenton .....	11,018	77.2	15.1	142.5	17.2	137.6	50
NM .....	Albuquerque .....	14,013	98.2	10.3	97.2	11.6	92.8	.....
NM .....	Las Cruces .....	11,175	78.3	16.6	156.6	17.2	137.6	50
NY .....	Albany .....	13,742	96.3	12.1	114.2	13.9	111.2	.....
NY .....	Babylon Town .....	16,726	117.2	3.7	34.9	4.8	38.4	.....
NY .....	Binghamton .....	12,106	84.8	12.0	113.2	14.7	117.6	.....
NY .....	Buffalo .....	10,445	73.2	21.7	204.7	23.6	188.8	100
NY .....	Cnsrt-Amherst .....	15,956	111.8	3.6	34.0	5.4	43.2	.....
NY .....	Cnsrt-Dutchess Co .....	17,275	121.0	3.7	34.9	5.3	42.4	.....
NY .....	Cnsrt-Erie Co .....	14,464	101.3	4.1	38.7	5.8	46.4	.....
NY .....	Cnsrt-Jefferson Co .....	10,719	75.1	11.0	103.8	13.2	105.6	.....
NY .....	Cnsrt-Monroe Co .....	18,303	128.2	2.4	22.6	3.3	26.4	.....
NY .....	Cnsrt-Onondaga Co .....	16,503	115.6	2.9	27.4	4.2	33.6	.....
NY .....	Cnsrt-Orange Co .....	15,521	108.7	5.2	49.1	7.0	56.0	.....
NY .....	Cnsrt-Schenectady .....	14,439	101.1	7.8	73.6	10.2	81.6	.....
NY .....	Elmira .....	9,489	66.5	19.4	183.0	20.2	161.6	100
NY .....	Islip Town .....	16,778	117.5	3.4	32.1	4.3	34.4	.....
NY .....	Jamestown .....	10,731	75.2	14.6	137.7	15.4	123.2	50
NY .....	Mount Vernon .....	15,835	110.9	8.9	84.0	11.6	92.8	.....
NY .....	Nassau Co .....	21,329	149.4	2.6	24.5	3.9	31.2	.....
NY .....	New Rochelle .....	23,745	166.3	4.7	44.3	7.9	63.2	.....
NY .....	New York .....	16,281	114.0	16.3	153.8	18.4	147.2	50
NY .....	Niagara Falls .....	10,904	76.4	15.5	146.2	17.2	137.6	50
NY .....	Rochester .....	11,704	82.0	21.1	199.1	21.2	169.6	50
NY .....	Rockland Co .....	20,283	142.1	3.7	34.9	5.1	40.8	.....
NY .....	Suffolk Co .....	17,633	123.5	3.5	33.0	5.0	40.0	.....
NY .....	Syracuse .....	11,351	79.5	17.0	160.4	18.2	145.6	50
NY .....	Utica .....	10,726	75.1	16.6	156.6	18.8	150.4	50
NY .....	Westchester Co .....	30,382	212.8	2.6	24.5	3.9	31.2	.....
NY .....	Yonkers .....	17,484	122.5	9.0	84.9	11.0	88.0	.....
NC .....	Charlotte .....	16,793	117.6	8.5	80.2	10.6	84.8	.....
NC .....	Cnsrt-Asheville .....	12,882	90.2	8.7	82.1	12.5	100.0	.....
NC .....	Cnsrt-Chapel Hill .....	15,835	110.9	6.4	60.4	8.5	68.0	.....
NC .....	Cnsrt-Durham .....	14,997	105.0	8.8	83.0	11.4	91.2	.....
NC .....	Cnsrt-Gastonia .....	12,681	88.8	8.0	75.5	10.8	86.4	.....
NC .....	Cnsrt-Greensboro .....	15,410	107.9	8.0	75.5	10.1	80.8	.....
NC .....	Cnsrt-Surry Co .....	12,224	85.6	8.0	75.5	13.3	106.4	.....
NC .....	Cnsrt-Winston-Salem .....	16,151	113.1	7.8	73.6	10.3	82.4	.....
NC .....	Cumberland Co .....	10,445	73.2	12.4	117.0	12.4	99.2	50
NC .....	Fayetteville .....	12,825	89.8	15.3	144.3	18.0	144.0	50
NC .....	Goldsboro .....	10,726	75.1	17.4	164.2	20.8	166.4	50
NC .....	Raleigh .....	16,896	118.3	7.7	72.6	10.0	80.0	.....
NC .....	Rocky Mount .....	12,593	88.2	15.6	147.2	20.2	161.6	50
NC .....	Wake Co .....	17,520	122.7	3.6	34.0	5.4	43.2	.....
NC .....	Wilmington .....	12,077	84.6	16.8	158.5	19.6	156.8	50
ND .....	Fargo .....	13,554	94.9	7.9	74.5	9.6	76.8	.....
OH .....	Akron .....	12,015	84.2	16.5	155.7	17.5	140.0	50
OH .....	Canton .....	10,133	71.0	18.8	177.4	19.5	156.0	100

## APPENDIX C.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR LOCALITIES—Continued

[Last column indicates 100% or 50% match reduction based on fiscal distress]

State	Jurisdiction	PCI criterion		Poverty criterion				Match reduction
		PCI 1989	PCI ratio	Families		Elderly and families		
				%	Ratio	%	Ratio	
OH .....	Cincinnati .....	12,547	87.9	20.7	195.3	22.5	180.0	50
OH .....	Cleveland .....	9,258	64.8	25.2	237.7	26.7	213.6	100
OH .....	Cnsrt-Cuyahoga Co .....	18,212	127.6	3.2	30.2	4.9	39.2	
OH .....	Cnsrt-Montgomery Co .....	16,540	115.9	4.9	46.2	6.2	49.6	
OH .....	Cnsrt-Stark Co .....	13,758	96.4	6.3	59.4	7.8	62.4	
OH .....	Cnsrt-Warren .....	12,900	90.4	9.4	88.7	11.3	90.4	
OH .....	Columbus .....	13,151	92.1	12.6	118.9	14.1	112.8	
OH .....	Dayton .....	9,946	69.7	22.0	207.5	23.1	184.8	100
OH .....	East Cleveland .....	9,020	63.2	25.9	244.3	28.1	224.8	100
OH .....	Franklin Co .....	18,560	130.0	3.4	32.1	4.4	35.2	
OH .....	Hamilton City .....	11,108	77.8	14.0	132.1	15.4	123.2	50
OH .....	Hamilton Co .....	16,185	113.4	4.3	40.6	5.6	44.8	
OH .....	Lake Co .....	15,185	106.4	3.7	34.9	4.8	38.4	
OH .....	Lima .....	9,535	66.8	18.6	175.5	20.6	164.8	100
OH .....	Lorain .....	10,676	74.8	16.6	156.6	17.6	140.8	100
OH .....	Mansfield .....	11,774	82.5	14.5	136.8	17.0	136.0	50
OH .....	Springfield .....	10,648	74.6	16.6	156.6	18.1	144.8	100
OH .....	Summit Co .....	16,840	118.0	3.6	34.0	4.8	38.4	
OH .....	Toledo .....	11,894	83.3	15.4	145.3	16.8	134.4	50
OH .....	Youngstown .....	8,544	59.8	24.4	230.2	25.4	203.2	100
OK .....	Cnsrt-Tulsa Co .....	12,184	85.3	10.8	101.9	11.0	88.0	
OK .....	Lawton .....	10,772	75.5	13.4	126.4	15.0	120.0	50
OK .....	Norman .....	13,690	95.9	8.2	77.4	9.7	77.6	.....
OK .....	Oklahoma City .....	13,528	94.8	12.0	113.2	14.0	112.0	.....
OK .....	Tulsa .....	15,434	108.1	11.5	108.5	13.4	107.2	.....
OR .....	Clackamas Co .....	16,329	114.4	4.7	44.3	6.2	49.6	.....
OR .....	Cnsrt-Eugene .....	12,846	90.0	10.3	97.2	11.3	90.4	.....
OR .....	Cnsrt-Portland .....	14,479	101.4	8.9	84.0	10.7	85.6	.....
OR .....	Cnsrt-Salem .....	12,722	89.1	9.3	87.7	11.1	88.8	.....
OR .....	Cnsrt-Washington Co .....	16,357	114.6	4.8	45.3	5.7	45.6	.....
PA .....	Allegheny Co .....	16,335	114.4	5.9	55.7	7.8	62.4	.....
PA .....	Allentown .....	12,822	89.8	9.3	87.7	11.3	90.4	.....
PA .....	Altoona .....	10,398	72.8	14.0	132.1	15.8	126.4	100
PA .....	Beaver Co .....	11,695	81.9	10.8	101.9	12.3	98.4	.....
PA .....	Berks Co .....	15,686	109.9	2.6	24.5	4.4	35.2	.....
PA .....	Bethlehem .....	13,684	95.8	8.8	83.0	11.3	90.4	.....
PA .....	Chester Co .....	20,601	144.3	3.0	28.3	4.1	32.8	.....
PA .....	Cnsrt-Bucks Co .....	18,885	132.3	2.6	24.5	3.6	28.8	.....
PA .....	Cnsrt-Delaware Co .....	16,874	118.2	5.3	50.0	7.3	58.4	.....
PA .....	Cnsrt-Luzerne Co .....	12,044	84.4	8.0	75.5	11.7	93.6	.....
PA .....	Cnsrt-Westmoreland Co .....	12,693	88.9	8.2	77.4	10.1	80.8	.....
PA .....	Erie .....	10,715	75.1	15.2	143.4	16.6	132.8	50
PA .....	Harrisburg .....	11,037	77.3	23.9	225.5	25.1	200.8	50
PA .....	Johnstown .....	8,500	59.5	22.5	212.3	25.3	202.4	100
PA .....	Lancaster .....	10,693	74.9	16.3	153.8	17.7	141.6	100
PA .....	Lancaster Co .....	14,771	103.5	4.0	37.7	5.2	41.6	.....
PA .....	Montgomery Co .....	20,325	142.4	2.1	19.8	3.4	27.2	.....
PA .....	Philadelphia .....	12,091	84.7	16.1	151.9	18.4	147.2	50
PA .....	Pittsburgh .....	12,580	88.1	16.6	156.6	18.7	149.6	50
PA .....	Reading .....	11,041	77.3	15.2	143.4	18.2	145.6	50
PA .....	Scranton .....	11,108	77.8	11.1	104.7	15.0	120.0	.....
PA .....	Washington Co .....	12,738	89.2	9.7	91.5	12.0	96.0	.....
PA .....	Williamsport .....	10,276	72.0	16.4	154.7	19.0	152.0	100
PA .....	York .....	10,485	73.4	16.4	154.7	18.1	144.8	100
PA .....	York Co .....	15,120	105.9	2.8	26.4	4.5	36.0	.....
RI .....	Pawtucket .....	12,865	90.1	8.1	76.4	11.7	93.6	.....
RI .....	Providence .....	11,838	82.9	18.3	172.6	21.7	173.6	50
RI .....	Woonsocket .....	11,997	84.0	11.6	109.4	15.9	127.2	50
SC .....	Charleston .....	14,093	98.7	16.3	153.8	19.3	154.4	50
SC .....	Cnsrt-Sumter Co .....	9,936	69.6	17.1	161.3	20.4	163.2	100
SC .....	Columbia .....	12,210	85.5	15.7	148.1	18.4	147.2	50
SC .....	Greenville .....	14,708	103.0	13.7	129.2	18.2	145.6	50
SC .....	Greenville Co .....	13,643	95.6	6.8	64.2	9.7	77.6	.....
SC .....	North Charleston .....	10,315	72.2	19.2	181.1	20.3	162.4	100
SC .....	Spartanburg .....	12,142	85.0	17.1	161.3	22.4	179.2	50
SD .....	Sioux Falls .....	13,677	95.8	5.5	51.9	7.7	61.6	.....
TN .....	Chattanooga .....	12,332	86.4	14.4	135.8	18.0	144.0	50



## APPENDIX C.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR LOCALITIES—Continued

[Last column indicates 100% or 50% match reduction based on fiscal distress]

State	Jurisdiction	PCI criterion		Poverty criterion				Match reduction
		PCI 1989	PCI ratio	Families		Elderly and families		
				%	Ratio	%	Ratio	
TN	Clarksville	11,252	78.8	11.0	103.8	12.5	100.0	
TN	Jackson	11,268	78.9	17.9	168.9	21.0	168.0	50
TN	Knox Co	15,333	107.4	6.4	60.4	8.9	71.2	
TN	Knoxville	12,108	84.8	15.3	144.3	18.3	146.4	50
TN	Memphis	11,682	81.8	18.7	176.4	21.5	172.0	50
TN	Nashville-Davidson	15,195	106.4	10.0	94.3	12.6	100.8	
TN	Shelby Co	17,987	126.0	4.1	38.7	5.1	40.8	
TX	Abilene	11,857	83.0	11.0	103.8	13.5	108.0	
TX	Amarillo	12,744	89.3	13.1	123.6	14.9	119.2	
TX	Arlington	16,239	113.7	5.7	53.8	6.3	50.4	
TX	Austin	14,295	100.1	11.5	108.5	12.6	100.8	
TX	Beaumont	12,751	89.3	16.6	156.6	18.7	149.6	50
TX	Bexar Co	12,990	91.0	7.9	74.5	8.7	69.6	
TX	Brownsville	6,284	44.0	38.5	363.2	39.8	318.4	100
TX	College Station	9,262	64.9	16.6	156.6	16.7	133.6	100
TX	Corpus Christi	11,755	82.3	16.4	154.7	18.5	148.0	50
TX	Dallas	16,300	114.2	14.7	138.7	16.0	128.0	50
TX	Dallas Co	17,395	121.8	5.4	50.9	6.7	53.6	
TX	Denton	12,013	84.1	9.9	93.4	10.6	84.8	
TX	El Paso	9,603	67.3	21.2	200.0	22.4	179.2	100
TX	Fort Bend Co	15,656	109.7	7.0	66.0	8.3	66.4	
TX	Fort Worth	13,162	92.2	13.6	128.3	15.3	122.4	50
TX	Galveston	12,399	86.8	20.0	188.7	22.4	179.2	50
TX	Garland	15,056	105.5	5.8	54.7	6.6	52.8	
TX	Grand Prairie	13,752	96.3	7.7	72.6	9.0	72.0	
TX	Harlingen	9,183	64.3	25.3	238.7	26.7	213.6	100
TX	Harris Co	16,185	113.4	6.1	57.5	6.8	54.4	
TX	Hidalgo Co	5,346	37.4	41.5	391.5	42.5	340.0	100
TX	Houston	14,261	99.9	17.2	162.3	18.4	147.2	50
TX	Irving	16,424	115.0	7.7	72.6	8.6	68.8	
TX	Laredo	6,981	48.9	32.2	303.8	34.7	277.6	100
TX	Longview	12,761	89.4	13.7	129.2	15.8	126.4	50
TX	Lubbock	12,322	86.3	13.3	125.5	14.7	117.6	50
TX	McAllen	9,814	68.7	27.7	261.3	28.8	230.4	100
TX	Odessa	11,588	81.2	15.5	146.2	16.9	135.2	50
TX	Pasadena	12,402	86.9	11.1	104.7	12.4	99.2	
TX	Port Arthur	9,706	68.0	24.0	226.4	25.5	204.0	100
TX	San Angelo	11,353	79.5	13.7	129.2	16.0	128.0	50
TX	San Antonio	10,884	76.2	18.7	176.4	20.4	163.2	50
TX	Tarrant Co	15,850	111.0	4.8	45.3	6.1	48.8	
TX	Tyler	13,400	93.9	15.2	143.4	17.9	143.2	50
TX	Waco	10,195	71.4	19.7	185.8	22.0	176.0	100
TX	Wichita Falls	11,686	81.9	13.2	124.5	15.7	125.6	50
UT	Cnsrt-Provo	9,050	63.4	11.1	104.7	11.6	92.8	50
UT	Cnsrt-Salt Lake Co	11,866	83.1	6.6	62.3	7.4	59.2	
UT	Ogden	10,754	75.3	13.1	123.6	14.8	118.4	
UT	Salt Lake City	13,482	94.4	11.9	112.3	13.2	105.6	
VA	Alexandria	25,509	178.7	4.7	44.3	6.8	54.4	
VA	Arlington Co	25,690	179.9	4.2	39.6	5.4	43.2	
VA	Chesapeake	13,817	96.8	7.0	66.0	8.6	68.8	
VA	Chesterfield Co	17,423	122.0	3.5	33.0	4.2	33.6	
VA	Cnsrt-Charlottesville	14,579	102.1	7.6	71.7	10.6	84.8	
VA	Danville	11,344	79.5	15.0	141.5	19.2	153.6	50
VA	Fairfax Co	24,765	173.5	2.2	20.8	2.7	21.6	
VA	Hampton	13,099	91.7	8.8	83.0	10.6	84.8	
VA	Henrico Co	18,019	126.2	3.9	36.8	5.1	40.8	
VA	Lynchburg	12,657	88.7	12.8	120.8	16.1	128.8	50
VA	Newport News	12,711	89.0	12.2	115.1	13.7	109.6	
VA	Norfolk	11,643	81.6	15.1	142.5	16.9	135.2	50
VA	Portsmouth	11,158	78.2	14.9	140.6	16.9	135.2	50
VA	Prince William Co	17,795	124.6	2.4	22.6	2.8	22.4	
VA	Richmond	13,993	98.0	17.4	164.2	19.4	155.2	50
VA	Roanoke	12,513	87.6	12.8	120.8	15.6	124.8	50
VA	Virginia Beach	15,242	106.8	4.3	40.6	5.1	40.8	
WA	Cnsrt-Clark Co	13,962	97.8	7.0	66.0	8.6	68.8	
WA	Cnsrt-King Co	18,735	131.2	4.0	37.7	4.9	39.2	
WA	Cnsrt-Snohomish Co	15,766	110.4	4.9	46.2	6.0	48.0	

## APPENDIX C.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR LOCALITIES—Continued

[Last column indicates 100% or 50% match reduction based on fiscal distress]

State	Jurisdiction	PCI criterion		Poverty criterion				Match reduction
		PCI 1989	PCI ratio	Families		Elderly and families		
				%	Ratio	%	Ratio	
WA .....	Kitsap Co .....	14,311	100.2	7.5	70.8	8.6	68.8	
WA .....	Pierce Co .....	13,946	97.7	7.1	67.0	7.9	63.2	
WA .....	Seattle .....	18,308	128.2	7.4	69.8	9.7	77.6	
WA .....	Spokane .....	12,375	86.7	12.5	117.9	14.4	115.2	
WA .....	Spokane Co .....	13,217	92.6	7.4	69.8	8.5	68.0	
WA .....	Tacoma .....	12,272	86.0	12.5	117.9	14.2	113.6	
WA .....	Yakima .....	11,593	81.2	15.7	148.1	18.1	144.8	50
WV .....	Charleston .....	16,067	112.5	15.0	141.5	17.4	139.2	50
WV .....	Cnsrt-Huntington .....	11,275	79.0	15.7	148.1	18.4	147.2	50
WI .....	Cnsrt-Milwaukee Co .....	17,707	124.0	2.6	24.5	3.9	31.2	
WI .....	Eau Claire .....	11,426	80.0	10.1	95.3	11.3	90.4	
WI .....	Green Bay .....	12,969	90.8	10.0	94.3	11.2	89.6	
WI .....	Kenosha .....	12,284	86.0	9.9	93.4	10.7	85.6	
WI .....	La Crosse .....	10,898	76.3	10.2	96.2	12.5	100.0	
WI .....	Madison .....	15,143	106.1	6.6	62.3	7.0	56.0	
WI .....	Milwaukee .....	11,106	77.8	18.5	174.5	18.3	146.4	50
WI .....	Racine .....	11,858	83.1	13.2	124.5	13.9	111.2	50
PR .....	Aguadilla Municipio .....	3,722	26.1	62.5	589.6	0.0	0.0	100
PR .....	Arecibo Municipio .....	3,652	25.6	60.7	572.6	0.0	0.0	100
PR .....	Bayamon Municipio .....	5,134	36.0	40.2	379.2	0.0	0.0	100
PR .....	Caguas Municipio .....	4,547	31.8	48.8	460.4	0.0	0.0	100
PR .....	Carolina Municipio .....	5,524	38.7	38.8	366.0	0.0	0.0	100
PR .....	Guaynabo Municipio .....	8,321	58.3	37.3	351.9	0.0	0.0	100
PR .....	Mayaguez Municipio .....	4,380	30.7	54.3	512.3	0.0	0.0	100
PR .....	Ponce Municipio .....	3,735	26.2	58.8	554.7	0.0	0.0	100
PR .....	San Juan Municipio .....	6,383	44.7	44.8	422.6	0.0	0.0	100
PR .....	Toa Baja Municipio .....	4,293	30.1	47.6	449.1	0.0	0.0	100

## APPENDIX D.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR STATES

[Last column indicates 100% or 50% match reduction based on fiscal distress]

Participating jurisdiction	PCI criterion		Poverty criterion				Income Growth		Match reduction
	PCI 1989	PCI ration	Families		Elderly and families		%	Ratio	
			%	Ratio	%	Ratio			
Alabama .....	11,486	80.5	14.3	134.9	18.3	146.4	5.7	103.6	50
Alaska .....	17,610	123.3	6.8	64.2	7.1	56.8	5.3	96.4	.....
Arizona .....	13,461	94.3	11.4	107.5	12.7	101.6	8.0	145.5	.....
Arkansas .....	10,520	73.7	14.8	139.6	19.0	152.0	5.2	94.5	100
California .....	16,409	114.9	9.3	87.7	9.8	78.4	3.8	69.1	50
Colorado .....	14,821	103.8	8.6	81.1	10.2	81.6	6.8	123.6	.....
Connecticut .....	20,189	141.4	5.0	47.2	6.6	52.8	5.7	103.6	.....
Delaware .....	15,854	111.0	6.1	57.5	8.1	64.8	6.8	123.6	.....
District of Columbia .....	18,881	132.2	13.3	125.5	16.2	129.6	5.1	92.7	50
Florida .....	14,698	102.9	9.0	84.9	11.3	90.4	5.9	107.3	.....
Georgia .....	13,631	95.5	11.5	108.5	14.5	116.0	6.5	118.2	.....
Hawaii .....	15,770	110.5	6.0	56.6	7.4	59.2	3.7	67.3	50
Idaho .....	11,457	80.2	9.7	91.5	11.5	92.0	8.0	145.5	.....
Illinois .....	15,201	106.5	9.0	84.9	10.7	85.6	5.3	96.4	.....
Indiana .....	13,149	92.1	7.9	74.5	9.9	79.2	6.2	112.7	.....
Iowa .....	12,422	87.0	8.4	79.2	10.6	84.8	5.4	98.2	.....
Kansas .....	13,300	93.2	8.3	78.3	10.7	85.6	4.5	81.8	.....
Kentucky .....	11,153	78.1	16.0	150.9	18.7	149.6	5.9	107.3	50
Louisiana .....	10,635	74.5	19.4	183.0	22.1	176.8	8.3	150.9	100
Maine .....	12,957	90.8	8.0	75.5	11.0	88.0	5.2	94.5	.....
Maryland .....	17,730	124.2	6.0	56.6	7.8	62.4	5.4	98.2	.....
Massachusetts .....	17,224	120.6	6.7	63.2	8.6	68.8	5.8	105.5	.....
Michigan .....	14,154	99.1	10.2	96.2	11.8	94.4	7.5	136.4	.....
Minnesota .....	14,389	100.8	7.3	68.9	9.6	76.8	4.9	89.1	.....
Mississippi .....	9,648	67.6	20.2	190.6	24.2	193.6	8.9	161.8	100
Missouri .....	12,989	91.0	10.1	95.3	12.9	103.2	5.7	103.6	.....
Montana .....	11,213	78.5	12.0	113.2	13.7	109.6	6.1	110.9	.....
Nebraska .....	12,452	87.2	8.0	75.5	10.6	84.8	4.8	87.3	.....
Nevada .....	15,214	106.6	7.3	68.9	8.7	69.6	10.1	183.6	.....

## APPENDIX D.—FY 1995 HOME PROGRAM MATCH REDUCTIONS FOR STATES—Continued

[Last column indicates 100% or 50% match reduction based on fiscal distress]

Participating jurisdiction	PCI criterion		Poverty criterion				Income Growth		Match reduction
	PCI 1989	PCI ration	Families		Elderly and families		%	Ratio	
			%	Ratio	%	Ratio			
New Hampshire .....	15,959	111.8	4.4	41.5	6.4	51.2	6.0	109.1	.....
New Jersey .....	18,714	131.1	5.6	52.8	7.4	59.2	4.2	76.4	.....
New Mexico .....	11,246	78.8	16.5	155.7	18.0	144.0	8.4	152.7	50
New York .....	16,501	115.6	10.0	94.3	12.1	96.8	4.5	81.8	.....
North Carolina .....	12,885	90.3	9.9	93.4	13.4	107.2	8.1	147.3	.....
North Dakota .....	11,051	77.4	10.9	102.8	13.5	108.0	4.5	81.8	.....
Ohio .....	13,461	94.3	9.7	91.5	11.5	92.0	5.6	101.8	.....
Oklahoma .....	11,893	83.3	13.0	122.6	16.1	128.8	4.9	89.1	50
Oregon .....	13,418	94.0	8.7	82.1	10.5	84.0	7.3	132.7	.....
Pennsylvania .....	14,068	98.5	8.2	77.4	10.3	82.4	4.7	85.5	.....
Rhode Island .....	14,981	104.9	6.8	64.2	9.9	79.2	5.8	105.5	.....
South Carolina .....	11,897	83.3	11.9	112.3	15.3	122.4	5.4	98.2	.....
South Dakota .....	10,661	74.7	11.6	109.4	14.4	115.2	6.8	123.6	50
Tennessee .....	12,255	85.8	12.4	117.0	15.9	127.2	7.0	127.3	50
Texas .....	12,904	90.4	14.1	133.0	16.2	129.6	5.9	107.3	50
Utah .....	11,029	77.3	8.6	81.1	9.7	77.6	8.6	156.4	.....
Vermont .....	13,527	94.7	6.9	65.1	9.4	75.2	4.8	87.4	.....
Virginia .....	15,713	110.1	7.7	72.6	10.0	80.0	5.4	98.2	.....
Washington .....	14,923	104.5	7.8	73.6	9.4	75.2	5.0	90.9	.....
West Virginia .....	10,520	73.7	16.0	150.9	18.3	146.4	5.3	96.4	100
Wisconsin .....	13,276	93.0	7.6	71.7	9.1	72.8	6.0	109.1	.....
Wyoming .....	12,311	86.2	9.3	87.7	10.8	86.4	6.9	125.5	.....
Puerto Rico .....	4,177	29.3	55.3	521.7	.....	.....	.....	.....	100

## APPENDIX E.—LISTING OF HUD FIELD OFFICE CONTACTS

Alabama .....	John D. Harmon, Beacon Ridge Tower, 600 Beacon Pkwy. West, Suite 300, Birmingham, AL 35209-3144; (205) 290-7645; TDD (205) 290-7624.
Alaska .....	Dean Zinck, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508-4399; (907) 271-3669; TDD (907) 271-4328.
Arizona .....	Lou Kislin, 400 N. 5th St., Suite 1600, Arizona Center, Phoenix AZ 85004; (602) 379-4754; TDD (602) 379-4461.
Arkansas .....	Billy M. Parsley, TCBY Tower, 425 West Capitol Ave., Suite 900, Little Rock, AR 72201-3488; (501) 324-6375; TDD (501) 324-5931.
California .....	(Southern) Herbert L. Roberts, 1615 W. Olympic Blvd., Los Angeles, CA 90015-3801; (213) 251-7235; TDD (213) 251-7038. (Northern) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 556-5576; TDD (415) 556-8357.
Colorado .....	Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.
Connecticut .....	Daniel Kolesar, 330 Main St., Hartford, CT 06106-1860; (203) 240-4508; TDD (203) 240-4522.
Delaware .....	Joyce Gaskins, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106-3392; (215) 597-2665; TDD (215) 597-5564.
District of Columbia (and MD and VA suburbs) .....	James H. McDaniel, 820 First St., NE., Washington, DC 20002; (202) 275-0994; TDD (202) 275-0772.
Florida .....	James N. Nichol, 301 West Bay St., Suite 2200, Jacksonville, FL 32202-5121; (904) 232-3587; TDD (904) 791-1241.
Miami-So.Dade .....	Richard P. Garrabrant, South Dade County Government Annex, Room 1400, 10710 SW 211 Street, Miami, FL 33189; (303) 238-2851.
Georgia .....	John Perry, Russell Fed. Bldg., Room 688, 75 Spring St., SW, Atlanta, GA 30303-3388; (404) 331-5139; TDD (404) 730-2654.
Hawaii (and Pacific) .....	Patti A. Nicholas, 7 Waterfront Plaza, Suite 500, 500 Ala Moana Blvd., Honolulu, HI 96813-4918; (808) 522-8180; TDD (808) 541-1356.
Idaho .....	John G. Bonham, 520 SW 6th Ave., Portland, OR 97204-1596 (503) 326-7018; TDD * via 1-800-877-8339.
Illinois .....	Jim Barnes, 77 W. Jackson Blvd., Chicago, IL 60604-3507; (312) 353-1696; TDD (312) 353-7143.
Indiana .....	Robert F. Poffenberger, 151 N. Delaware St., Indianapolis, IN 46204-2526; (317) 226-5169; TDD * via 1-800-877-8339.
Iowa .....	Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955; (402) 492-3144; TDD (402) 492-3183.
Kansas .....	William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101-2406; (913) 551-5484; TDD (913) 551-6972.
Kentucky .....	Ben Cook, P.O. Box 1044, 601 W. Broadway, Louisville, KY 40201-1044; (502) 582-5394; TDD (502) 582-5139.
Louisiana .....	Greg Hamilton, P.O. Box 70288, 1661 Canal St., New Orleans, LA 70112-2887; (504) 589-7212; TDD (504) 589-7237.

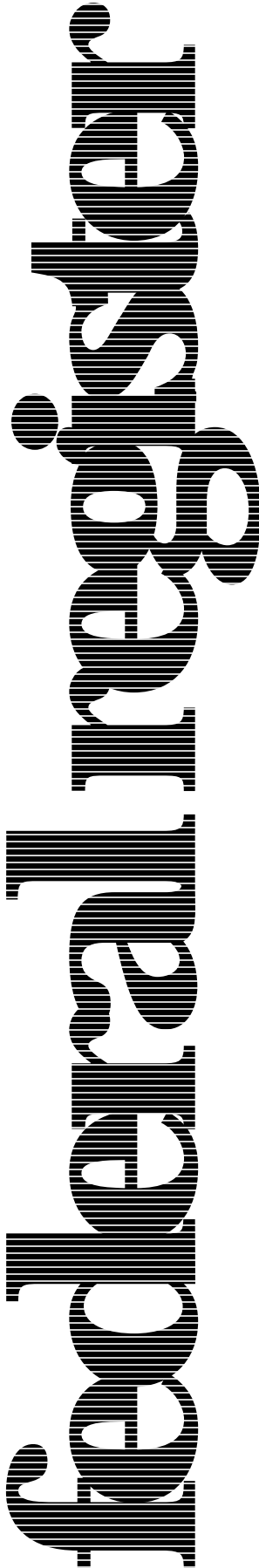
## APPENDIX E.—LISTING OF HUD FIELD OFFICE CONTACTS—Continued

Maine .....	David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640; TDD (603) 666-7518.
Maryland .....	Harold Young, 10 South Howard Street, 5th Floor, Baltimore, MD 21202-0000; (410) 962-2520x3116; TDD (410) 962-0106.
Massachusetts .....	Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 565-5342; TDD (617) 565-5453.
Michigan .....	Richard Paul, Patrick McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226-2592; (313) 226-4343; TDD * via 1-800-877-8339.
Minnesota .....	Shawn Huckleby, 220 2nd St. South, Minneapolis, MN 55401-2195; (612) 370-3019; TDD (612) 370-3186.
Mississippi .....	Jeanie E. Smith, Dr. A. H. McCoy Fed. Bldg., 100 W. Capitol St., Room 910, Jackson, MS 39269-1096; (601) 965-4765; TDD (601) 965-4171.
Missouri .....	(Eastern) David H. Long, 1222 Spruce St., St. Louis, MO 63103-2836; (314) 539-6524; TDD (314) 539-6331. (Western) William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101-2406; (913) 551-54843; TDD (913) 551-6972.
Montana .....	Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.
Nebraska .....	Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955; (402) 492-3144; TDD (402) 492-3183.
Nevada .....	(Las Vegas, Clark Cnty) Lou Kislin, 400 N. 5th St., Suite 1600, 2 Arizona Center, Phoenix, AZ 85004; (602) 379-4754; TDD (602) 379-4461. (Remainder of State) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 556-5576; TDD (415) 556-8357.
New Hampshire .....	David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640; TDD (603) 666-7518.
New Jersey .....	Frank Sagarese, 1 Newark Center, Newark, NJ 07102; (201) 622-7900; TDD (201) 645-3298.
New Mexico .....	Katie Worsham, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113-2905; (817) 885-5483; TDD (817) 885-5447.
New York .....	(Upstate) Michael F. Merrill, Lafayette Ct., 465 Main St., Buffalo, NY 14203-1780; (716) 846-5768; TDD * via 1-800-877-8339. (Downstate) Jack Johnson, 26 Federal Plaza, New York, NY 10278-0068; (212) 264-2885; TDD (212) 264-0927.
North Carolina .....	Charles T. Ferebee, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407; (910) 547-4005; TDD (910) 547-4055.
North Dakota .....	Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.
Ohio .....	Jack E. Riordan, 200 North High St., Columbus, OH 43215-2499; (614) 469-6743; TDD (614) 469-6694.
Oklahoma .....	Ted Allen, Murrah Fed. Bldg., 200 NW 5th St., Oklahoma City, OK 73102-3202; (405) 231-4973; TDD (405) 231-4181.
Oregon .....	John G. Bonham, 520 SW 6th Ave., Portland, OR 97204-1596 (503) 326-7018; TDD * via 1-800-877-8339.
Pennsylvania .....	(Western) Bruce Crawford, Old Post Office and Courthouse Bldg., 700 Grant St., Pittsburgh, PA 15219-1906; (412) 644-5493; TDD (412) 644-5747. (Eastern) Joyce Gaskins, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106-3392; (215) 597-2665; TDD (215) 597-5564.
Puerto Rico (and Caribbean) .....	Carmen R. Cabrera, 159 Carlos Chardon Ave., San Juan, PR 00918-1804; (809) 766-5576; TDD (809) 766-5909.
Rhode Island .....	Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 565-5342; TDD (617) 565-5453.
South Carolina .....	Louis E. Bradley, Fed. Bldg., 1835-45 Assembly St., Columbia, SC 29201-2480; (803) 765-5564; TDD * via 1-800-877-8339.
South Dakota .....	Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.
Tennessee .....	Virginia Peck, 710 Locust St., Knoxville, TN 37902-2526; (615) 545-4396; TDD (615) 545-4559.
Texas .....	(Northern) Katie Worsham, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113-2905; (817) 885-5483; TDD (817) 885-5447. (Southern) John T. Maldonado, Washington Sq., 800 Dolorosa, San Antonio, TX 78207-4563; (210) 229-6820; TDD (210) 229-6885.
Utah .....	Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.
Vermont .....	David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640; TDD (603) 666-7518.
Virginia .....	Joseph Aversano, 3600 W. Broad St., P.O. Box 90331, Richmond, VA 23230-0331; (804) 278-4503; TDD (804) 278-4501.
Washington .....	John Peters, Federal Office Bldg., 909 First Ave., Suite 200, Seattle, WA 98104-1000; (206) 220-5150; TDD (206) 220-5185.
West Virginia .....	Bruce Crawford, Old Post Office & Courthouse Bldg., 700 Grant St., Pittsburgh, PA 15219-1906; (412) 644-5493; TDD (412) 644-5747.
Wisconsin .....	Lana J. Vacha, Henry Reuss Fed. Plaza, 310 W. Wisconsin Ave., Ste. 1380, Milwaukee, WI 53203-2289; (414) 297-3113; TDD * via 1-800-877-8339.

APPENDIX E.—LISTING OF HUD FIELD OFFICE CONTACTS—Continued

Wyoming .....	Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TDD (303) 672-5248.
---------------	---

Telephone numbers for Telecommunications Devices for the Deaf (TDD machines) are listed for field offices; all HUD numbers, including those noted\*, may be reached via TDD by dialing the Federal Information Relay Service on 1-800-877-TDDY or (1-800-877-8339) or (202) 708-9300.



---

Wednesday  
January 25, 1995

---

## Part V

# Office of Personnel Management

---

5 CFR Part 581

Processing Garnishment Orders for Child  
Support and/or Alimony; Final Rule

**OFFICE OF PERSONNEL  
MANAGEMENT****5 CFR Part 581**

RIN 3206-AG49

**Processing Garnishment Orders for  
Child Support and/or Alimony****AGENCY:** Office of Personnel  
Management.**ACTION:** Final rule; technical  
amendment.**SUMMARY:** This document amends the  
list of designated agents in accordance  
with information provided by various  
Federal agencies. OPM is also correcting  
a technical error that was reported to  
OPM by the Corporation for National  
and Community Service.**EFFECTIVE DATE:** This amendment is  
effective February 24, 1995**FOR FURTHER INFORMATION CONTACT:**  
Murray M. Meeker, Attorney, Office of  
the General Counsel, (202) 606-1980.**SUPPLEMENTARY INFORMATION:**  
Subsequent to publication of the list of  
designated agents (Appendix A) on July  
2, 1993 (58 FR 35845), OPM was  
advised of the need for amendments to  
the list. This publication makes the  
necessary amendments. OPM is also  
amending 5 CFR 581.104 in response to  
a suggestion from the Corporation for  
National and Community Service.**Regulatory Flexibility Act**

I certify that these regulations will not  
have a significant economic impact on  
a substantial number of small entities  
because their effects are limited to  
Federal employees and their creditors.

**E.O. 12866, Regulatory Review**

This rule has been reviewed by the  
Office of Management and Budget in  
accordance with E.O. 12866.

**List of Subjects in 5 CFR Part 581**

Alimony, Child Support, Government  
employees, Wages.

U.S. Office of Personnel Management

**Lorraine A. Green,**  
*Deputy Director.*

Accordingly, OPM is amending 5 CFR  
part 581 as follows:

**PART 581—PROCESSING  
GARNISHMENT ORDERS FOR CHILD  
SUPPORT AND/OR ALIMONY**

1. The authority citation for part 581  
is revised to read as follows:

**Authority:** 15 U.S.C. 1673; 42 U.S.C. 659,  
661-662; E.O. 12105, 43 FR 59465, 3 CFR,  
1978 Comp. p. 262.

**§ 581.104 [Amended]**

2. Section 581.104 is amended by  
removing the second paragraph (i)(3).

3. Appendix A to part 581 is revised  
to read as follows:

**Appendix A to Part 581—List of Agents  
Designated to Accept Legal Process**

This appendix lists the agents  
designated to accept legal process for  
the Executive Branch of the United  
States, the United States Postal Service,  
the Postal Rate Commission, the District  
of Columbia, American Samoa, Guam,  
the Virgin Islands, and the Smithsonian  
Institution.

**I. Departments***Department of Agriculture*

General Counsel, Department of  
Agriculture, Research and Operations  
Division, Room 2321, South Building,  
14th & Independence Ave., SW.,  
Washington, DC 20250, (202) 720-  
5565.

*Department of Commerce*

1. Bureau of the Census:  
For employee-obligors employed by  
Headquarters, the Hagerstown  
Telephone Center and the Tucson  
Telephone Center:

Bureau of the Census, Personnel  
Division, ATTN: Chief, Personnel &  
Pay Systems Branch, Room 3254, FOB  
#3, Washington, DC 20230, (301) 763-  
1520

For employee-obligors employed by  
the Data Preparation Division:

Bureau of the Census, Data Preparation  
Division, Chief, Personnel  
Management Staff, Room 113, Bldg.  
66, Jeffersonville, IN 47132, (812)  
288-3323

For employee-obligors employed by a  
Regional Office, to the Regional Director  
in the Regional Office to which they are  
assigned. The Bureau's 12 Regional  
Offices are as follows:

Bureau of the Census, Atlanta Regional  
Office, 101 Marietta Street, NW., Suite  
3200, Atlanta, GA 30303-2700, (404)  
730-3832

Bureau of the Census, Boston Regional  
Office, 2 Copley Place, Suite 301, P.O.  
Box 9108, Boston, MA 02117-9108,  
(617) 424-0500

Bureau of the Census, Charlotte  
Regional Office, 901 Center Park  
Drive, Suite 106, Charlotte, NC  
28217-2935, (704) 344-6142

Bureau of the Census, Chicago Regional  
Office, 2255 Enterprise Drive, Suite  
5501, Westchester, IL 60154-5800,  
(708) 562-1788

Bureau of the Census, Dallas Regional  
Office, 6303 Harry Hines Blvd., Suite

210, Dallas, TX 75235-5269, (214)  
767-7500

Bureau of the Census, Denver Regional  
Office, 6900 W. Jefferson Avenue,  
P.O. Box 272020 Denver, CO 80227-  
9020, (303) 969-6750

Bureau of the Census, Detroit Regional  
Office, 1395 Brewery Park Blvd., P.O.  
Box 33405, Detroit, MI 48232-5405,  
(313) 259-1158

Bureau of the Census, Kansas City  
Regional Office, Gateway Tower II,  
Suite 600, 400 State Avenue, Kansas  
City, KS 66101-2410, (913) 551-6728

Bureau of the Census, Los Angeles  
Regional Office, 15350 Sherman Way,  
Suite 300, Van Nuys, CA 91406-4224,  
(818) 904-6393

Bureau of the Census, New York  
Regional Office, Jacob J. Javits Fed.  
Bldg., Room 37-130, 26 Federal Plaza,  
New York, NY 10278-0044, (212)  
264-3860

Bureau of the Census, Philadelphia  
Regional Office, 105 South 7th Street,  
First Floor, Philadelphia, PA 19106-  
3395, (215) 597-4920

Bureau of the Census, Seattle Regional  
Office, 101 Stewart Street, Suite 500,  
Seattle, WA 98101-1098, (206) 728-  
5300

2. Patent and Trademark Office (PTO):  
Human Resources Manager, Patent and  
Trademark Office, Box 3, Washington,  
DC 20231, (703) 305-8231

3. United States and Foreign  
Commercial Service (US&FCS):

Director, Office of Foreign Service  
Personnel, Room 3815, 14th &  
Constitution Avenue, NW.,  
Washington, DC 20230, (202) 482-  
3133

4. International Trade Administration  
(ITA):

Director, Personnel Management  
Division, International Trade  
Administration, Room 4809, 14th and  
Constitution Avenue, NW.,  
Washington, DC 20230, (202) 482-  
3438

5. National Institute of Standards and  
Technology (NIST) (For employee-  
obligors of the Headquarters offices in  
Gaithersburg only):

Human Resources Manager, Office of  
Personnel and Civil Rights,  
Administration Building, Room A-  
123, Gaithersburg, MD 20899, (301)  
975-3000

6. Office of the Inspector General (For  
employee-obligors of the Headquarters/  
Washington, DC offices only):

Human Resources Manager, Resource  
Management Division, Room 7713,  
14th & Constitution Avenue, NW.,  
Washington, DC 20230, (202) 482-  
4948

7. National Oceanic and Atmospheric Administration (NOAA) (For employee-obligors in the Headquarters offices, Washington, DC, and the Silver Spring and Camp Springs, MD, and Sterling VA offices only):

Chief, Human Resources Services  
Division, NOAA, 1315 East-West  
Highway, Room 13619, Silver Spring,  
MD 20910, (301) 713-0524

8. Office of the Secretary, Bureau of Economic Analysis, Bureau of Export Administration (BXA), Economic Development Administration (EDA), Economics and Statistics Administration, Minority Business Development Agency (MBDA), National Technical Information Service, National Telecommunications and Information Administration (NTIA), Technology Administration, and United States Travel and Tourism Administration (For employee-obligors in the Washington, D.C. metro area offices only):

Human Resources Manager, Office of Personnel Operations, Office of the Secretary, Room 5005, 14th & Constitution Avenue, NW.,  
Washington, DC 20230, (202) 482-3827

9. Regional employees of NOAA, NIST, OIG, BXA, EDA, MBDA, ITA, NTIA: to the Human Resources Manager servicing the region or State in which they are employed:

a. Central Region. For NOAA employee-obligors in the States of: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin; for National Marine Fisheries Service employees in the States of North Carolina, South Carolina, and Texas; for National Weather Service employees in the States of Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming; and for employee-obligors in the Bureau of Export Administration (BXA), Economic Development Administration (EDA), Minority Business Development Agency (MBDA), International Trade Administration (ITA), in the States of Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Texas, West Virginia, and Wisconsin:

Human Resources Officer, Central Administrative Support Center (CASC), NOAA CC, Federal Building, 601 East 12th Street, Room 1736, Kansas City, MO 64106, (816) 867-2056

b. Eastern Region. For NOAA employee-obligors in the States of: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Puerto Rico, and the Virgin Islands; and for employee-obligors in the Bureau of Export Administration (BXA), Economic Development Administration (EDA), Minority Business Development Agency (MBDA), and International Trade Administration (ITA) in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Puerto Rico, and the Virgin Islands:

Human Resources Officer, Eastern Administrative Support Center (EASC), NOAA EC, 200 World Trade Center, Norfolk, VA 23510, (804) 441-6516

c. Mountain Region. For NOAA employee-obligors in the States of: Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wyoming; and for National Weather Service employees in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, Texas, and Puerto Rico; and for employee-obligors in the Bureau of Export Administration (BXA); Economic Development Administration (EDA) (Utah only); Minority Business Development Agency (MBDA); National Institute of Standards and Technology (NIST) (Hawaii only); Office of the Inspector General (OIG); National Telecommunications and Information Administration (NTIA); in the States of: Colorado, Iowa, Louisiana, Missouri, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Utah:

Human Resources Officer, Mountain Administrative Support Center (MASC), NOAA MC, 325 Broadway, Boulder, CO 80303-3328, (303) 497-6305

d. Western Region. For NOAA employee-obligors in the States of: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, American Samoa, and the Trust Territories, and for employee-obligors in the Bureau of Export Administration (BXA), Economic Development Administration (EDA), Minority Business Development Agency (MBDA), Office of the Inspector General (OIG), and International Trade

Administration (ITA); in the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, Washington, American Samoa, and the Trust Territories:

Human Resources Officer, Western Administrative Support Center (WASC), NOAA WC, 7600 Sand Point Way NE, Bin C15700, Seattle, WA 98115-0070, (206) 526-6057

10. In cases where the name of the operating unit cannot be determined:

Director for Human Resources Management, Department of Commerce, Room 5001, 14th & Constitution Avenue, NW., Washington, DC 20230, (202) 482-4807

#### *Department of Defense*

General Notice for Certain Civilian Employees of the Army and the Navy.

Effective February 1, 1995, the Assistant General Counsel for Garnishment Operations, Defense Finance and Accounting Service, Cleveland Center (DFAS-CL/L), will be the designated agent for legal process for garnishment for child support and alimony from the pay of civilian employees who work at various Department of Defense installations and activities located throughout the United States, but who are paid by DFAS payroll centers in Charleston and Pensacola.

Due to the on-going consolidation of local installation payroll offices into DFAS Charleston and Pensacola, it is impossible to give an accurate and detailed list here of those activities for which DFAS-CL/L will serve as agent for process. Further, DFAS is aware that child support and alimony garnishments will continue to be served at various installations until this consolidation is complete.

Accordingly, the time standards expressed in Title 5 of the Code of Federal Regulations, part 581, will begin to run only after the garnishment is received by DFAS-CL/L. After it is received, DFAS-CL/L will process the garnishment in accordance with the provisions of 5 CFR part 581.

For those employees known to be paid by the DFAS Charleston or Pensacola payroll centers, the garnishment should be served by certified mail directly on DFAS-CL/L at the following address:

Assistant General Counsel for Garnishment Operations, Defense Finance and Accounting Service, Cleveland Center-Code L, P.O. Box 9980002, Cleveland, OH 44199-8002, (216) 522-5956



Other Department of Defense Employees:

#### Army

a. Civilian employees in Germany: Commander, 266th Theater Finance Corps, Attention: AEUCF-CPF, APO NY 09007-0137, 049-6221-57-8911, Autovon: 370-8911

b. Nonappropriated fund civilian employees of the Army: Post Exchanges:

Army and Air Force Exchange Service, Attention: CM-G-RI, P.O. Box 660202, Dallas, TX 75266-0202, (214) 312-2011

c. All other Army personnel, active and retired:

Director, DFAS-Indianapolis Center, Attention: DFAS-I-GG, Indianapolis, IN 46249, (317) 542-2155

d. See General Notice, above, for certain civilian employees of the Army and Navy.

#### Navy

Active duty, reserve, and retired members of the Fleet reserve:

Director, DFAS-Cleveland Center, Office of General Counsel, Attention: Code L, P.O. Box 998002, Cleveland, OH 44199-8002, (216) 522-5301

Process affecting the pay of civilian employees of the Department of the Navy, including the Marine Corps:

(i) If currently employed at Navy or Marine Corps activities (including nonappropriated fund instrumentalities) or installations situated within the territorial jurisdiction of the issuing court, such process may be served on the commanding officer or head of such activity or installation, or principal assistant specifically designated in writing by such official. (See General Notice, above, for certain civilian employees of the Army and Navy.)

(ii) In other cases involving civilian employees, such process may be served in the manner indicated below:

(A) If pertaining to civil service personnel of the Navy or Marine Corps, not covered by (a) or by the General Notice above, such process may be served on:

Director of Civilian Personnel Law, Office of the General Counsel, Navy Department, Washington, DC 20390, (703) 696-4717

(B) If pertaining to non-civil service civilian personnel of Navy Exchanges or related nonappropriated fund instrumentalities administered by the Navy by Resale System Office, such process may be served on:

Commanding Officer, Navy Exchange Service Command, Attention: Office

of Counsel, 3280 Virginia Beach Blvd., Virginia Beach, VA 23452, (804) 631-3614

(C) If pertaining to non-civil service personnel of Navy clubs, messes, or recreational facilities (non-appropriated funds), such process may be served on:

Chief of Navy Personnel, Director, Morale, Welfare, and Recreation Division (MWR), Washington, DC 20370, (202) 433-3005

(D) If pertaining to non-civil service civilian personnel of other nonappropriated fund instrumentalities which fall outside the purview of the Chief of Naval Personnel or the Commanding Officer, Navy Resale Systems Office, such as locally established morale, welfare, and other social and hobby clubs, such process may be served on the commanding officer of the activity concerned.

(E) If pertaining to non-civil service personnel of any Marine Corps nonappropriated fund instrumentalities, such process may be served on the commanding officer of the activity concerned.

#### Marine Corps

Active duty and reserve military members:

Director, DFAS-Kansas City Center (Code G), Kansas City, MO 64197-0001, (816) 926-7103

Retired military members:

Director, DFAS-Cleveland Center, Office of General Counsel, Attention: Code L, P.O. Box 998002, Cleveland, OH 44199-8002, (216) 522-5301

(For civilian employees of the Marine Corps, see the listing above for civilian employees of the Navy.)

#### Air Force

1. Active duty, Reserve, Air National Guard (ANG), and civilian employees of appropriated fund activities.

Director, DFAS-Denver Center, Attention: GL, Denver, CO 80279-5000, (303) 676-7524

2. Retired military members:

DFAS-Cleveland Center, Office of General Counsel, Code L, P.O. Box 998002, Cleveland, OH 44199-8002, (216) 522-5301

3. Nonappropriated fund civilian employees of base exchanges:

Army and Air Force Exchange Service, Attention: FA-F/R, P.O. Box 650038, Dallas, TX 75265-0038, (214) 312-2119

4. Civilian employees of all other Air Force nonappropriated fund activities: HQ AFMWRC/GC, Randolph AFB, TX 78150-7000, (512) 652-6691

Defense Advance Research Project Agency, Air Force District of Washington, Accounting and Finance Office, Attention: 15DA, Washington, DC 20332-5260, (202) 767-4211

Defense Communications Agency, General Counsel or Deputy General Counsel, Office of the General Counsel (Code AL), Defense Communications Agency, Washington, DC 20305-2000, (202) 692-2009

Defense Contract Audit Agency, Director of Personnel, Cameron Station, Alexandria, VA 22304-6178, (703) 274-7325

Defense Finance and Accounting Service, Director, DFAS-Columbus Center, Attention: AEP, P.O. Box 182317, Columbus, OH 43218-2317, (614) 338-7232

Defense Intelligence Agency, General Counsel, The Pentagon, Washington, DC 20340-1029, (202) 697-3945

Defense Investigative Service, Deputy Director (Resources), 1900 Half Street, SW., Washington, DC 20324-1700, (202) 475-1311

#### Defense Logistics Agency

1. For civilian employees of the following Defense Logistics Agency (DLA) activities:

Headquarters, Defense Logistics Agency  
Defense Administrative Support Center  
Defense Technical Information Center  
Defense Industrial Plant Equipment Center

Defense Construction Supply Center  
DLA Systems Automation Center  
Information Processing Center—Columbus

Defense Reutilization and Marketing Service

Defense Contract Management Command

Defense Contract Management District North Central

Defense Contract Management District Northeast

Defense Contract Management District South

Defense Contract Management District West

Defense Contract Management District—Los Angeles

Defense Depot—Columbus

Defense Depot—Memphis

Defense Distribution Region East

Defense Distribution Region West

Director, DFAS-Columbus Center, Attention: AEP, P.O. Box 182317, Columbus, OH 43218-2317, (614) 338-7232

2. Defense Electronics Supply Center: Accounting and Finance Officer (DESC-CF), 1507 Wilmington Pike, Dayton, OH 45444-5000, (513) 296-6415

3. Defense General Supply Center:  
Accounting and Finance Officer (DGSC-CF), Richmond, VA 23297-5000, (804) 275-4847

4. Defense Personnel Support Center:  
Accounting and Finance Officer (DPCS-CF), 2800 South 20th Street, Philadelphia, PA 19101-8419, (215) 737-2741

5. Defense Depot, Ogden:  
Accounting and Finance Officer (DDOU-CF), Ogden, UT 84407-5000, (816) 399-7538

6. Transition Management Office, Cleveland:  
Accounting and Finance Officer (TMO-CLE-CF), Anthony J. Celebrezze Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199-2064, (216) 552-6490

7. Transition Management Office, St. Louis:  
Accounting and Finance Officer (TMO-STL-CF), 1222 Spruce Street, St. Louis, MO 63103, (314) 331-5299

#### Defense Mapping Agency

1. For employees of the DMA Combat Support Center, the DMA Hydrographic/Topographic Center, the Defense Mapping School, and Headquarters:

Associate General Counsel, DMA Hydrographic/Topographic Center, 6500 Brookes Lane, Washington, DC 20315-0030, (202) 227-2268

2. For employees of the DMA Aerospace Center:  
Associate General Counsel, DMA Aerospace Center, 3200 South Second Street, St. Louis, MO 63118-3399, (314) 263-4501

3. For employees of the DMA Reston Center, the DMA Systems Center, and the DMA Telecommunications Services Center:

Associate General Counsel, DMA Systems Center, 12100 Sunset Hills Road, Suite 200, Reston, VA 22090-3207, (703) 487-8106

#### Defense Nuclear Agency

1. For employees at Kirtland AFB, New Mexico:  
Director, Defense Finance and Accounting Service, Attention: JA, Denver, CO 80279-5000, (303) 676-7524

2. For all other DNA employees:  
General Counsel, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398, (703) 325-7681

Uniformed Services University of the Health Sciences

Director, Personnel/Manpower,

Civilian Personnel,  
4301 Jones Bridge Road,  
Bethesda, MD 20814-4799,  
(301) 295-3081

With respect to other civilian employees of Department of Defense agencies, or other employing activities within the Department of Defense or the Military Department, the Director of the agency or activity shall assist by receiving and forwarding process to the designated agent in the appropriate disbursing office.

#### Department of Education

Assistant General Counsel,  
Division of Business and Administrative Law,  
Room 4091, FOB-6,  
400 Maryland Avenue, SW.,  
Washington, DC 20202-2110,  
(202) 401-3690

#### Department of Energy

##### Power Administrations

1. Alaska Power Administration:  
Administrator,  
Alaska Power Administration,  
Department of Energy,  
P.O. Box 020050,  
Juneau, AK 99802-0050,  
(907) 586-7405

2. Bonneville Power Administration:  
Chief,  
Payroll Section DSDP,  
Bonneville Power Administration,  
Department of Energy,  
905 NE. 11th Avenue,  
Portland, OR 97232,  
(503) 230-3203

3. Southeastern Power Administration:  
Chief,  
Payroll Branch,  
Department of Energy,  
Room 1E-184,  
Forrestal Building,  
1000 Independence Avenue, SW.,  
Washington, DC 20585,  
(202) 586-5581

4. Southwestern Power Administration:  
Chief Counsel,  
Southwestern Power Administration,  
Department of Energy,  
P.O. Box Drawer 1619,  
Tulsa, OK 74101,  
(918) 581-7426

5. Western Area Power Administration:  
General Counsel,  
Western Area Power Administration,  
Department of Energy,  
P.O. Box 3402,  
Golden, CO 80401,  
(303) 231-1529

#### Field Offices

1. Albuquerque Operations Office:  
Chief Counsel,  
Albuquerque Operations Office,  
Department of Energy,  
P.O. Box 5400,  
Albuquerque, NM 87115,  
(505) 844-7265

2. Chicago Operations Office:  
Chief Counsel,  
Chicago Operations Office,  
Department of Energy,  
9800 South Cass Avenue,  
Argonne, IL 60439,  
(312) 972-2032

3. Idaho Operations Office:  
Chief,  
Field Office Accounting Section,  
Finance and Budget Division,  
Department of Energy,  
785 DOE Place,  
Idaho Falls, ID 83402,  
(208) 526-1822

4. Nevada Operations Office:  
Chief,  
Payroll Branch, CR-431,  
Department of Energy,  
GTN Building, Room 259,  
Washington, DC 20585,  
(301) 903-4012

5. Oak Ridge Operations Office:  
Chief Counsel,  
Oak Ridge Operations Office,  
Department of Energy,  
P.O. Box 20001,  
Oak Ridge, TN 37831-8510,  
(615) 576-1200

6. Richland Operations Office:  
Chief Counsel,  
Richland Operations Office,  
Department of Energy,  
P.O. Box 550,  
Richland, WA 99352,  
(509) 376-7311

7. San Francisco Operations Office:  
Chief,  
Accounting Branch,  
Financial Management Division,  
Department of Energy,  
1333 Broadway,  
Oakland, CA 94612,  
(415) 273-4258

8. Savannah River Operations Office:  
Director, Financial Management and Program Support Division,  
Department of Energy, P.O. Box A,  
Aiken, SC 29802, (803) 725-5590

9. Washington DC Headquarters,  
Pittsburgh Naval Reactors Office,  
Schenectady Naval Reactors Office, and all other organizations within the Department of Energy:  
Chief, Payroll Branch, CR-431,  
Department of Energy, GTN Building,  
Room E-259, Washington, DC 20585,  
(301) 903-4012

*Department of Health and Human Services*

1. For the garnishment of the remuneration of employees of the Department of Health and Human Services:

Garnishment Agent, Office of General Counsel, Room 5362-North Building, 330 Independence Ave., SW., Washington, DC 20201, (202) 619-0150

2. For the garnishment of benefits under Title II of the Social Security Act, legal process may be served on the office manager at any Social Security District or Branch Office. The addresses and telephone numbers of Social Security District and Branch Offices may be found in the local telephone directory.

*Department of Housing and Urban Development*

Chief, Systems Support Branch, Evaluation and Systems Division, Department of Housing and Urban Development, 451 7th Street, SW., Room 2102, Washington, DC 20410, (202) 755-6116

*Headquarters*

Chief, Systems Support Branch, Technology Support Division, Department of Housing and Urban Development, 451 7th Street, SW., Room 2256, Washington, DC 20410, (202) 708-0241

New England (Massachusetts, Maine, Vermont, New Hampshire, Rhode Island, and Connecticut)

Personnel Officer, Department of Housing and Urban Development, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Room 375, Boston, MA 02222, (617) 565-5435

New York, New Jersey

Personnel Officer, Department of Housing and Urban Development, 26 Federal Plaza, New York, NY 10278, (212) 264-0782

Mid-Atlantic (Pennsylvania, Maryland, Washington, DC, West Virginia, Virginia, and Delaware)

Personnel Officer, Department of Housing and Urban Development, Liberty Square Building, 105 South 7th Street, Philadelphia, PA 19106, (215) 597-2613

Southeast (Georgia, North Carolina, Kentucky, Tennessee, South Carolina, Alabama, Mississippi, Puerto Rico, and Florida),

Personnel Officer, Department of Housing and Urban Development,

Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, GA 30303, (404) 331-4078

Midwest (Illinois, Minnesota, Wisconsin, Michigan, Ohio, and Indiana)

Personnel Officer, Department of Housing and Urban Development, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard Chicago, IL 60604, (312) 353-5960

Southwest (Texas, Oklahoma, Arkansas, Louisiana, and New Mexico)

Personnel Officer, Department of Housing and Urban Development, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113, (817) 885-5471

Great Plains (Kansas, Missouri, Iowa, and Nebraska)

Personnel Officer, Department of Housing and Urban Development, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101, (913) 551-5419

Rocky Mountain (Colorado, Montana, North Dakota, South Dakota, Wyoming, and Utah)

Personnel Officer, Department of Housing and Urban Development, First Interstate Tower North, 633 17th Street, Denver, CO 80202, (303) 671-5259

Pacific/Hawaii (California, Nevada, Arizona, and Hawaii)

Personnel Officer, Department of Housing and Urban Development, Phillip Burton Federal Building, and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102, (415) 556-7142

Northwest/Alaska (Washington, Oregon, Idaho, and Alaska)

Personnel Officer, Department of Housing and Urban Development, Federal Office Building, 909 First Avenue, Suite 200, Seattle, WA 98104, (206) 220-5125

*Department of the Interior*

Chief, Payroll Operations Division, Attn: Code D-2605, Bureau of Reclamation, Administrative Service Center, Department of the Interior, P.O. Box 272030, 7201 West Mansfield Avenue, Denver, CO 80227-9030, (303) 969-7739

*Department of Justice*

Offices, Boards, and Divisions, Personnel Office, 12th & Pennsylvania Avenue, NW., Room 5216, Washington, DC 20530, (202) 514-6008

Office of the Inspector General, Personnel Division, 1425 New York Avenue, NW., Suite 7000, Washington, DC 20005, (202) 616-4501

For employees of any office of a United States Attorney and for employees of the Executive Office for United States Attorneys:

Assistant Director, Executive Office for United States Attorneys, Personnel Staff, Bicentennial Building, 600 E Street, NW., Room 8017, Washington, DC 20530

United States Marshals Service, Personnel Office, 600 Army Navy Drive, Room 850, Arlington, VA 22202-4210, (202) 307-9637

Office of Justice Programs, Office of Personnel, 633 Indiana Avenue, NW., Room 600, Washington, DC 20530, (202) 307-0730

U.S. Trustees Programs, Personnel Office, 901 E Street, NW., Room 770, Washington, DC 20530, (202) 616-1000

Drug Enforcement Administration, Office of Personnel, Employee Relations Unit, 700 Army Navy Drive, Room 3164, Arlington, VA 22202-4210, (202) 307-1222

Immigration and Naturalization Service, Director of Personnel, CAB Building, Room 624, Washington, DC 20536, (202) 514-3964

Federal Prisons Systems, U.S. Penitentiary, Personnel Office, 1300 Metropolitan, Leavenworth, KS 66048, (913) 682-8700

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, Route 37, Danbury, CT 06811, (203) 743-6471

Federal Prisons Systems, Personnel Office, 320 1st Street, NW., Room 161, Washington, DC 20534, (202) 307-3135

Federal Prisons Systems, U.S. Penitentiary, Personnel Office, Highway 63 South, Terre Haute, IN 47808, (812) 238-1531

Federal Prisons Systems, U.S. Penitentiary, Personnel Office, RD#5, Lewisburg, PA 17837, (717) 523-1251

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 1000, Anthony, NM 88021, (915) 886-3422

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, Kettler River Road, Sandstone, MN 55072, (612) 245-2262

Federal Prisons Systems, U.S. Penitentiary, Personnel Office, 601 McDonough Blvd., SE., Atlanta, GA 30315, (404) 622-6241

Federal Prisons Systems, Federal Correctional Institution, Personnel

- Office, P.O. Box 9999, Milan, MI 48160, (313) 439-1511
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 888, Ashland, KY 41105, (606) 928-6414
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 501 Capital Cir., NE., Tallahassee, FL 32301, (904) 878-2173
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, Greenbag Road, Morgantown, WV 26505, (304) 296-4416
- Federal Prisons Systems, U.S. Medical Center, Federal Prison, Personnel Office, 1900 W. Sunshine, Springfield, MO 65808, (417) 862-7041
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 2113 N. Hwy 175, Seagoville, TX 75159, (214) 287-2911
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 1000 River Road, Petersburg, VA 23804-1000, (804) 733-7881
- Federal Prisons Systems, Federal Prison Camp, Personnel Office, Glen Ray Road, Box B, Alderson, WV 24910, (304) 445-2901
- Federal Prisons Systems, U.S. Penitentiary, Personnel Office, 3901 Klein Blvd., Lompoc, CA 93436, (805) 735-3245
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, Highway 66 West, El Reno, OK 73036, (405) 262-4875
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 9595 W. Quincy Avenue, Englewood, CO 80123, (303) 985-1566
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 1299 Seaside Avenue, Terminal Island, CA 90731, (310) 831-8961
- Federal Prisons Systems, U.S. Penitentiary, Personnel Office, Rt. 5, P.O. Box 2000, Marion, IL 62959, (618) 964-1441
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 3150 Norton Road, Fort Worth, TX 76119, (817) 535-2111
- Federal Prisons Systems, Metropolitan Correctional Center, Personnel Office, 150 Park Row, New York, NY 10007, (212) 791-9130
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 1000, Butner, NC 27509, (919) 575-4541
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, RR #2, Box 820, Safford, AZ 85546, (602) 348-1337
- Federal Prisons Systems, Bureau of Prisons, South Central Regional Office, Personnel Office, 4211 Cedar Springs, Suite 300, Dallas, TX 75219, (214) 767-9700
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, Oxford, WI 53952, (608) 584-5511
- Federal Prisons Systems, Federal Medical Center, Personnel Office, 3301 Leestown Road, Lexington, KY 40511, (606) 255-6812
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 5701 8th Street, Dublin, CA 94568, (510) 833-7500
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 8901 S. Wilmot Road, Tucson, AZ 85706, (602) 574-7100
- Federal Prisons Systems, Bureau of Prisons, Personnel Office, SE Regional Office, 523 McDonough Blvd., SE., Atlanta, GA 30315, (404) 624-5252
- Federal Prisons Systems, North Central Regional Office, Personnel Office, 4th & State Avenue, 8th Floor-Tower II, Kansas City, KS 66101-2492, (913) 551-1144
- Federal Prisons Systems, Bureau of Prisons, Personnel Office, NE Region, U.S. Customs, 2nd & Chestnut, 7th Floor, Philadelphia, PA 19106, (215) 597-6302
- Federal Prisons Systems, Bureau of Prisons, Personnel Office, W. Regional Office, 7950 Dublin Blvd., 3rd Floor, Dublin, CA 94568, (510) 803-4710
- Federal Prisons Systems, Metropolitan Correctional Center, Personnel Office, 71 W. Van Buren Street, Chicago, IL 60605, (312) 322-0567
- Federal Prisons Systems, Metropolitan Correctional Center, Personnel Office, 808 Union Street, San Diego, CA 92101, (619) 232-4311
- Federal Prisons Systems, Metropolitan Correctional Center, Personnel Office, 15801 SW 137th Avenue, Miami, FL 33177, (305) 255-6788
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 1101 John A. Denie Road, Memphis, TN 38134, (901) 372-2269
- Federal Prisons Systems, Federal Prison Camp, Personnel Office, P.O. Box 1000, Montgomery, PA 17752, (717) 547-1641
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 730, HWY 95, Bastrop, TX 78602-0730, (512) 321-3903
- Federal Prisons Systems, Federal Prison Camp, Personnel Office, Eglin AFB, Eglin AFB, FL 32542, (904) 882-8522
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 565 E Renfroe Road, Talladega, AL 35160, (205) 362-0410
- Federal Prisons Systems, Federal Prison Camp, Personnel Office, P.O. Box 500, Boron, CA 93516, (619) 762-5161
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 1900 Simler Avenue, Big Spring, TX 79720, (915) 263-8304
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 600, Otisville, NY 10963, (914) 386-5855
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 300, Raybrook, NY 12977, (518) 891-5400
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 37900 North 45th Avenue, Dept. 1680, Phoenix, AZ 85027, (602) 465-5112
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 5050, Oakdale, LA 71463, (318) 335-4070
- Federal Prisons Systems, Federal Medical Center, Personnel Office, P.O. Box 4600, Rochester, MN 55903, (507) 287-0674
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 1000, Loretto, PA 15940, (814) 472-4140
- Federal Prisons Systems, Federal Prison Camp, Personnel Office, Maxwell AFB, Montgomery, AL 36112, (205) 834-3681
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 3625 FCI Road, Marianna, FL 32446, (904) 526-6377
- Federal Prisons Systems, Metropolitan Detention Center, Personnel Office, 535 N. Alameda Street, Los Angeles, CA 90012, (213) 485-0439
- Federal Prisons Systems, Federal Prison Camp, Personnel Office, P.O. Box 680, Yankton, SD 57078, (605) 665-3265
- Federal Prisons Systems, Federal Prison Camp, Personnel Office, Drawer 2197, Bryan, TX 77803, (409) 823-1879
- Federal Prisons Systems, Federal Prison Camp, Personnel Office, Saufley Field, Pensacola, FL 32509, (904) 457-1911
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 3600 Guard Road, Lompoc, CA 93436, (805) 736-4154
- Federal Prisons Systems, Federal Correctional Institution, Personnel Office, Box 5000, Bradford, PA 16701, (814) 362-8900
- Federal Prisons Systems, Federal Prison Camp, Personnel Office, Seymour Johnson AFB, Goldsboro, NC 27533, (919) 735-9711

Federal Prisons Systems, Federal Prison Camp, Personnel Office, Nellis AFB, Nellis, NV 89191, (702) 644-5001

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 5001, Sheridan, OR 97378, (503) 843-4442

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 2600 Highway 301 South, Jesup, GA 31545, (912) 427-0870

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 280, Fairton, NJ 08320, (609) 453-4068

Federal Prisons Systems, Federal Prison Camp, Personnel Office, P.O. Box 1400, Duluth, MN 55814, (218) 722-8634

Federal Prisons Systems, Federal Prison Camp, Personnel Office, P.O. Box 16300, El Paso, TX 79906, (915) 540-6150

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 4000, Three Rivers, TX 78071, (512) 786-3576

Federal Prisons Systems, Federal Detention Center, Personnel Office, P.O. Box 5060, Oakdale, LA 71463, (318) 335-4070

Federal Prisons Systems, Federal Prison Camp, Personnel Office, 6696 Navy Road, Millington, TN 38053, (901) 872-2277

Federal Prisons Systems, Federal Medical Center, Personnel Office, P.O. Box 68, Carville, LA 70721, (504) 389-5044

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 789, Minersville, PA 17954, (717) 544-7121

Federal Prisons Systems, Federal Prison Camp, Personnel Office, Homestead, FL 33039, (305) 258-9676

Federal Prisons Systems, Federal Prison Camp, Personnel Office, Box 40150, Tyndall AFB, FL 32403, (904) 286-6777

Federal Prisons Systems, Metropolitan Detention Center, Personnel Office, P.O. Box 34028, Ft. Buchanan, PR 00934, (809) 749-4480

Federal Prisons Systems, Bureau of Prisons #580, Personnel Office, Management & Specialist Training Center, 791 Chambers Road, Aurora, CO 80011, (303) 361-0567

Federal Prisons Systems, LSCI, P.O. Box 1500, White Deer, PA 17887, (717) 547-1990

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, Rt. 8 Box 58, Fox Hollow Road, Manchester, KY 40962, (606) 598-4153

Federal Prisons Systems, Metropolitan Detention Center, Personnel Office,

100 29th Street, Brooklyn, NY 11232, (718) 832-1039

Federal Prisons Systems, U.S. Penitentiary-High, 5880 State Hwy, 67 South, Florence, CO 81226, (719) 784-9454

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, 5880 State Hwy, 67 South, Florence, CO 81226, (719) 784-9100

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 699, Estill, SC 29918, (803) 625-4607

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, P.O. Box 2500, White Deer, PA 17887, (717) 547-7950

Federal Prisons Systems, Federal Detention Center, Personnel Office, 1638 Northwest 82nd Avenue, Miami, FL 33126, (305) 597-4884

Federal Prisons Systems, Bureau of Prisons, Personnel Office, Mid Atlantic Region, 10010 Junctions Dr. #100-N, Annapolis Junction, MD 20701, (301) 317-3199

Federal Prisons Systems, U.S. Penitentiary, Personnel Office, P.O. Box 3500, White Deer, PA 17887, (717) 547-0963

Federal Prisons Systems, North Central Regional Office, Personnel Office, 4th & State Ave., 8th Floor-Tower II, Kansas City, KS 66101-2492, (913) 551-1144

Federal Prisons Systems, Federal Prison Camp, Personnel Office, Glen Ray Road—Box B, Alderson, WV 24910-0700, (304) 445-2901

Federal Prisons Systems, Federal Correctional Complex, Personnel Office, P.O. Box 999, 904 NE 50th Way, Coleman, FL 33521-0999, (904) 748-0999

Federal Prisons Systems, Federal Correctional Institution, Personnel Office, Fort Dix, P.O. Box 38, Trenton, NJ 08640, (609) 723-1100

Federal Prisons Systems, Federal Medical Center, Personnel Office, P.O. Box 27066, J St., Bldg. 3000, Ft. Worth, TX 76127-7066, (817) 782-3834

Federal Bureau of Investigation, Personnel Officer, FBI Headquarters, J. Edgar Hoover Building, 10th Street & Pennsylvania Avenue, NW., Room 6012, Washington, DC 20535, (202) 324-3514

#### *Department of Labor*

1. Payments to employees of the Department of Labor:

Director, Office of Accounting, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219-8314

2. Process relating to those exceptional cases where there is money due and payable by the United States under the Longshoreman's Act should be directed to the:

Associate Director for Longshore and Harbor Workers' Compensation, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219-8721

3. Process relating to benefits payable under the Federal Employees' Compensation Act should be directed to the appropriate district office of the Office of Workers' Compensation Programs:

#### District No. 1

District Director, Office of Workers' Compensation Programs, Room 1800, John F. Kennedy Building, Government Center, Boston, MA 12203, (617) 565-2137

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont District No. 2

District Director, Office of Workers' Compensation Programs, 201 Varick Street, Room 750, P.O. Box 566, New York, NY 10014-0566, (212) 337-2075

New Jersey, New York, Puerto Rico, and the Virgin Islands District No. 3

District Director, Office of Workers' Compensation Programs, Gateway Building, 3535 Market Street, Philadelphia, PA 19104, (215) 596-1457

Delaware, Pennsylvania, and West Virginia District No. 6

District Director, Office of Workers' Compensation Programs, 214 N. Hogan Street, Suite 1026, Jacksonville, FL 32202, (904) 232-2821

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee District No. 9

District Director, Office of Workers' Compensation Programs, 1240 East 9th Street, Cleveland, OH 44199, (216) 522-3800

Indiana, Michigan, and Ohio District No. 10

District Director, Office of Workers' Compensation Programs, 230 S. Dearborn Street, 8th Floor, Chicago, IL 60604, (312) 353-5656

Illinois, Minnesota, and Wisconsin District No. 11

Regional Director, Office of Workers' Compensation Programs, 1910 Federal Office Building, 911 Walnut Street,

Kansas City, MO 64106, (816) 426-2195

Iowa, Kansas, Missouri, and Nebraska District No. 12

District Director, Office of Workers' Compensation Programs, 1801 California Street, Suite 915, Denver, CO 80202, (303) 391-6000

Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming, District No. 13

District Director, Office of Workers' Compensation Programs, 71 Stevenson Street, 2nd Floor, P.O. Box 3769, San Francisco, CA 94119-3769, (415) 744-6610

Arizona, California, Hawaii, Guam, and Nevada District No. 14

District Director, Office of Workers' Compensation Programs, 111 Third Avenue, Suite 615, Seattle, WA 98101, (206) 553-5508

Alaska, Idaho, Oregon, and Washington District No. 16

District Director, Office of Workers' Compensation Programs, 525 Griffin Street, Room 100, Dallas, TX 75202, (214) 767-2580

Arkansas, Louisiana, New Mexico, Oklahoma, and Texas District No. 25

District Director, Office of Workers' Compensation Programs, 800 N. Capitol Street, Room 800, Washington, DC 20211, (202) 724-0713

District of Columbia, Maryland, and Virginia

4. Process relating to claims arising out of the places set forth below and process seeking to attach Federal Employees' Compensation Act benefits payable to employees of the Department of Labor should be directed to the:

Regional Director, Office of Workers' Compensation Programs, 1910 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106, (816) 426-2195

#### *Department of State*

Executive Director (L/EX), Office of the Legal Adviser, Department of State, 22nd and C Street, NW., Room 5519A, Washington, DC 20520, (202) 647-8323

#### *Department of Transportation*

Office of the Secretary

General Counsel, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366-4702

Agent designated to accept legal process issued by courts in the District of Columbia:

Assistant Chief Counsel, AGC-100, Department of Transportation, 701 Pennsylvania Avenue, NW., Suite 925, Washington, DC 20004, (202) 376-6416

Agent designated to accept legal process issued by courts in the State of Oklahoma:

Assistant Chief Counsel, MC-7, Department of Transportation, P.O. Box 25082, Oklahoma City, OK 73125, (405) 954-3296

Agent designated to accept legal process issued by courts in the State of New Jersey:

Assistant Chief Counsel, ACT-7, FAA Technical Center, Department of Transportation, Atlantic City, NJ 08405, (609) 485-7087

United States Coast Guard

Commanding Officer (L), Coast Guard Pay and Personnel Center, Federal Building, 444 SE. Quincy Street, Topeka, KS 66683-3591, (913) 295-2520

Federal Aviation Administration

1. Headquarters (Washington, DC) and overseas employees: Agent designated to accept legal process issued by courts in the District of Columbia:

Assistant Chief Counsel, AGC-100, Federal Aviation Administration, 701 Pennsylvania Avenue, NW., Suite 925, Washington, DC 20004, (202) 376-6416

Agent designated to accept legal process issued by courts in the State of Oklahoma:

Assistant Chief Counsel, AMC-7, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125, (405) 954-3296

Agent designated to accept legal process issued by courts in the State of New Jersey:

Assistant Chief Counsel, ACT-7, FAA Technical Center, Federal Aviation Administration, Atlantic City, NJ 08405, (609) 485-7087

Agent designated to accept legal process issued by courts in the State of Alaska:

Assistant Chief Counsel, AAL-7, Federal Aviation Administration, 222 West 7th Avenue, #14, Anchorage, AL 99533, (907) 271-5269

Agent designated to accept legal process issued by courts in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut:

Assistant Chief Counsel, ANE-7, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803, (617) 238-7040

Agent designated to accept legal process issued by courts in the States of New York, Pennsylvania, Maryland, West Virginia, Delaware, and Virginia:

Assistant Chief Counsel, AEA-7, Federal Aviation Administration JFK International Airport, Fitzgerald Federal Building, Jamaica, NY 11430, (718) 553-1035

Agent designated to accept legal process issued by courts in the States of Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi:

Assistant Chief Counsel, ASO-7, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320, (404) 763-7204

Agent designated to accept legal process issued by courts in the States of Louisiana, Arkansas, Texas, and New Mexico:

Assistant Chief Counsel, ASW-7, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX 76137-4298, (817) 222-5064

Agent designated to accept legal process issued by courts in the States of Nebraska, Iowa, Missouri, and Kansas:

Assistant Chief Counsel, ACE-7, Federal Aviation Administration, 601 East 12th Street, Federal Building, Kansas City, MO 64106, (816) 426-5446

Agent designated to accept legal process issued by courts in the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota:

Assistant Chief Counsel, AGL-7, Federal Aviation Administration, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018, (708) 294-7108

Agent designated to accept legal process issued by courts in the States of Colorado, Utah, Wyoming, Montana, Idaho, Oregon, and Washington:

Assistant Chief Counsel, AMN-7, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055-4056

Agent designated to accept legal process issued by courts in the States of Arizona, Nevada, and California:

Assistant Chief Counsel, AWP, Federal Aviation Administration, P.O. Box 92007 World Postal Center, Los Angeles, CA 90009, (210) 297-1270

*Department of the Treasury*

## (1) Departmental Offices

Assistant General Counsel  
(Administrative and General Law),  
Treasury Department, 1500  
Pennsylvania Avenue, NW., Room  
1410, Washington, DC 20220, (202)  
622-0450

## (2) Office of Foreign Assets Control

Chief Counsel, Second Floor, Treasury  
Annex, 1500 Pennsylvania Avenue,  
NW., Washington, DC 20220, (202)  
622-2410

## (3) U.S. Savings Bonds Division

Chief Counsel, U.S. Mint, 633 3rd  
Street, NW., Room 733, Washington,  
DC 20220, (202) 874-6040

## (4) Financial Management Service

Chief Counsel, Financial Management  
Service, 401 14th Street, SW., Room  
531, Washington, DC 20227, (202)  
874-6680

## (5) Internal Revenue Service

Assistant Chief Counsel, General Legal  
Services, Internal Revenue Service,  
Suite 208, Box 14 & 15, 370 L'Enfant  
Promenade, SW., Washington, DC  
20024-2518, (202) 401-4000

## (6) Bureau of Alcohol, Tobacco &amp; Firearms

Chief Counsel, 640 Massachusetts  
Avenue, NW., Room 6100,  
Washington, DC 20226, (202) 927-  
7772

## (7) Bureau of the Public Debt

Chief Counsel, 999 E Street, NW., Room  
503, Washington, DC 20239, (202)  
219-3320

## (8) Secret Service

Legal Counsel, 1800 G Street, NW.,  
Room 842, Washington, DC 20223,  
(202) 435-5771

## (9) Bureau of Engraving &amp; Printing

Legal Counsel, 14th & C Streets, NW.,  
Room 306M, Washington, DC 20228,  
(202) 874-2500

## (10) Office of the Comptroller of the Currency

## Washington Headquarters

Director of Litigation, Office of the  
Comptroller of the Currency, 250 E  
Street, SW., Washington, DC 20219-  
0001, (202) 874-5280

## District Offices

District Counsel, Office of the  
Comptroller of the Currency,

Northeastern District, 1114 Avenue of  
the Americas, Suite 3900, New York,  
NY 10036-7703, (212) 790-4010

District Counsel, Office of the  
Comptroller of the Currency,  
Southeastern District, Marquis One  
Tower, Suite 600, 245 Peachtree  
Center Ave., NE., Atlanta, GA 30303-  
1223, (404) 588-4520

District Counsel, Office of the  
Comptroller of the Currency, Central  
District, One Financial Place, Suite  
2700, 440 South LaSalle St., Chicago,  
IL 60605-1073, (312) 663-8020

District Counsel, Office of the  
Comptroller of the Currency,  
Midwestern District, 2345 Grand  
Avenue, Suite 700, Kansas City, MO  
64108-2683, (816) 556-1870

District Counsel, Office of the  
Comptroller of the Currency,  
Southwestern District, 1600 Lincoln  
Plaza, 500 North Akard Street, Dallas,  
TX 75201-3345, (214) 720-7012

District Counsel, Office of the  
Comptroller of the Currency, Western  
District, 50 Fremont Street, Suite  
3900, San Francisco, CA 94105-2292,  
(415) 545-5980

## (11) United States Mint

Chief Counsel, 633 3rd Street, NW.,  
Room 733, Washington, DC 20220,  
(202) 874-6040

## (12) Federal Law Enforcement Training Center

Legal Counsel, Building 69, Glynco, GA  
31524, (912) 267-2100

## (13) Customs Service

Assistant Chief Counsel, P.O. Box  
68914, Indianapolis, IN 46278, (317)  
298-1233

## (14) Office of Thrift Supervision

Chief Counsel, 1700 G Street, NW., Fifth  
Floor, Washington, DC 20552, (202)  
906-6268

*Department of Veterans Affairs (VA)*

The fiscal officer at each Department  
of Veterans Affairs (VA) facility shall be  
the designated agent for VA employee  
obligors at that facility. When a facility  
at which an individual is employed  
does not have a fiscal officer, the  
address and telephone number listed is  
for the fiscal officer servicing such a  
facility. In those limited cases where a  
portion of VA service-connected  
benefits may be subject to garnishment,  
service of process, unless otherwise  
indicated below, should be made at the  
regional office nearest the veteran  
obligor's permanent residence.

*Alabama*

Fiscal Officer, Birmingham Medical  
Center, Sent to: Fiscal Officer, VA

Medical Center, 215 Perry Hill Road,  
Montgomery, AL 36193, (205) 272-  
4670, ext. 4709

National Cemetery Area Office, 700  
South 19th Street, Birmingham, AL  
35233, (205) 939-2103

Mobile Outpatient Clinic Substation,  
Send to: Fiscal Officer, VA Medical  
Center, Gulfport, MS 39501, (601)  
863-1972, ext. 225

Fiscal Officer, Montgomery Regional  
Office, 474 South Court Street,  
Montgomery, AL 36104, (205) 832-  
7172

Fiscal Officer Montgomery Medical  
Center, 215 Perry Hill Road,  
Montgomery, AL 36109, (205) 272-  
4670, ext. 204

Fiscal Officer, Tuscaloosa Medical  
Center, Tuscaloosa, AL 35401, (205)  
553-3760

Fiscal Officer, Tuskegee Medical Center,  
Tuskegee, AL 36083, (205) 727-0550,  
ext. 0622

*Alaska*

Fiscal Officer, Anchorage Regional  
Office, Outpatient Clinic, 235 East 8th  
Avenue, Anchorage, AK 99501, (907)  
271-2250

Juneau VA Office, Send to: Fiscal  
Officer, VA Regional Office, 235 East  
8th Avenue, Anchorage, AK 99501,  
(907) 271-2250

Sitka National Cemetery Area Office,  
Send to: Fiscal Officer, VA Regional  
Office, 235 East 8th Avenue,  
Anchorage, AK 99501, (907) 271-2250

*Arizona*

Cave Creek National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Seventh Street &  
Indian School Road, Phoenix, AZ  
85012, (602) 277-5551

Fiscal Officer, Phoenix Regional Office,  
3225 North Central Avenue, Phoenix,  
AZ 85012, (606) 241-2735

Fiscal Officer, Phoenix Medical Center,  
Seventh Street & Indian School Road,  
Phoenix, AZ 85012, (602) 277-5551  
Fiscal Officer, Prescott Medical Center,  
Prescott, AZ 86313, (602) 445-4860,  
ext. 264

Prescott National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, Prescott, AZ 86313, (602) 445-  
4860, ext. 264

Fiscal Officer, Tucson Medical Center,  
Tucson, AZ 85723, (602) 792-1450,  
ext. 710

*Arkansas*

Fayetteville National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Fayetteville, AR  
72701, (501) 443-4301

Fiscal Officer, Fayetteville Medical  
Center, Fayetteville, AR 72701, (501)  
443-4301



Fort Smith National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Fayetteville, AR  
72701, (501) 443-4301

Fiscal Officer, Little Rock Regional  
Office, 1200 W. 3d Street, Little Rock,  
AR 72201, (501) 378-5142

Fiscal Officer, John L. McClellan  
Memorial, Veterans Hospital, 4300  
West 7th Street (04), Little Rock, AR  
72205, (501) 661-1202, ext. 1310

Fiscal Officer, VA Regional Office, Send  
to: VA Medical Center, 11000 N.  
College Avenue, Fayetteville, AR  
72701, (501) 444-5007

Fiscal Officer, VA Regional Office,  
Building 65, Fort Roots, P.O. Box  
1280, North Little Rock, Little Rock,  
AR 72115, (501) 370-3741

#### California

Bell Supply Depot, Send to: Fiscal  
Officer, VA Supply Depot, P.O. Box  
27, Hines, IL 60141, (312) 681-6800

Fiscal Officer, Fresno Medical Center,  
2615 East Clinton Avenue, Fresno, CA  
94703, (209) 225-6100

Fiscal Officer, Livermore Medical  
Center, Livermore, CA 94550, (415)  
447-2560, ext. 317

Fiscal Officer, Loma Linda Medical  
Center, 11201 Benton Street, Loma  
Linda, CA 92357, (714) 825-7084, ext.  
2550/2551

Fiscal Officer, Long Beach Medical  
Center, 5901 East Seventh Street,  
Long Beach, CA 90822, (213) 498-  
1313, ext. 2101

Fiscal Officer, Los Angeles Regional  
Office, Federal Building, 11000  
Wilshire Blvd., Los Angeles, CA  
90024, (213) 209-7565

Jurisdiction over the following  
counties in California: Inyo, Kern, Los  
Angeles, Orange, San Bernardino, San  
Luis Obispo, Santa Barbara and Ventura.

Los Angeles Data Processing Center,  
Send to: Fiscal Officer, VA Regional  
Office, Federal Bldg., 11000 Wilshire  
Blvd., Los Angeles, CA 90024, (213)  
209-7565

Fiscal Officer, Los Angeles Medical  
Center—Brentwood Division, Los  
Angeles, CA 90073, (213) 478-3478

Fiscal Officer, Los Angeles Medical  
Center—Wadsworth Division, Los  
Angeles, CA 90073, (213) 478-3478

Fiscal Officer, Los Angeles Outpatient  
Clinic, 425 South Hill Street, Los  
Angeles, CA 90013, (213) 894-3870

Los Angeles Regional Office of Audit,  
Send to: Fiscal Officer, VA Medical  
Center—Brentwood Division, Los  
Angeles, CA 90073, (213) 824-4402

Los Angeles Field Office of Audit, Send  
to: Fiscal Officer, VA Medical  
Center—Wadsworth Division, Los  
Angeles, CA 90073, (213) 478-3478

Los Angeles National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center—Brentwood Division,  
Los Angeles, CA 90073, (213) 478-  
3478

Fiscal Officer, Martinez Medical Center,  
150 Muir Rd., Martinez, CA 94553,  
(415) 228-6680, ext. 235

Fiscal Officer, Palo Alto Medical Center,  
3801 Miranda Avenue, Palo Alto, CA  
94304, (415) 493-5000, ext. 5643

Riverside National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center—Wadsworth  
Division, Los Angeles, CA 90073,  
(213) 478-3478

San Bruno National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, 4150 Clement Street,  
San Bruno, CA 94121, (415) 221-  
4810, ext. 315/316

Fiscal Officer, San Diego Medical  
Center, 3350 La Jolla Village Drive,  
San Diego, CA 92161, (714) 453-7500,  
ext. 3351

San Diego Outpatient Clinic, Send to:  
Fiscal Officer, VA Medical Center,  
3350 La Jolla Village Drive, San Diego,  
CA 92161, (714) 453-7500, ext. 3351

Fiscal Officer, San Diego Regional  
Office, 2022 Camino Del Rio North,  
San Diego, CA 92108, (714) 289-5703

Jurisdiction over the following  
counties in California: Imperial,  
Riverside and San Diego

San Francisco National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Officer, 4150 Clement Street,  
San Francisco, CA 94121, (415) 556-  
0483

Fiscal Officer, San Francisco Regional  
Office, 211 Main Street, San  
Francisco, CA 94105, (415) 974-0160

Jurisdiction over all counties in  
California except, Inyo, Kern, Los  
Angeles, Orange, San Bernardino, San  
Luis Obispo, Santa Barbara, Ventura,  
Imperial, Riverside, San Diego, Alpine,  
Lassen, Modoc and Mono.

Fiscal Officer, San Francisco Medical  
Center, 4150 Clement Street, San  
Francisco, CA 94121, (415) 221-4810,  
ext. 315/316

Fiscal Officer, Sepulveda Medical  
Center, 16111 Plummer Street,  
Sepulveda, CA 91343, (818) 891-2377

#### Colorado

Fiscal Officer, Denver Regional Office,  
Denver Federal Center, Bldg. 20,  
Denver, CO 80225, (303) 234-3920

Fiscal Officer, Denver Medical Center,  
1055 Clermont Street, Denver, CO  
80220, (303) 393-2813

Denver National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, 1055 Clermont Street, Denver,  
CO 80220, (303) 393-2813

Fort Logan National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, 1055 Clermont Street,  
Denver, CO 80220, (303) 393-2813

Fort Lyon National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Fort Lyon, CO 81038,  
(719) 384-3987

Fiscal Officer, Fort Lyon Medical  
Center, Fort Lyon, CO 81038, (719)  
384-3987

Fiscal Officer, Grand Junction Medical  
Center, 2121 North Avenue, Grand  
Junction, CO 81501, (303) 242-0731,  
ext. 275

#### Connecticut

Fiscal Officer, Hartford Regional Office,  
450 Main Street, Hartford, CT 06103,  
(203) 244-3217

Fiscal Officer, Newington Medical  
Center, 555 Willard Avenue,  
Newington, CT 06111, (203) 666-  
6951, ext. 369

Fiscal Officer, West Haven Medical  
Center, 950 Campbell Avenue, West  
Haven, CT 06516, (203) 932-5711,  
ext. 859

#### Delaware

Fiscal Officer, Wilmington Medical and  
Regional Office Center, 1601  
Kirkwood Highway, Wilmington, DE  
19805, (302) 633-5432

#### District of Columbia

Finance Division Chief (047H),  
Washington Central Office, Room C-  
50, 810 Vermont Avenue, NW.,  
Washington, DC 20420, (202) 233-  
3901

Washington Veterans Canteen Service  
Field Office, Send to: Finance  
Division Chief (047H), VA Central  
Office, Room C-50, 810 Vermont  
Avenue, NW., Washington, DC 20420,  
(202) 233-3901

Fiscal Officer, Washington Regional  
Office, 941 North Capitol Street, NE.,  
Washington, DC 20421, (202) 208-  
1349

Jurisdiction over all foreign countries  
or overseas areas except Mexico,  
American Samoa, Guam, Midway,  
Wake, the Trust Territory of the Pacific  
Islands, the Virgin Islands and the  
Philippines. Also, jurisdiction over  
Prince Georges and Montgomery  
Counties in Maryland; Fairfax and  
Arlington Counties and the cities of  
Alexandria, Fairfax and Falls Church in  
Virginia.

Fiscal Officer, Washington Medical  
Center, 50 Irving Street, NW.,  
Washington, DC 20422, (202) 745-  
8229

#### Florida

Fiscal Officer, Bay Pines Medical  
Center, National Cemetery Area



Office, Bay Pines, FL 33504, (813) 398-9321  
 Fiscal Officer, Gainesville Medical Center, Archer Road, Gainesville, FL 32601, (904) 376-1611, ext. 6685  
 Jacksonville Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1601 SW. Archer Road, Gainesville, FL 32602, (904) 376-1611, ext. 6685  
 Jacksonville VA Office, Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731, (813) 893-3236  
 Fiscal Officer, Lake City Medical Center, 801 South Marion Street, Lake City, FL 32055, (904) 755-3016  
 Miami VA Office, Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731, (813) 893-3236  
 Fiscal Officer, Miami Medical Center, 1201 Northwest 16th Street, Miami, FL 33125, (305) 324-4284  
 Orlando Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1300 North 30th Street, Tampa, FL 33612, (813) 971-4500  
 Fiscal Officer, James A. Haley Veterans' Hospital, 13000 Bruce B. Downs Blvd., Tampa, FL 33612, (813) 972-7501  
 Riviera Beach Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1201 Northwest 16th Street, Miami, FL 33125, (305) 324-4284  
 Pensacola National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Gulfport, MS 39501, (601) 863-1972, ext. 225  
 St. Augustine National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Archer Road, Gainesville, FL 32602, (904) 376-1611, ext. 6685  
 Fiscal Officer, St. Petersburg Regional Office, 144 First Avenue, South, St. Petersburg, FL 33612, (813) 893-3236

#### *Georgia*

Fiscal Officer, Atlanta Regional Office, 730 Peachtree Street, NE., Atlanta, GA 30365, (404) 347-5008  
 Atlanta Veterans Canteen Service Field Office, Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 321-6111  
 Atlanta National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 321-6111  
 Atlanta Field Office of Audit, Send to: Fiscal Officer, VA Regional Office, 730 Peachtree Street, NE., Atlanta, GA 30301, (404) 347-5008  
 Fiscal Officer, Augusta Medical Center, Augusta, GA 30904, (404) 733-4471, ext. 675/676

Fiscal Officer, VA Medical Center, 2460 Wrightsboro Road, Augusta, GA 30910, (404) 724-5116  
 Fiscal Officer, Decatur Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 321-6111, ext. 6320  
 Fiscal Officer, Dublin Medical Center, Dublin, GA 31021, (912) 272-1210, ext. 373  
 Marietta National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 321-6111

#### *Hawaii*

Fiscal Officer, Honolulu Regional Office, P.O. Box 50188, Honolulu, HI 96850, (808) 541-1490  
 Jurisdiction over Islands of American Samoa, Guam, Wake Midway and Trust Territory of the Pacific Islands.  
 Honolulu National Cemetery Area Office, Send to: Fiscal Officer, VA Regional Office, P.O. Box 50188, Honolulu, HI 96850, (808) 546-2109

#### *Idaho*

Fiscal Officer, Boise Medical Center, 500 West Fort Street, Boise, ID 83702, (208) 336-5100, ext. 7312  
 Fiscal Officer, Boise Regional Office, Federal Bldg. & U.S. Courthouse, 550 West Fort Street, Box 044, Boise, ID 83724, (208) 334-1009

#### *Illinois*

Alton National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125, (314) 894-4631  
 AMF O'Hare Field Office of Audit, Send to: Fiscal Officer, VA Medical Center, Hines, IL 60141, (312) 343-7200, ext. 2481  
 Fiscal Officer, Chicago Medical Center (Lakeside), 33 East Huron Street, Chicago, IL 60611 (312) 943-6600  
 Fiscal Officer, Chicago Medical Center (West Side), 820 South Damen Avenue, Chicago, IL 60612, (312) 666-6500, ext. 3338  
 Fiscal Officer, Chicago Regional Office, 536 South Clark Street, Chicago, IL 60680, (312) 886-9417  
 Fiscal Officer, Danville Medical Center, Danville, IL 61832, (217) 442-8000  
 Danville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1900 E. Street, Danville, IL 61832, (217) 442-8000, ext. 210  
 Fiscal Officer, Hines Medical Center, Hines, IL 60141, (312) 343-7200, ext. 2481  
 Hines Marketing Center, Send to: Fiscal Officer, VA Supply Depot, P.O. Box 27, Hines, IL 60141, (312) 681-6800  
 Fiscal Officer, Hines Supply Depot, P.O. Box 27, Hines, IL 60141, (312) 681-6800

Fiscal Officer, Hines Data Processing Center, P.O. Box 66303, AMF O'Hare, Hines, IL 60666, (312) 681-6650  
 Fiscal Officer, Marion Medical Center, Marion, IL 62959, (618) 997-5311, Mound City National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 2401 West Main Street, Marion, IL 62959, (618) 997-5311  
 Fiscal Officer, North Chicago Medical Center, North Chicago, IL 60064, (312) 689-1900  
 Quincy National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240, (319) 338-0581, ext. 304  
 Rock Island National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240, (319) 338-0581, ext. 304  
 Springfield National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Danville, IL 61832, (217) 442-8000

#### *Indiana*

Evansville Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Marion, IL 62959, (618) 997-5311  
 Fiscal Officer, Fort Wayne Medical Center, 1600 Randalia Drive, Fort Wayne, IN 46805, (219) 426-5431  
 Fiscal Officer, Indianapolis Regional Office, 575 North Pennsylvania Street, Indianapolis, IN 46204, (317) 269-7840  
 Fiscal Officer, Indianapolis Medical Center, 1481 West 10th Street, Indianapolis, IN 46202, (317) 635-7401, ext. 2363,  
 Indianapolis National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1481 West 10th Street, Indianapolis, IN 46202, (317) 635-7401, ext. 2363  
 Fiscal Officer, Marion Medical Center, Marion, IN 46952, (317) 674-3321, ext. 214  
 Marion National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Marion, IN 46952, (317) 674-3321, ext. 211  
 New Albany National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202, (502) 895-3401

#### *Iowa*

Fiscal Officer, Des Moines Regional Office, 210 Walnut street, Des Moines, IA 50309, (515) 284-4220  
 Fiscal Officer, Des Moines Medical Center, 30th & Euclid Avenue, Des Moines, IA 50310, (515) 255-2173  
 Fiscal Officer, Iowa City Medical Center, Iowa City, IA 52246, (319) 338-0581, ext. 7702

Keokuk National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, Iowa City, IA 52240, (319)  
228-052

Keokuk National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, Iowa City, IA 52240, (319)  
228-052

#### *Kansas*

Ft. Leavenworth National Cemetery  
Area Office, Send to: Fiscal Officer,  
VA Medical Center, Leavenworth, KS  
66048, (913) 682-2000, ext. 214

Ft. Scott National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, Leavenworth, KS 66048, (913)  
682-2000, ext. 214

Leavenworth National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Leavenworth, KS  
66048, (913) 682-2000, ext. 214

Fiscal Officer, Leavenworth Medical  
Center, Leavenworth, KS 66048, (913)  
682-2000, ext. 214

Fiscal Officer, Topeka Medical Center,  
2200 Gage Blvd., Topeka, KS 66622,  
(913) 272-3111, ext. 521

Fiscal Officer, Wichita Medical Center,  
5500 East Kellogg, Wichita, KS 67211,  
(316) 685-2221, ext. 256

Wichita Regional Office, Send to: VA  
Medical Center, 5500 East Kellogg,  
Wichita, KS 67211, (316) 685-2111,  
ext. 256

Process for VA service-connected  
benefits should also be sent to the  
Wichita Medical Center rather than to  
the Wichita Regional Office.

Fiscal Officer, VA Regional Office, 901  
George Washington Blvd, Wichita, KS  
67211, (316) 269-6813

#### *Kentucky*

Danville National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, Lexington, KY 40507, (606)  
223-4511

Fiscal Officer, Knoxville Medical  
Center, Knoxville, KY 50138, (515)  
842-3101, ext. 241

Lebanon National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, Lexington, KY 40507, (606)  
233-4511

Lexington National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Lexington, KY 40507,  
(606) 233-4511

Fiscal Officer, Lexington Medical  
Center, Lexington, KY 40507, (606)  
233-4511

Fiscal Officer, Louisville Regional  
Office, 600 Federal Place, Louisville,  
KY 40202, (502) 582-6482

Fiscal Officer, Louisville Medical  
Center, 800 Zorn Avenue, Louisville,  
KY 40202, (502) 895-3401, ext. 241

Louisville National Cemetery Area  
Office, (Zachary Taylor), Send to:  
Fiscal Officer, VA Medical Center,  
800 Zorn Avenue, Louisville, KY  
40202, (502) 895-3401, ext. 241

Louisville National Cemetery Area  
Office, (Cave Hill), Send to: Fiscal  
Officer, VA Medical Center, 800 Zorn  
Avenue, Louisville, KY 40202, (502)  
895-3401, ext. 241

Nancy National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, Lexington, KY 40507, (606)  
233-4511

Nicholasville National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Lexington, KY 40507,  
(606) 233-4511

Perryville National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Lexington, KY 40507,  
(606) 233-4511

#### *Louisiana*

Fiscal Officer, Alexandria Medical  
Center, Alexandria, LA 71303, (318)  
473-0010, ext. 2281

Baton Rouge National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, 1601 Perdido Street,  
New Orleans, LA 70146, (504) 568-  
0811

Fiscal Officer, New Orleans Regional  
Office, 701 Loyola Avenue, New  
Orleans, LA 70133, (504) 589-6604

Fiscal Officer, New Orleans Medical  
Center, 1601 Perdido Street, New  
Orleans, LA 70146, (504) 568-0811

Baton Rouge National Cemetery, 220  
North 19th Street, Baton Rouge, LA  
70806, (504) 389-0788

Pineville National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Alexandria, LA  
71301, (318) 442-0251

Fiscal Officer, Shreveport Medical  
Center, 510 East Stoner Avenue,  
Shreveport, LA 71101, (318) 221-  
8411, ext. 722

Shreveport VA Office, Send to: Fiscal  
Officer, VA Regional Officer, 701  
Loyola Avenue, New Orleans, LA  
70113, (504) 589-6604

Port Hudson (Zachary) National  
Cemetery Area Office, Send to: Fiscal  
Officer, VA Medical Center, 1601  
Perdido Street, New Orleans, LA  
70146, (504) 568-0811

#### *Maine*

Portland VA Office, Send to: Fiscal  
Officer, VA Center, Togus, ME 04330,  
(207) 623-8411

Fiscal Officer, Togus Medical &  
Regional Office Center, Togus, ME  
04330, (207) 623-8411

Togus National Cemetery Area Office,  
Send to: Fiscal Officer, VA Center,  
Togus, ME 04330, (207) 623-8411

#### *Maryland*

Annapolis National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, 3900 Loch Raven  
Blvd., Baltimore, MD 21218, (301)  
467-9932, ext. 5281/5282

Fiscal Officer, Baltimore Regional  
Office, Federal Bldg., 31 Hopkins  
Plaza, Baltimore, MD 21201, (301)  
962-4410

Jurisdiction does not include Prince  
Georges and Montgomery Counties  
which are included under the  
Washington, DC Regional Office.

Baltimore Outpatient Clinic, Send to:  
Fiscal Officer, VA Medical Center,  
3900 Loch Raven Blvd., Baltimore,  
MD 21218, (301) 467-9932, ext. 5281/  
5282

Fiscal Officer, Baltimore Medical  
Center, 3900 Loch Raven Blvd.,  
Baltimore, MD 21218, (301) 467-9932,  
ext. 5281/5282

Baltimore National Cemetery Area  
Office (Loudon Park), Send to: Fiscal  
Officer, VA Medical Center, 3900  
Loch Raven Blvd., Baltimore, MD  
21218, (301) 467-9932, ext. 5281/  
5282

Fiscal Officer, Fort Howard Medical  
Center, Fort Howard, MD 21052, (301)  
687-8768, ext. 328

Hyattsville Field Office of Audit, Send  
to: Fiscal Division Chief (047H), VA  
Central Office, Room C-50 810  
Vermont Avenue, Washington, DC  
20420, (202) 389-3901

Fiscal Officer, Perry Point Medical  
Center, Perry Point, MD 21902, (301)  
642-2411, ext. 5224/5225

#### *Massachusetts*

Fiscal Officer, Bedford Medical Center,  
200 Springs Road, Bedford, MA  
01730, (617) 275-7500

Fiscal Officer, Boston Regional Office,  
John F. Kennedy Bldg., Room 400C,  
Government Center, Boston, MA,  
(617) 565-2616

Jurisdiction over certain towns in  
Bristol and Plymouth Counties and the  
counties of Barnstable, Dukes and  
Nantucket is allocated to the  
Providence, Rhode Island Regional  
Office.

Boston Outpatient Clinic, Send to:  
Fiscal Officer, VA Medical Center,  
150 South Huntington Avenue,  
Boston, MA 02130, (617) 232-9500,  
ext. 427/420

Fiscal Officer, Boston Medical Center,  
150 South Huntington Avenue,  
Boston, MA 02130, (617) 232-9500,  
ext. 427/420

Bourne National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, Brockton, MA 02401, (617)  
583-4500, ext. 266

Fiscal Officer, Brockton Medical Center, Brockton, MA 02401, (617) 583-4500, ext. 266

Lowell Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 150 South Huntington Avenue, Boston, MA 02130, (617) 322-9500, ext. 427/420

New Bedford Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Providence, RI 02908, (401) 273-7100

Fiscal Officer, Northampton Medical Center, Northampton, MA 01060, (413) 584-4040

Springfield Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Northampton, MA 01060, (413) 584-4040

Springfield VA Office, Send to: Fiscal Officer, VA Regional Office, John F. Kennedy Bldg., Room 400C, Government Center, Boston, MA 02203, (617) 565-2616

Fiscal Officer, West Roxbury Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132, (617) 323-7700, ext. 5650

Worcester Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132, (617) 322-7700, ext. 5650

#### Michigan

Fiscal Officer, Allen Park Medical Center, Allen Park, MI 48101, (313) 562-6000, ext. 535

Fiscal Officer, Ann Arbor Medical Center, 2215 Fuller Road, Ann Arbor, MI 48105, (313) 769-7100, ext. 288/289

Fiscal Officer, Battle Creek Medical Center, Battle Creek, MI 49016, (616) 966-5600, ext. 3566

Grand Rapids Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Battle Creek, MI 49016, (616) 966-5600, ext. 3566

Fiscal Officer, Detroit Regional Office, 477 Michigan Avenue, Detroit, MI 48226, (313) 226-4190

Fiscal Officer, Iron Mountain Medical Center, Iron Mountain, MI 49801, (906) 774-3300, ext. 308

Fiscal Officer, Saginaw Medical Center, 1500 Weiss Street, Saginaw, MI 48602, (517) 793-2340, ext. 3061

#### Minnesota

Fiscal Officer, Minneapolis Medical Center, 54th & 48th Avenue, South Minneapolis, MN 55417, (612) 725-6767, ext. 6311

Fiscal Officer, St. Cloud Medical Center, St. Cloud, MN 56301, (612) 252-1600, ext. 411

Fiscal Officer, St. Paul Center (Regional Office), Federal Building, Ft. Snelling, St. Paul, MN 55111, (612) 725-4075

Fiscal Officer, VA Medical Center, One Veterans Drive, Minneapolis, MN 55417, (612) 725-2150

Jurisdiction over the counties of Becker, Beltrami, Clay, Clearwater, Kittson, Lake of the Woods, Mahanomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau and Wilkin is allocated to the Fargo, North Dakota Center.

St. Paul National Cemetery Area Office, Send to: VA Medical Center, 54th & 48th Avenue, South, Minneapolis, MN 55417, (612) 725-6767, ext. 6311

St. Paul Data Processing Center, Send to: Fiscal Officer, VA Center, Federal Building, Ft. Snelling, St. Paul, MN 55111, (612) 725-3075

St. Paul Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 54th & 48th Avenue, Minneapolis, MN 55111, (612) 725-6767, ext. 6311

#### Mississippi

Biloxi National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Biloxi, MS 39531, (601) 863-1972, ext. 225

Fiscal Officer, Biloxi Medical Center, Biloxi, MS 39531, (601) 863-1972, ext. 225

Corrinth National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523-8990

Fiscal Officer, Gulfport Medical Center, Gulfport, MS 39601, (601) 863-1972, ext. 225

Fiscal Officer, Jackson Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216, (601) 362-4471, ext. 1281

Fiscal Officer, VA Regional Office, Federal Building, 100 W. Capitol St., Suite 207, Jackson, MS 39269, (601) 965-4853

Natchez National Cemetery, Send to: Fiscal Officer, VA Medical Center, 1500 E. Woodrow Wilson Dr., Jackson, MS 39216, (601) 362-4471, ext. 1281

Process for VA service-connected benefits should also be sent to the Jackson Medical Center rather than to the Jackson Regional Office.

#### Missouri

Fiscal Officer, Columbia Medical Center, 800 Stadium Road, Columbia, MO 62501, (314) 443-2511

Jefferson City National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 800 Stadium Road, Columbia, MO 65201, (314) 443-2511, ext. 6050

Fiscal Officer, Kansas City Medical Center, 4801 Linwood Blvd., Kansas City, MO 64128, (816) 861-4700, ext. 214

Fiscal Officer, Poplar Bluff Medical Center, Poplar Bluff, MO 63901, (314) 686-4151

St. Louis National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125, (314) 894-4931

Fiscal Officer, St. Louis Regional Office, 1520 Market Street, St. Louis, MO 63103, (314) 539-3112

Fiscal Officer, VA Medical Center, 1500 N. Westwood Blvd., Poplar Bluff, MO 63901, (314) 686-4151, ext. 265

St. Louis Veterans Canteen Service Field Office, Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125, (314) 894-4631

Fiscal Officer, St. Louis Medical Center, St. Louis, MO 63125, (314) 894-4631

St. Louis Records Processing Center, Send to: Fiscal Officer, VA Regional Office, 1520 Market Street, St. Louis, MO 63103, (314) 539-3112

Springfield National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701, (501) 443-4301

#### Montana

Fiscal Officer, Fort Harrison Medical & Regional Office Center, Fort Harrison, MT 59636, (406) 442-6410

Fiscal Officer, Miles City Medical Center, 210 N. Broadwell, Miles City, MT 59301, (406) 232-3060

#### Nebraska

Fiscal Officer, Grand Island Medical Center, 2201 N. Broadwell, Grand Island, NE 68801, (308) 382-3660, ext. 244

Fiscal Officer, Lincoln Regional Office, 100 Centennial Mall North, Lincoln, NE 68510, (402) 437-5041

Fiscal Officer, Lincoln Medical Center, 600 South 70th Street, Lincoln, NE 68510, (402) 489-3802, ext. 332

Maxwell National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Grand Island, NE 68801, (308) 382-3660, ext. 244

Fiscal Officer, Omaha Medical Center, 4101 Woolworth Avenue, Omaha, NE, (402) 346-8800, ext. 4538

#### Nevada

Las Vegas Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89520, (702) 786-7200, ext. 244

Fiscal Officer, Reno Regional Office, 1201 Terminal Way, Reno, NV, (702) 784-5637

Jurisdiction over the following counties in California: Alpine, Lassen, Modoc and Mono.

Fiscal Officer, Reno Medical Center, 1000 Locust Street, Reno, NV 89520, (702) 786-7200, ext. 244

Henderson Outpatient Clinic, Send to:  
Fiscal Officer, VA Medical Center,  
1000 Locust Street, Reno, NV 89520,  
(702) 786-7200, ext. 244

#### *New Hampshire*

Fiscal Officer, Manchester Regional  
Office, 275 Chestnut Street,  
Manchester, NH 03103, (603) 666-  
7638

Fiscal Officer, Manchester Medical  
Center, 718 Smyth Road, Manchester,  
NH 03104, (603) 624-4366

#### *New Jersey*

Beverly National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, University & Woodland  
Avenues, Philadelphia, PA 19104,  
(215) 382-2400, ext. 291/292

Fiscal Officer, East Orange Medical  
Center, Tremont Avenue & So. Center  
St., East Orange, NJ 07019, (201) 676-  
1000, ext. 1771

Fiscal Officer, Lyons Medical Center,  
Lyons, NJ 07939, (201) 647-0180, ext.  
4302

Newark Outpatient Clinic, Send to:  
Fiscal Officer, VA Medical Center,  
Tremont Avenue & So. Center St., East  
Orange, NJ 07019, (201) 676-1000,  
ext. 125

Fiscal Officer, Newark Regional Office,  
20 Washington Place, Newark, NJ  
07102, (201) 645-3507

Salem National Cemetery Area Office,  
Send to: Fiscal Officer, VA Center,  
1601 Kirkwood Highway,  
Wilmington, DE 19805, (302) 994-  
2511

Fiscal Officer, Somerville Supply Depot,  
Somerville, NJ 08876, (210) 725-2540

#### *New Mexico*

Fiscal Officer, Albuquerque Regional  
Office, 500 Gold Avenue, SW.,  
Albuquerque, NM 87102, (505) 766-  
2204

Fiscal Officer, Albuquerque Medical  
Center, 2100 Ridgecrest Drive, SE.,  
Albuquerque, NM 87108, (505) 265-  
1711

Santa Fe National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, 2100 Ridgecrest Drive, SE.,  
Albuquerque, NM 87108, (505) 265-  
1711, ext. 2214

#### *New York*

Fiscal Officer, Albany Medical Center,  
113 Holland Ave, Albany, NY 12202,  
(518) 462-3311, ext. 355

Fiscal Officer, VA Medical Center, 800  
Irving Center, Syracuse, NY 13210,  
(315) 476-7461, ext. 2358

Albany VA Office, Send to: Fiscal  
Officer, VA Regional Office, 252  
Seventh Avenue & 24th Street, New  
York, NY 10001, (211) 620-6293

Fiscal Officer, Batavia Medical Center,  
Redfield Parkway, Batavia, NY 14020,  
(716) 345-7500, ext. 215

Fiscal Officer, Bath Medical Center,  
Bath, NY 14810, (607) 776-2111, ext.  
1502

Fiscal Officer, Bronx Medical Center,  
140 W. Kings Bridge Road, Bronx, NY  
10408, (212) 584-9000, ext. 1502/  
1717

Fiscal Officer, Brooklyn Medical Center,  
800 Poly Place, Brooklyn, NY 11209,  
(718) 630-3542

Brooklyn National Cemetery Area  
Office, Fiscal Officer, VA Medical  
Center, 800 Poly Place, Brooklyn, NY  
11209, (718) 630-3541

Brooklyn Outpatient Clinic, Send to:  
Fiscal Officer, VA Medical Center,  
800 Poly Place, Brooklyn, NY 11209,  
(718) 630-3542

Fiscal Officer, Buffalo Regional Office,  
111 West Huron Street, Buffalo, NY  
14202, (716) 846-5251

Brooklyn Outpatient Clinic, Send to:  
Fiscal Officer, VA Medical Center,  
800 Poly Place, Brooklyn, NY 11209,  
(718) 630-3542

Fiscal Officer, Buffalo Regional Office,  
111 West Huron Street, Buffalo, NY  
14202, (716) 846-5251

Jurisdiction over all counties in New  
York not listed under the New York  
Regional Office.

Fiscal Officer, Buffalo Medical Center,  
3495 Bailey Avenue, Buffalo, NY  
14215, (716) 862-3335, (716) 834-  
9200, ext. 3335

Calverton National Cemetery Area  
Office, Send to: Fiscal Office, VA  
Medical Center, Northport, NY 11768,  
(516) 261-4400, ext. 7101/7103

Fiscal Officer, Canandaigua Medical  
Center, Canandaigua, NY 14424, (716)  
394-2000, ext. 3368

Fiscal Officer, Castle Point Medical  
Center, Castle Point, NY 12511, (914)  
882-5404

Elmira National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, Bath, NY 14810, (607) 776-  
2111

Farmingdale National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Northport, NY 11768,  
(516) 261-4400, ext. 2462/2463

Fiscal Officer, Montrose Medical Center,  
Montrose, NY 10548, (914) 737-4400,  
ext. 2463

Fiscal Officer, New York Medical  
Center, First Avenue at East 24th  
Street, New York, NY 10010, (212)  
686-7320

New York Outpatient Clinic, Send to:  
Fiscal Officer, VA Medical Center,  
First Avenue at East 24th Street, New  
York, NY 10010, (212) 686-7320

New York Prosthetics Center, Send to:  
Fiscal Officer, VA Regional Office,

252 Seventh Avenue, New York, NY  
10001, (212) 620-6293

Fiscal Officer, New York Regional  
Office, 252 Seventh Avenue at 24th  
Street, New York, NY 10001, (212)  
620-6293

Jurisdiction over the following  
counties in New York: Albany, Bronx,  
Clinton, Columbia, Delaware, Dutchess,  
Essex, Franklin, Fulton, Greene,  
Hamilton, Kings, Montgomery, Nassau,  
New York, Orange, Otsego, Putnam,  
Queens, Rensselaer, Richmond,  
Rockland, Saratoga, Schenectady,  
Schharie, Suffolk, Sullivan, Ulster,  
Warren, Washington and Westchester.

New York Veterans Canteen Service  
Field Office, Send to: Fiscal Officer,  
VA Medical Center, First Avenue at  
East 24th Street, New York, NY  
10010, (212) 686-7320

Fiscal Officer, Northport Medical  
Center, Northport, NY 11768, (516)  
261-4400, ext. 2462/2463

Rochester VA Office, Send to: Fiscal  
Officer, VA Regional Office, 111 West  
Huron Street, Buffalo, NY 14202,  
(716) 846-5251

Rochester Outpatient Clinic Substation,  
Send to: Fiscal Officer, VA Medical  
Center, Batavia, NY 14020, (716) 343-  
7500, ext. 215

Fiscal Officer, Syracuse Medical Center,  
Irving Avenue & University Place,  
Syracuse, NY 13210, (315) 476-7461

Syracuse VA Office, Send to: Fiscal  
Officer, VA Regional Office, 111 West  
Huron Street, Buffalo, NY 14202,  
(716) 846-5251

#### *North Carolina*

Fiscal Officer, Asheville Medical Center,  
1100 Tunnel Road, Asheville, NC  
28801, (704) 298-7911, ext. 5616

Fiscal Officer, Durham Medical Center,  
508 Fulton Street, Durham, NC 27705,  
(919) 671-6913

Fiscal Officer, Fayetteville Medical  
Center, 2300 Ramsey Street,  
Fayetteville, NC 28301, (919) 488-  
2120

New Bern National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, 2300 Ramsey Street,  
Fayetteville, NC 28301, (919) 488-  
2120

Raleigh National Cemetery Area Office,  
Send to: Fiscal Officer, VA Medical  
Center, 508 Fulton Street, Durham,  
NC 27705, (919) 286-0411, ext. 6469

Fiscal Officer, Salisbury Medical Center,  
Salisbury, NC 28144, (704) 636-2351

Salisbury National Cemetery Area  
Office, Send to: Fiscal Officer, VA  
Medical Center, Salisbury, NC 28144,  
(704) 636-2351

Wilmington National Cemetery Area  
Office, Send to: Fiscal Officer, VA

Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301, (919) 488-2120

Fiscal Officer, Winston-Salem Regional Office, 251 North Main Street, Winston-Salem, NC 27102, (919) 761-3513

Winston-Salem Outpatient Regional Office, Send to: Fiscal Officer, VA Medical Center, Salisbury, NC 28144, (704) 636-2351

#### *North Dakota*

Fiscal Officer, Fargo Medical and Regional, Office Center, 21st & Elm, Fargo, ND 58102, (701) 232-3241, ext. 249

See listing under the St. Paul, Minnesota Center for the names of the counties in Minnesota which come under the jurisdiction of the Fargo, North Dakota Center.

#### *Ohio*

Fiscal Officer, Chillicothe Medical Center, 17273 State Route 104, Chillicothe, OH 45601, (614) 773-1141, ext. 203

Fiscal Officer, Cincinnati Medical Center, 3200 Vine Street, Cincinnati, OH 45220, (513) 550-5040, ext. 4113

Fiscal Officer, VA Medical Center, 2090 Kenny Road, Columbus, OH 43221, (614) 469-6712

Cincinnati VA Office, Send to: Fiscal Officer, VA Regional Office, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522-3540

Fiscal Officer, Cleveland Regional Office, 1240 East Ninth Street, Cleveland, OH 44109, (216) 522-3540

Fiscal Officer, Cleveland Medical Center, 10,000 Brecksville Rd, Brecksville, OH 44141, (216) 526-3030, ext. 7170

Fiscal Officer, Columbus Outpatient Clinic, 456 Clinic Drive, Columbus, OH 43210, (614) 469-6712

Columbus VA Office, Send to: Fiscal Officer, VA Regional Office, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522-3540

Dayton National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Dayton, OH 45248, (513) 268-6511, ext. 262-2157

Fiscal Office, VA Medical Center, 4100 W. Third Street, Dayton, OH 45428, (513) 262-2157

#### *Oklahoma*

Fort Gibson National Cemetery Area Office, Fiscal Officer, VA Medical Center, Memorial Station, Honor Heights Drive, Muskogee, OK 74401, (918) 683-3261, ext. 392

Fiscal Officer, Muskogee Regional Office, 125 South Main Street, Muskogee, OK 74401, (918) 687-2169

Fiscal Officer, Muskogee Medical Center, Memorial Station, Honor Heights Drive, Muskogee, OK 74401, (918) 683-3261, ext. 392

Fiscal Officer, Oklahoma City Medical Center, 921 Northeast 13th Street, Oklahoma City, OK 73104, (405) 272-9876, ext. 500

Oklahoma City VA Office, Send to: Fiscal Officer, VA Regional Office, 125 South Main St., Muskogee, OK 74401, (908) 687-2169

#### *Oregon*

Portland National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201, (503) 220-8262, ext. 6948

Fiscal Officer, Portland Regional Office, 1220 SW 3rd Avenue, Portland, OR 97204, (503) 221-2521

Fiscal Officer, Portland Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201, (503) 220-8262, ext. 6948

Portland Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97210, (503) 222-9221, ext. 6984

Fiscal Officer, VA Medical Center, Garden Valley Blvd., Roseburg, OR 97470, (503) 440-1000, ext. 4261

Roseburg National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Garden Valley Blvd., Roseburg, OR 97470, (503) 672-4411

Fiscal Officer, White City Domiciliary, White City, OR 97501, (503) 826-2111, ext. 241

White City National Cemetery Area, Send to: Fiscal Officer, VA Office Domiciliary, White City, OR 97503, (503) 826-2111, ext. 241

#### *Pennsylvania*

Fiscal Officer, Altoona Medical Center, Altoona, PA 16603, (814) 943-8164, ext. 7046

Annville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Lebanon, PA 17042, (717) 272-6621, ext. 229,

Fiscal Officer, VA Medical Center, Butler, PA 16001, (412) 287-4781, ext. 4505

Fiscal Officer, Coatsville Medical Center, Coatsville, PA 19320, (215) 384-7711, ext. 342

Fiscal Officer, Erie Medical Center, 135 East 38th Street, Erie, PA 16501, (814) 868-8661

Harrisburg Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Lebanon, PA 17042, (717) 272-6621, ext. 229

Fiscal Officer, Lebanon Medical Center, Lebanon, PA 17042, (717) 272-6621, ext. 229

Fiscal Officer, Philadelphia Center, (Regional Office) P.O. Box 8079, Philadelphia, PA 19101, (215) 951-5321

Jurisdiction over the following counties in Pennsylvania: Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York.

Philadelphia Data Processing Center, Send to: Fiscal Officer, VA Medical Center, P.O. Box 13399, Philadelphia, PA 19101, (215) 951-5321

Philadelphia National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104, (215) 951-5321

Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104, (215) 951-5321

Fiscal Officer, Pittsburgh Regional Office, 1000 Liberty Avenue, Pittsburgh, PA 15222, (412) 644-4394

Jurisdiction over all of the counties in Pennsylvania that are not listed under the Philadelphia Center (Regional Office) and jurisdiction over the following counties in West Virginia: Brooke, Hancock, Marshall and Ohio.

Fiscal Officer, Pittsburgh Medical Center, Highland Drive, Pittsburgh, PA 15206, (412) 363-4900, ext. 4235

Fiscal Officer, Pittsburgh Medical Center, University Drive C, Pittsburgh, PA 15240, (412) 683-3000, ext. 675

Fiscal Officer, Wilkes-Barre Medical Center, 1111 East End Blvd., Wilkes-Barre, PA 18711, (717) 824-3521, ext. 7211

#### *Philippines*

Manila Regional Office Outpatient Clinic, and Manila Regional Office Center,

For either of the above, send to: Director, Department of Veterans Affairs, APO, San Francisco, CA 96528, 011-632-521-7116, ext. 2560

#### *Puerto Rico*

Raymon National Cemetery Area Office, Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936, (890) 766-5115

Hato Regional Office, GPO Box 4867, San Juan, PR 00936, (809) 766-5115

Mayaguez Outpatient Clinic Substation, Send to: Fiscal Officer, VA Center,

GPO, Box 4867, San Juan, PR 00936, (809) 763-0275  
Rio Piedras Medical and Regional Office Center, Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936, (809) 758-7575, ext. 4953  
Fiscal Officer, VA Medical Center, One Veterans Plaza, San Juan, PR 00927-5800, (809) 766-5365 or (809) 766-5953

#### *Rhode Island*

Fiscal Officer, Providence Regional Office, 321 South Main Street, Providence, RI 02903, (401) 528-4439  
Jurisdiction over the following towns and counties in Massachusetts: all towns in Bristol County except Mansfield and Easton, the towns of Lakeville, Middleboro, Carver, Rochester, Mattapoisett, Marion, and Wareham in Plymouth County; and the counties of Dukes, Nantucket and Barnstable.

Fiscal Officer, Providence Medical Center, Davis Park, Providence, RI 02908, (401) 475-3019

#### *South Carolina*

Beaufort National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 109 Bee Street, Charleston, SC 29403, (803) 577-5011, ext. 222  
Fiscal Officer, Charleston Medical Center, 109 Bee Street, Charleston, SC 29403, (803) 577-5011 ext. 222  
Fiscal Officer, Columbia Regional Office, 1801 Assembly Street, Columbia, SC 29201, (803) 765-5210  
Fiscal Officer, Columbia Medical Center, Columbia, SC 29201, (803) 776-4000, ext. 150  
Florence National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Columbia, SC 29201, (803) 776-4000, ext. 149  
Greenville Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Columbia, SC 29201, (803) 776-4000, ext. 149

#### *South Dakota*

Fort Meade National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741, (605) 347-2511, ext. 272  
Fiscal Officer, VA Medical Center, Fort Meade, SD 57741, (605) 347-2511, ext. 272  
Hot Springs National Cemetery Area Office, Fiscal Officer, VA Medical Center, Hot Springs, SD 57747, (605) 745-4101, ext. 246  
Fiscal Officer, Hot Springs Medical Center, Hot Springs, SD 57747, (605) 745-4101

#### *Tennessee*

Chattanooga Outpatient Clinic Substation, Send to: Fiscal Officer,

VA Medical Center, 1310 24th Avenue, South, Nashville, TN 37203, (615) 327-4651

Chattanooga National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Murfreesboro, TN 37123, (615) 893-1360

Knoxville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Mountain Home, TN 37684, (615) 926-1171, ext. 7601

Knoxville Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1320 24th Avenue, South, Nashville, TN 37203, (615) 327-4651, ext. 553

Madison National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1320 24th Avenue, South, Nashville, TN 37203, (615) 327-4651, ext. 553

Fiscal Officer, Memphis Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523-8990, ext. 5050

Memphis National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523-8901, ext. 50

Fiscal Officer, Mountain Home Medical Center, Mountain Home, TN 37684, (615) 926-1171, ext. 7601

Mountain Home National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Mountain Home, TN 37684, (615) 926-1171

Fiscal Officer, Murfreesboro Medical Center, Murfreesboro, TN 37130, (615) 893-1360 ext. 3198

Fiscal Officer, National Regional Office, 110 Ninth Avenue South, Nashville, TN 37203, (615) 736-5352

Fiscal Officer, Medical Center, 1310 24th Avenue, South, Nashville, TN 37212, (615) 327-4751, ext. 5147

#### *Texas*

Fiscal Officer, Amarillo Medical Center, 6010 Amarillo Blvd. W., Amarillo, TX 79106, (806) 355-9703, ext. 7370

Fiscal Officer, Austin Data Processing Center, 1615 East Woodward Street, Austin, TX 78772, (512) 482-4028

Beaumont Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211, (713) 795-7493

Fiscal Officer, Big Spring Medical Center, Big Spring, TX 79720, (915) 263-7361, ext. 326

Fiscal Officer, Bonham Medical Center, East 96th & Lipscomb Street, Bonham, TX 75418, (218) 583-2111, ext. 240

Corpus Christi Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696-9660, ext. 5871

Fiscal Officer, Dallas Medical Center, 4500 South Lancaster Road, Dallas, TX 75216, (214) 376-5451, ext. 5238  
Dallas VA Office, Send to: Fiscal Officer, VA Regional Office, 1400 North Valley Mills Drive, Waco, TX 76799, (817) 757-6454

Fiscal Officer, El Paso Outpatient Clinic, 5919 Brook Hollow Drive, El Paso, TX 79925, (915) 579-7960

Fort Bliss National Cemetery Area Office, Send to: Fiscal Officer, VA Outpatient Clinic, 5919 Brook Hollow Drive, El Paso, TX 79925, (915) 579-7960

Fiscal Officer, Houston Medical Center, 2002 Holcombe Blvd., Houston, TX 77211, (713) 795-7493

Fiscal Officer, Houston Regional Office, 2515 Murworth Drive, Houston, TX 77054, (713) 660-4121

Jurisdiction over the country of Mexico and the following counties in Texas: Angelina, Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Blanco, Brazoria, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Crockett, DeWitt, Dimmitt, Duval, Edwards, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenndall, Kennedy, Kerr, Kimble, Kinney, Kleberg, LaSalle, Lavaca, Liberty, Live Oak, McCulloch, McMullen, Mason, Matagorda, Maverick, Medina, Menard, Montgomery, Necogdoches, Newton, Nueces, Orange, Pecos, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Schleicher, Shelby, Starr, Sutton, Terrell, Trinity, Tyler, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata and Zavala.

Houston National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211, (713) 795-7493  
Fiscal Officer, Kerrville Medical Center, Kerrville, TX 78028, (512) 896-2020, ext. 300

Kerrville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Kerrville, TX 78028, (512) 896-2020, ext. 300

Lubbock VA Office, Send to: Fiscal Officer, VA Regional Office, 1400 North Valley Mills Drive, Waco, TX 76799, (817) 657-6464, ext. 635  
Fiscal Officer, Lubbock Outpatient Clinic, 1205 Texas Avenue, Lubbock, TX 79401, (806) 762-7209

Fiscal Officer, Marlin Medical Center, 1016 Ward Street, Marlin, TX 76661, (817) 883-3511, ext. 224

McAllen Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical

Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696-9660, ext. 5871

Fiscal Officer, San Antonio Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696-9660, ext. 5871

San Antonio VA Office, Send to: Fiscal Officer, VA Regional Office, 2515 Murworth Drive, Houston, TX 77054, (713) 226-4185

San Antonio National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696-9660, ext. 5871

San Antonio National Cemetery Area Office, (Fort Sam Houston), Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696-9660, ext. 5871

Fiscal Officer, Temple Medical Center, Temple, TX 76501, (817) 778-4811

Fiscal Officer, Waco Regional Office, 1400 North Valley Mills Drive, Waco, TX 76710, (817) 756-6454

Jurisdiction over all counties in Texas not listed under the Houston Regional Office.

Fiscal Officer, Waco Medical Center, Memorial Drive, Waco, TX 76703, (817) 752-6581

Waco Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, Memorial Drive, Waco, TX 76703, (817) 752-6581

#### *Utah*

Fiscal Officer, Salt Lake City Regional Office, 125 South State Street, Salt Lake City, UT 84147, (801) 524-5361

Fiscal Officer, Salt Lake City Medical Center, 500 Foothill Blvd., Salt Lake City, UT 85148, (810) 584-1213

#### *Vermont*

Fiscal Officer, White River Junction, Medical and Regional Office Center, White River Junction, VT 05001, (802) 295-9363, ext. 1034

#### *Virginia*

Alexandria National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745-8228

Culpeper National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Martinsburg, WV 25401, (304) 263-0811, ext. 3176

Danville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Salem, VA 24153, (703) 982-2463

Hopewell National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock

Road, Richmond, VA 23249, (804) 230-1304

Leesburg National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745-8228

Mechanicsville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 230-1304

Fiscal Officer, Hampton Medical Center, Hampton, VA 23667, (807) 722-9961

Hampton National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Hampton, VA 23667, (807) 722-9961

Quantico National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745-8228

Fiscal Officer, Richmond Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 230-1304

Richmond National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 230-1304

Fiscal Officer, Roanoke Regional Office, 210 Franklin Road, SW., Roanoke, VA 24011, (703) 982-6116

Jurisdiction over Fairfax and Arlington Counties and the cities of Alexandria, Fairfax, and Falls Church is allocated to the Washington, DC Regional Office.

Fiscal Officer, Salem Medical Center, Salem, VA 24153, (703) 982-2463

Sandston National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 231-9011, ext. 205

Staunton National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Salem, VA 24135, (703) 982-2463

Winchester National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Martinsburg, WV 25401, (304) 263-0811, ext. 3176

#### *Washington*

Fiscal Officer, American Lake Medical Center, Tacoma, WA 98493, (206) 582-8440 ext. 6049

Fiscal Officer, Seattle Regional Office, 915 Second Avenue, Seattle, WA 98714, (206) 442-5025

Fiscal Officer, Seattle Medical Center, 1160 S. Columbian Way, Seattle, WA 98198, (206) 764-2226

Seattle Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 1160 S. Columbia Way, Seattle, WA 98198, (206) 764-2226

Fiscal Officer, Spokane Medical Center—North, 4815 Assembly Street, Spokane, WA 99205, (509) 327-0283, ext. 286

Vancouver Medical Center, Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201, (503) 220-8262, ext. 6948

#### *West Virginia*

Fiscal Officer, Beckley Medical Center, 200 Veterans Avenue, Beckley, WV 25801, (304) 255-2121, ext. 4174

Fiscal Officer, Clarksburg Medical Center, Clarksburg, WV 26301, (304) 623-3461, ext. 3389

Grafton National Cemetery Area Office, Fiscal Officer, VA Medical Center, Clarksburg, WV 26301, (304) 623-3461, ext. 335

Fiscal Officer, Huntington Regional Office, 640 West Avenue, Huntington, WV 25701, (304) 529-5477

Jurisdiction over the counties of Brooke, Hancock, Marshall and Ohio is allocated to the Pittsburgh, Pennsylvania Regional Office.

Fiscal Officer, Huntington Medical Center, 1540 Spring Valley Drive, Huntington, WV 25704, (304) 429-6741, ext. 2422

Fiscal Officer, Martinsburg Medical Center, Martinsburg, WV 25401, (304) 263-0811, ext. 3176

Wheeling Outpatient Clinic Substation, Fiscal Officer, VA Medical Center, University Drive C, Pittsburgh, PA 15240, (412) 683-7675

#### *Wisconsin*

Fiscal Officer, Madison Medical Center, 2500 Overlook Terrace, Madison, WI 53705, (608) 262-7050

Fiscal Officer, Milwaukee (Wood) Regional Office, P.O. Box 6, Wood, WI 53193, (414) 671-8121

Fiscal Officer, Tomah Medical Center, Tomah, WI 54660, (608) 372-1786

Fiscal Officer, VA Medical Center, 5000 West National Avenue, Milwaukee, WI 53295, (414) 384-2000, ext. 2591

Wood National Cemetery Area Office, Fiscal Officer, VA Medical Center, 5000 West National Avenue, Milwaukee, WI 53295, (414) 384-2000, ext. 2591

#### *Wyoming*

Fiscal Officer, Cheyenne Medical & Regional, Office Center, 2360 East Pershing Blvd., Cheyenne, WY 82001, (307) 778-7339

Fiscal Officer, Sheridan Medical Center, Sheridan, WY 82801, (307) 672-3473

## **II. Agencies**

(Unless otherwise indicated below, all agencies of the executive branch shall



be subject to service of legal process brought for the enforcement of an individual's obligation to provide child support and/or make alimony payments where such service is sent by certified or registered mail, return receipt requested, or by personal service, upon the head of the agency.)

#### *Arms Control & Disarmament Agency*

General Counsel, Arms Control & Disarmament Agency, 320 21st Street, NW., Washington, DC 20451, (202) 647-3596

#### *Agency for International Development*

For employees of the Agency for International Development and the Trade and Development Program:

Assistant General Counsel, for Employee and Public Affairs (GC/EPA), Agency for International Development, 22nd and C Streets, NW., Room 6892, Washington, DC 20523-0076, (202) 647-8218

#### *Central Intelligence Agency*

Office of Personnel, Attn: Chief, Special Activities Staff, Washington, DC 20505, (703) 874-2268

#### *Commission on Civil Rights*

Solicitor, Commission on Civil Rights, 624 9th Street, NW., Suite 632, Washington, DC 20425, (202) 376-8351

#### *Commodity Futures Trading Commission*

Director, Office of Personnel, 2033 K Street, NW., Washington, DC 20581, (202) 254-3275

#### *Consumer Product Safety Commission*

(Mail Service), General Counsel, Consumer Product Safety Commission, Washington, DC 20207-0001, (202) 504-0980

(Personal Service), General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Room 700, Bethesda, MD 20814-4408, (301) 504-0980

#### *Environmental Protection Agency*

Chief, Headquarters Accounting Operations Branch, Financial Management Division (3303), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-5116

#### *Export-Import Bank of the United States*

General Counsel, Export-Import Bank of the United States, Room 947, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566-8334

#### *Equal Employment Opportunity Commission*

Director, Financial Management Division, United States Equal Employment Opportunity Commission, 1801 L Street, NW., Room 2002, Washington, DC 20507 (202) 663-4224

#### *Farm Credit Administration*

Chief, Fiscal Management Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, (703) 883-4122

#### *Federal Deposit Insurance Corporation*

Counsel, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429, (202) 898-3686

#### *Federal Election Commission*

Accounting Officer, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, (202) 376-5270

#### *Federal Emergency Management Agency*

Office of General counsel, General Law Division, 500 C Street, SW., Washington, DC 20472, (202) 646-4105

#### *Federal Labor Relations Authority*

Director of Personnel, Federal Labor Relations Authority, 607 14th Street, NW., Suite 430, Washington, DC 20424, (202) 482-6690

#### *Federal Maritime Commission*

Director of Personnel or Deputy Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5773

#### *Federal Mediation and Conciliation Service*

General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, (202) 653-5305

#### *Federal Retirement Thrift Investment Board*

Payments to Board employees:

Director of Administration, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005, (202) 942-1670

Benefits from the Thrift Savings Fund:

General Counsel, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005, (202) 942-1662

#### *Federal Trade Commission*

Garnishment orders for employees of the Federal Trade Commission should be sent to:

General Services Administration  
Director, Kansas City Finance  
Division (6BC), 1500 East Bannister  
Road, Room 1107, Kansas City, MO  
64131, (816) 926-7625

#### *General Services Administration*

1. Region 1 (Maine, Vermont, New Hampshire, Massachusetts, Connecticut):

Regional Counsel, 10 Causeway Street, Boston, MA 02222, (617) 835-5896

2. Region 2 (New York, New Jersey, Puerto Rico, the Virgin, Islands):

Regional Counsel, 26 Federal Plaza, New York, NY 10007, (212) 264-8306

3. Region 3 (Pennsylvania, West Virginia, Maryland, Virginia, less the greater metropolitan area of Washington, DC):

Regional Counsel, Ninth and Market Streets, Philadelphia, PA 19107, (215) 597-1319,

4. Region 4 (Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida):

Regional Counsel, R.B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW., Atlanta, GA 30303, (404) 331-0915

5. Region 5 (Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio):

Regional Counsel, 230 South Dearborn Street, Chicago, IL 60604, (312) 353-5392

6. Region 6 (Nebraska, Iowa, Kansas, Missouri):

Regional Counsel, 1500 E. Bannister Road, Kansas City, MO 64131, (816) 926-7212

7. Region 7 (New Mexico, Texas, Oklahoma, Arkansas, Louisiana):

Regional Counsel, 819 Taylor Street, Fort Worth, TX 76102, (817) 334-2325

8. Region 8 (Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado):

Regional Counsel, Building 41, Denver Federal Center, Denver, CO 80225, (303) 776-7352,

9. Region 9 (California, Nevada, Arizona, Hawaii, Guam):

Regional Counsel, 525 Market Street, San Francisco, CA 94105, (415) 744-5057,

10. Region 10 (Washington, Oregon, Idaho, Alaska):

Regional Counsel, GSA Center, Auburn, WA 98002, (206) 396-7007,



11. Greater metropolitan area of Washington, DC, (includes parts of Maryland and Virginia):  
Regional Counsel, 7th & D Streets, NW., Washington, DC 20547, (202) 708-5155,

*Institute of Peace*

Personnel & Benefits Manager, 1550 M Street, NW., Suite 700, Washington, DC 20005

*International Trade Commission*

Director, Office of Administration, 500 E Street, SW., Room 212, Washington, DC 20436, (202) 205-3131

*Interstate Commerce Commission*

Chief, Budget and Fiscal Office, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423, (202) 927-5827

*Merit Systems Protection Board*

Director, Office of Administration, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, (202) 653-5805

*National Aeronautics and Space Administration*

*NASA Headquarters*

Associate General Counsel (General), Attention: SN Code GG, NASA Headquarters, 400 Maryland Avenue, SW., Washington, DC 20546, (202) 453-2465

*NASA Field Installations*

Chief Counsel, Ames Research Center, Moffett Field, CA 94035, (415) 694-5055

Chief Counsel, Dryden Flight Research Center, Edwards, CA 93523, (805) 258-2827

Chief Counsel, Goddard Space Flight Center (including Wallops Flight Center), Greenbelt, MD 20771, (301) 286-9181

Chief Counsel, Johnson Space Center, Houston, TX 77058, (713) 483-3021

Chief Counsel, Kennedy Space Center, Kennedy Space Center, FL 32899, (407) 867-2550

Chief Counsel, Langley Research Center, Hampton, VA 23665, (804) 864-3221

Chief Counsel, Lewis Research Center, Cleveland, OH 44135, (216) 433-2318

Chief Counsel, Marshall Space Flight Center, Marshall Space Flight Center, AL 35812, (205) 544-0012

Chief Counsel, John C. Stennis Space Center, Stennis Space Center, MS 39529-6000, (601) 688-2164

*National Archives and Records Administration*

General Counsel (NSL), Room 305 Archives Building, National Archives

and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408, (202) 501-5535

*National Capital Planning Commission*

Administrative Officer, National Capital Planning Commission, 1325 G Street, NW., Washington, DC 20576, (202) 724-0170

*National Credit Union Administration*

Director, Division of Personnel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, (202) 357-1156

*National Endowment for the Arts*

General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 522, Washington, DC 20506, (202) 682-5418

*National Endowment for the Humanities*

General Counsel, National Endowment for the Humanities, Room 530, Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 786-0322

*National Labor Relations Board*

Director of Personnel, National Labor Relations Board, 1099 14th Street, NW., Room 6700, Washington, DC 20570-0001, (202) 273-3904

*National Mediation Board*

Administrative Officer, National Mediation Board, 1301 K Street, NW., Suite 250 East, Washington, DC 20572, (202) 523-5950

*National Railroad Adjustment Board*

Staff Director/Grievances, National Railroad Adjustment Board, 175 West Jackson Boulevard, Chicago, IL 60604, (312) 886-7300

*National Science Foundation*

General Counsel, National Science Foundation, 1800 G Street, NW., Washington, DC 20550, (202) 634-4266

*National Security Agency*

General Counsel, National Security Agency, 9800 Savage Road, Ft. Meade, MD 20755-6000, (301) 688-6054

*National Transportation Safety Board*

Director, Personnel and Training Division, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, DC 20594, ATTN: AD-30, (202) 382-6718

*Navajo and Hopi Indian Relocation Commission*

Attorney, Navajo and Hopi Indian Relocation Commission, 201 East

Birch, Room 11, P.O. Box KK, Flagstaff, AZ 86002, (602) 779-2721

*Nuclear Regulatory Commission*

Controller, Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-4750

*Office of Personnel Management*

Payments to OPM employees:

General Counsel, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, (202) 606-1980

Payments of retirement benefits under the Civil Service Retirement System and the Federal Employees Retirement System:

Associate Director for Retirement and Insurance, Office of Personnel Management, Court Order Benefit Section, P.O. Box 17, Washington, DC 20044, (202) 606-0218

*Overseas Private Investment Corporation*

Director of Personnel, Overseas Private Investment Corporation, 1615 M Street, NW., Washington, DC 20527, (202) 457-7082

*Panama Canal Commission*

Director, Office of Executive Administration, Panama Canal Commission, Unit 2300, APO AA 34011-2300, 52-3519

*Pension Benefit Guaranty Corporation*

General Counsel or Deputy General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, (202) 778-8820

*Railroad Retirement Board*

Deputy General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611, (312) 751-4935

*Securities and Exchange Commission*

Branch Chief, Fiscal Operations, Office of the Comptroller, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, (202) 942-0349

*Selective Service System*

General Counsel, Selective Service System, 1515 Wilson Boulevard, Arlington, VA 22209-2425, (703) 235-2050

*Small Business Administration*

District Director, Birmingham District Office, 908 South 20th Street, Birmingham, AL 35205, (205) 254-1344

- District Director, Anchorage District Office, 1016 West 6th Avenue, Anchorage, AK 99501, (907) 271-4022
- District Director, Phoenix District Office, 3030 North Central Avenue, Phoenix, AZ 85012, (602) 261-3611
- District Director, Little Rock District Office, 611 Gaines Street, Little Rock, AR 72201, (501) 378-5871
- District Director, Los Angeles District Office, 350 S. Figueroa Street, Los Angeles, CA 90071, (213) 688-2956
- District Director, San Diego District Office, 880 Front Street, San Diego, CA 92188, (714) 291-5440
- District Director, San Francisco District Office, 211 Main Street, San Francisco, CA 94105, (415) 556-7490
- District Director, Denver District Office, 721 19th Street, Denver, CO 80202, (303) 837-2607
- District Director, Hartford District Office, One Financial Plaza, Hartford, CT 06106, (203) 244-3600
- District Director, Washington District Office, 1030 15th Street, NW., Washington DC 20417, (202) 655-4000
- District Director, Jacksonville District Office, 400 West Bay Street, Jacksonville, FL 32202, (904) 791-3782
- District Director, Miami District Office, 222 Ponce De Leon Blvd., Coral Gables, FL 33134, (305) 350-5521
- District Director, Atlanta District Office, 1720 Peachtree Street, NW., Atlanta, GA 30309, (404) 347-2441
- District Director, Honolulu District Office, 300 Ala Moana, Honolulu, HI 96850, (808) 546-8950
- District Director, Boise District Office, 1005 Main Street, Boise, ID 83701, (208) 384-1096
- District Director, Des Moines District Office, 210 Walnut Street, Des Moines, IA 50309, (515) 284-4433
- District Director, Chicago District Office, 219 South Dearborn Street, Chicago, IL 60604, (312) 353-4528
- District Director, Indianapolis District Office, 575 N. Pennsylvania Street, Indianapolis, IN 46204, (317) 269-7272
- District Director, Wichita District Office, 110 East Waterman Street, Wichita, KS 67202, (316) 267-6571
- District Director, Louisville District Office, 600 Federal Place, Louisville, KY 40201, (502) 582-5978
- District Director, New Orleans District Office, 1001 Howard Avenue, New Orleans, LA 70113, (504) 589-6685
- District Director, Augusta District Office, 40 Western Avenue, Augusta, ME 04330, (207) 622-6171
- District Director, Baltimore District Office, 8600 LaSalle Road, Towson, MD 21204, (301) 862-4392
- District Director, Boston District Office, 150 Causeway Street, Boston, MS 02114, (617) 223-2100
- District Director, Detroit District, 477 Michigan Avenue, Detroit, MI 48116, (313) 226-6075
- District Director, Minneapolis District Office, 12 South 6th Street, Minneapolis, MN 55402, (612) 725-2362
- District Director, Jackson District Office, 100 West Capitol Street, Jackson, MS 39201, (601) 969-4371
- District Director, Kansas City District Office, 1150 Grande Avenue, Kansas City, MO 64106, (816) 374-3416
- District Director, St. Louis District Office, One Mercantile Center, St. Louis, MO 63101, (314) 425-4191
- District Director, Helena District Office, 301 South Park Avenue, Helena, MT 59601, (406) 449-5381
- District Director, Omaha District Office, 19th & Farnum Street, Omaha, NE 68102, (404) 221-4691
- District Director, Las Vegas District Office, 301 East Stewart, Las Vegas, NV 89101, (702) 385-6611
- District Director, Concord District Office, 55 Pleasant Street, Concord, NH 03301, (603) 224-4041
- District Director, Newark District Office, 970 Broad Street, Newark, NJ 07102, (201) 645-2434
- District Director, Albuquerque District Office, 5000 Marble Avenue, NE., Albuquerque, NM 87110, (505) 766-3430
- District Director, New York District Office, 26 Federal Plaza, New York, NY 10007, (212) 264-4355
- District Director, Syracuse District Office, 100 South Clinton Street, Syracuse, NY 13260, (315) 423-5383
- District Director, Charlotte District Office, 230 South Tryon Street, Charlotte, NC 28202, (704) 371-6111
- District Director, Fargo District Office, 657 2nd Avenue, North, Fargo, ND 58108, (701) 237-5771
- District Director, Sioux Falls District Office, 101 South Main Avenue, Sioux Falls, SD 57102, (605) 336-2980
- District Director, Cleveland District Office, 1240 East 9th Street, Cleveland, OH 44199, (216) 522-4180
- District Director, Columbus District Office, 85 Marconi Boulevard, Columbus, OH 43215, (614) 469-6860
- District Director, Oklahoma City District Office, 200 NW. 5th Street, Oklahoma City, OK 73102, (405) 231-4301
- District Director, Portland District Office, 1220 SW. Third Avenue, Portland, OR 97204, (503) 221-2682
- District Director, Philadelphia District Office, 231 St. Asaphs Road, Bala Cynwyd, PA 19004, (215) 597-3311
- District Director, Pittsburgh District Office, 1000 Liberty Avenue, Pittsburgh, PA 15222, (412) 644-2780
- District Director, Hato Rey District Office, Chardon & Bolivia Streets, Hato Rey, PR 00918, (809) 753-4572
- District Director, Providence District Office, 57 Eddy Street, Providence, RI 02903, (401) 528-4580
- District Director, Columbia District Office, 1835 Assembly Street, Columbia, SC 29201, (803) 765-5376
- District Director, Nashville District Office, 404 James Robertson Parkway, Nashville, TN 37219, (615) 251-5881
- District Director, Dallas District Office, 1100 Commerce Street, Dallas, TX 75242, (214) 767-0605
- District Director, Houston District Office, 500 Dallas Street, Houston, TX 77002, (713) 226-4341
- District Director, Lower Rio Grande Valley District Office, 222 East Van Buren Street, Harlingen, TX 78550, (512) 423-4534
- District Director, Lubbock District Office, 1205 Texas Avenue, Lubbock, TX 79401, (806) 762-7466
- District Director, San Antonio District Office, 727 East Durango Street, San Antonio, TX 78206, (512) 229-6250
- District Director, Salt Lake City District Office, 125 South State Street, Salt Lake City, UT 84138, (314) 425-5800
- District Director, Montpelier District Office, 87 State Street, Montpelier, VT 05602, (802) 229-0538
- District Director, Richmond District Office, 400 North 8th Street, Richmond, VA 23240, (804) 782-2617
- District Director, Seattle District Office, 915 Second Avenue, Seattle, WA 98174, (206) 442-5534
- District Director, Spokane District Office, West 920 Riverside Avenue, Spokane, WA 99210, (509) 456-5310
- District Director, Clarksburg District Office, 109 North 3rd Street, Clarksburg, WV 26301, (304) 623-5631
- District Director, Madison District Office, 212 East Washington Avenue, Madison, WI 53703, (608) 264-5261
- District Director, Casper District Office, 100 East B Street, Casper, WY 82602, (307) 265-5266
- Tennessee Valley Authority*
- Payments to TVA employees:
- Chairman, Board of Directors, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902, (615) 632-2101
- Payments of retirement benefits under the TVA Retirement System:
- Chairman, Board of Directors, TVA Retirement System, 500 West Summit Hill Drive, Knoxville, TN 37902, (615) 632-0202

*United States Information Agency*

Counsel, U.S. Information Agency, 301  
4th Street, SW., Washington, DC  
20547, (202) 485-7976

*United States Soldiers' & Airmen's  
Home*

Chief, Employee Management Branch,  
United States Soldiers' and Airmen's  
Home, Box 1200, 3700 North Capitol  
Street, NW., Washington, DC 20317,  
(202) 722-3425

**III. United States Postal Service and  
Postal Rate Commission, United States  
Postal Service and Postal Rate  
Commission**

Manager, Payroll Processing Branch, 1  
Federal Drive, Ft. Snelling, MN  
55111-9650, (612) 293-6300

**IV. The District of Columbia, American  
Samoa, Guam, and the Virgin Islands**

*The District of Columbia*

Assistant City Administrator for  
Financial Management, The District  
Building, Room 412, 14th and  
Pennsylvania Avenue, NW,  
Washington, DC 20004, (202) 727-  
6979

*American Samoa*

Director of Administrative Service,  
American Samoa Government, Pago  
Pago, American Samoa 96799, (684)  
633-4155

*Guam*

Attorney General, P.O. Box DA, Agana,  
Guam 96910, 472-6841 (Country  
Code 671)

*The Virgin Islands*

Attorney General, P.O. Box 280, St.  
Thomas, VI 00801, (809) 774-1163

**V. Instrumentality**

*Smithsonian Institution*

For service of process in garnishment  
proceedings for child support and/or  
alimony of present Smithsonian  
Institution employees:

General Counsel, The Smithsonian  
Institution, MRC 012, 1000 Jefferson  
Drive, SW, Washington, DC 20560,  
(202) 357-2583

For service of process in garnishment  
proceedings for child support and/or  
alimony involving retirement annuities  
of former trust fund employees of the  
Smithsonian Institution:

General Counsel, Teachers Insurance  
and Annuity Association of America,  
College Retirement Equity Fund  
(TIAA/CREF), 730 Third Avenue,  
New York, NY 10017, (212) 490-9000

[FR Doc. 95-1781 Filed 1-24-95; 8:45 am]

BILLING CODE 6325-01-U



---

Wednesday  
January 25, 1995

---

## Part VI

# Department of the Interior

---

Fish and Wildlife Service

---

50 CFR Part 32

Opening of Humboldt Bay National  
Wildlife Refuge to Sport Fishing; Final  
Rule

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 32

RIN 1018-AC93

## Opening of Humboldt Bay National Wildlife Refuge to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) opens Humboldt Bay National Wildlife Refuge in California to sport fishing and provides pertinent refuge-specific regulations for such activity. The Service has determined that such use will be compatible with the purposes for which the refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound wildlife management, and is otherwise in the public interest by providing additional recreational opportunities of a renewable natural resource.

**EFFECTIVE DATE:** The effective date of this rule is February 24, 1995.

**ADDRESSES:** Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 670 ARLSQ, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Duncan L. Brown, Esq., at the address above; Telephone: 703-358-1744.

**SUPPLEMENTARY INFORMATION:** National wildlife refuges are generally closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established, and that funds are available for development, operation, and maintenance of a hunting or fishing program. The action must also be in accordance with provisions of all laws applicable to the areas, must be consistent with the principles of sound wildlife management, and must otherwise be in the public interest. This rulemaking opens Humboldt Bay National Wildlife Refuge in Loleta, California, to sport fishing.

## Request for Comments

A proposed rule was published on November 3, 1994, (59 FR 55074) and public comments were solicited. No comments were received.

## Statutory Authority

The National Wildlife Refuge System Administration Act of 1966, as amended (NWRSA) (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (RRA) (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, Section 4(d)(1)(A) of the NWRSA authorizes the Secretary to permit the use of any areas within the National Wildlife Refuge System (Refuge System) for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access, when he determines that such uses are compatible with the purposes for which each refuge was established. The Service administers the Refuge System on behalf of the Secretary. The RRA gives the Secretary additional authority to administer refuge areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purposes for which the refuges were established. In addition, prior to opening refuges and allowing recreational uses not directly related to the purposes and functions for which an area was established, the Secretary is required to determine that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

## Opening Package

In preparation for this opening, the refuge unit has included in its "openings package" for Regional review and approval from the Washington Office the following documents: A fishing plan; an environmental assessment; a compatibility determination; a Finding of No Significant Impact (FONSI); a Section 7 evaluation or statement, pursuant to the Endangered Species Act, that this opening will have no effect on a listed species or critical habitat; a letter of concurrence from the affected States; and refuge-specific regulations to administer the fishing program. From a review of the totality of these documents, the Secretary has determined that the opening of Humboldt Bay National Wildlife Refuge to sport fishing is compatible with the principles of sound wildlife management and will otherwise be in the public interest.

In accordance with the NWRSA and the RRA, the Secretary has also determined that this opening for sport fishing is compatible and consistent with the primary purposes for which the refuge was established, and that funds

are available to administer the programs. A brief description of the fishing program is as follows:

*Humboldt Bay National Wildlife Refuge*

Humboldt Bay National Wildlife Refuge was established by authority of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), as amended, and the Migratory Bird Hunting and Conservation Stamp Act of March 16, 1934, as amended. The refuge is a part of the San Francisco Bay National Wildlife Refuge Complex, but has a full-time project leader and staff. The purposes of the refuge are (1) for use as an inviolate sanctuary, or for any other management purpose, for migratory birds; (2) for suitable incidental fish and wildlife-oriented recreational development; (3) the protection of natural resources; and (4) conservation of endangered species or threatened species.

Humboldt Bay is situated 280 miles north of San Francisco and 85 miles south of the Oregon border. Humboldt Bay lies on a narrow coastal plain. It is a natural land-locked harbor 1/2 to 4 miles wide and 14 miles long, separated from the ocean by well-developed coastal dunes and a sand beach. Humboldt Bay is a vital link in the coastal section of the Pacific Flyway for migratory waterfowl, shorebirds, and other waterbirds.

Sport fishing in Humboldt Bay is a popular form of recreation. Well established fisheries for perch, smelt, salmon, rockfish, crabs and clams provide for local enthusiasts as well as tourists. Declines in salmon stocks on the north coast have resulted in sharply reduced seasons and shifts in fishing effort to other species. Fisheries gaining rapidly in popularity are dungeness crab (*Cancer magister*), leopard shark (*Triakis semifasciata*), California halibut (*Paralichthys californicus*), and various clams. Sport fishing within the bay accounts for more than 30,000 angler-days each year. Most of the fishing in South Humboldt Bay occurs on the South Jetty and at Buhne's Point.

Public sport fishing will be permitted on navigable waters of Humboldt Bay that fall within the existing refuge boundary. Most fishing in Humboldt Bay will occur from boats on the navigable waters. Fishing will also be permitted from the outer levee of Hookton Slough, west of the designated parking lot. The non-tidally influenced areas (levees and seasonal wetlands) will be closed to fishing to provide disturbance-free resting and foraging areas for migratory birds. Anglers will be monitored on an opportunistic basis to determine if any wildlife disturbance

is occurring. Fishing will be permitted within the framework of applicable State and Federal regulations. The California Department of Fish and Game will be consulted if any changes are planned in the refuge fishing program.

Opening the refuge to sport fishing has been found to be compatible in a separate compatibility determination. This determination noted time and zone restrictions. A Section 7 evaluation pursuant to the Endangered Species Act was conducted, and it was determined that the proposed action would not adversely affect any Federally listed or proposed for listing threatened or endangered species or their critical habitats. Pursuant to the National Environmental Policy Act (NEPA), an environmental assessment was made and a Finding of No Significant Impact (FONSI) was made regarding the fishing program. Numerous contacts were made throughout the area of the refuge soliciting comments on the proposed fishing plan. The California Department of Fish and Game concurs and fully supports the regulated sport fishing program proposed at the refuge.

The Service has determined that there would be sufficient funds to administer the fishing program pursuant to the requirements of the Refuge Recreation Act. The cost of establishing and managing the fishing program will be minimal, and will consist primarily of posting and maintaining "Public Fishing Area" signs and including fishing information in the refuge brochure. There are necessary funds within the annual budget of the San Francisco Bay National Wildlife Refuge Complex for this work. There will be no facilities developed or managed specifically for the use of anglers.

#### **Paperwork Reduction Act**

The information collection requirements for part 32 are found in 50 CFR part 25 and have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018-0014. The information is being collected to assist the Service in administering these programs in accordance with statutory

authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit.

The public reporting burden for the application form is estimated to average six (6) minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing the form. Direct comments on the burden estimate or any other aspect of this form to the Service Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, DC 20503.

#### **Economic Effect**

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. This final rule will have minimal effect on such entities.

#### **Federalism**

This final rule 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 rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

#### **Environmental Considerations**

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared for this opening. Based upon the Environmental

Assessments, the Service issued a Finding of No Significant Impact with respect to the opening. A Section 7 evaluation was prepared pursuant to the Endangered Species Act with a finding that this action would have no effect on any identified threatened or endangered species.

#### **Primary Author**

Duncan L. Brown, Esq., Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

#### **List of Subjects in 50 CFR Part 32**

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Accordingly, part 32 of chapter I of Title 50 of the *Code of Federal Regulations* is amended as set forth below:

#### **PART 32—[AMENDED]**

1. The authority citation for part 32 continues to read as follows:

**Authority:** 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

2. Section 32.24 *California* is amended by adding text to paragraph D. of Humboldt Bay National Wildlife Refuge to read as follows:

#### **§ 32.24 California.**

\* \* \* \* \*

#### *Humboldt Bay National Wildlife Refuge*

\* \* \* \* \*

*D. Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing from the designated shoreline trail along Hookton Slough is permitted during daylight hours only.
2. Only the use of pole and line or rod and reel is permitted from the Hookton Slough Shoreline trail fishing area.

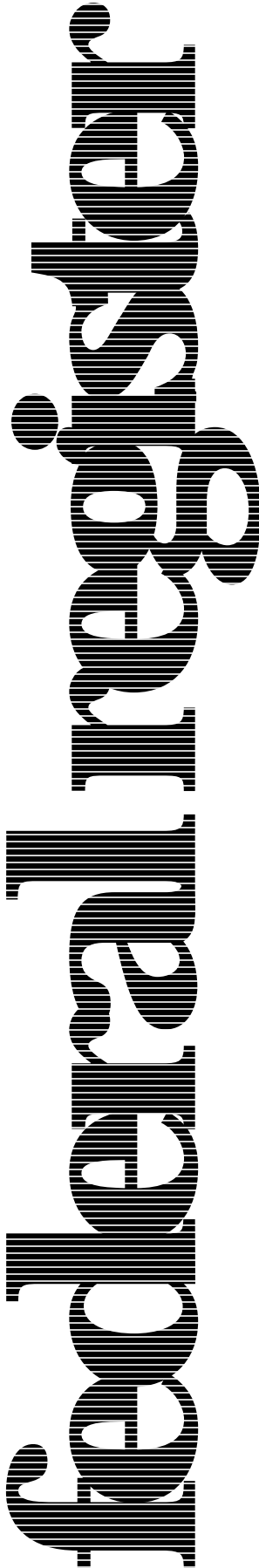
\* \* \* \* \*

Dated: January 16, 1995.

**George T. Frampton, Jr.,**  
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95-1795 Filed 1-24-95; 8:45 am]

BILLING CODE 4310-55-P



---

Wednesday  
January 25, 1995

---

**Part VII**

**Office of  
Management and  
Budget**

---

**Cumulative Report on Rescissions and  
Deferrals; Notice**

**OFFICE OF MANAGEMENT AND BUDGET****Cumulative Report on Rescissions and Deferrals**

January 1, 1995.

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of January 1, 1995, of seven deferrals contained in two special messages for FY 1995. These messages were transmitted to Congress on October 18, and December 13, 1994.

**Rescissions**

As of January 1, 1995, no rescission proposals were pending before the Congress.

**Deferrals (Table A and Attachment A)**

As of January 1, 1995, \$2,714.8 million in budget authority was being deferred from obligation. Attachment A shows the status of each deferral reported during FY 1995.

**Information From Special Messages**

The special messages containing information on the deferrals that are covered by this cumulative report are printed in the **Federal Register** cited below:

59 FR 54066, Thursday, October 27, 1994

59 FR 67108, Wednesday, December 28, 1994

**Alice M. Rivlin,**  
*Director.*

TABLE A.—STATUS OF FY 1995  
DEFERRALS  
[In millions of dollars]

	Budgetary resources
Deferrals proposed by the President .....	4,699.1
Routine Executive releases through January 1, 1995 .....	– 1,984.3
Overtaken by the Congress ....	.....
Currently before the Congress .....	2,714.8

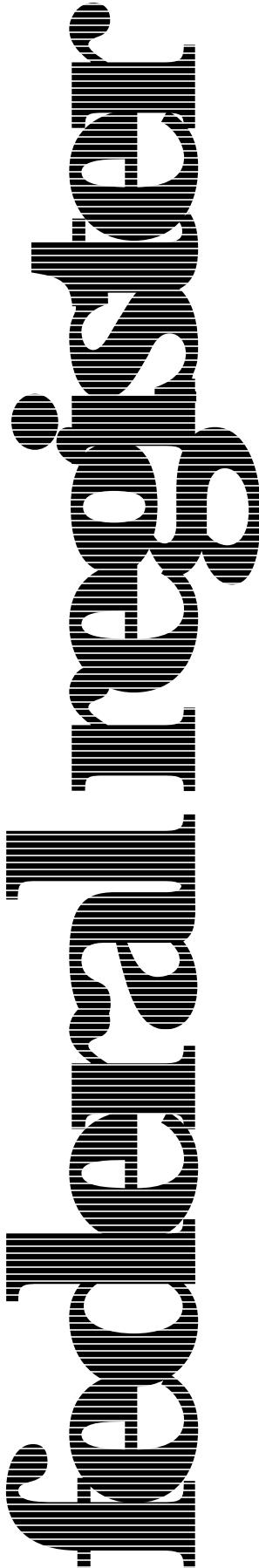
BILLING CODE 3110-01-M



**ATTACHMENT A**  
**Status of FY 1995 Deferrals - As of January 1, 1995**  
**(Amounts in thousands of dollars)**

Agency/Bureau/Account	Deferral Number	Amounts Transmitted		Date of Message	Releases(-)		Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 1-1-95
		Original Request	Subsequent Change (+)		Cumulative OMB/Agency	Congressionally Required			
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance Economic support fund.....	D95-1	53,300		10-18-94					1,127,948
	D95-1A		1,173,948	12-13-94	99,300				1,339,279
Foreign military financing grants.....	D95-2	3,139,279		10-18-94	1,800,000				47,917
Foreign military financing program account.....	D95-3	47,917		10-18-94					2,000
Military-to-military contact program.....	D95-4	2,000		10-18-94					
Agency for International Development International disaster assistance, executive.....	D95-5	169,998		10-18-94	54,994				115,004
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Social Security Administration Limitation on administrative expenses.....	D95-6	7,319		10-18-94					7,319
DEPARTMENT OF STATE									
Bureau for Refugee Programs United States emergency refugee and migration assistance fund.....	D95-7	105,300		10-18-94	30,000				75,300
TOTAL, DEFERRALS.....		3,525,113	1,173,948		1,984,294				2,714,767

05-Jan-95



---

Wednesday  
January 25, 1995

---

## Part VIII

# Department of Transportation

---

Federal Aviation Administration

---

14 CFR Parts 1, 11, and 121  
Public Aircraft Definition and Exemption  
Authority; Final Rule

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Parts 1, 11, and 121

[Docket No. 28060; Amdt. No. 1-39, 11-38; SFAR 38-2]

RIN 2120-AF59

## Public Aircraft Definition and Exemption Authority

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

**SUMMARY:** This rule amends the Federal Aviation Regulations to reflect statutory changes in the definition of public aircraft and the FAA Administrator's new authority to grant exemptions from statutory requirements, under certain conditions, to units of Federal, state, and local government for operations of government-owned aircraft. This rule is necessary to implement the Airport and Airway Improvement Act Amendments of 1987 and Independent Safety Board Act Amendments of 1994.

**DATES:** This final rule is effective April 23, 1995. Comments must be submitted on or before February 24, 1995.

**ADDRESSES:** Send comments in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-200), Docket No. 28060, 800 Independence Avenue SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** David Catey, (AFS-220), (202) 267-8094, 800 Independence Avenue SW., Washington, DC 20591.

**SUPPLEMENTARY INFORMATION:** On December 30, 1987, and October 25, 1994, the President signed into law the Airport and Airway Improvement Act Amendments of 1987 and the Independent Safety Board Act Amendments of 1994, respectively, each of which changed the statutory definition of the term "public aircraft." Public aircraft are exempt from many FAA regulations.

Under the 1987 Amendment, an aircraft leased by a government, other than the Federal Government, remains a civil aircraft unless the lease is exclusively for the use of that government for not less than 90 continuous days. Under the 1994 Amendments, many aircraft previously considered public aircraft will be subject to FAA safety regulations on the effective date of those amendments. For example, when the change in the definition enacted by the 1994

Amendment becomes effective, government-owned aircraft used to transport passengers will, except in limited circumstances, no longer be considered public aircraft. Therefore, the operators of such aircraft will have to meet civil aircraft requirements, including those for certification, maintenance, and training, unless they qualify for narrowly defined exemptions. Aircraft operated by the Armed Forces and intelligence agencies, however, will retain their public aircraft status unless operated for a commercial purpose.

Although the 1994 Amendment gives the FAA Administrator certain authority to grant exemptions to "units of government" from the statutory requirements applicable to civil aircraft, the agency expects to invoke that exemption authority only when the public interest clearly demands it. To obtain an exemption under the statute, a unit of government must show that granting the exemption is necessary "to prevent an undue economic burden on the unit of government," and that the aviation safety program of the unit of government is "effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government." In acting on any exemption request the FAA will assess the safety of the operation in question. The FAA is developing guidance in the form of an advisory circular for use in this process. It should be noted that, it is unlikely that the FAA will be able to grant exemptions from type certification and airworthiness requirements for aircraft that have no history of civil certification.

In a notice published in the **Federal Register** on August 1, 1994, (59 FR 39192) the FAA invited comment on the question whether intergovernmental reimbursement for the use of government-owned aircraft prevents the aircraft involved from meeting the definition of public aircraft and, therefore, requires compliance with all safety regulations applicable to civil aircraft. That issue has been clarified by the 1994 Amendment, and the FAA will not be taking further action on that Notice.

As to whether public aircraft status is lost when one government reimburses another for the use of its aircraft, under the 1994 Amendment, if there is cost reimbursement, the aircraft will be civil aircraft unless the appropriate unit of government certifies "that the operation was necessary to respond to a significant and imminent threat to life or property," and "that no service by a private operator was reasonably available to meet the threat."

To implement both the 1987 and 1994 Amendments, this rule amends the definition of "public aircraft" in 14 CFR part 1. This rule also amends 14 CFR part 11 to reflect the Administrator's new statutory exemption authority concerning government-owned aircraft. While the Administrator's exemption authority in the past has been limited to exemptions from rules rather than from statutes, in this case Congress granted the Administrator the authority to grant exemptions from the statute—specifically, "from any requirement of part A of subtitle VII of title 49, United States Code." Pub. L. 103-411. As a result, this rule modifies Section 11.25(b)(3) to include exemptions, for government-owned aircraft only, from statutes as well as from rules.

One final conforming change to the regulations is in the applicability section of SFAR No. 38-2, entitled "Certification and Operating Requirements." In its present form, the applicability section provides that: "This Special Federal Aviation Regulation applies to persons conducting commercial passenger operations, cargo operations, or both \* \* \*." This rule adds the words "operating civil aircraft in" to the applicability statement. The new law permits some public aircraft operations for which compensation is received. This change is necessary to assure that regulations intended only for application to civil aircraft are not inadvertently applied to public aircraft when public aircraft are permitted to be operated for compensation or hire.

**Good Cause for Immediate Adoption**

The FAA finds that notice and public comment on this rulemaking are unnecessary. This final rule is intended merely to conform the regulations to the statute. It is, in essence, a technical amendment that involves no exercise of agency discretion. The FAA is simply changing the rules to reflect, as closely as possible, the new statutory language. As a result, the agency for good cause finds that "notice and public procedure thereon" are unnecessary with the meaning of 5 U.S.C. 553(b)(B) of the Administrative Procedure Act. Individuals will have an opportunity to submit comments concerning this final rule by February 24, 1995.

**Economic and Other Analyses**

This amendment merely conforms FAA rules to the 1987 and 1994 Amendments to the law. Federal regulations must conform to the law, therefore the FAA has no discretionary power in this matter. Consequently, a Regulatory Evaluation of the costs and

benefits of this change would serve no useful purpose and none was prepared. While meeting these new requirements may result in costs to units of government, including the FAA, these costs are a result of the law and not the regulation. The law does give the FAA Administrator discretionary authority to grant exemptions from certain statutory requirements when the existing safety program of the unit of government is effective to ensure safe operations and conformance with federal regulations pertaining to civil aircraft would constitute "an undue economic burden" as previously discussed. Economic considerations will be evaluated by the FAA on a case-by-case basis at the time exemptions are requested.

For the same reason explained above, the other analyses and determinations normally made a part of rulemaking procedures are determined to be unnecessary in this case and are not included in this document: an analysis of whether there is a significant economic impact on a substantial number of small entities, an international trade impact assessment, a federalism assessment.

#### Paperwork Reduction Act

This rule contains no information collection requests requiring approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act (44 U.S.C. 3507 et seq.).

#### Conclusion

For the reasons discussed in the preamble the FAA has determined that this final rule is not significant under Executive Order 12866 or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

#### List of Subjects

##### 14 CFR Part 1

Air transportation, Public aircraft.

##### 14 CFR Part 11

Administrative practice and procedure, Reporting and recordkeeping requirements, Exemptions.

##### 14 CFR Part 121

Air carriers, Aircraft, Aviation safety, Reporting and recordkeeping requirements.

#### The Amendment

Accordingly, 14 CFR parts 1, 11, and 121 are amended as follows:

#### PART 1—[AMENDED]

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

**Authority:** 49 U.S.C. app. 1347, 1348, 1354(a), 1357(d)(2), 1372, 1421 through 1430, 1432, 1442, 1443, 1472, 1510, 1522, 1652(e), 1655(c), 1657(f); 49 U.S.C. 106(g).

2. Section 1.1 is amended by revising the definition of "Public aircraft" to read as follows:

##### § 1.1 General definitions.

*Public aircraft* means an aircraft used only for the United States Government, or owned and operated (except for commercial purposes), or exclusively leased for at least 90 continuous days, by a government (except the United States Government), including a State, the District of Columbia, or a territory or possession of the United States, or political subdivision of that government; but does not include a government-owned aircraft transporting property for commercial purposes, or transporting passengers other than transporting (for other than commercial purposes) crewmembers or other persons aboard the aircraft whose presence is required to perform, or is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management; or transporting (for other than commercial purposes) persons aboard the aircraft if the aircraft is operated by the Armed Forces or an intelligence agency of the United States. An aircraft described in the preceding sentence shall, notwithstanding any limitation relating to use of the aircraft for commercial purposes, be considered to be a public aircraft for the purposes of this Chapter without regard to whether the aircraft is operated by a unit of government on behalf of another unit of government, pursuant to a cost reimbursement agreement between such units of government, if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat.

#### PART 11—[AMENDED]

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

**Authority:** 49 U.S.C. app. 1341(a), 1343(d), 1348, 1354(a), 1401 through 1405, 1421 through 1431, 1481, 1502; 49 U.S.C. 106(g).

4. Section 11.25 is amended by revising paragraph (b)(3), by removing

"and" from the end of paragraph (b)(4), by removing the period at the end of paragraph (b)(5) and adding "; and" in its place, and by adding paragraph (b)(6) to read as follows:

##### § 11.25 Petitions for rulemaking or exemptions.

\* \* \* \* \*

(b) \* \* \*

(3) Set forth the text or substance of the rule or amendment proposed, or of the rule or statute from which the exemption is sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;

\* \* \* \* \*

(6)(i) In the case of a unit of Federal, state, or local government that is applying for an exemption from any requirement of part A of subtitle VII of title 49, United States Code, that would otherwise be applicable to current or future aircraft of such unit of government as a result of the statutory change in the definition of public aircraft made by the Independent Safety Board Act Amendments of 1994, Public Law 103-411, the petition for exemption must contain any information, views, analysis, or arguments available to the petitioner to show that:

(A) The exemption is necessary to prevent an undue economic burden on the unit of government; and

(B) The aviation safety program of the unit of government is effective and appropriate to ensure safety operations of the type of aircraft operated by the unit of government.

(ii) The authority of the Administrator, under the Independent Safety Board Amendments of 1994, Pub. L. 103-411, to grant exemptions to units of government is delegated to the Director, Flight Standards Service, and the Director, Aircraft Certification Service.

\* \* \* \* \*

#### PART 121—[AMENDED]

5. The authority citation for part 121 continues to read as follows:

**Authority:** 49 U.S.C. app. 1354(a), 1355, 1356, 1357, 1401, 1421-1430, 1472, 1485, 1502; and 49 U.S.C. 106(g).

6. Section 1(a) introductory of SAFAR No. 38-2, located in the CFR at the beginning of Part 121, is revised to read as follows:

##### SFAR No. 38-2—Certification and Operating Requirements

\* \* \* \* \*

##### 1. Applicability.

(a) This Special Federal Aviation Regulation applies to persons operating civil

aircraft in commercial passenger operations,  
cargo operations, or both, and prescribes—

\*       \*       \*       \*       \*

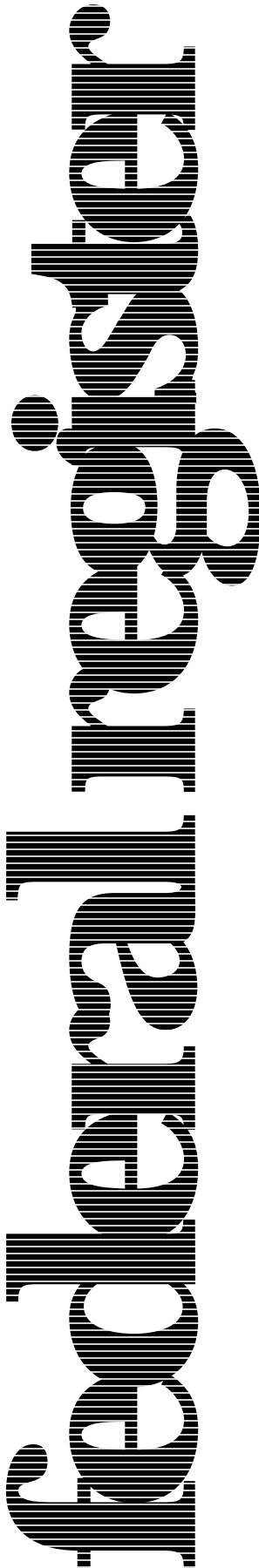
Issued in Washington, DC on January 6,  
1995.

**David R. Hinson,**

*Administrator.*

[FR Doc. 95-1744 Filed 1-20-95; 4:26 pm]

**BILLING CODE 4910-13-M**



---

Wednesday  
January 25, 1995

---

## Part IX

# The President

---

Executive Order 12947—Prohibiting  
Transactions With Terrorists Who  
Threaten To Disrupt the Middle East  
Peace Process



---

# Presidential Documents

---

**Title 3—****Executive Order 12947 of January 23, 1995****The President****Prohibiting Transactions With Terrorists Who Threaten To Disrupt the Middle East Peace Process**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, find that grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

I hereby order:

**Section 1.** Except to the extent provided in section 203(b)(3) and (4) of IEEPA (50 U.S.C. 1702(b)(3) and (4)) and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date: (a) all property and interests in property of:

(i) the persons listed in the Annex to this order;

(ii) foreign persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, because they are found:

(A) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or

(B) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence; and

(iii) persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any of the foregoing persons, that are in the United States, that hereafter come within the United States, or that hereafter come within the possession or control of United States persons, are blocked;

(b) any transaction or dealing by United States persons or within the United States in property or interests in property of the persons designated in or pursuant to this order is prohibited, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons;

(c) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order, is prohibited.

**Sec. 2.** For the purposes of this order: (a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, corporation, or other organization, group, or subgroup;



(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term "foreign person" means any citizen or national of a foreign state (including any such individual who is also a citizen or national of the United States) or any entity not organized solely under the laws of the United States or existing solely in the United States, but does not include a foreign state.

**Sec. 3.** I hereby determine that the making of donations of the type specified in section 203(b)(2)(A) of IEEPA (50 U.S.C. 1702(b)(2)(A)) by United States persons to persons designated in or pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and hereby prohibit such donations as provided by section 1 of this order.

**Sec. 4.** (a) The Secretary of the Treasury, in consultation with the Secretary of State and, as appropriate, the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

(b) Any investigation emanating from a possible violation of this order, or of any license, order, or regulation issued pursuant to this order, shall first be coordinated with the Federal Bureau of Investigation (FBI), and any matter involving evidence of a criminal violation shall be referred to the FBI for further investigation. The FBI shall timely notify the Department of the Treasury of any action it takes on such referrals.

**Sec. 5.** Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

**Sec. 6.** (a) This order is effective at 12:01 a.m., eastern standard time on January 24, 1995.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,  
January 23, 1995.

ANNEX

TERRORIST ORGANIZATIONS WHICH THREATEN TO DISRUPT THE MIDDLE EAST PEACE  
PROCESS

Abu Nidal Organization (ANO)

Democratic Front for the Liberation of Palestine (DFLP)

Hizballah

Islamic Gama'at (IG)

Islamic Resistance Movement (HAMAS)

Jihad

Kach

Kahane Chai

Palestinian Islamic Jihad-Shiqaqi faction (PIJ)

Palestine Liberation Front-Abu Abbas faction (PLF-Abu Abbas)

Popular Front for the Liberation of Palestine (PFLP)

Popular Front for the Liberation of Palestine-General Command (PFLP-GC)

[FR Doc. 95-2040

Filed 1-24-95; 10:10 am]

Billing code 4810-31-P



---

Wednesday  
January 25, 1995

---

## Part X

# Department of the Treasury

---

Office of Foreign Assets Control

---

List of Specially Designated Terrorists  
Who Threaten To Disrupt the Middle East  
Peace Process; Notice

**DEPARTMENT OF THE TREASURY****Office of Foreign Assets Control****List of Specially Designated Terrorists Who Threaten To Disrupt the Middle East Peace Process**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice of blocking.

**SUMMARY:** The Treasury Department is issuing a list of blocked persons who have been designated by the President as terrorist organizations threatening the Middle East peace process or have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations.

**EFFECTIVE DATE:** January 24, 1995.

**FOR FURTHER INFORMATION:** J. Robert McBrien, Chief, International Programs, Tel.: (202) 622-2420; Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

**SUPPLEMENTARY INFORMATION:****Electronic Availability**

This document is available as an electronic file on The Federal Bulletin Board the day of publication in the **Federal Register**. By modem dial 202/512-1387 or call 202/512-1530 for disks or paper copies. This file is available in Postscript, WordPerfect 5.1 and ASCII.

**Background**

On January 23, 1995, President Clinton signed Executive Order 12947, "Prohibiting Transactions with Terrorists Who Threaten To Disrupt the Middle East Peace Process" (the "Order"). The Order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the Order. The Order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the Order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State

and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the Order (collectively "Specially Designated Terrorists" or "SDTs").

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the Order are effective upon the date of determination by the Secretary of State or his delegate, or the Director of the Office of Foreign Assets Control acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the **Federal Register**, or upon prior actual notice.

**List of Specially Designated Terrorists Who Threaten the Middle East Peace Process**

**Note:** The abbreviations used in this list are as follows: "DOB" means "date of birth," "a.k.a." means "also known as," and "POB" means "place of birth."

**Entities**

ABU NIDAL ORGANIZATION (a.k.a. ANO, a.k.a. BLACK SEPTEMBER, a.k.a. FATAH REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY BRIGADES, a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS); Libya; Lebanon; Algeria; Sudan; Iraq.

AL-GAMA'A AL-ISLAMIYYA (a.k.a. ISLAMIC GAMA'AT, a.k.a. GAMA'AT, a.k.a. GAMA'AT AL-ISLAMIYYA, a.k.a. THE ISLAMIC GROUP); Egypt.

AL-JIHAD (a.k.a. JIHAD GROUP, a.k.a. VANGUARDS OF CONQUEST, a.k.a. TALAA'AL AL-FATEH); Egypt.

ANO (a.k.a. ABU NIDAL ORGANIZATION, a.k.a. BLACK SEPTEMBER, a.k.a. FATAH REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY BRIGADES, a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS); Libya; Lebanon; Algeria; Sudan; Iraq.

ANSAR ALLAH (a.k.a. PARTY OF GOD, a.k.a. HIZBALLAH, a.k.a. ISLAMIC JIHAD, a.k.a. REVOLUTIONARY JUSTICE ORGANIZATION, a.k.a. ORGANIZATION OF THE OPPRESSED ON EARTH, a.k.a. ISLAMIC JIHAD FOR

THE LIBERATION OF PALESTINE, a.k.a. FOLLOWERS OF THE PROPHET MUHAMMAD); Lebanon.

ARAB REVOLUTIONARY BRIGADES (a.k.a. ANO, a.k.a. ABU NIDAL ORGANIZATION, a.k.a. BLACK SEPTEMBER, a.k.a. FATAH REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY COUNCIL, a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS); Libya; Lebanon; Algeria; Sudan; Iraq.

ARAB REVOLUTIONARY COUNCIL (a.k.a. ANO, a.k.a. ABU NIDAL ORGANIZATION, a.k.a. BLACK SEPTEMBER, a.k.a. FATAH REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY BRIGADES, a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS); Libya; Lebanon; Algeria; Sudan; Iraq.

BLACK SEPTEMBER (a.k.a. ANO, a.k.a. ABU NIDAL ORGANIZATION, a.k.a. FATAH REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY BRIGADES, a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS); Libya; Lebanon; Algeria; Sudan; Iraq.

DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE (a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION, a.k.a. DFLP); Lebanon; Syria; Israel.

DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION (a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE, a.k.a. DFLP); Lebanon; Syria; Israel.

DFLP (a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION, a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE); Lebanon; Syria; Israel.

FATAH REVOLUTIONARY COUNCIL (a.k.a. ANO, a.k.a. ABU NIDAL ORGANIZATION, a.k.a. BLACK SEPTEMBER, a.k.a. ARAB REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY BRIGADES, a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS); Libya; Lebanon; Algeria; Sudan; Iraq.

FOLLOWERS OF THE PROPHET MUHAMMAD (a.k.a. PARTY OF GOD, a.k.a. HIZBALLAH, a.k.a. ISLAMIC JIHAD, a.k.a. REVOLUTIONARY JUSTICE ORGANIZATION, a.k.a. ORGANIZATION OF THE OPPRESSED ON EARTH, a.k.a. ISLAMIC JIHAD FOR

THE LIBERATION OF PALESTINE, a.k.a. ANSAR ALLAH); Lebanon.

GAMA'AT (a.k.a. ISLAMIC GAMA'AT, a.k.a. GAMA'AT AL-ISLAMIYYA, a.k.a. THE ISLAMIC GROUP, a.k.a. AL-GAMA'A AL-ISLAMIYYA); Egypt.

GAMA'AT AL-ISLAMIYYA (a.k.a. ISLAMIC GAMA'AT, a.k.a. GAMA'AT, a.k.a. THE ISLAMIC GROUP, a.k.a. AL-GAMA'A AL-ISLAMIYYA); Egypt.

HAMAS (a.k.a. ISLAMIC RESISTANCE MOVEMENT); Gaza; West Bank Territories; Jordan.

HIZBALLAH (a.k.a. PARTY OF GOD, a.k.a. ISLAMIC JIHAD, a.k.a. REVOLUTIONARY JUSTICE ORGANIZATION, a.k.a. ORGANIZATION OF THE OPPRESSED ON EARTH, a.k.a. ISLAMIC JIHAD FOR THE LIBERATION OF PALESTINE, a.k.a. ANSAR ALLAH, a.k.a. FOLLOWERS OF THE PROPHET MUHAMMAD); Lebanon.

ISLAMIC GAMA'AT (a.k.a. GAMA'AT, a.k.a. GAMA'AT AL-ISLAMIYYA, a.k.a. THE ISLAMIC GROUP, a.k.a. AL-GAMA'A AL-ISLAMIYYA); Egypt.

ISLAMIC JIHAD (a.k.a. PARTY OF GOD, a.k.a. HIZBALLAH, a.k.a. REVOLUTIONARY JUSTICE ORGANIZATION, a.k.a. ORGANIZATION OF THE OPPRESSED ON EARTH, a.k.a. ISLAMIC JIHAD FOR THE LIBERATION OF PALESTINE, a.k.a. ANSAR ALLAH, a.k.a. FOLLOWERS OF THE PROPHET MUHAMMAD); Lebanon.

ISLAMIC JIHAD FOR THE LIBERATION OF PALESTINE (a.k.a. PARTY OF GOD, a.k.a. HIZBALLAH, a.k.a. ISLAMIC JIHAD, a.k.a. REVOLUTIONARY JUSTICE ORGANIZATION, a.k.a. ORGANIZATION OF THE OPPRESSED ON EARTH, a.k.a. ANSAR ALLAH, a.k.a. FOLLOWERS OF THE PROPHET MUHAMMAD); Lebanon.

ISLAMIC JIHAD OF PALESTINE (a.k.a. PIJ, a.k.a. PALESTINIAN ISLAMIC JIHAD—SHIQAQI, a.k.a. PIJ SHIQAQI/AWDA FACTION, a.k.a. PALESTINIAN ISLAMIC JIHAD); Israel; Jordan; Lebanon.

ISLAMIC RESISTANCE MOVEMENT (a.k.a. HAMAS); Gaza; West Bank Territories; Jordan.

JIHAD GROUP (a.k.a. AL-JIHAD, a.k.a. VANGUARDS OF CONQUEST, a.k.a. TALAA'AL AL-FATEH); Egypt.

KACH; Israel.

KAHANE CHAI; Israel.

ORGANIZATION OF THE OPPRESSED ON EARTH (a.k.a. PARTY OF GOD, a.k.a. HIZBALLAH, a.k.a. ISLAMIC JIHAD, a.k.a. REVOLUTIONARY JUSTICE ORGANIZATION, a.k.a. ISLAMIC

JIHAD FOR THE LIBERATION OF PALESTINE, a.k.a. ANSAR ALLAH, a.k.a. FOLLOWERS OF THE PROPHET MUHAMMAD); Lebanon.

PALESTINE LIBERATION FRONT (a.k.a. PALESTINE LIBERATION FRONT—ABU ABBAS FACTION, a.k.a. PLF-ABU ABBAS, a.k.a. PLF); Iraq.

PALESTINE LIBERATION FRONT—ABU ABBAS FACTION (a.k.a. PLF-ABU ABBAS, a.k.a. PLF, a.k.a. PALESTINE LIBERATION FRONT); Iraq.

PALESTINIAN ISLAMIC JIHAD—SHIQAQI (a.k.a. PIJ, a.k.a. ISLAMIC JIHAD OF PALESTINE, a.k.a. PIJ SHIQAQI/AWDA FACTION, a.k.a. PALESTINIAN ISLAMIC JIHAD); Israel; Jordan; Lebanon.

PARTY OF GOD (a.k.a. HIZBALLAH, a.k.a. ISLAMIC JIHAD, a.k.a. REVOLUTIONARY JUSTICE ORGANIZATION, a.k.a. ORGANIZATION OF THE OPPRESSED ON EARTH, a.k.a. ISLAMIC JIHAD FOR THE LIBERATION OF PALESTINE, a.k.a. ANSAR ALLAH, a.k.a. FOLLOWERS OF THE PROPHET MUHAMMAD); Lebanon.

PFLP (a.k.a. POPULAR FRONT FOR THE LIBERATION OF PALESTINE); Lebanon; Syria; Israel.

PFLP-GC (a.k.a. POPULAR FRONT FOR THE LIBERATION OF PALESTINE—GENERAL COMMAND); Lebanon; Syria; Jordan.

PIJ (a.k.a. PALESTINIAN ISLAMIC JIHAD—SHIQAQI, a.k.a. ISLAMIC JIHAD OF PALESTINE, a.k.a. PIJ SHIQAQI/AWDA FACTION, a.k.a. PALESTINIAN ISLAMIC JIHAD); Israel; Jordan; Lebanon.

PIJ SHIQAQI/AWDA FACTION (a.k.a. PIJ, a.k.a. PALESTINIAN ISLAMIC JIHAD—SHIQAQI, a.k.a. ISLAMIC JIHAD OF PALESTINE, a.k.a. PALESTINIAN ISLAMIC JIHAD); Israel; Jordan; Lebanon.

PLF (a.k.a. PLF-ABU ABBAS, a.k.a. PALESTINE LIBERATION FRONT—ABU ABBAS FACTION, a.k.a. PLF, a.k.a. PALESTINE LIBERATION FRONT); Iraq.

PLF-ABU ABBAS (a.k.a. PALESTINE LIBERATION FRONT—ABU ABBAS FACTION, a.k.a. PLF, a.k.a. PALESTINE LIBERATION FRONT); Iraq.

POPULAR FRONT FOR THE LIBERATION OF PALESTINE (a.k.a. PFLP); Lebanon; Syria; Israel.

POPULAR FRONT FOR THE LIBERATION OF PALESTINE—GENERAL COMMAND (a.k.a. PFLP-GC); Lebanon; Syria; Jordan.

REVOLUTIONARY JUSTICE ORGANIZATION (a.k.a. PARTY OF GOD, a.k.a. HIZBALLAH, a.k.a. ISLAMIC JIHAD, a.k.a. ORGANIZATION OF THE OPPRESSED ON EARTH, a.k.a. ISLAMIC JIHAD FOR

THE LIBERATION OF PALESTINE, a.k.a. ANSAR ALLAH, a.k.a. FOLLOWERS OF THE PROPHET MUHAMMAD); Lebanon.

REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS (a.k.a. ANO, a.k.a. ABU NIDAL ORGANIZATION, a.k.a. BLACK SEPTEMBER, a.k.a. FATAH REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY COUNCIL, a.k.a. ARAB REVOLUTIONARY BRIGADES); Libya; Lebanon; Algeria; Sudan; Iraq.

TALAA'AL AL-FATEH (a.k.a. JIHAD GROUP, a.k.a. AL-JIHAD, a.k.a. VANGUARDS OF CONQUEST); Egypt.

THE ISLAMIC GROUP (a.k.a. ISLAMIC GAMA'AT, a.k.a. GAMA'AT, a.k.a. GAMA'AT AL-ISLAMIYYA, a.k.a. AL-GAMA'A AL-ISLAMIYYA); Egypt.

VANGUARDS OF CONQUEST (a.k.a. JIHAD GROUP, a.k.a. AL-JIHAD, a.k.a. TALAA'AL AL-FATEH); Egypt.

#### Individuals

ABBAS, Abu (a.k.a. ZAYDAN, Muhammad); Director of PALESTINE LIBERATION FRONT—ABU ABBAS FACTION; DOB 10 December 1948.

AL BANNA, Sabri Khalil Abd Al Qadir (a.k.a. NIDAL, Abu); Founder and Secretary General of ABU NIDAL ORGANIZATION; DOB May 1937 or 1940; POB Jaffa, Israel.

AL RAHMAN, Shaykh Umar Abd; Chief Ideological Figure of ISLAMIC GAMA'AT; DOB 3 May 1938; POB Egypt.

AL ZAWAHIRI, Dr. Ayman; Operational and Military Leader of JIHAD GROUP; DOB 19 June 1951; POB Giza, Egypt; Passport No. 1084010 (Egypt).

AL-ZUMAR, Abbud (a.k.a. ZUMAR, Colonel Abbud); Factional Leader of JIHAD GROUP; Egypt; POB Egypt.

AWDA, Abd Al Aziz; Chief Ideological Figure of PALESTINIAN ISLAMIC JIHAD—SHIQAQI; DOB 1946.

FADLALLAH, Shaykh Muhammad Husayn; Leading Ideological Figure of HIZBALLAH; DOB 1938 or 1936; POB Najf Al Ashraf (Najaf), Iraq.

HABASH, George (a.k.a. HABBASH, George); Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE.

HABBASH, George (a.k.a. HABASH, George); Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE.

HAWATMA, Nayif (a.k.a. HAWATMEH, Nayif, a.k.a. KHALID, Abu); Secretary General of DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION; DOB 1933.

HAWATMAH, Nayif (a.k.a. HAWATMA, Nayif; a.k.a. HAWATMEH,

Nayif, a.k.a. KHALID, Abu); Secretary General of DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION; DOB 1933.

HAWATMEH, Nayif (a.k.a. HAWATMA, Nayif; a.k.a. HAWATMAH, Nayif, a.k.a. KHALID, Abu); Secretary General of DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION; DOB 1933.

ISLAMBOULI, Mohammad Shawqi; Military Leader of ISLAMIC GAMA'AT; DOB 15 January 1955; POB Egypt; Passport No. 304555 (Egypt).

JABRIL, Ahmad (a.k.a. JIBRIL, Ahmad); Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE—GENERAL COMMAND; DOB 1938; POB Ramleh, Israel.

JIBRIL, Ahmad (a.k.a. JABRIL, Ahmad); Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE—GENERAL COMMAND; DOB 1938; POB Ramleh, Israel.

KHALID, Abu (a.k.a. HAWATMEH, Nayif, a.k.a. HAWATMA, Nayif, a.k.a. HAWATMAH, Nayif); Secretary General of DEMOCRATIC FRONT FOR THE

LIBERATION OF PALESTINE—HAWATMEH FACTION; DOB 1933.

MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz); Senior Intelligence Officer of HIZBALLAH; DOB 7 December 1962; POB Tayr Dibba, Lebanon; Passport No. 432298 (Lebanon).

MUGHNIYAH, Imad Fayiz (a.k.a. MUGHNIYAH, Imad Fa'iz); Senior Intelligence Officer of HIZBALLAH; DOB 7 December 1962; POB Tayr Dibba, Lebanon; Passport No. 432298 (Lebanon).

NAJI, Talal Muhammad Rashid; Principal Deputy of POPULAR FRONT FOR THE LIBERATION OF PALESTINE—GENERAL COMMAND; DOB 1930; POB Al Nasiria, Palestine.

NASRALLAH, Hasan; Secretary General of HIZBALLAH; DOB 31 August 1960 or 1953 or 1955 or 1958; POB Al Basuriyah, Lebanon; Passport No. 042833 (Lebanon).

NIDAL, Abu (a.k.a. AL BANNA, Sabri Khalil Abd Al Qadir); Founder and Secretary General of ABU NIDAL ORGANIZATION; DOB May 1937 or 1940; POB Jaffa, Israel.

QASEM, Talat Fouad; Propaganda Leader of ISLAMIC GAMA'AT; DOB 2 June 1957 or 3 June 1957; POB Al Mina, Egypt.

SHAQAQI, Fathi; Secretary General of PALESTINIAN ISLAMIC JIHAD—SHIQAQI.

TUFAYLI, Subhi; Former Secretary General and Current Senior Figure of HIZBALLAH; DOB 1947; POB Biqa Valley, Lebanon.

YASIN, Shaykh Ahmad; Founder and Chief Ideological Figure of HAMAS; DOB 1931.

ZAYDAN, Muhammad (a.k.a. ABBAS, Abu); Director of PALESTINE LIBERATION FRONT—ABU ABBAS FACTION; DOB 10 December 1948.

ZUMAR, Colonel Abbud (a.k.a. AL-ZUMAR, Abbud); Factional Leader of JIHAD GROUP; Egypt; POB Egypt.

Dated: January 23, 1995.

**R. Richard Newcomb,**

*Director, Office of Foreign Assets Control.*

Approved: January 23, 1995.

**John Berry,**

*Deputy Assistant Secretary (Enforcement).*

[FR Doc. 95-2035 Filed 1-24-95; 10:10 am]

BILLING CODE 4810-25-P

# Reader Aids

## Federal Register

Vol. 60, No. 16

Wednesday, January 25, 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	523-3447

#### Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

#### Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

#### Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

#### The United States Government Manual

General information	523-5230
---------------------	----------

#### Other Services

Data base and machine readable specifications	523-3447
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

### ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and list of documents on public inspection. **202-275-0920**

### FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

**NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT.** Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301-713-6905**

### FEDERAL REGISTER PAGES AND DATES, JANUARY

1-318.....	3	3055-3334.....	13
319-1706.....	4	3335-3532.....	17
1707-1988.....	5	3533-3724.....	18
1989-2320.....	6	3725-4068.....	19
2321-2492.....	9	4069-4370.....	20
2493-2670.....	10	4371-4526.....	23
2671-2872.....	11	4527-4830.....	24
2873-3054.....	12	4831-5086.....	25

### 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.

<b>3 CFR</b>	551.....	2549
<b>Proclamations:</b>		
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	
<b>Executive Orders:</b>		
12640 (Amended by EO 12945).....	4527	
12826 (Superseded by 12944).....	309	
12886 (Superseded by 12944).....	309	
12944.....	309	
12945.....	4527	
12946.....	4829	
12947.....	5079	
<b>Administrative Orders:</b>		
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	
<b>5 CFR</b>		
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	
581.....	5044	
630.....	3032	
831.....	3337	
842.....	3337	
930.....	3055	
<b>Proposed Rules:</b>		
300.....	2546	
<b>7 CFR</b>		
7.....	1989	
52.....	3533	
58.....	4824	
201.....	2493	
272.....	1707	
273.....	1707	
301.....	2321	
319.....	3067, 4529	
400.....	1996	
402.....	2000	
925.....	3725	
929.....	1	
932.....	4531	
966.....	2	
967.....	2873	
989.....	4532	
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	
<b>Proposed Rules:</b>		
53.....	3982	
54.....	3982	
75.....	379	
273.....	2703	
274.....	2703	
400.....	3106	
723.....	4871	
1007.....	65	
1032.....	65	
1040.....	4571	
1050.....	379	
1093.....	65	
1094.....	65	
1096.....	65	
1099.....	65	
1108.....	65	
1280.....	380	
1405.....	4571	
1413.....	4571	
1421.....	381	
1494.....	3564	
1755.....	1758, 1759	
1948.....	3566	
1951.....	3566	
<b>8 CFR</b>		
<b>Proposed Rules:</b>		
286.....	3107	

**9 CFR**

78.....	2875, 4371
91.....	4534, 4831
92.....	4372
97.....	2875
112.....	2876
317.....	174
381.....	174

**Proposed Rules:**

1.....	4383
3.....	4383
381.....	3454

**10 CFR**

Ch. I.....	4071
32.....	322, 3735

**Proposed Rules:**

20.....	4872
35.....	4872
50.....	3579
52.....	4877
430.....	4348
440.....	4480

**11 CFR**

1.....	4072
--------	------

**Proposed Rules:**

110.....	4114
9003.....	3700, 4114
9004.....	3700, 4114
9006.....	3700, 4114
9007.....	3700, 4114
9033.....	3700, 4114
9034.....	3700, 4114
9037.....	3700, 4114
9038.....	3700, 4114

**12 CFR**

219.....	231
261a.....	3340
607.....	325
612.....	325
614.....	325, 2683
615.....	325
618.....	2683
620.....	325
630.....	2493

**Proposed Rules:**

614.....	2552
615.....	2552
618.....	2552

**13 CFR**

108.....	4073
122.....	4373

**Proposed Rules:**

121.....	4389
122.....	4574

**14 CFR**

1.....	5074
11.....	5074
25.....	325
39...3, 327, 329, 330, 332, 336,	
1712, 2323, 2493, 2495,	
2877, 3737, 3739, 4074,	
4076	

71.....	338, 2496, 3534, 3535,
3536, 3537, 3741, 4078,	
4079, 4946	

73.....	3742, 3743
95.....	4373
97.....	2009, 4080

121.....	2497, 2687, 3303, 5074
129.....	2497

135.....	2497
----------	------

**Proposed Rules:**

35.....	4114, 4116
39.....	66, 382, 384, 386, 388,
389, 393, 2033, 2036, 2041,	
2555, 2909, 3358, 3579,	
3581, 3583, 3585, 3587,	
3588, 3590, 3592, 4117,	
4119	
61.....	395
67.....	395
71.....	396, 2043, 2044, 2045,
2047, 3108, 3109, 3593,	
3595, 3596, 3777, 4131	
73.....	2048
91.....	2557
257.....	3359
258.....	3596, 3778

**15 CFR**

291.....	4081
----------	------

**16 CFR**

**Proposed Rules:**

1700.....	2716, 4536
-----------	------------

**17 CFR**

200.....	5
249.....	3078

**Proposed Rules:**

249.....	4040
404.....	4576
405.....	4576

**18 CFR**

2.....	339, 4831
34.....	4831
35.....	4831
41.....	4831
131.....	4831
141.....	1716
154.....	2011, 3111
157.....	2011
158.....	3141
201.....	3141
250.....	3141
260.....	3141
270.....	2011
271.....	2011
272.....	2011
273.....	2011
274.....	2011
275.....	2011
284.....	1716, 3141
292.....	4831
294.....	4831
347.....	356
348.....	358
375.....	1716
382.....	4831
385.....	1716, 4831

**Proposed Rules:**

284.....	3783
----------	------

**19 CFR**

206.....	6
207.....	18

**Proposed Rules:**

210.....	3785
----------	------

**20 CFR**

416.....	360
655.....	3950, 4028

**Proposed Rules:**

404.....	3787
----------	------

422.....	3787
----------	------

617.....	3472
----------	------

**21 CFR**

5.....	2014
211.....	4087
520.....	362, 3079
522.....	362, 4375
558.....	3079
900.....	3451

**Proposed Rules:**

310.....	4132
600.....	2351
601.....	2351
606.....	2351
607.....	2351
610.....	2351
640.....	2351
660.....	2351
892.....	3168

**22 CFR**

226.....	3743
----------	------

**Proposed Rules:**

213.....	2911
----------	------

**23 CFR**

655.....	363
----------	-----

**24 CFR**

91.....	1878, 4861
92.....	1878
570.....	1878, 1922
574.....	1878
576.....	1878
597.....	2880, 3034
791.....	3344
813.....	2658
885.....	2658
907.....	4344
968.....	1878
970.....	3706
3500.....	2642

**Proposed Rules:**

Ch. IX.....	303
203.....	4391

**25 CFR**

**Proposed Rules:**

151.....	1956
----------	------

**26 CFR**

1.....	23, 2049, 2497, 3345
301.....	33
602.....	2497

**Proposed Rules:**

1...397, 406, 2049, 2352, 2557,	
2717	
53.....	82
301.....	83

**27 CFR**

**Proposed Rules:**

4.....	411, 3171
5.....	411, 3171
7.....	411, 3171
24.....	3598

**28 CFR**

16.....	38
36.....	3080
540.....	240
545.....	240

**Proposed Rules:**

90.....	3303, 4393
---------	------------

**29 CFR**

506.....	3950
507.....	4028
825.....	2180, 2282
1425.....	2509
2610.....	3080
2619.....	3082
2622.....	3080
2644.....	3084
2676.....	3082

**Proposed Rules:**

1910.....	4132
1915.....	4132
1926.....	4132, 4134

**30 CFR**

218.....	3085
773.....	4662
918.....	4542
936.....	2512
944.....	2520

**Proposed Rules:**

56.....	1866
57.....	1866
254.....	3177
773.....	4393
934.....	3790
935.....	3184
944.....	4581

**31 CFR**

103.....	220, 234
209.....	416
306.....	4376
344.....	4502
357.....	4376

**32 CFR**

23.....	4544
43a.....	1720
323.....	3087
112.....	1720
113.....	1720
536.....	1735
537.....	1735
706.....	3345
989.....	4545

**Proposed Rules:**

169a.....	417
-----------	-----

**33 CFR**

117.....	4377, 4560
161.....	4377
165.....	4380

**Proposed Rules:**

110.....	2364
117.....	2562, 2687, 3791, 3793
156.....	1958, 3185
334.....	4134, 4582

**34 CFR**

74.....	365
80.....	365
99.....	3464
645.....	4748

**Proposed Rules:**

200.....	85
201.....	85, 2816
203.....	85
212.....	85

**36 CFR**

**Proposed Rules:**

7.....	4394
68.....	3599



800.....86	230.....419	<b>46 CFR</b>	1002.....2543, 4477
<b>37 CFR</b>	233.....4877	10.....4522	1011.....2543
<b>Proposed Rules:</b>	260.....4877	12.....4522	1130.....2543
1.....3700	270.....4877	16.....4522	<b>Proposed Rules:</b>
3.....3700	271.....4877	25.....2482	40.....3371
10.....4395	281.....419, 4586, 4877	160.....2482	171.....4879
201.....2365, 3948	300.....422, 3189	<b>Proposed Rules:</b>	172.....4879
<b>38 CFR</b>	350.....4877	515.....2923	173.....4879
21.....4561	403.....4877	550.....2923	174.....4879
3.....2522	704.....4877	580.....2923	175.....4879
<b>40 CFR</b>	707.....4877	581.....2923	176.....4879
9.....4948	710.....4877	<b>47 CFR</b>	177.....4879
35.....366, 2880	712.....4877	15.....3303	178.....4879
51.....1735, 4712	716.....4877	22.....3555	179.....4879
52.....38, 40, 41, 372, 375, 1738,	717.....4877	61.....4107, 4569	180.....4879
2014, 2016, 2018, 2022,	720.....4877	69.....4107	214.....1761
2025, 2026, 2066, 2067,	723.....4877	73.....3557	229.....3375
2367, 2523, 2524, 2688,	750.....4877	76.....3099, 4863	231.....3375
2690, 2881, 2885, 3346,	790.....4877	90.....3773	232.....3375
3352, 3538, 3544, 3760,	<b>41 CFR</b>	<b>Proposed Rules:</b>	390.....91
4562, 4712	60-250.....1986	Ch. I.....3807	391.....91
60.....2369	101-37.....3547	1.....2722	392.....91
63.....4948	114.....3554	2.....2722	396.....91
70.....1741, 2527, 3766, 4563	201-3.....2029	21.....2722, 2924	544.....3830
80.....2693, 2696	201-9.....2029	61.....2068	571.....3303
81.....41, 2026, 2885, 3349,	201-18.....2029	69.....2068	Ch. X.....2069
3352, 3771	201-20.....2029	73.....90, 91, 2726, 3191, 3613	1023.....4397
82.....3303, 3318, 4010	201-21.....2029	74.....2924	<b>50 CFR</b>
85.....4712	201-23.....2029	80.....2726	17.....56, 2899, 3557
131.....4664	201-39.....2029	94.....2722	20.....61, 2177
180.....378, 3546, 4091, 4093,	Ch. 301.....4477	101.....2722	32.....5066
4095, 4097, 4861, 4862	302-11.....2536	<b>48 CFR</b>	222.....3775, 3948
186.....4097	<b>42 CFR</b>	206.....2888	227.....3948
192.....2854	400.....2325	210.....4878	611.....2331
228.....2699	405.....2325	215.....4878	625.....1757, 2905
260.....3089	410.....46, 2325	231.....1747, 2330	630.....2032
261.....1744	414.....46	235.....4569	642.....4866
268.....242	484.....2325	237.....2888	646.....3562
271.....2534, 2699, 3095, 4380	485.....2325	242.....1747	651.....3102
300.....4568	486.....2325	252.....4878	663.....2331
799.....4514, 4516	498.....2325	<b>Proposed Rules:</b>	672.....2905
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	Ch. 1.....2302, 2472, 3492	675.....2905, 4110, 4866
Ch. I.....418	51.....4946	31.....3314	677.....2344, 4866
2.....4877	63a.....4742	32.....3988	<b>Proposed Rules:</b>
52.....86, 87, 88, 418, 2066,	<b>43 CFR</b>	33.....2630	17.....69, 425, 2070, 2638, 3613
2067, 2563, 2565, 2568,	<b>Public Land Orders:</b>	39.....2630	18.....70
2717, 2718, 2912, 3361,	7108.....2030	42.....2630	23.....73
3602, 3794	7109.....2539	45.....2370	222.....3032
55.....3603	7110.....3098	50.....2630	227.....2070
57.....4877	7111.....3356	52.....2370, 2630	301.....2925
70.....2569, 2570, 2917, 4583	7112.....3555	219.....4144	Ch. VI.....3832
81.....88, 2719, 3366	<b>Proposed Rules:</b>	231.....2924	611.....4477, 4662
82.....3992	39.....4135	252.....4144	672.....4477
85.....4877	<b>44 CFR</b>	912.....4397	675.....4662
86.....4877	65.....4099	923.....2727	676.....2935, 4477, 4662
91.....4878	67.....4105	952.....4397	678.....2071
122.....4877	<b>Proposed Rules:</b>	970.....2727, 4397	
123.....4877	67.....4135	5452.....4144	<b>LIST OF PUBLIC LAWS</b>
145.....4877	<b>45 CFR</b>	6101.....3948	
152.....3796	1607.....2330	<b>49 CFR</b>	<b>Note:</b> No public bills which
156.....2848	<b>Proposed Rules:</b>	1.....2889	have become law were
170.....2820, 2826, 2830, 2842	1604.....3367	382.....2030	received by the Office of the
174.....3796	1611.....3798	391.....54	Federal Register for inclusion
180.....89, 2921, 3611, 3796,		555.....1749	in today's <b>List of Public</b>
3797		571.....1750, 2539, 2892, 3774	<b>Laws.</b>
185.....3607		572.....2896	<b>Last List January 24, 1995</b>
228.....3186			